

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

One hundred-sixth Legislative Day Wednesday, April 25, 2012

1 The Speaker called the House to order at 9:00 a.m.

2

3 Prayer by Father Bill Carmody, Saint Dominic, Security.

4

5 Pledge of Allegiance led by Dalton Ford from Bill Roberts Elementary,
6 Denver.

7

8 The roll was called with the following result:

9

10 Present--59.

11 Excused--Representative(s) Casso, Murray, Nikkel, Ramirez,
12 Singer, A. Williams--6.

13 Present after roll call--Representative(s) Casso, Murray, Nikkel,
14 Ramirez, Singer, A. Williams .

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Duran, the reading of the journal of
20 April 24, 2012, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22

23

House in recess. House reconvened.

24

25

26

27

CONSIDERATION OF RESOLUTION(S)

28

29 **SJR12-006** by Senator(s) Roberts; also Representative(s) Brown--
30 Concerning a prohibition on mandates to state and local
31 governments without adequate funding.

32

33 (Printed and placed in members' file)

34

35 On motion of Representative Brown, the resolution was **adopted** by **viva**
36 **voce** vote.

37

38 Co-sponsor(s) added: Representative(s) Balmer, Barker, Baumgardner, Becker,
39 Beezley, Bradford, Casso, Conti, Coram, DelGrosso, Gardner B., Hamner,
40 Holbert, Hullinghorst, Jones, Joshi, Kefalas, Kerr A., Kerr J., Lee, Liston,
41 Looper, McKinley, Miklosi, Nikkel, Ramirez, Schafer S., Scott, Solano,
42 Sonnenberg, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd, Vaad,
43 Vigil, Waller, Young.

1 **SJR12-024** by Senator(s) Bacon, Schwartz, Renfroe; also
 2 Representative(s) Sonnenberg, Brown, Vigil--Concerning
 3 the abatement of environmental contaminants in and
 4 demolition of structures on land located in the city of
 5 Pueblo, adjacent to the Colorado State Fair grounds.
 6

7 (Printed and placed in members' file)
 8

9 On motion of Representative Sonnenberg, the resolution was **adopted** by
 10 **viva voce** vote.
 11

12 Co-sponsor(s) added: Representative(s) Barker, Baumgardner, Bradford, Casso,
 13 Duran, Ferrandino, Fields, Fischer, Hullinghorst, Jones, Joshi, Kefalas, Kerr A.,
 14 Labuda, Lee, Levy, Looper, Massey, Miklosi, Nikkel, Pabon, Pace, Peniston,
 15 Ramirez, Ryden, Scott, Singer, Solano, Soper, Swerdfeger, Todd, Young,
 16 Speaker.
 17

18 _____
 19 House in recess. House reconvened.
 20 _____
 21

22 **THIRD READING OF BILL(S)--FINAL PASSAGE**

23
 24 The following bill(s) was(were) considered on Third Reading. The
 25 title(s) was(were) publicly read. Reading of the bill at length was
 26 dispensed with by unanimous consent.
 27
 28

29 **HB12-1348** by Representative(s) Ferrandino, McNulty; also Senator(s)
 30 Morse, Cadman--Concerning the powers of the legislative
 31 department with respect to capitol buildings group space,
 32 and, in connection therewith, providing for the designation
 33 of space for the members of the general assembly,
 34 legislative staff, and legislative staff agencies and the
 35 furnishing and equipping thereof, and granting the control
 36 of legislative spaces to the legislative department.
 37

38 The question being "Shall the bill pass?".
 39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative and the bill
 41 was declared **passed**.
 42

43	YES	59	NO	3	EXCUSED	3	ABSENT	0
44	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
45	Balmer	N	Gardner B.	Y	Massey	Y	Sonnenberg	Y
46	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
47	Baumgardner	Y	Hamner	Y	McKinley	N	Stephens	Y
48	Becker	Y	Holbert	Y	Miklosi	E	Summers	Y
49	Beezley	N	Hullinghorst	Y	Murray	Y	Swalm	Y
50	Bradford	Y	Jones	E	Nikkel	Y	Swerdfeger	Y
51	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
52	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
53	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
54	Coram	E	Kerr A.	Y	Priola	Y	Vaad	Y
55	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
56	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y

1	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
2	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
3	Fields	Y	Liston	Y	Singer	Y	Young	Y
4							Speaker	Y

5 Co-sponsor(s) added: Representative(s) Kerr A., Kerr J., Todd, Waller, Wilson,
6 Young.

7
8 **HB12-1084** by Representative(s) Fields and Conti; also Senator(s) Jahn
9 and King S.--Concerning increasing the punishment for
10 leaving the scene of a traffic accident that resulted in
11 serious bodily injury to any person.

