

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

22nd Legislative Day

Wednesday, February 1, 2012

Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	10
Call to Order	By the President at 9:00 a.m.	11
Pledge	By Senator Jahn.	12
Roll Call	Present--34 Absent--1, Mitchell. Present later--1, Mitchell.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Grantham, reading of the Journal of Tuesday, January 31, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	15

INTRODUCTION OF RESOLUTIONS

The following resolutions was read by title:

SJR12-012 by Senator(s) Nicholson; also Representative(s) DelGrosso and Lee--Concerning recognition of community behavioral health providers in Colorado.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB12-147 by Senator(s) Aguilar; also Representative(s) Williams A.--Concerning the intent to prevent a person from voting in an election by intentionally communicating false information.
State, Veterans & Military Affairs

HB12-1001 by Representative(s) Murray and Gardner B., Labuda, Levy, Waller; also Senator(s) Johnston and Spence, Brophy, Carroll, Morse, Roberts, Schwartz--Concerning legislative review of rules of the state board of education to implement the statewide system to evaluate the effectiveness of licensed educators.
Education

HB12-1010 by Representative(s) Baumgardner, Sonnenberg, Swerdfeger, Vigil, Wilson; also Senator(s) Giron, Brophy, Hodge, Roberts, Schwartz--Concerning the reissuance of a lost share certificate of a mutual ditch company.
Agriculture, Natural Resources, and Energy

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HB12-1022 by Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz, Brophy, Giron, Hodge, Roberts--Concerning the amount of water that permitted mining operations that construct impermeable areas that eliminate preexisting natural evapotranspiration are required to replace.
Agriculture, Natural Resources, and Energy

HB12-1028 by Representative(s) Gerou; also Senator(s) Steadman--Concerning the continuation of energy-related assistance to low-income households from the operational account of the severance tax trust fund.
Health and Human Services

HB12-1054 by Representative(s) Fields, Summers; also Senator(s) Boyd--Concerning simplification of the procurement process for providers who have previously been approved to participate in health care programs administered by the department of health care policy and financing.
Health and Human Services

CONSIDERATION OF RESOLUTIONS - CONSENT CALENDAR

HJR12-1003 by Representative(s) Williams A., Todd, Ramirez, Looper; also Senator(s) Williams S., Newell, Nicholson, Foster, Heath, Spence, Renfroe--Concerning the designation of Interstate 70 across Colorado as a part of a nationwide system of "Tuskegee Airmen Memorial Trails".

On motion of Senator Morse, 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-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Giron, Grantham, Guzman, Harvey, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, White and Shaffer B.

HJR12-1005 by Representative(s) Todd and Stephens; also Senator(s) Shaffer B.--Concerning recognition of Military, Veterans, and MIA/POW Appreciation Day.

On motion of Senator Morse, 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-sponsors added: Aguilar, Bacon, 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, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

HJR12-1006 by Representative(s) Pace and Swerdfeger, Massey, Vigil; also Senator(s) Giron, Grantham--Concerning the U.S.S. Pueblo.

On motion of Senator Morse, 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-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

HJR12-1008 by Representative(s) Nikkel and McCann, Conti, Lee; also Senator(s) Aguilar--Concerning recognition of military personnel from Colorado who have served in Operation New Dawn and Operation Enduring Freedom and honoring those who have died while serving their country in Iraq and Afghanistan.

On motion of Senator Morse, 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-sponsors added: Bacon, 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, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-007, 008, 024, 029, 043 and 094; SJR12-005.

Correctly Revised: HJR12-1007.

Correctly Enrolled: SB12-014; SJR12-010.

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 Wednesday, February 1 was laid over until Thursday, February 2, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-009.

General Orders -- Second Reading of Bills: SB12-033 as amended, SB12-011, SB12-030, SB12-015, SB12-048.

Consideration of Resolutions: SJR12-009, HJR12-1004.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Local
Government

After consideration on the merits, the Committee recommends that **SB12-079** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 3, strike "INFORMATION,".

Page 4, line 4, after "INFORMATION" insert "ANONYMOUSLY REPORTED OR INFORMATION" and after "TO" insert "THE SOURCE OF THE MATERIALS.".

