

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

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72nd Legislative Day Thursday, March 22, 2012

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Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	14
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Pledge	By Senator Giron.	17
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Roll Call	Present--33	19
	Absent--1, Tochtrop.	20
	Excused--1, Mitchell.	21
	Present later--1, Tochtrop.	22
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Quorum	The President announced a quorum present.	24
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Reading of Journal	On motion of Senator Roberts, reading of the Journal of Wednesday, March 21, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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**COMMITTEE OF REFERENCE REPORTS**

Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	31 32 33 34 35 36 37
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**MEMBERS OF THE  
 COLORADO WATER RESOURCES  
 AND POWER DEVELOPMENT AUTHORITY**

for terms expiring October 1, 2015:

David "Ty" H. Wattenberg of Walden, Colorado to serve as a member from the North Platte drainage basin, reappointed;

Frank J. Kugel of Gunnison, Colorado to serve as a member from the Gunnison-Uncompahgre drainage basin, and with experience in water law, reappointed.

Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57
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**MEMBER OF THE  
 WATER QUALITY CONTROL COMMISSION**

for terms expiring February 15, 2014:

Lauren Elizabeth Evans of Lakewood, Colorado, appointed.

Agriculture,  
Natural  
Resources, &  
Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE  
COAL MINE BOARD OF EXAMINERS

for a term expiring July 1, 2012:

Richard Clair Chermak of Hotchkiss, Colorado, to serve as a coal miner of known experience and practice in underground coal mining residing in the State of Colorado and actively engaged in the coal mining industry during the term of office, appointed.

for a term expiring July 1, 2013:

Geral Justin Fedinec of Craig, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining industry, to fill the vacancy occasioned by the resignation of Lara A. Sims of Hayden, Colorado, appointed;

Alan Reed Bayles of Hotchkiss, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Daniel R. Meadors of Durango, Colorado, appointed.

Education

After consideration on the merits, the Committee recommends that **HB12-1220** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 11, strike "UPPER DIVISION".

Local  
Government

After consideration on the merits, the Committee recommends that **HB12-1244** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 13, strike "REGISTERED AGENT, WHO IS" and substitute "AGENT".

Page 2, after line 20 insert:

"(a) "AGENT" MEANS:

(I) FOR A SPECIAL DISTRICT CREATED PURSUANT TO TITLE 32, C.R.S., THE SPECIAL DISTRICT'S DESIGNATED LOCAL GOVERNMENT CONTACT PERSON, AS REPORTED ANNUALLY BY THE SPECIAL DISTRICT AND INCLUDED IN THE DATABASE BY THE DEPARTMENT; OR

(II) FOR ALL OTHER LOCAL GOVERNMENTAL ENTITIES, A PERSON DESIGNATED BY A LOCAL GOVERNMENTAL ENTITY TO RECEIVE A FILING OF A NOTICE OF CLAIM PURSUANT TO SECTION 24-10-109 (3)."

Reletter succeeding paragraphs accordingly.

Page 3, strike lines 8 through 10.

Page 3, line 26, strike "REGISTERED" and substitute "LOCAL GOVERNMENTAL ENTITY'S".

Page 3, line 27, strike "REGISTERED".

Page 4, line 6, after "NOTICE" insert "OF A CLAIM PURSUANT TO SECTION 24-10-109" and strike "REGISTERED" and substitute "LOCAL GOVERNMENTAL ENTITY'S".