12
13 The question being "Shall the bill pass?".

14 A roll call vote was taken. As shown by the following recorded vote, a
15 majority of those elected to the House voted in the affirmative and the bill
16 was declared **passed**.

17	YES	60	NO	2	EXCUSED	3	ABSENT	0
19	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
20	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
21	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
22	Baumgardner	Y	Hamner	Y	McKinley	N	Stephens	Y
23	Becker	Y	Holbert	Y	Miklosi	E	Summers	Y
24	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
25	Bradford	Y	Jones	E	Nikkel	Y	Swerdfeger	Y
26	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
27	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
28	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
29	Coram	E	Kerr A.	Y	Priola	Y	Vaad	Y
30	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
31	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
32	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
33	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
34	Fields	Y	Liston	Y	Singer	Y	Young	Y
35							Speaker	N

36 Co-sponsor(s) added: Representative(s) Fischer, Hamner, Hullinghorst, Kerr A.,
37 Kerr J., Labuda, Levy, McCann, Schafer S., Singer, Todd, Vigil, Williams A.,
38 Young, Speaker.

39
40
41
42 **MESSAGE(S) FROM THE SENATE**

43
44 The Senate has adopted and transmits herewith: SJR12- 030.

45
46
47
48 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

49
50 On motion of Representative Stephens, the rules were suspended and the
51 following resolution was given immediate consideration.

52
53 **SJR12-030** by Senator(s) Morse, King S.; also Representative(s)
54 Barker--Concerning declaring the week of May 13 - 19,
55 2012, as Police Week, and, in connection therewith,
56 declaring May 15, 2012, as Peace Officers' Memorial Day.

1 (Printed and placed in member's file).

2

3 On motion of Representative Barker, the resolution was read in parts and
4 was **adopted by viva voce** vote.

5

6 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
7 Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram, Court,
8 DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Hamner,
9 Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda,
10 Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi, Murray,
11 Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S., Scott,
12 Singer, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger,
13 Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.

14

15 On motion of Representative Barker, SJR12-030 was printed in the House
16 Journal.

17

18 WHEREAS, The Congress and President of the United States have
19 designated May 15th as Peace Officers' Memorial Day and the week in
20 which it falls as Police Week; and

21

22 WHEREAS, The members of the law enforcement agencies within
23 the state of Colorado play an essential role in safeguarding the rights and
24 freedoms of the citizens of the state of Colorado; and

25

26 WHEREAS, It is important that all citizens of Colorado know and
27 understand the problems, duties, and responsibilities of their police
28 officers; and

29

30 WHEREAS, It is important that police officers throughout
31 Colorado recognize their duty to serve the people of this state by
32 safeguarding life and property, protecting citizens against violence,
33 disorder, and deception, and protecting the weak against oppression or
34 intimidation; and

35

36 WHEREAS, The law enforcement agencies within the state of
37 Colorado have grown to be modern and progressive agencies which
38 unceasingly provide a vital public service; and

