

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

71st Legislative Day

Wednesday, March 21, 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 Giron.	15
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Roll Call	Present--31	17
	Absent--2, King K., King S.	18
	Excused--2, Mitchell, Steadman.	19
	Present later--4, King K., King S., Mitchell, Steadman.	20
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Roberts, reading of the Journal of Tuesday, March 20, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

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Trans- portation	After consideration on the merits, the Committee recommends that HB12-1023 be referred to the Committee on <u>Finance</u> with favorable recommendation.	33
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Judiciary	After consideration on the merits, the Committee recommends that HB12-1026 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	37
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Judiciary	After consideration on the merits, the Committee recommends that HB12-1262 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	42
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Finance	After consideration on the merits, the Committee recommends that HB12-1041 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	47
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Finance	After consideration on the merits, the Committee recommends that HB12-1052 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	51
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Amend the Health and Human Services Committee Report, dated March 14, 2012, page 2, line 3, after "AGENCIES," insert "OR HIS OR HER DESIGNEE,".

SENATE SERVICES REPORT

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Correctly Printed:	SB12-163.	65
Correctly Reengrossed:	SB12-134; SJR12-021.	66
Correctly Rerevised:	HB12-1002, 1094, 1125, 1178, 1181, 1229 and 1285.	67

INTRODUCTION OF RESOLUTIONS

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

SR12-002 by Senator(s) Brophy and Hudak; --Concerning modifications to the rules of the Senate. State, Veterans & Military Affairs

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:

SB12-154 by Senator(s) Tochtrop; also Representative(s) Duran--Concerning standards for responsible medical marijuana vendors.

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	E
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	Y	King S.	N	Roberts	Y		

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

Co-sponsors added: Boyd, Guzman and Williams S.

IMMEDIATE RECONSIDERATION OF SB12-154

SB12-154 by Senator(s) Tochtrop; also Representative(s) Duran--Concerning standards for responsible medical marijuana vendors.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SB12-154**.

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

SB12-154 by Senator(s) Tochtrop; also Representative(s) Duran--Concerning standards for responsible medical marijuana vendors.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0	
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N	1
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y	2
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y	3
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y	4
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y	5
Carroll	Y	Jahn	Y	Newell	Y	White	Y	6
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y	7
Giron	Y	King K.	N	Renfroe	N	President	Y	8
Grantham	Y	King S.	N	Roberts	Y			9

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Upon request of Senator Morse, **SB12-044** was removed from the General Orders--Second Reading of Bills Consent Calendar of Wednesday, March 21 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Wednesday, March 21.

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

SB12-156 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.

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

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.

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

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.

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

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.

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 Grantham, 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: SB12-156, HB12-1222, HB12-1299, HB12-1312.
Laid over to the end of the General Orders -- Second Reading of Bills calendar,
Wednesday, March 21: SB12-044.

CONSIDERATION OF RESOLUTIONS

SJR12-022 by Senator(s) Jahn; also Representative(s) Williams A.--Concerning recognition of "Single Parents' Day".

On motion of Senator Jahn, the resolution was **adopted** by 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		

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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.

Senator Guzman moved that the Senate concur in House amendments to **SB12-033**, as printed in House journal, March 16, page 684, and amended on Third Reading as printed in House journal, March 19, pages 714-716. The motion was **adopted** by 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 question being "Shall the bill, as amended, 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, as amended, was **repassed**.

Co-sponsors added: Cadman, King K. and White.

SB12-030 by Senator(s) Jahn; also Representative(s) Liston--Concerning administrative matters related to a foreclosure sale.

Senator Guzman moved that the Senate concur in House amendments to **SB12-030**, as printed in House journal, March 16, pages 682-683. The motion was **adopted** by 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 question being "Shall the bill, as amended, 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, as amended, was **repassed**.

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, March 21 was laid over until Thursday, March 22, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-130, SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149, HB12-1144, HB12-1224, HB12-1097, SB12-078, HB12-1276, SB12-044.
 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., Thursday, March 21, 2012.

Approved:

Brandon C. Shaffer
 President of the Senate

Attest:

Cindi L. Markwell
 Secretary of the Senate

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