

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

69th Legislative Day

Monday, March 19, 2012

| | | |
|--------------------|--|----------------|
| Prayer | By the chaplain, Pastor Charles Johnson, Heart of Worship Ministries, Colorado Springs. | 11 |
| Call to Order | By the President at 10:00 a.m. | 13 |
| Pledge | By Senator Giron. | 16 |
| Roll Call | Present--34 Excused--1, King K. Present later--1, King K. | 18 19 20 |
| Quorum | The President announced a quorum present. | 22 |
| Reading of Journal | On motion of Senator Roberts, reading of the Journal of Friday, March 16, 2012, was dispensed with and the Journal was approved as corrected by the Secretary. | 24 25 |

COMMITTEE OF REFERENCE REPORTS

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| Finance | After consideration on the merits, the Committee recommends that HB12-1236 be referred to the Committee on <u>Appropriations</u> with favorable recommendation. | 32 33 |
| Finance | After consideration on the merits, the Committee recommends that HB12-1299 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. | 36 37 38 |
| Agriculture, Natural Resources, & Energy | After consideration on the merits, the Committee recommends that HB12-1312 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. | 41 42 43 |
| Agriculture, Natural Resources, & Energy | After consideration on the merits, the Committee recommends that HB12-1083 be referred to the Committee on <u>Appropriations</u> with favorable recommendation. | 47 48 49 |

MESSAGE FROM THE HOUSE

March 16, 2012

The House has adopted and returns herewith SJR12-020.

In response to the request of the Senate, the Speaker has appointed Representatives Summers, chairman, Waller, and Lee as House conferees on the First Conference Committee on SB12-020.

SENATE SERVICES REPORT

Correctly Printed: SJR12-020 and 021.
Correctly Engrossed: SJR12-020.
Correctly Reengrossed: SB12-109, 116, 124 and 127.
Correctly Rerevised: HB12-1070, 1085, 1206 and 1289.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading of Bills -- Final Passage Calendar (SB12-015, SB12-129) of Monday, March 19 was laid over until Friday, March 23, retaining its place on the calendar.

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

HB12-1229 by Representative(s) Murray; also Senator(s) Scheffel--Concerning publication requirements for a newspaper in which a legal notice or advertisement is printed.
Ordered revised and placed on the calendar for third reading and final passage.

HB12-1094 by Representative(s) Kerr A.; also Senator(s) King S.--Concerning increasing the fine for parking in front of a fire hydrant in an unincorporated area of a county.
Ordered revised and placed on the calendar for third reading and final passage.

HB12-1285 by Representative(s) Gerou; also Senator(s) Jahn--Concerning modifications to statutory provisions governing intergovernmental cooperation to address wildland fire mitigation where a municipality owns land inside a county for utility purposes.
Ordered revised and placed on the calendar for third reading and final passage.

HB12-1178 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the deadline for filing notice for reimbursement of tax payments for lost gasoline or special fuel.
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 Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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| YES | 34 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
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| 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. | E | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

The Committee of the Whole took the following action:

Passed on second reading: HB12-1229, HB12-1094, HB12-1285, HB12-1178.

Committee of the Whole

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

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

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.

Laid over until Tuesday, March 20, retaining its place on the calendar.

SB12-134 by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; also Representative(s) Acree-- Concerning financial assistance in Colorado hospitals.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 24, pages 275-276 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Aguilar.

Amend the Health and Human Services Committee Report, dated February 23, 2012, page 2, line 1, strike "SHALL" and substitute "SHALL, AT A MINIMUM,".

Page 2, strike lines 8 though 10 and substitute:

"(III) WHO RECEIVED A SERVICE AT A HOSPITAL FOR WHICH THE "COLORADO INDIGENT CARE PROGRAM" ESTABLISHED IN PART 1 OF ARTICLE 3 OF TITLE 25.5, C.R.S. WAS NOT AVAILABLE."

Page 2, line 11, strike "HOSPITALS" and substitute "A HOSPITAL".

Page 2, line 15, strike "PAYER." and substitute "HEALTH PLAN.".

Page 2, strike line 29 and substitute "HOSPITAL LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1) (a) (II)."