39

40 WHEREAS, The following 250 peace officers made the ultimate sacrifice
41 while serving the state of Colorado:

42

43 In 1869: Robert A. Clark, Marshal of Blackhawk;

44

45 In 1872: Juan C. Tafoya of the Las Animas County S.O.;

46

47 In 1876: Charles Faber of Bent County S.O.;

48

49 In 1880: John Carville and Lauriston Stewart of the Leadville P.D.; and
50 Michael O'Neal of the Kokomo P.D.;

51

52 In 1881: D.G. "Clate" Ogsbury of the Silverton P.D.;

53

54 In 1882: Edward N. Campbell of Hinsdale County S.O.;

55

56 In 1883: James Bathurst of the Salida P.D.; and Baxter Stingley of the

- 1 Salida P.D.;
- 2
- 3 In 1888: Bill Thompson of the Las Animas County S.O.;
- 4
- 5 In 1889: John C. Phillips of the Denver P.D.;
- 6
- 7 In 1890: Charles F. Wanless of the Denver P.D.;
- 8
- 9 In 1891: Charles A. Hawley of the Denver P.D.;
- 10
- 11 In 1894: A.E. Cook, Marshal of Como; and John Myers of Gunnison
- 12 County S.O.;
- 13
- 14 In 1895: Charles Emerson of the Alamosa P.D.; Alpheus J. Moore of the
- 15 Denver P.D.; William Shea, Marshal of Victor; and John Solomon of the
- 16 Trinidad P.D.;
- 17
- 18 In 1896: Richard B. Williams of Gilpin County S.O.; William Green and
- 19 William Kelly of the Las Animas County S.O.; and Benjamin Bish of the
- 20 Colorado Springs P.D.;
- 21
- 22 In 1897: Joseph Simons of the Alamosa P.D.;
- 23
- 24 In 1898: Ernest Conrad and Sumner Whitney of Summit County S.O.;
- 25
- 26 In 1899: Edward Farr of Huerfano County S.O.; Thomas C. Clifford and
- 27 William E. Griffiths of the Denver P.D.;
- 28
- 29 In 1900: Stuart K. Harvey of the Denver P.D.;
- 30
- 31 In 1901: E.T. Clark of the Cripple Creek P.D.;
- 32
- 33 In 1903: Silas Martz and Elwin Slater of the Pueblo P.D.;
- 34
- 35 In 1904: W.E. Hammon of Gunnison County S.O.;
- 36
- 37 In 1905: Dr. Frank Dulin and William Bohanna of the Denver P.D.; and
- 38 Francisco Garcia of the Las Animas County S.O.;
- 39
- 40 In 1906: William J. Thompson of La Plata County S.O.; John Spellman
- 41 of the Denver P.D.; William Shellman of the Pueblo P.D.; Edward Innes
- 42 of Mesa County S.O.; and J. Horace Frisbie, Marshal of Lamar;
- 43
- 44 In 1907: Joseph Allen of the Fort Collins P.D.; and Joseph A. Walker of
- 45 the United States Secret Service;
- 46
- 47 In 1908: James Delmar Ellis of the Brighton P.D.; Antonio T. Shelby of
- 48 the Las Animas County S.O.; William H. Beck of the Denver P.D.; Albert
- 49 Smith of the Cripple Creek P.D.; and William P. Stephens of the Denver
- 50 P.D.;
- 51
- 52 In 1909: Alex Brighton of the Trinidad P.D.; Frederick Barner of the
- 53 Pueblo P.D.; and John Dunleavy of the Pueblo P.D.;
- 54
- 55 In 1910: Samuel C. Carpenter of the Denver P.D.; and John M. Rennix,
- 56 Marshal of New Castle;

- 1 In 1911: Jesse B. Craig, Sr. and Jacob A. Kipper of the Rocky Ford P.D.;
2 and Charles E. Brockman of the Fort Collins P.D.;
3
4 In 1912: William McPherson of the Denver P.D.;
5
6 In 1915: Frank Peak of the Loveland P.D.; and Victor Helburg of the
7 Louisville P.D.;
8
9 In 1916: William H. Cabler of the Denver P.D.; and Charles P. Eyser,
10 Marshal of Fort Morgan;
11
12 In 1918: John Rowan of the Colorado Springs P.D.; Luther McMahill of
13 the Denver P.D.; and William Wesley Green of the Pueblo County S.O.;
14
15 In 1919: Emerson L. McKinnon of the Denver P.D.; George C. Klein of
16 the Denver P.D.; and Jeff Evans of the Pueblo P.D.;
17
18 In 1920: James E. Boggio of the Denver P.D.; L.P. Bass of the Boulder
19 P.D.; William Stretcher of the Boulder County S.O.; Harvey Calvin Neese
20 of the Cripple Creek P.D.; and Addison O. Hinsdale, Jr. of the Pueblo
21 P.D.;
22
23 In 1921: William O. Steam of the Denver P.D.; Clarence E. Zietz and
24 Forrest Ross of the Denver P.D.; John Henry Lindamood of the Fountain
25 P.D.; Arthur J. Pinkerton of the Denver P.D.; and Clyde McDonald of the
26 Monte Vista P.D.;
27
28 In 1922: Blaine J. Wilson of Logan County S.O.; Eddie Bell of the
29 Colorado Rangers; and Richie Rose of the Denver P.D.;
30
31 In 1923: Leonard Higgins of Adams County S.O.; and Elmer E. Cobb of
32 the Boulder P.D.;
33
34 In 1924: Willis A. Davis of Delta County S.O.;
35
36 In 1925: James Shannon of the Denver P.D.; and Clyde L. Taylor of the
37 United States Treasury;
38
39 In 1927: Elmer I. Rich of the Denver P.D.; and Clem Eller of the Oak
40 Creek P.D.;
41
42 In 1928: Charles Pebley of the Delta P.D.; Harry R. Ohle of the Denver
43 P.D.; and Robert K. Evans of the Denver P.D.;
44
45 In 1929: Charles Edward Gibbs of the Routt County S.O.; and Clarence
46 W. Alston of the Denver P.D.;
47
48 In 1930: Coral A. Hickman of Kiowa County S.O.; William B. Justice of
49 Washington County S.O.; and Dale F. Kearney of the United States
50 Department of Justice;
51
52 In 1931: William Keating of the Denver P.D.;
53
54 In 1933: John F. Dea and George P. Schneider of the Denver P.D.;
55