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Local Government	After consideration on the merits, the Committee recommends that <b>HB12-1007</b> be postponed indefinitely.	1 2 3 4
Judiciary	After consideration on the merits, the Committee recommends that <b>HB12-1307</b> be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Judiciary	After consideration on the merits, the Committee recommends that <b>HB12-1116</b> be postponed indefinitely.	9 10 11 12
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>SB12-157</b> be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	13 14 15 16 17
	Amend printed bill, page 5, line 8, strike "PAGING SERVICE,".	18
	Page 7, line 1, strike "MAY" and substitute "SHALL".	19 20
	Page 7, line 12, strike "THE AREA" and substitute "THAT GEOGRAPHIC AREA".	21 22 23
	Page 13, line 11, strike "THE AREA" and substitute "THAT GEOGRAPHIC AREA".	24 25 26
	Page 64, strike line 27.	27 28
	Page 65, strike lines 1 and 2 and substitute:	29 30
	"(4) THE FOLLOWING ENTITIES ARE ELIGIBLE TO BID INTO A RFP:	31 32
	(a) ANY COOPERATIVE ELECTRIC ASSOCIATION OR WHOLLY OWNED SUBSIDIARY OF A COOPERATIVE ELECTRIC ASSOCIATION; AND	33 34
	(b) ANY BROADBAND PROVIDER THAT IS REGISTERED IN GOOD STANDING WITH THE COLORADO SECRETARY OF STATE'S OFFICE AS OF DECEMBER 31, 2012.".	35 36 37
	Page 65, line 4, strike "PUBLIC-PRIVATE PARTNERSHIPS,".	38 39
	Page 65, strike lines 8 through 11.	40 41
	Page 65, line 12, strike "(7)" and substitute "(6)".	42 43 44
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>HB12-1123</b> be postponed indefinitely.	45 46 47 48
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>HB12-1172</b> be postponed indefinitely.	49 50 51 52
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>HB12-1063</b> be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	53 54 55 56 57
	Amend reengrossed bill, page 3, strike lines 5 through 7 and substitute "FORCES OF THE UNITED STATES.".	58 59 60 61 62
	Page 3, strike line 18 and substitute "MAY RESERVE PLOTS THERE FOR THE BURIAL AND INTERMENT OF THEMSELVES AND THEIR SPOUSES. IN ADOPTING".	63 64 65 66 67 68 69 70 71

State,  
Veterans, &  
Military  
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE  
BOARD OF COMMISSIONERS OF STATE AND  
VETERANS NURSING HOMES

for a term expiring July 1, 2015:

Lewis H. Entz of Hooper, Colorado, to serve as a veteran and as a Republican, reappointed.

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**MESSAGE FROM THE HOUSE**

March 21, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1313, HCR12-1001.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1323, amended as printed in House Journal, March 20, page 729.  
HB12-1318, amended as printed in House Journal, March 20, page 729.  
HB12-1209, amended as printed in House Journal, March 20, page 731.  
HB12-1274, amended as printed in House Journal, March 20, pages 731-732.  
HB12-1292, amended as printed in House Journal, March 20, page 732.  
HB12-1302, amended as printed in House Journal, March 20, page 732.  
HB12-1238, amended as printed in House Journal, March 20, pages 733-738.  
HB12-1321, amended as printed in House Journal, March 20, pages 738-739, and amended on Third Reading as printed in House Journal, March 21.

The House has passed on Third Reading and returns herewith SB12-133, 062, 023.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-055, amended as printed in House Journal, March 20, page 732.

The House has adopted and returns herewith SJR12-022.

The House has postponed indefinitely SB12-122, 147. The bills are returned herewith.

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**MESSAGE FROM THE REVISOR OF STATUTES**

March 21, 2012

We herewith transmit:

Without comment, HB12-1313.  
Without comment, HCR12-1001.  
Without comment, as amended, HB12-1209, 1238, 1274, 1302, 1318, 1321, and 1323.  
Without comment, as amended, SB12-055.  
With comment, as amended, HB12-1292.

**SENATE SERVICES REPORT**

Correctly Printed: SR12-002.  
 Correctly Engrossed: SB12-156; SJR12-022.  
 Correctly Reengrossed: SB12-154.  
 Correctly Revised: HB12-1222, 1299 and 1312.  
 Correctly Enrolled: SB12-007 and 146; SJR12-021.

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

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

**SB12-156** by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Levy-- Concerning the authority of the department of personnel to expend gifts, grants, and donations.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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.

**HB12-1222** by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the recreation of the department of transportation renovation fund to be used for transportation-related purposes.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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.

**HB12-1299** by Representative(s) Singer; also Senator(s) Shaffer B.--Concerning the specification that a motor vehicle lessee is entitled to claim the innovative motor vehicle tax credit.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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

**HB12-1312** by Representative(s) Sonnenberg, Levy; also Senator(s) Brophy and Johnston--Concerning the exclusion of land use issues addressed by local governing bodies from the public utilities commission's proper scope of review with respect to applications for certificates of public convenience and necessity for transmission lines.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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: White

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

**GENERAL ORDERS -- SECOND READING OF BILLS --  
CONSENT CALENDAR**

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:

**HB12-1269** by Representative(s) Kerr J.; also Senator(s) Roberts--Concerning the threshold amount of campaign activity by a candidate committee in connection with a special district election that triggers disclosure requirements under the "Fair Campaign Practices Act".

Ordered revised and placed on the calendar for third reading and final passage.

**HB12-1270** by Representative(s) Ryden, Jones, Liston, Miklosi, Tyler, Wilson; also Senator(s) Heath-- Concerning an increase in the limit on the amount of alcohol beverages a person licensed to sell alcohol beverages for on-premises consumption may purchase from a licensed alcohol beverage retailer.

