

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

86th Legislative Day

Thursday, April 5, 2012

		1
		2
		3
		4
		5
		6
		7
		8
		9
		10
Prayer	By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.	11
		12
Call to Order	By the President at 9:00 a.m.	13
		14
Pledge	By Senator Guzman.	15
		16
Roll Call	Present--35	17
		18
Quorum	The President announced a quorum present.	19
		20
Reading of Journal	On motion of Senator White, reading of the Journal of Wednesday, April 4, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	21
		22
		23
		24
		25
		26
		27

COMMITTEE OF REFERENCE REPORTS

		28
		29
Judiciary	After consideration on the merits, the Committee recommends that HB12-1297 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	30
		31
		32
		33
		34
Education	After consideration on the merits, the Committee recommends that HB12-1080 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	35
		36
		37
		38
		39
Education	After consideration on the merits, the Committee recommends that HB12-1081 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	40
		41
		42
		43
		44
	Amend reengrossed bill, page 7, strike line 27.	45
		46
	Page 8, strike lines 1 through 22.	47
		48
	Renumber succeeding sections accordingly.	49
		50
		51
Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	52
		53
		54
		55

MEMBERS OF THE
COLORADO HOUSING AND FINANCE AUTHORITY
BOARD OF DIRECTORS

		56
		57
		58
		59
		60
	effective immediately for a term expiring July 1, 2011:	61
		62
	Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member representing the public and occasioned by the resignation of Kevin Marchman, appointed;	63
		64
		65
		66
	effective immediately for a term expiring July 1, 2013:	67

Jennifer Glau Lopez of Durango, Colorado, to serve as a member with experience in mortgage banking and occasioned by the resignation of Anita Padilla-Fitzgerald, appointed.

effective July 2, 2011 for terms expiring July 1, 2015:

Charles Kenneth Knight of Denver, Colorado, to serve as a member representing the public, appointed;

Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member representing the public, reappointed;

Samuel G. Betters of Loveland, Colorado, to serve as a member representing the public, reappointed.

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLORADO RACING COMMISSION

for a term expiring July 1, 2015:

Charles D. Vail of Centennial, Colorado, to serve as a veterinarian and as a Republican from the Sixth Congressional District, reappointed.

Business,
Labor, &
Technology

The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

STATEWIDE INTERNET PORTAL AUTHORITY

for terms to expire on June 1, 2015;

Louis J. Lago of Centennial, Colorado, an individual from the private sector who exhibits a background in information management and technology and who is a user of electronic information, products, and services or information technology services that are offered through the private sector, reappointed;

Hon. Ronny J. "Ron" May of Colorado Springs, Colorado to serve as a representative of the private sector, reappointed.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SR12-002** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1118** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1111** be postponed indefinitely.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1059** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 5 and substitute:

"Regulation of Military Individuals and Spouses".

Page 3, line 22, after "36," insert "40,".

Page 4, strike lines 25 through 27.

Page 5, strike lines 1 through 8.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB12-165** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 10, after line 13 insert:

"SECTION 15. Management of the national hydrography dataset in Colorado - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the personal services line item of the Colorado division of water resources, for the fiscal year beginning July 1, 2012, the sum of \$75,857, or so much thereof as may be necessary, for the division of water resources to continue management of the national hydrography dataset in Colorado and to provide geographic information system analysis support related to consumptive use analysis, water rights, dam break inundation, and interstate compacts.

(2) The moneys appropriated in subsection (1) of this section remain available for the designated purposes until June 30, 2013. All funds not expended by June 30, 2013, remain part of the Colorado water conservation board construction fund.

SECTION 16. In Colorado Revised Statutes, 37-60-121, **add** (4) (d) as follows:

37-60-121. Colorado water conservation board construction fund - creation of - nature of fund - funds for investigations - contributions - use for augmenting the general fund - funds created -repeal. (4) (d) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE BOARD MAY EXPEND UP TO SEVENTY-FIVE THOUSAND EIGHT HUNDRED FIFTY-SEVEN DOLLARS FOR THE PERSONAL SERVICE EXPENSES OF THE DIVISION OF WATER RESOURCES IN MANAGING THE NATIONAL HYDROGRAPHY DATASET AND PROVIDING GEOGRAPHIC INFORMATION SYSTEM SUPPORT FOR ACTIVITIES OF THE DIVISION OF WATER RESOURCES.

(II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JUNE 30, 2013.".

Renumber succeeding sections accordingly.

SENATE SERVICES REPORT

Correctly Printed: SJM12-002; SJR12-028, 029 and 030.

Correctly Engrossed: SB12-161; SJR12-028.

Correctly Revised: HB12-1271 and 1295.

Correctly Enrolled: SB12-067 and 127.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-161 by Senator(s) Nicholson, King S.; also Representative(s) Bradford--Concerning measures to reduce health care costs in correctional facilities.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Aguilar, Boyd, Carroll, Foster, Giron, Guzman, Hodge, Newell, Schwartz, Tochtrop, White and Williams S.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB12-1295 by Representative(s) Priola; also Senator(s) Tochtrop--Concerning the creation of a Colorado Rockies license plate, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Aguilar, Guzman, Newell, Roberts, Shaffer B., Spence, White and Williams S.