- 1 In 1934: Adolpho Rodrigues of Costilla County S.O.; Thomas J.
2 O'Conner of the Denver P.D.; John J. O'Donnell and Clarence E. Fraker
3 of the Denver P.D.; and Chris J. Fahey of the Leadville P.D.;
4
- 5 In 1935: Alson E. McCasland of the Denver P.D.; W.W. Dunlap of
6 Montezuma County S.O.; and Lee S. Whitman of the Greeley P.D.;
7
- 8 In 1936: Pasquale Marinaro of the Denver P.D.;
9
- 10 In 1937: Forrest E. Sawyer of the Denver P.D.; and Oscar W. Meyer of
11 Eagle County S.O.;
12
- 13 In 1938: Jacob G. Benner of the Denver P.D.; Fidel Aguirre of Huerfano
14 County S.O.; and Fred Renovato of the Denver P.D.;
15
- 16 In 1939: Franklynn Dean of the Mancos P.D.;
17
- 18 In 1940: Morris Dolan of the Cripple Creek P.D.; Clarence B. Fugate of
19 Jefferson County S.O.; and Earl J. Bucher of Weld County S.O.;
20
- 21 In 1941: Arnold B. Gulzow of the Colorado State Patrol;
22
- 23 In 1945: Louis Box of the Rocky Ford P.D.; Benjamin L. Goorman of
24 Arapahoe County S.O.; and Virgil M. Hall of the Denver P.D.;
25
- 26 In 1946: Wallace M. McCarty of the Colorado State Patrol; and Raymond
27 B. Lewis of the Castle Rock P.D.;
28
- 29 In 1947: E. Clarence Martin of the Las Animas P.D.;
30
- 31 In 1949: Alvin Nelson of the Leadville P.D.; and H. M. Bechtelheimer of
32 the Colorado State Patrol;
33
- 34 In 1951: Wesley Rosette of the Colorado State Patrol;
35
- 36 In 1952: John Armour Stitt, Marshal of Paonia; Wesley A. McDonald and
37 James L. Jackson of Washington County S.O.;
38
- 39 In 1953: William A. Claassen of the Denver P.D.; Richard Ware of the
40 Evans P.D.; Guy Everett O'Neal of the Monte Vista P.D.; and Richard
41 Burchfield of the Colorado Springs P.D.;
42
- 43 In 1956: Floyd E. Gresham and Melvin E. Phillips of the Colorado State
44 Patrol;
45
- 46 In 1957: Richard J. Cahalan of the Colorado State Patrol;
47
- 48 In 1958: Donald J. Seick of the Denver P.D.; and Raymond J. McMaster
49 of the Boulder P.D.;
50
- 51 In 1959: Richard C. Edstrom of the Colorado State Patrol;
52
- 53 In 1960: Robert F. Jackson of Adams County S.O.;
54
55