Page 4, strike line 5.

Page 4, line 20, strike "A METHOD" and substitute "METHODS".

Page 4, line 23, strike "a method" and substitute "~~a method~~ METHODS".

Page 5, line 2, strike "a method" and substitute "~~a method~~".

Page 5, line 5, before "AND" insert "METHODS".

Page 5, line 10, strike "A METHOD" and substitute "METHODS".

Page 7, line 3, after the period add "AFTER THE TIME FOR APPEAL HAS EXPIRED, THE COURT SHALL RETURN THE MATERIALS TO THE SAFE2TELL PROGRAM.".

Page 7, strike lines 4 through 8 and substitute:

~~"(d) The court shall return to the safe-2-tell program all materials produced under this subsection (1) that are not disclosed to the defendant. The safe-2-tell program shall retain the materials until the conclusion of the criminal trial and the expiration of the time for all direct appeals in the case."~~

Page 7, line 18, after the period add "THE ATTORNEY GENERAL ACTING ON BEHALF OF THE SAFE2TELL PROGRAM SHALL HAVE STANDING IN ANY ACTION TO OPPOSE THE DISCLOSURE OF MATERIALS IN THE CUSTODY OF THE SAFE2TELL PROGRAM.".

Local
Government

After consideration on the merits, the Committee recommends that **SB12-026** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 12, strike "UNLESS:" and substitute "UNLESS THE AGENCY COMPLIES WITH THE REQUIREMENTS OF SECTION 29-1-304.5, C.R.S.".

Page 2, strike line 13.

Page 3, strike lines 1 through 8.

Page 3, line 9, strike "FOR" and substitute "BEGINNING JANUARY 1, 2014, FOR".

Page 3, strike line 10.

Page 3, line 11, strike "THE SECRETARY OF STATE," and substitute

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"MANDATE,".

Page 3, strike line 27.

Page 4, line 1, strike "RECEIVES THE INFORMATION." and substitute "AGENCY.".

Page 4, line 8, strike "AS".

Page 4, line 9, strike "SOON AS PRACTICABLE" and substitute "NO LATER THAN JANUARY 1, 2014,".

Page 4, after line 13 insert:

"(f) THE GENERAL ASSEMBLY SHALL APPROPRIATE ANY MONEYS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION (2.7) TO OFFICE OF STATE PLANNING AND BUDGETING IN THE ANNUAL GENERAL APPROPRIATION ACT FOR THE FISCAL YEAR 2013-14.".

Page 5, line 26, strike "7," and substitute "8,".

Trans-
portation

After consideration on the merits, the Committee recommends that **SB12-076** be postponed indefinitely.

Trans-
portation

After consideration on the merits, the Committee recommends that **SB12-013** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 3, after "(1)" insert "(a)".

Page 2, line 5, strike "~~thirty-five~~ FORTY" and substitute "thirty-five".

Page 2, line 7, strike "~~thirty-five~~ FORTY" and substitute "thirty-five".

Page 2, line 9, strike "~~thirty-five~~ FORTY" and substitute "thirty-five".

Page 2, after line 9 insert:

"(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1), A LOW-SPEED ELECTRIC VEHICLE MAY BE OPERATED ON A STATE HIGHWAY THAT HAS A SPEED LIMIT EQUAL TO FORTY MILES PER HOUR OR CROSS A ROADWAY WITH A SPEED LIMIT EQUAL TO FORTY MILES PER HOUR TO CROSS AT-GRADE, IF:

(I) SUCH ROADWAY'S LANE WIDTH IS ELEVEN FEET OR GREATER;

(II) SUCH ROADWAY PROVIDES TWO OR MORE LANES IN EITHER DIRECTION; AND

(III) THE DEPARTMENT DETERMINES, IN CONSULTATION WITH LOCAL GOVERNMENT AND LAW ENFORCEMENT, UPON THE BASIS OF A TRAFFIC INVESTIGATION, SURVEY, APPROPRIATE DESIGN STANDARDS, OR PROJECTED VOLUMES, THAT THE OPERATION OF A LOW-SPEED ELECTRIC VEHICLE ON THE ROADWAY POSES NO SUBSTANTIAL SAFETY RISK OR HAZARD TO MOTORISTS, BICYCLISTS, PEDESTRIANS, OR OTHER PERSONS.