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

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- 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". 1
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Laid over until Tuesday, March 20, retaining its place on the calendar. 5
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- HB12-1002** by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the rules of state agencies applicable to applications for permits. 8
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Amendment No. 1, Business, Labor & Technology Committee Amendment. 11
(Printed in Senate Journal, February 23, page 231 and placed in members' bill files.) 12
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Amendment No. 2(L.031), by Senator Jahn. 14
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Amend reengrossed bill, page 3, line 21, before the first "FEDERAL" insert 16
"STATE OR". 17
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As amended, ordered revised and placed on the calendar for third reading and final 19
passage. 20
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- SB12-001** by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also 24
Representative(s) Duran and Ryden--Concerning contracting preferences for persons who 25
employ at least a specified percentage of Colorado residents to perform the requirements of 26
a government contract. 27
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Laid over until Friday, March 23, retaining its place on the calendar. 29
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- SB12-086** by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory 32
compliance for businesses in Colorado. 33
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Laid over until Tuesday, March 20, retaining its place on the calendar. 35
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- SB12-132** by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, 38
Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely 39
issuance of environmental control permits. 40
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Laid over until Tuesday, March 20, retaining its place on the calendar. 42
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- HB12-1053** by Representative(s) Gardner B.; also Senator(s) Giron--Concerning the victims' rights act. 45
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Laid over until Tuesday, March 20, retaining its place on the calendar. 47
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- SB12-149** by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in 50
which the board of a defined benefit plan or system created by a local government may 51
modify retirement benefit provisions of the plan or system. 52
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Laid over until Tuesday, March 20, retaining its place on the calendar. 54
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- SB12-154** by Senator(s) Tochtrop; --Concerning standards for responsible medical marijuana vendors. 57
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Amendment No. 1, Business, Labor & Technology Committee Amendment. 59
(Printed in Senate Journal, March 15, page 491 and placed in members' bill files.) 60
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As amended, ordered engrossed and placed on the calendar for third reading and final 62
passage. 63
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- HB12-1125** by Representative(s) Ramirez, Sonnenberg; also Senator(s) Steadman--Concerning 66
procedures related to the costs of impounded animals. 67
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Amendment No. 1, Judiciary Committee Amendment. 69
(Printed in Senate Journal, March 15, pages 491-492 and placed in members' bill files.) 70
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Amendment No. 2(L.031), by Senator Steadman.

Amend the Judiciary Committee Report, dated March 14, 2012, page 1, strike lines 13 through 16.

Page 2, strike lines 1 through 4.

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

SB12-155 by Senator(s) Heath and White; also Representative(s) Court and Murray--Concerning procedures to protect transparency in elections while preserving the integrity of ballots in connection with a request for public inspection of ballots under the "Colorado Open Records Act".

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 Carroll, 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: SB12-134 as amended, SB12-154 as amended, HB12-1181, HB12-1002 as amended, HB12-1125 as amended.

Laid over until Tuesday, March 20: SB12-130, SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149.

Laid over until Friday, March 23: SB12-001, SB12-155.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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.

Senator Hudak moved that the Senate concur in House amendments to **SB12-007**, as printed in House journal, March 12, page 618. 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 | 34 | NO | 1 | 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 | N | 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**.

SB12-146

by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action.

Senator Hodge moved that the Senate concur in House amendments to **SB12-146**, as printed in House journal, March 12, page 618. The motion was **adopted** by the following roll call vote:

| YES | 34 | NO | 1 | 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 | N | 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**.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1033, 1047, 1055, 1074, 1078, 1090, 1095, 1163, 1177, 1217, 1221, 1233, 1247, 1248.

MESSAGE FROM THE GOVERNOR

March 15, 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:

SB12-048: CONCERNING THE CREATION OF THE "COLORADO COTTAGE FOODS ACT" FOR LOCALLY PRODUCED HOME FOODS SOLD DIRECTLY TO CONSUMERS.

Approved March 15, 2012 at 4:27 p.m.

Sincerely,
 (signed)
 John W. Hickenlooper
 Governor

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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

Laid over until Wednesday, March 21, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-159 by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program.
 Health and Human Services

SB12-160 by Senator(s) Hudak; --Concerning parent involvement in education.
 Education

SB12-161 by Senator(s) Nicholson, King S.; also Representative(s) Bradford--Concerning measures to reduce health care costs in correctional facilities.
 Health and Human Services

SB12-162 by Senator(s) Tochtrop; --Concerning verification of remediation performed on property contaminated by an illegal drug laboratory.
 Business, Labor and Technology

HB12-1131 by Representative(s) Labuda; also Senator(s) Tochtrop--Concerning the creation of a child loss awareness license plate, and, in connection therewith, making an appropriation.
 Transportation

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HB12-1150 by Representative(s) Priola, Holbert, DelGrosso, Gardner B., Becker, Murray, Nikkel, Sonnenberg; also Senator(s) Lambert--Concerning an increase in the number of years used to calculate the highest average salary of a member of the public employees' retirement association for the purpose of determining the amount of the member's retirement benefit.
 Finance

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HB12-1153 by Representative(s) Soper; also Senator(s) Lambert--Concerning the creation of a special license plate commemorating recipients of the distinguished flying cross, and, in connection therewith, making an appropriation.
 Transportation

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HB12-1241 by Representative(s) Ferrandino, Hullinghorst, Court, Fischer, Labuda, Levy, Pabon, Singer; also Senator(s) Heath--Concerning enterprise zone designations.
 Finance

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HB12-1307 by Representative(s) Kerr J. and Summers; also Senator(s) Roberts--Concerning the authority of a nonlawyer trustee of a certain size trust to represent the trust before the board of assessment appeals.
 Judiciary

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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 19 was laid over until Tuesday, March 20, retaining its place on the calendar.

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

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 20, 2012.

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Approved:

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Brandon C. Shaffer
 President of the Senate

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Attest:

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Cindi L. Markwell
 Secretary of the Senate

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