- 1 In 1961: Merlin H. Koerner of Lincoln County S.O.; Hiram V. Short of
2 the Colorado State Patrol; John Clark of Eagle County S.O.; and Robert
3 G. Beghtol of the Arvada P.D.;
- 4
- 5 In 1962: Darrell J. Suer of the Denver P.D.; and Carl B. Knobbe of the
6 Denver P.D.;
- 7
- 8 In 1965: Paul L. Major of the Denver P.D.;
- 9
- 10 In 1966: Albert M. Alcorn and Nicholas A. Carhart of the Colorado State
11 Patrol;
- 12
- 13 In 1967: Gerald R. Williams of the Colorado State Patrol; and Vincent
14 Swiskoski of the Walsenburg P.D.;
- 15
- 16 In 1968: Larry B. Enloe of the Colorado State Patrol; James W. Mitchell
17 of Larimer County S.O.; and Paul D. Wilson of the Denver P.D.;
- 18
- 19 In 1971: Merle E. Nading of the Denver P.D.;
- 20
- 21 In 1972: James A. Chew of the Steamboat Springs P.D.;
- 22
- 23 In 1973: Rodolpho F. Sanchez of Costilla County S.O.; Danny R. Barnes
24 of Adams County S.O.; George G. Rosenbaugh of the Colorado State
25 Patrol; Stephen D. Hensley of the Delta P.D.; Gary D. Mills of the
26 Boulder P.D.; Thomas R. Carpenter of the Colorado State Patrol; Larry
27 Eugene Smith of Otero County S.O.; and Thomas M. Hanson of the
28 Pueblo P.D.;
- 29
- 30 In 1974: Richard P. Ross of the Colorado State Patrol; John Derek
31 Osborne of the Denver S.O.; and Gale E. Emerson of the Durango P.D.;
- 32
- 33 In 1975: William E. Smith of the Denver P.D.; Bernard Carter of the
34 Colorado Springs P.D.; Jack R. Coler of the Federal Bureau of
35 Investigation; Dennis Ives of the Colorado Springs P.D.; Donald L.
36 DeBruno of the Denver P.D.; Michael H. James of the Colorado State
37 Patrol; Donald R. Laabs of the Manitou Springs P.D.; and Harry Allen of
38 the Colorado Springs P.D.;
- 39
- 40 In 1976: Michael O. Conley of the Estes Park P.D.; W. Hugh Purdy of the
41 Colorado State Patrol; and Jameson M. Longworth of the Greeley P.D.;
- 42
- 43 In 1977: Dean L. McLaughlin of the Union Pacific Railroad Police; and
44 Larry E. Boles of the Union Pacific Railroad Police;
- 45
- 46 In 1978: Wayne G. Bryant of Douglas County S.O.; and Virgil Mason of
47 San Juan County S.O.;
- 48
- 49 In 1979: Robert C. Watson of Larimer County S.O.; Frances I. Galvin of
50 the Colorado State Patrol; and Walter M. Northey of the Arvada P.D.;
- 51
- 52 In 1980: Perry S. Watkins of the United States Secret Service; Augustus
53 J. Perreira of the Colorado Springs P.D.; Perry Messina of the Federal
54 Heights P.D.; and James K. Farris of the Colorado State Patrol;
- 55

- 1 In 1981: Eugene E. Kiefer of Clear Creek County S.O.; Kathleen Garcia
2 of the Denver P.D.; Debra Sue Corr of the Aurora P.D.; Frank McAteer
3 of La Plata County S.O.; and Leroy Talbert of the Denver P.D.;
- 4
5 In 1982: Richard E. Hart of the Firestone P.D.; Mark L. Dabling of the
6 Colorado Springs P.D.; and Fredrick C. Rehmer of the Fort Morgan P.D.;
- 7
8 In 1983: Larry F. McMaster of the Montrose P.D.;
- 9
10 In 1984: Edgar B. Rains, Jr. of the Northglenn P.D.; and Clifton
11 Browning, Jr. of the Federal Bureau of Investigation;
- 12
13 In 1985: Thomas J. Dietzman, Jr. of the Aurora P.D.;
- 14
15 In 1986: William J. Truesdale of Jefferson County S.O.; and Patrick J.
16 Pollock of the Denver P.D.;
- 17
18 In 1987: James E. Wier of the Denver P.D.; Stephen P. Miller of
19 Jefferson County S.O.; Daniel R. Stillwell of the Denver S.O.; Edward J.
20 Hockom of the Aurora P.D.; and Charles A. Fry of the Colorado State
21 Patrol;
- 22
23 In 1988: Robert W. Wallis of the Denver P.D.; and Dale R. McLaughlin
24 of Adams County S.O.;
- 25
26 In 1989: Joseph A. Ynostroza of the Colorado State Patrol;
- 27
28 In 1992: Hugh A. Martin of El Paso County S.O.; and Lyle F. Wohlers of
29 the Colorado State Patrol;
- 30
31 In 1993: Norman Anthony Silva II of the Denver S.O.; and Roland O.
32 Lackey of Arapahoe County S.O.;
- 33
34 In 1994: Beth Haynes of the Boulder P.D.; and Roger D. Coursey of
35 Hinsdale County S.O.;
- 36
37 In 1995: Shawn J. Leinen of the Denver P.D.; Timothy M. Mossbrucker
38 of Jefferson County S.O.; Ronald R. Beatty of Larimer County S.O.; and
39 Brent A. Holloway of Teller County S.O.;
- 40
41 In 1996: Trevor R. Staszak of the Buena Vista P.D.;
- 42
43 In 1997: Ronald L. DeHerrera of the Denver P.D.; and Bruce L.
44 VanderJagt of the Denver P.D.;
- 45
46 In 1998: Dale Claxton of the Cortez P.D.;
- 47
48 In 1999: Ronald M. King of Douglas County S.O.;
- 49
50 In 2000: Dennis M. Licata of the Denver P.D.;
- 51
52 In 2001: Jason L. Manspeaker of the Colorado State Patrol; Ryan
53 Cunningham of the Vail P.D.; Daniel C. Dalley of the Fruita P.D.; Phillip
54 Keith Mason of the Colorado Division of Wildlife; and Jason Scott
55 Schwartz of Fremont County S.O.;
- 56