Amendment No. 1, Business, Labor & Technology Committee Amendment.  
(Printed in Senate Journal, March 20, pages 526-528 and placed in members' bill files.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --  
CONSENT CALENDAR**

On motion of Senator King K., the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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: HB12-1269, HB12-1270 as amended.

**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: SB12-011, 064, 072, 079 and 096; HB12-1028, 1029, 1031, 1032, 1058, 1061, 1065, 1072, 1089, 1104, 1169, 1207, 1212, 1249, 1288.

**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Thursday, March 22, 2012 at 8:22 a.m.:  
SB12-011, 064, 072, 079 and 096.

Committee of the Whole On motion of Senator King K., the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator King K. 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:

**SB12-130**

by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner, Peniston--Concerning governance of child development programs, and, in connection therewith, requiring a post-enactment review of the implementation of this act.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, February 27, pages 281-307 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Newell.

Amend the corrected Health and Human Services Committee Report, dated February 23, 2012, page 2, line 29, strike "CHILDREN AND" and substitute "CHILDREN, AND THEIR".

Page 2, line 33, after "AND" insert "THEIR".

Page 4, line 18, after "SERVICES" insert "AND THE STATE BOARD OF EDUCATION".

Page 5, line 1, after "BOARD" insert "AND THE STATE BOARD OF EDUCATION".

Page 5, line 8, after "BOARD" insert "AND THE STATE BOARD OF EDUCATION".

Page 9, line 17, after the period, add "AFTER THE STATE BOARD APPROVES THE STATE PLAN, THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL IMPLEMENT THE STATE PLAN; EXCEPT THAT THEY SHALL NOT IMPLEMENT THE SECTIONS OF THE STATE PLAN THAT AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND SCHOOL DISTRICTS UNTIL THE STATE BOARD OF EDUCATION APPROVES SAID SECTIONS AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3)."

Page 9, after line 17 insert:

"(c) WHEN IT SUBMITS THE STATE PLAN TO THE STATE BOARD FOR APPROVAL, THE OFFICE SHALL ALSO SUBMIT THE STATE PLAN TO THE STATE BOARD OF EDUCATION FOR APPROVAL OF THOSE SECTIONS OF THE STATE PLAN THAT AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND SCHOOL DISTRICTS. THE STATE BOARD OF EDUCATION MAY APPROVE SAID SECTIONS OF THE STATE PLAN AS SUBMITTED OR WITH CHANGES. THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL IMPLEMENT SAID SECTIONS OF THE STATE PLAN UPON APPROVAL BY THE STATE BOARD OF EDUCATION."

Reletter succeeding paragraphs accordingly.

Page 9, strike lines 26 and 27 and substitute "STATE PLAN TO THE STATE BOARD FOR APPROVAL AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3) AND SHALL SUBMIT THE SECTIONS OF THE REVISED STATE PLAN THAT AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND SCHOOL DISTRICTS TO THE STATE BOARD OF EDUCATION FOR APPROVAL AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3)."

Page 11, line 4, strike the second "AND".

Page 11, line 6, strike "COUNCILS." and substitute "COUNCILS; AND".

Page 11, after line 6, insert:

"(f) THE INCREASED EFFICIENCIES AND ECONOMIES OF SCALE AND THE COST SAVINGS THAT RESULT FROM THE CONSOLIDATION OF EARLY CHILDHOOD PROGRAMS AT THE STATE LEVEL AND ANY RESULTING OR RECOMMENDED REALLOCATION OF STAFFING."

Page 13, line 2, after "THE" insert "STATE".

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Page 13, line 26, after "THE" insert "STATE".

As amended, laid over until Friday, March 23, retaining its place on the calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149, HB12-1144, HB12-1224, HB12-1097, SB12-078, HB12-1276, SB12-044, HB12-1168, HB12-1239) of Thursday, March 22 was laid over until Friday, March 23 retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator King K., the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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:

Laid over until Friday, March 23: SB12-130 as amended, SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149, HB12-1144, HB12-1224, HB12-1097, SB12-078, HB12-1276, SB12-044, HB12-1168, HB12-1239.

**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title and referred to the committee indicated:

**SCR12-001** by Senator(s) Steadman; also Representative(s) Ferrandino--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction.  
 Judiciary

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, March 22 was laid over until Friday, March 23, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1004.  
 Consideration of Memorials: SJM12-001.  
 Conference Committees to Report: SB12-020.

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

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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