

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

62nd Legislative Day

Monday, March 12, 2012

Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.	1
Call to Order	By the President at 10:00 a.m.	2
Pledge	By Senator White.	3
Roll Call	Present--34 Excused--1, Mitchell	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Nicholson, reading of the Journal of Friday, March 9, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	6

MESSAGE FROM THE HOUSE

March 9, 2012

The House has voted to concur in the Senate amendments to HB12-1078, 1055 1177, 1221, 1074, and has repassed the bills as so amended.

The House voted to adhere to its position on HB12-1212. The bill is transmitted herewith.

SENATE SERVICES REPORT

Correctly Printed: SB12-158.
Correctly Engrossed: SB12-128 and 129.
Correctly Reengrossed: SB12-059, 116 and 152.
Correctly Revised: HB12-1008.
Correctly Rerevised: HB12-1031, 1032, 1089, 1090, 1163, 1217 and 1233.

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:

SB12-015 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, March 19, retaining its place on the calendar.

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
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

HB12-1047 by Representative(s) Kefalas, Gardner B.; also Senator(s) Newell--Concerning the waiver of non-safety licensing standards for kinship foster care.

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-sponsors added: Boyd and Jahn.

SB12-129 by Senator(s) Schwartz, Aguilar, Bacon, Grantham, Harvey, Heath, Hodge, Hudak, Johnston, King S., Lundberg, Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram--Concerning access to affordable broadband internet connectivity in noncompetitive rural areas.

Laid over until Thursday, March 15, retaining its place on the calendar.

HB12-1008 by Representative(s) Acree; also Senator(s) Jahn--Concerning additional methods for providing input to executive branch agencies about proposed rules, and, in connection therewith, directing agencies to establish representative groups to evaluate and comment on proposed rules, requiring agencies to notify the general assembly of any rule-making that results in increases in fees or fines, and requiring agencies to submit departmental regulatory agendas to the general assembly.

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-sponsors added: Aguilar, Brophy, Cadman, Grantham, King K., King S., Lambert, Lundberg, Neville, Scheffel, White and Williams S.

SB12-128 by Senator(s) Roberts; also Representative(s) Summers--Concerning achieving efficiencies in the medicaid long-term care program through greater utilization of alternative care facilities.

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

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
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

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-sponsors added: Aguilar, Boyd, Cadman, Foster, Grantham, Guzman, Jahn, Johnston, King K., King S., Lambert, Lundberg, Neville, Newell, Scheffel and Williams S.

Upon request of Senator Morse, **HB12-1124** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, March 12 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, March 12.

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

HB12-1288 by Representative(s) Murray; also Senator(s) Bacon--Concerning the administration of information technology projects in state government.

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

HB12-1169 by Representative(s) Gardner B. and Duran; also Senator(s) Brophy and Morse--Concerning a clarification of the circumstances under which voting to elect leadership of a public body may be held by secret ballot in accordance with the state open meetings law.

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

HB12-1207 by Representative(s) Labuda, Bradford, Fields, Gardner B., Lee, Swerdfeger, Szabo; also Senator(s) Aguilar--Concerning the repeal of the advisory committee on covering all children in Colorado.

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

HB12-1095 by Representative(s) Waller; also Senator(s) Newell--Concerning electronic court documents.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Spence, 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: HB12-1288, HB12-1169, HB12-1207, HB12-1095.
 Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday, March 12: HB12-1124.

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.

CONSIDERATION OF RESOLUTIONS

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.

On motion of Senator Boyd, the resolution was read at length and **adopted** by 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		

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

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

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 Monday, March 19, retaining its place on the calendar.