1 In 2002: James Olterman of the Colorado Division of Wildlife;
2
3 In 2004: Travis W. Sass of Larimer County S.O.;
4
5 In 2005: Donald Young II of the Denver P.D.; Jeffrey A. Christensen of
6 the National Park Service; and Greg R. Boss of the United States Postal
7 Service;
8
9 In 2006: Jared Jensen of the Colorado Springs P.D.; Michael D. Thomas
10 of the Aurora P.D.; and Kenneth C. Jordan of the Colorado Springs P.D.;
11
12 In 2007: Douglass D. Byrne of the Aurora P.D.; and Zachariah E.
13 Templeton of the Colorado State Patrol;
14
15 In 2008: Nicholas Heine of the Pueblo P.D.;
16
17 In 2009: David J. Kinterknecht of the Montrose P.D.;
18
19 In 2010: Samuel K. Brownlee of the Weld County S.O.;
20
21 In 2011: Jay Sheridan of the Limon P.D.; and David Roberts of the
22 Denver P.D.; and
23

24 WHEREAS, It is fitting and appropriate for the citizens of
25 Colorado to join together in commemorating peace officers, past and
26 present, who by their faithful and loyal devotion to their responsibilities
27 have rendered a dedicated service to their community and, in doing so,
28 have established for themselves an enviable and enduring reputation for
29 preserving the rights and security of all citizens; now, therefore,
30

31 *Be It Resolved by the Senate of the Sixty-eighth General Assembly*
32 *of the State of Colorado, the House of Representatives concurring*
33 *Herein:*
34

35 (1) That we, the members of the General Assembly, hereby
36 proclaim the week commencing May 13, 2012, as Police Week in
37 Colorado in recognition of peace officers' efforts in safeguarding the
38 citizens of Colorado and call upon all citizens of the state and upon all
39 patriotic, civic, and educational organizations to observe Police Week.
40

41 (2) That we, the members of the General Assembly, hereby
42 proclaim the day of May 15, 2012, as Peace Officers' Memorial Day in
43 recognition of those officers who, through their courageous deeds, have
44 made the supreme sacrifice or who have been disabled in the line of duty,
45 and call upon the citizens of Colorado to recognize and participate in the
46 observance of this worthy occasion.
47

48 *Be It Further Resolved*, That copies of this Joint Resolution be sent
49 to John Hickenlooper, Governor of Colorado; Kelly Young, President of
50 the Colorado chapter of Concerns of Police Survivors, Inc.; Mariah
51 Hughes, Chief Executive Officer of Concerns of Police Survivors, Inc.;
52 Fred Wegener, Chairman of the Colorado Law Enforcement Memorial;
53 Chief Robert C. White of the Denver Police Department; Chief Lynn
54 Yowell of the Limon Police Department; Frank Gale, President of the
55 Fraternal Order of Police, Colorado State Lodge; Officer Mike
56 Morehouse of the Thornton Police Department; James H. Davis,

1 Executive Director of the Colorado Department of Public Safety; Colonel
 2 James M. Wolfenbarger, Chief of the Colorado State Patrol; Karen M.
 3 Renshaw, Executive Director of the Colorado Association of Chiefs of
 4 Police; Christopher H. Olson, Executive Director of County Sheriffs of
 5 Colorado, Inc.; and Ronald C. Sloan, Director of the Colorado Bureau of
 6 Investigation.

