

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

43rd Legislative Day

Wednesday, February 22, 2012

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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Nicholson.	15
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Roll Call	Present--32	17
	Excused--3, Harvey, Schwartz, Steadman.	18
	Present later--3, Harvey, Schwartz, Steadman.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator White, reading of the Journal of Tuesday, February 21, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

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Trans- portation	After consideration on the merits, the Committee recommends that SB12-049 be postponed indefinitely.	33
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Trans- portation	After consideration on the merits, the Committee recommends that SB12-089 be postponed indefinitely.	37
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Trans- portation	After consideration on the merits, the Committee recommends that SB12-050 be postponed indefinitely.	41
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Finance	After consideration on the merits, the Committee recommends that HB12-1050 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	45
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Finance	After consideration on the merits, the Committee recommends that HB12-1096 be referred to the Committee of the Whole with favorable recommendation.	50
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MESSAGE FROM THE HOUSE

February 21, 2012

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1178, 1229.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1270, amended as printed in House Journal, February 20, page 317.
HB12-1289, amended as printed in House Journal, February 20, page 317.

MESSAGE FROM THE REVISOR OF STATUTES

February 21, 2012

We herewith transmit:

Without comment, HB12-1178 and 1229.
Without comment, as amended, HB12-1270 and 1289.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR12-016 by Senator(s) Morse; also Representative(s) Stephens--Concerning modifications to Joint Rule 23 (a) (1) of the Senate and the House of Representatives.

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

SJR12-017 by Senator(s) Williams S. and Spence, Giron, White; also Representative(s) Conti and Labuda, Acree, Looper, Williams A.--Concerning the recognition of National Women's History Month, and, in connection therewith, designating March as Colorado Women's History Month.

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:

SB12-152 by Senator(s) Cadman, Morse, Shaffer B.; also Representative(s) Ferrandino, McNulty, Stephens--Concerning changes to the procedures for filing reports with the general assembly under the "Information Coordination Act".
State, Veterans & Military Affairs

HB12-1064 by Representative(s) Stephens; also Senator(s) King S.--Concerning the prohibition of limitations concerning firearms during an official state of emergency.
State, Veterans & Military Affairs

HB12-1070 by Representative(s) Peniston; also Senator(s) Hodge--Concerning the modification of statutory provisions governing the ethical conduct of persons involved in government for the purpose of harmonizing such provisions with section 3 (5) of article XXIX of the state constitution.
State, Veterans & Military Affairs

HB12-1072 by Representative(s) Massey and Fields, Holbert; also Senator(s) Bacon and King K., Hudak--Concerning credit for prior learning in higher education.
Education

HB12-1079 by Representative(s) Barker; also Senator(s) King S.--Concerning designation of certain positions in the department of public safety.
Judiciary

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- HB12-1086** by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.
Legal Services
- HB12-1097** by Representative(s) Summers; also Senator(s) Jahn--Concerning civil penalties for retail food establishments.
Health and Human Services
- HB12-1117** by Representative(s) Balmer; also Senator(s) Nicholson--Concerning the ability of a local government to permit, in its discretion, the collection of charitable solicitations from motorists on a certain number of days per calendar year.
Local Government
- HB12-1139** by Representative(s) Levy, Fields, Barker, Court, Kagan, Massey, McCann, McKinley, Nikkel, Solano, Young; also Senator(s) Guzman--Concerning pretrial detention of children prosecuted as adults.
Judiciary
- HB12-1157** by Representative(s) Vigil; also Senator(s) Guzman--Concerning the court hearing on a petition for the organization of a special district.
Local Government
- HB12-1231** by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.
Judiciary
- HB12-1233** by Representative(s) Labuda, Barker, Casso, Gardner B., Pabon; also Senator(s) Carroll--Concerning the ability of a court to enter a decree of legal separation in certain circumstances without the appearance of the parties.
Judiciary
- HB12-1276** by Representative(s) Duran, Summers, Fields, McCann, Casso, Hulinghorst, Massey, Swerdfeger, Vigil; also Senator(s) Newell--Concerning child care licensure waivers for materials related to a child care center's curriculum.
Health and Human Services

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 General Orders -- Second Reading of Bills.

- Committee of the Whole On motion of Senator Giron, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Giron was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

- SB12-122** by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn, Lundberg, Newell, Nicholson, Roberts, Steadman; also Representative(s) DelGrosso--Concerning avoiding potential conflicts of interest in the provision of services to a person on probation.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 9, page 107 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Williams S.

Amend Judiciary Committee Report, dated February 8, 2012, page 1, line 13, before "MENTAL" insert "COMMUNITY".

Page 1, line 14, strike "PROVIDERS." and substitute "PROVIDERS."

Page 1, after line 14, insert the following:

"(c) NOTHING IN THIS SUBSECTION (2) SHALL BE INTERPRETED TO PREVENT A PROBATION DEPARTMENT FROM CONTRACTING FOR SUBSTANCE ABUSE TREATMENT."

As amended, laid over until Thursday, February 23, retaining its place on the calendar.