- 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. 1
2
3
4
5
Laid over until Friday, March 16, retaining its place on the calendar. 6
7
8
- SB12-134** by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; also Representative(s) Acree-- Concerning financial assistance in Colorado hospitals. 9
10
Laid over until Tuesday, March 13, retaining its place on the calendar. 11
12
13
14
- HB12-1033** by Representative(s) Swalm; also Senator(s) Newell--Concerning conditions on the authority of the director of the division of workers' compensation to impose administrative fines as a result of compliance audits finding instances of late reporting of injuries under the "Workers' Compensation Act of Colorado". 15
16
17
18
Ordered revised and placed on the calendar for third reading and final passage. 19
20
21
22
- SB12-127** by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs. 23
24
25
26
Laid over until Tuesday, March 13, retaining its place on the calendar. 27
28
29
- SB12-070** by Senator(s) Aguilar; also Representative(s) Wilson, Solano--Concerning residential landlords and tenants, and, in connection therewith, enacting the "Uniform Residential Landlord and Tenant Act". 30
31
32
33
Laid over until Tuesday, March 13, retaining its place on the calendar. 34
35
36
- HB12-1114** by Representative(s) Hamner; also Senator(s) Schwartz--Concerning the crime of stalking. 37
38
Amendment No. 1, Judiciary Committee Amendment. 39
(Printed in Senate Journal, March 8, pages 402-403 and placed in members' bill files.) 40
41
As amended, ordered engrossed and placed on the calendar for third reading and final passage. 42
43
44
45
- HB12-1151** by Representative(s) McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.; also Senator(s) King S.--Concerning the trafficking of human beings. 46
47
48
Laid over until Tuesday, March 13, retaining its place on the calendar. 49
50
51
- HB12-1124** by Representative(s) Massey, Fields, Hamner, Holbert, Levy, Peniston; also Senator(s) Johnston--Concerning a study of digital learning in Colorado. 52
53
54
Amendment No. 1, Education Committee Amendment. 55
(Printed in Senate Journal, March 8, page 401 and placed in members' bill files.) 56
57
Amendment No. 2(L.005), by Senator Johnston. 58
59
Amend reengrossed bill, page 4, line 4, strike "JULY 1, 2012," and substitute "NINETY DAYS AFTER RECEIVING SUFFICIENT MONEYS TO IMPLEMENT THIS SECTION,". 60
61
62
63
Page 6, line 24, strike "MAY SEEK, ACCEPT," and substitute "IS NOT REQUIRED TO SOLICIT MONEYS FOR THE IMPLEMENTATION OF THIS SECTION, BUT THE DEPARTMENT MAY ACCEPT". 64
65
66
67
Page 7, line 5, strike "SEEKING OR". 68
69
Page 7, after line 11 insert: 70
71
72
"(c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE

CONTRARY, THE DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THIS SECTION UNTIL IT RECEIVES SUFFICIENT MONEYS TO IMPLEMENT THIS SECTION."

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

On motion of Senator Spence, 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: HB12-1033, HB12-1114 as amended, HB12-1124 as amended.
- Laid over until Tuesday, March 13: SB12-134, SB12-127, SB12-070, HB12-1151.
- Laid over until Friday, March 16: SB12-130.
- Laid over until Monday, March 19: HB12-1181.

MESSAGE FROM THE HOUSE

March 12, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1146, amended as printed in House Journal, March 9, page 589. HB12-1226, amended as printed in House Journal, March 9, page 589. HB12-1116, amended as printed in House Journal, March 9, page 591.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-020, amended as printed in House Journal, March 9, pages 589-591.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-024, 037, 097, 111, 112, 113, 114 and 115.

MESSAGE FROM THE GOVERNOR

March 9, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB12-043 CONCERNING CLARIFICATION OF THE AGES OF CHILDREN WHO MAY ATTEND A CHILDREN'S RESIDENT CAMP.

Approved March 9, 2012 at 11:39 a.m.

SB12-094 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.

Approved March 9, 2012 at 11:34 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

March 9, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Resolution:

SJR12-003 CONCERNING APPROVAL OF WATER PROJECTS REVOLVING FUND ELIGIBILITY LISTS ADMINISTERED BY THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY.

Approved March 9, 2012 at 11:46 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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, March 12 was laid over until Tuesday, March 13, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

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
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 13, 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