

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

41st Legislative Day

Monday, February 20, 2012

Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.	11
Call to Order	By the President at 10:00 a.m.	13
Pledge	By Senator Nicholson.	16
Roll Call	Present--35	18
Quorum	The President announced a quorum present.	20
Reading of Journal	On motion of Senator White, reading of the Journal of Friday, February 17, was dispensed with and the Journal was approved as corrected by the Secretary.	22

INTRODUCTION OF BILLS -- FIRST READING

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

HB12-1009	by Representative(s) Gerou; also Senator(s) Lambert--Concerning a report related to the federal moneys received by the executive branch. State, Veterans & Military Affairs	33
HB12-1074	by Representative(s) Kerr J., Miklosi; also Senator(s) King S., Tochtrop--Concerning access to data to assist the courts in overseeing persons appointed to manage the affairs of persons under disability. Judiciary	38
HB12-1120	by Representative(s) Swerdfeger, Brown, Duran, Liston, Massey, Pabon, Pace, Williams A.; also Senator(s) Tochtrop--Concerning the creation of the division of unemployment insurance in the department of labor and employment to administer the unemployment insurance program. Business, Labor and Technology	44
HB12-1221	by Representative(s) Liston, Kerr J., Balmer, Miklosi, Summers, Swalm, Williams A.; also Senator(s) Tochtrop, Boyd, Morse--Concerning billing for anatomic pathology services. Business, Labor and Technology	51
HB12-1301	by Representative(s) McNulty, Ferrandino; also Senator(s) Morse, Shaffer B., Cadman--Concerning payment of expenses of the legislative department. Appropriations	56

**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:

SB12-031 by Senator(s) White; also Representative(s) Bradford--Concerning federal mineral lease districts.

Laid over until Monday, February 27, retaining its place on the calendar.

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:

SB12-051 by Senator(s) Bacon; also Representative(s) Massey--Concerning requirements for contracts executed by local education providers.

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

YES	21	NO	14	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	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	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-sponsors added: Aguilar, Boyd, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Nicholson and Tochtrop.

SB12-072 by Senator(s) Lambert, Newell, Grantham, Scheffel, Cadman, Aguilar, King K., Lundberg, Neville, Renfroe; also Representative(s) Stephens, Holbert, Joshi, Looper, DelGrosso, Gerou--Concerning the Colorado mounted rangers.

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-sponsors added: Boyd, Carroll, Guzman, Heath, Hodge, King S., Roberts, Schwartz, Spence, Tochtrop and White.

SB12-056 by Senator(s) Carroll; also Representative(s) Holbert--Concerning judicial appointments in domestic relations cases involving children.

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-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Newell, Steadman and Tochtrop.

SB12-102 by Senator(s) Brophy; also Representative(s) Nikkel--Concerning the repeal of the crime of criminal libel.

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-sponsors added: Aguilar, Cadman, Carroll, Giron, Grantham, Guzman, Jahn, King K., King S., Mitchell, Neville, Roberts, Scheffel, Spence, Steadman, White, Williams S. and Shaffer B.

SB12-062 by Senator(s) Williams S.; also Representative(s) Looper--Concerning procedures that facilitate voting by military personnel.

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-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Jahn, Newell, Schwartz and Tochtrop.

SB12-011 by Senator(s) Spence; also Representative(s) Summers--Concerning the differential response pilot program for child abuse or neglect cases of low or moderate risk.

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-sponsors added: Bacon, Grantham, Guzman, Heath, Jahn, Johnston, King K., King S., Lambert, Mitchell, Morse, Neville, Roberts, Schwartz, Tochtrop, White and Williams S.

RECONSIDERATION OF SB12-051

SB12-051 by Senator(s) Bacon; also Representative(s) Massey--Concerning requirements for contracts executed by local education providers.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-051.

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

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

SB12-051 by Senator(s) Bacon; also Representative(s) Massey--Concerning requirements for contracts executed by local education providers.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	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-sponsors added: Aguilar, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Nicholson, Tochtrop and Williams S.

SB12-015 by Senator(s) Giron and Johnston, Guzman, Steadman; also Representative(s) Duran-- Concerning creating an optional category of tuition at state institutions of higher education.

Laid over until Monday, February 27, retaining its place on the calendar.

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

SB12-003 by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 14, page 147 and placed in members' bill files.)

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

(For further action, see amendments to the report of the Committee of the Whole.)

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 (SB12-122, SB12-099, SB12-022, HB12-1181, HB12-1198, SB12-038, SB12-137, SB12-092, SB12-133, SB12-141, SB12-147, SB12-057) of Monday, February 20 was laid over until Tuesday, February 21, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-003 by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers.