7
 8
 9 House in recess. House reconvened.
 10

11
 12
 13 **CONSIDERATION OF RESOLUTION(S)**

14
 15 **HJR12-1019** by Representative(s) Murray; also Senator(s) Scheffel--
 16 Concerning urging Congress to propose to the states for
 17 ratification an amendment to the United States
 18 Constitution regarding parental rights.

19
 20 (Printed and placed in members' file)

21
 22 On motion of Representative Murray, the resolution was read at length
 23 and **adopted** by the following roll call vote:

	YES	34	NO	31	EXCUSED	0	ABSENT	0
26	Acree	Y	Fischer	N	Looper	Y	Solano	N
27	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
28	Barker	Y	Gerou	Y	McCann	N	Soper	N
29	Baumgardner	Y	Hamner	N	McKinley	Y	Stephens	Y
30	Becker	Y	Holbert	Y	Miklosi	N	Summers	Y
31	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
32	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
33	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
34	Casso	N	Kagan	N	Pace	N	Todd	N
35	Conti	Y	Kefalas	N	Peniston	N	Tyler	N
36	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
37	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	N
38	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y
39	Duran	N	Lee	N	Schafer S.	N	Williams A.	N
40	Ferrandino	N	Levy	N	Scott	Y	Wilson	N
41	Fields	N	Liston	Y	Singer	N	Young	N
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Acree, Balmer, Barker, Baumgardner,
 44 Becker, Beezley, Bradford, Brown, Conti, Coram, DelGrosso, Gerou, Holbert,
 45 Joshi, Kerr J., Liston, Looper, Massey, McKinley, Nikkel, Priola, Ramirez,
 46 Scott, Sonnenberg, Stephens, Summers, Swalm, Szabo, Vaad, Waller, Speaker.

47
 48
 49
 50 **THIRD READING OF BILL(S)--FINAL PASSAGE**
 51 (continued)

52
 53 **HB12-1218** by Representative(s) Peniston, Massey, Hamner, Solano;
 54 also Senator(s) Hudak, King K., Hodge, Steadman,
 55 Williams S.--Concerning extending the early childhood
 56 and school readiness legislative commission.

1 The question being "Shall the bill pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the bill
 4 was declared **passed**.

	YES	38	NO	27	EXCUSED	0	ABSENT	0
7	Acree	Y	Fischer	Y	Looper	N	Solano	Y
8	Balmer	N	Gardner B.	N	Massey	Y	Sonnenberg	N
9	Barker	N	Gerou	Y	McCann	Y	Soper	Y
10	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	N
11	Becker	Y	Holbert	N	Miklosi	Y	Summers	N
12	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
13	Bradford	Y	Jones	Y	Nikkel	N	Swerdfeger	N
14	Brown	N	Joshi	N	Pabon	Y	Szabo	N
15	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
16	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
17	Coram	N	Kerr A.	Y	Priola	N	Vaad	Y
18	Court	Y	Kerr J.	N	Ramirez	Y	Vigil	Y
19	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	N
20	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
21	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
22	Fields	Y	Liston	N	Singer	N	Young	Y
23							Speaker	N

24 Co-sponsor(s) added: Representative(s) Casso, Duran, Ferrandino, Fields,
 25 Fischer, Kerr A., Labuda, Pabon, Pace, Ryden, Schafer S., Todd, Vigil, Young.

26
 27 **HB12-1223** by Representative(s) Levy, Becker, Gerou; also Senator(s)
 28 Steadman, Hodge, Lambert--Concerning earned time for
 29 inmates, and, in connection therewith, making and
 30 reducing appropriations.

31
 32 The question being "Shall the bill pass?".
 33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative and the bill
 35 was declared **passed**.

	YES	40	NO	25	EXCUSED	0	ABSENT	0
38	Acree	N	Fischer	Y	Looper	N	Solano	Y
39	Balmer	N	Gardner B.	N	Massey	Y	Sonnenberg	N
40	Barker	N	Gerou	Y	McCann	Y	Soper	Y
41	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	N
42	Becker	Y	Holbert	N	Miklosi	Y	Summers	Y
43	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
44	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
45	Brown	N	Joshi	N	Pabon	Y	Szabo	N
46	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
47	Conti	Y	Kefalas	Y	Peniston	N	Tyler	Y
48	Coram	N	Kerr A.	Y	Priola	N	Vaad	Y
49	Court	Y	Kerr J.	N	Ramirez	N	Vigil	Y
50	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	N
51	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
52	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
53	Fields	N	Liston	N	Singer	Y	Young	Y
54							Speaker	N

55 Co-sponsor(s) added: Representative(s) Kerr A., Labuda, Wilson.

56

1 **HB12-1273** by Representative(s) Pabon, Conti, McCann, Swerdfeger;
 2 also Senator(s) Steadman--Concerning the inclusion of
 3 approved facility schools affiliated with a hospital to the
 4 definition of child care facility for purposes of the child
 5 care contribution income tax credit.