HB12-1271 by Representative(s) Nikkel and McCann, Levy; also Senator(s) Giron and Neville--
Concerning charging of juveniles by direct file of information or indictment in district court.

A majority of those elected to the Senate having voted in the affirmative, Senator Mitchell was given permission to offer a third reading amendment.

Senate in recess.

Call of the Senate. Call raised.

Senate reconvened.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for the consideration of a third reading amendment on HB12-1271 on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1271 by Representative(s) Nikkel and McCann, Levy; also Senator(s) Giron and Neville--
Concerning charging of juveniles by direct file of information or indictment in district court.

Third Reading Amendment No. 1(L.017), by Senators Mitchell and King S.

Amend revised bill, page 2, strike lines 18 through 20.

Page 3, line 1, strike "PARAGRAPH (a), OR IS".

Page 3, line 25, after "or" insert "IS ALLEGED TO HAVE COMMITTED A FELONY ENUMERATED AS A CRIME OF VIOLENCE PURSUANT TO SECTION 18-1.3-406, C.R.S., OTHER THAN A SEXUAL ASSAULT AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a).".

Page 5, strike line 27.

Page 6, strike lines 1 and 2.

Page 6, line 3, strike "RECEIPT OF THE MOTION,".

Page 6, line 4, strike "HEARING. THE COURT SHALL PERMIT" and substitute "HEARING; UNLESS THE JUVENILE WAIVES HIS OR HER RIGHT TO THE REVERSE-TRANSFER HEARING.".

Page 6, strike lines 5 through 8.

Page 8, strike lines 14 through 16 and substitute:

"(c) IF THE DISTRICT COURT DETERMINES BY CLEAR AND CONVINCING EVIDENCE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) THAT THE JUVENILE AND THE COMMUNITY WOULD BE BETTER SERVED BY ADJUDICATIVE PROCEEDINGS PURSUANT TO THIS ARTICLE,".

Page 8, line 17, strike " THIS ARTICLE,".

Page 9, line 3, after "~~waiver.~~" insert "IF, AFTER OR CONTEMPORANEOUSLY WITH THE FILING OF A DELINQUENCY PETITION AND AFTER CONSIDERATION OF THE FACTORS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (3), THE DISTRICT ATTORNEY BELIEVES THE CASE MAY BE APPROPRIATE FOR CHARGING BY DIRECT FILING, THE DISTRICT ATTORNEY SHALL FILE WITH THE JUVENILE COURT, WITH A COPY TO THE JUVENILE'S COUNSEL OF RECORD, OR TO THE JUVENILE IF THE JUVENILE HAS WAIVED COUNSEL OR IF THERE IS NO COUNSEL OF RECORD, A NOTICE OF CONSIDERATION OF DIRECT FILE. A DISTRICT ATTORNEY SHALL NOT ENGAGE A JUVENILE IN PLEA NEGOTIATIONS PRIOR TO FILING THE NOTICE OF CONSIDERATION OF DIRECT FILE.".

The amendment was lost on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	N	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Aguilar, Bacon, Boyd, Carroll, Foster, Guzman, Heath, Hudak, Jahn, Newell, Nicholson, Shaffer B., Steadman, Tochtrop and Williams S.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-006 by Senator(s) Roberts; also Representative(s) Brown--Concerning a prohibition on mandates to state and local governments without adequate funding.

On motion of Senator Roberts, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsor added: Bacon, Brophy, Cadman, Grantham, Guzman, Harvey, Hudak, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Neville, Newell, Renfroe, Scheffel, Shaffer B., Spence, Tochtrop, White and Williams S.

SJR12-024 by Senator(s) Bacon, Schwartz, Renfroe; also Representative(s) Sonnenberg, Brown, Vigil--Concerning the abatement of environmental contaminants in and demolition of structures on land located in the city of Pueblo, adjacent to the Colorado State Fair grounds.

On motion of Senator Bacon, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsor added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Roberts, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 5 was laid over until Monday, April 9, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1063, HB12-1019, HB12-1126.

General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, SB12-068, HB12-1160, SCR12-001, HB12-1017, HB12-1237, HB12-1304, HCR12-1001, HB12-1146, SB12-160, SB12-144, SB12-005, HB12-1290, HB12-1023, HB12-1041, HB12-1006.

Consideration of Resolutions: HJR12-1004.

Consideration of Memorials: SM12-003.

Consideration of Governor's Appointments:

Members of the Oil and Gas Conservation Commission of the State of Colorado.
Member of the Securities Board.

Members of the Examining Board of Plumbers.
 Member of the Colorado Banking Board.
 Members of the State Electrical Board.
 Conference Committees to Report: SB12-020.
 Requests for Conference Committee: HB12-1002, HB12-1053, HB12-1168.

1
2
3
4
5
6
7
8
9

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 9, 2012.

10
11

Approved:

12
13
14
15
16

Brandon C. Shaffer
 President of the Senate

17
18
19

Attest:

20
21
22
23

Cindi L. Markwell
 Secretary of the Senate

24
25