(c) THE DEPARTMENT MAY WAIVE THE NECESSITY OF A TRAFFIC INVESTIGATION OR SURVEY PURSUANT TO SECTION 42-4-1102 OR MAY CONDUCT A TRAFFIC INVESTIGATION OR SURVEY TO DETERMINE WHERE LOW-SPEED ELECTRIC VEHICLES CAN BE DRIVEN SAFELY ON STATE HIGHWAYS OR PORTIONS THEREOF. THE DEPARTMENT SHALL CONDUCT THIS TRAFFIC INVESTIGATION OR SURVEY USING EXISTING APPROPRIATIONS.".

Page 2, before line 10 insert:

"**SECTION 2.** In Colorado Revised Statutes, 42-4-111, amend (1) (bb) (II) as follows:

42-4-111. Powers of local authorities. (1) This article shall not be deemed to prevent local authorities, with respect to streets and

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highways under their jurisdiction and within the reasonable exercise of the police power, except those streets and highways that are parts of the state highway system that are subject to section 43-2-135, C.R.S., from:

(bb) Authorizing and regulating the operation of golf cars on roadways by resolution or ordinance of the governing body, if the authorization or regulation is consistent with this title and does not authorize:

(II) Operation of a golf car by a person under ~~fourteen~~ SIXTEEN years of age; or".

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

February 1, 2012

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1159.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1055, amended as printed in House Journal, January 31, pages 115-116. HB12-1013, amended as printed in House Journal, January 31, page 116. HB12-1081, amended as printed in House Journal, January 31, page 116. HB12-1027, amended as printed in House Journal, January 31, pages 117-118.

MESSAGE FROM THE REVISOR OF STATUTES

February 1, 2012

We herewith transmit:

Without comment, HB12-1159.

Without comment, as amended, HB12-1013, 1027, 1055, and 1081.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR12-013 by Senator(s) Steadman, Shaffer B., Bacon, Heath, Hodge, Hudak, Johnston, King K., Renfroe, Spence; also Representative(s) Massey--Concerning the designation of February 6 through 10, 2012, as "National School Counseling Week".

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

HB12-1013 by Representative(s) Fields and Holbert, Massey; also Senator(s) Hudak and King K., Bacon--Concerning intervention services for middle-grade students. Education

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- HB12-1027** by Representative(s) Bradford; also Senator(s) Spence--Concerning the sale of nonpotentially hazardous food produced in a home kitchen for sale directly to consumers for consumption off premises.
Agriculture, Natural Resources, and Energy

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- HB12-1055** by Representative(s) Schafer S.; also Senator(s) White--Concerning the division of registrations in the department of regulatory agencies, and, in connection therewith, renaming the division as the division of professions and occupations, authorizing the executive director of the department to adopt rules pertaining to the administrative duties of the division, and requiring periodic review of the functions of the division.
Business, Labor and Technology

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- HB12-1081** by Representative(s) Duran; also Senator(s) Steadman--Concerning the operations of the Auraria higher education center.
Education

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- HB12-1159** by Representative(s) Brown, Barker, Baumgardner, Beezley, Conti, Court, Holbert, Murray, Ramirez, Vaad; also Senator(s) Nicholson, Cadman, Grantham, King K., Roberts--Concerning the election of a county commissioner in a county with a population of less than seventy thousand by the voters residing in the district from which the commissioner runs for election.
State, Veterans & Military Affairs

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TRIBUTES

Honoring:

- 21st Judicial District -- By Senator King S.
- District Attorney's Office for the 21st Judicial District -- By Senator King S.
- Grand Junction Police Department -- By Senator King S.
- Mesa County Sheriff's Office -- By Senator King S.
- Fruita Police Department -- By Senator King S.
- Palisade Police Department -- By Senator King S.
- Colorado State Patrol -- By Senator King S.
- Dick Upton -- By Senator Grantham.
- Don Moore -- By Senator Grantham.
- Metro State College of Denver, Department of Aviation & Aerospace -- By Senator Guzman.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 2, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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