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess. Committee of the Whole reconvened.

Committee of the Whole On motion of Senator Giron, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Giron was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB12-099 by Senator(s) Spence; also Representative(s) Todd--Concerning expansion of access to services for juveniles at the academic model juvenile facility.

Amendment No. 1(L.001), by Senator Spence.

Amend printed bill, page 2, line 10, strike "SERVICES OR WHO ARE IN NEED OF OUT-OF-HOME" and substitute "SERVICES."

Page 2, line 11, strike "PLACEMENT."

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-022 by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas-- Concerning maintaining child care assistance for working families.

Laid over until Thursday, February 23, retaining its place on the calendar.

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of corrections.

Laid over until Thursday, February 23, retaining its place on the calendar.

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- HB12-1198** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of state. 1
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Laid over until Thursday, February 23, retaining its place on the calendar. 4
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- SB12-038** by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect
consumers who engage a roofing contractor to perform roofing services on residential
property. 7
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Laid over until Thursday, February 23, retaining its place on the calendar. 11
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- SB12-137** by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper,
McKinley--Concerning the payment of debts in precious metal coins. 14
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Laid over until Thursday, February 23, retaining its place on the calendar. 17
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- SB12-092** by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak, King S., Tochtrop; --Concerning the use
of a video display in a motor vehicle that is being operated on a roadway. 20
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Amendment No. 1(L.004), by Senator Jahn. 23
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Amend printed bill, page 2, line 14, strike "ENTERTAINMENT" and
substitute "ENTERTAINMENT, INCLUDING INTERNET BROWSING, SOCIAL
MEDIA, AND EMAIL,". 25
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As amended, ordered engrossed and placed on the calendar for third reading and final
passage. 30
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- SB12-133** by Senator(s) Schwartz, Aguilar, King S., Newell, White; --Concerning the diversion of
electronic devices from landfills. 34
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Laid over until Monday, February 27, retaining its place on the calendar. 37
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- SB12-141** by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military
personnel in qualifying for home mortgage loans. 40
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Laid over until Thursday, February 23, retaining its place on the calendar. 43
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- 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. 46
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Ordered engrossed and placed on the calendar for third reading and final passage. 49
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- SB12-057** by Senator(s) Williams S.; also Representative(s) Brown--Concerning indigenous language
instruction. 52
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Laid over until Thursday, February 23, retaining its place on the calendar. 55
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- SB12-034** by Senator(s) King S., Tochtrop; also Representative(s) Miklosi--Concerning repeal of the
rapid screen program to identify high-emitting motor vehicles. 58
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Laid over until Thursday, February 23, retaining its place on the calendar. 61
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- SB12-120** by Senator(s) Foster; also Representative(s) Massey and Fischer--Concerning the existing
ability of qualified interior designers to submit certain interior design construction
documents to local government officials in connection with an application for a building
permit. 64
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Laid over until Friday, February 24, retaining its place on the calendar. 69
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SB12-093 by Senator(s) Carroll, Boyd; also Representative(s) Duran--Concerning a requirement that a licensed hospital provide notice to patients of any service not provided by the hospital because of moral convictions based on religious beliefs.

Laid over until Friday, February 24, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Giron, the report of the Committee of the Whole was **adopted** 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		

The Committee of the Whole took the following action:

- Passed on second reading: SB12-099 as amended, SB12-092 as amended, SB12-147.
- Laid over until February 23: SB12-122 as amended, SB12-022, HB12-1181, HB12-1198, SB12-038, SB12-137, SB12-141, SB12-057, SB12-034.
- Laid over until February 24: SB12-120, SB12-093.
- Laid over until February 27: SB12-133.

MESSAGE FROM THE HOUSE

February 22, 2012

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1247, 1249.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1094, amended as printed in House Journal, February 21, pages 317-318.

HB12-1151, amended as printed in House Journal, February 21, page 328.

HB12-1065, amended as printed in House Journal, February 21, page 328.

HB12-1012, amended as printed in House Journal, February 21, page 329.

HB12-1246, amended as printed in House Journal, February 21, page 329.

HB12-1248, amended as printed in House Journal, February 21, page 330.

HB12-1217, amended as printed in House Journal, February 21, page 330.

HB12-1029, amended as printed in House Journal, February 21, page 330.

HB12-1085, amended as printed in House Journal, February 21, page 331.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-094, amended as printed in House Journal, February 21, page 329.

MESSAGE FROM THE REVISOR OF STATUTES

February 22, 2012

We herewith transmit:

Without comment, as amended, HB12-1012, 1029, 1065, 1085, 1094, 1151, 1217, 1246, and 1248.
Without comment, as amended, SB12-094.
With comment, HB12-1247 and 1249.

SENATE SERVICES REPORT

Correctly Reengrossed: SB12-003.

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 22 was laid over until Thursday, February 23, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-087, SB12-077.
Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1010.

TRIBUTES

Honoring:

Brian Sokas -- by Senator Harvey.
Matthew Davis -- by Senator Scheffel.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 23, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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