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 12-003 did pass.

Amend printed bill, page 5, after line 26 insert:

"(7) THIS SECTION IS REPEALED, EFFECTIVE UPON THE DATE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT NOTIFIES THE REVISOR OF STATUTES THAT UNEMPLOYMENT IN THIS STATE HAS FALLEN BELOW SIX PERCENT."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	15	NO	20	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	N	Steadman	N
Cadman		Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll		N	Jahn	N	Newell	N	White	Y
Foster		N	Johnston	N	Nicholson	N	Williams S.	N
Giron		N	King K.	Y	Renfroe	Y	President	N
Grantham		Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-003 as amended.
Laid over until February 21: SB12-122, SB12-099, SB12-022, HB12-1181, HB12-1198, SB12-038, SB12-137, SB12-092, SB12-133, SB12-141, SB12-147, SB12-057.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB12-068** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 19, strike "2012," and substitute "2013," and strike "SHALL" and substitute "OF A SCHOOL DISTRICT WITH A TOTAL PUPIL ENROLLMENT OF ONE

THOUSAND OR MORE STUDENTS SHALL NOT, AND A PUBLIC SCHOOL OF A SCHOOL DISTRICT WITH A TOTAL PUPIL ENROLLMENT OF FEWER THAN ONE THOUSAND STUDENTS IS ENCOURAGED NOT TO:".

Page 3, strike line 20.

Page 4, strike lines 6 and 7 and substitute "EXISTING UPON SCHOOL GROUNDS.".

Page 4, strike lines 9 through 11, and substitute "SECTION DOES NOT APPLY TO:

(a) ANY FOOD OR BEVERAGE THAT IS MADE AVAILABLE TO A STUDENT AS PART OF A MEAL PROGRAM OF THE UNITED STATES DEPARTMENT OF AGRICULTURE;

(b) ANY FOOD OR BEVERAGE THAT IS MADE AVAILABLE TO A STUDENT AS PART OF A FUNDRAISING EFFORT CONDUCTED BY ONE OR MORE STUDENTS, TEACHERS, OR PARENTS; OR

(c) A SCHOOL OF A SCHOOL DISTRICT THAT DOES NOT HAVE A COORDINATED, DISTRICT-WIDE FOOD SERVICE FOR THE PROVISION OF FOOD TO STUDENTS AND IN WHICH SCHOOL LESS THAN ONE THOUSAND STUDENTS ARE ENROLLED.".

Page 5, line 3, strike "2012," and substitute "2013,".

Page 5, strike lines 17 and 18 and substitute "EXISTING UPON SCHOOL GROUNDS.".

Page 5, line 22, strike "AGRICULTURE." and substitute "AGRICULTURE OR AS PART OF A FUNDRAISING EFFORT CONDUCTED BY ONE OR MORE STUDENTS, TEACHERS, OR PARENTS.".

Page 6, line 2, strike "7, 2012," and substitute "8, 2012,".

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR12-015 by Senator(s) Boyd and Roberts; also Representative(s) Bradford and Hamner--Concerning celebration of the 100th anniversary of Girl Scouts, and, in connection therewith, designating 2012 as the "Year of the Girl" in the state of 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:

SB12-150 by Senator(s) Schwartz, Bacon, Renfroe; also Representative(s) Sonnenberg, Brown, Vigil-- Concerning the state treasurer's authority to manage state public financing.
Finance

SB12-151 by Senator(s) Tochtrop; --Concerning the authority of the parks and wildlife board to set fees for the use of park and outdoor recreation facilities and programs.
Agriculture, Natural Resources, and Energy

MESSAGE FROM THE HOUSE

February 20, 2012

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1064, 1207, 1139, 1231, 1233.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1124, amended as printed in House Journal, February 17, page 290.
HB12-1117, amended as printed in House Journal, February 17, page 290.
HB12-1157, amended as printed in House Journal, February 17, page 290.
HB12-1097, amended as printed in House Journal, February 17, page 291.
HB12-1276, amended as printed in House Journal, February 17, page 291.

The House has passed on Third Reading and returns herewith SB12-008.

The House has voted to concur in the Senate amendments to HB12-1200, 1202 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

February 20, 2012

We herewith transmit:

Without comment, HB12-1064, 1139, 1207, 1231, and 1233.
Without comment, as amended, HB12-1117, 1097, 1124, 1157, and 1276.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-011, 051, 056, 062, 072 and 102.
Correctly Reengrossed: SB12-058.

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, February 20 was laid over until Tuesday, February 21, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1010.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 21, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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