

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

20th Legislative Day Monday, January 30, 2012

Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.	1
		2
Call to Order	By the President at 10:00 a.m.	3
		4
Pledge	By Senator Jahn.	5
		6
Roll Call	Present--33	7
	Excused--2, King S., Spence.	8
		9
Quorum	The President announced a quorum present.	10
		11
Reading of Journal	On motion of Senator Grantham, reading of the Journal of Friday, January 27, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	12
		13
		14
		15
		16
		17
		18
		19
		20
		21
		22
		23
		24
		25
		26
		27
		28
		29
		30

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-009 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	31
		32
		33
		34
		35
		36
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-048 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	37
		38
		39
		40
		41
	Amend printed bill, page 4, line 2, strike "C.R.S." and insert "C.R.S., UNLESS THE NONPROFIT ORGANIZATION ACTED UNREASONABLY.".	42
		43
		44
	Page 4, line 12, strike "CONSUMERS."and insert "CONSUMERS, UNLESS THE SCHOOL OR NONPROFIT ORGANIZATION ACTED UNREASONABLY.".	45
		46
		47
	Page 5, line 2, strike "HOME" and insert "HOME, COMMERCIAL, PRIVATE, OR PUBLIC".	48
		49
		50
	Page 6, line 5, strike "VENUE."and insert "VENUE WHERE THE PRODUCT IS SOLD DIRECTLY TO CONSUMERS.".	51
		52
		53
	Page 6, line 7, strike "TWO THOUSAND FIVE HUNDRED" and insert "FIVE THOUSAND".	54
		55
		56
	Page 7, line 6, strike "RECEIVED."and insert "RECEIVED OR IF THE PRODUCT IS SUSPECTED IN AN INJURY OR FOOD-BORNE ILLNESS OUTBREAK.".	57
		58
		59
		60
	Page 7, line 9, strike "MUST" and insert "IS ENCOURAGED TO".	61
		62
		63
		64
		65
		66

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.

Upon request of Senator Morse, **HJR12-1003, HJR12-1005, HJR12-1006, and HJR12-1008** were removed from the Consideration of Resolutions Calendar of Monday, January 30, 2012, and were placed on the Consideration of Resolutions - Consent Calendar of Monday, January 30, 2012.

CONSIDERATION OF RESOLUTIONS

HJR12-1007 by Representative(s) Barker and Ryden, Todd; also Senator(s) Neville--Concerning recognition of military personnel from Colorado who died during specific military conflicts, including those killed after September 11, 2001, during the War on Terrorism, including but not limited to those killed in Afghanistan and Iraq.

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

YES	33	NO	0	EXCUSED	2	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	E
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.	E	Roberts	Y		

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

SJR12-005 by Senator(s) Schwartz; also Representative(s) Todd--Concerning the designation of January 30, 2012, as "Colorado 4-H Day".

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

YES	33	NO	0	EXCUSED	2	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	E
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.	E	Roberts	Y		

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

Committee of the Whole On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Bacon 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:

SB12-043 by Senator(s) King K.; also Representative(s) Stephens--Concerning clarification of the ages of children who may attend a children's resident camp.

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

SB12-008 by Senator(s) Brophy, Giron, Hodge, Roberts, Schwartz; also Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson--Concerning postponement of the repeal of requirements to replace well depletions to the Denver basin aquifers.

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

SB12-007 by Senator(s) Hudak and Spence, Williams S.; also Representative(s) Hamner--Concerning the standardization of the procedural requirements for the issuance of special license plates.

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

SB12-029 by Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the enactment of Colorado Revised Statutes 2011 as the positive and statutory law of the state of Colorado.

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

SB12-024 by Senator(s) Harvey; --Concerning the obligations of a residential nonprofit corporation to its residential members, and, in connection therewith, clarifying open meeting provisions and limiting the conditions under which the corporation must refund moneys paid by a residential member.

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

SB12-094 by Senator(s) Hodge, Carroll, Aguilar, Boyd, Giron, Guzman, Harvey, Hudak, Jahn, Mitchell, Neville, Newell, Nicholson, Schwartz, Steadman, Tochtrop, White; also Representative(s) Szabo, Acree, Balmer, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, DelGrosso, Ferrandino, Gardner B., Holbert, Hullinghorst, Jones, Joshi, Kerr J., Liston, Looper, Murray, Nikkel, Pabon, Priola, Ramirez, Scott, Swalm, Swerdfeger, Todd, Tyler, Waller, Williams A.--Concerning clarification of the definition of food used in state sales tax laws to ensure that the treatment for sales tax purposes of a food product sold for domestic home consumption by a grocery store, supermarket, or convenience store does not change solely because the store sells the food product or markets the food product for sale as a convenience food.

Ordered engrossed 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 Bacon, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	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	E
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.	E	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-043, SB12-008, SB12-007, SB12-029, SB12-024, SB12-094.

Committee of the Whole

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

SB12-033

by Senator(s) Guzman; also Representative(s) Massey--Concerning adding near fatalities to the responsibilities of the department of human services child fatality review team.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, January 19, page 31 and placed in members' bill files.)

As amended, laid over until Tuesday, January 31, 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 (SB12-011, SB12-030) of Monday, January 30 was laid over until Tuesday, January 31, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	0	EXCUSED	2	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	E
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.	E	Roberts	Y		

The Committee of the Whole took the following action:

Laid over until January 31: SB12-033, as amended, SB12-011, SB12-030.

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 Monday, January 30 was laid over until Tuesday, January 31, retaining its place on the calendar.

Consideration of Resolutions - Consent Calendar: HJR12-1003, HJR12-1005, HJR12-1006, HJR12-1008.
 Consideration of Resolutions: SJR12-009.
 Consideration of Memorials: SM12-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, January 31, 2012.

Approved:

Brandon C. Shaffer
 President of the Senate

Attest:

Cindi L. Markwell
 Secretary of the Senate

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