6
 7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared **passed**.

	YES	56	NO	9	EXCUSED	0	ABSENT	0
13	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
14	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
15	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
16	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	Y
17	Becker	N	Holbert	N	Miklosi	Y	Summers	Y
18	Beezley	N	Hullinghorst	Y	Murray	Y	Swalm	N
19	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
20	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
21	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
22	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
23	Coram	N	Kerr A.	Y	Priola	N	Vaad	Y
24	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
25	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
26	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
27	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
28	Fields	Y	Liston	Y	Singer	Y	Young	Y
29							Speaker	Y

30 Co-sponsor(s) added: Representative(s) Fischer, Hullinghorst, Labuda, Vigil,
 31 Young.

32
 33 **HB12-1330** by Representative(s) Becker, Priola, Sonnenberg; also
 34 Senator(s) Hodge--Concerning the creation of a hearing
 35 process to end a suspension of privileges to attempt to take
 36 wildlife, and, in connection therewith, making an
 37 appropriation.

38
 39 The question being "Shall the bill pass?".
 40 A roll call vote was taken. As shown by the following recorded vote, a
 41 majority of those elected to the House voted in the affirmative and the bill
 42 was declared **passed**.

	YES	64	NO	1	EXCUSED	0	ABSENT	0
45	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
46	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
47	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
48	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
49	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
50	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
51	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
52	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
53	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
54	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
55	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
56	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y

1	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
2	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
3	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
4	Fields	Y	Liston	Y	Singer	Y	Young	Y
5							Speaker	Y

6 Co-sponsor(s) added: Representative(s) Brown, Coram, Looper.

7
8 **SB12-010** by Senator(s) Hodge; also Representative(s) Ferrandino--
9 Concerning the authority of the department of public
10 safety to use grants and donations for the purpose of
11 funding the activities of the Colorado bureau of
12 investigation.

13
14 The question being "Shall the bill pass?".

15 A roll call vote was taken. As shown by the following recorded vote, a
16 majority of those elected to the House voted in the affirmative and the bill
17 was declared **passed**.

18	YES	36	NO	29	EXCUSED	0	ABSENT	0
19	Acree	N	Fischer	Y	Looper	N	Solano	Y
20	Balmer	N	Gardner B.	N	Massey	Y	Sonnenberg	N
21	Barker	N	Gerou	Y	McCann	Y	Soper	Y
22	Baumgardner	N	Hamner	Y	McKinley	N	Stephens	N
23	Becker	N	Holbert	N	Miklosi	Y	Summers	N
24	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
25	Bradford	N	Jones	Y	Nikkel	N	Swerdfeger	Y
26	Brown	Y	Joshi	N	Pabon	Y	Szabo	N
27	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
28	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
29	Coram	N	Kerr A.	Y	Priola	N	Vaad	N
30	Court	Y	Kerr J.	N	Ramirez	Y	Vigil	Y
31	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	N
32	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
33	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
34	Fields	Y	Liston	N	Singer	Y	Young	Y
35							Speaker	N

36
37 Co-sponsor(s) added: Representative(s) Fields, Labuda, Schafer S.

38
39 **SB12-145** by Senator(s) Steadman, Hodge, Lambert; also
40 Representative(s) Becker, Gerou, Levy--Concerning a cap
41 on the 2011-12 state fiscal year transfers to the state public
42 school fund from public school land moneys.

43
44 The question being "Shall the bill pass?".

45 A roll call vote was taken. As shown by the following recorded vote, a
46 majority of those elected to the House voted in the affirmative and the bill
47 was declared **passed**.

48	YES	64	NO	1	EXCUSED	0	ABSENT	0
49	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
50	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
51	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
52	Baumgardner	Y	Hamner	Y	McKinley	N	Stephens	Y
53	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
54	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
55	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y

1	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
2	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
3	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
4	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
5	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
6	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
7	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
8	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
9	Fields	Y	Liston	Y	Singer	Y	Young	Y
10							Speaker	Y

11
12 **HB12-1136** by Representative(s) Ramirez; also Senator(s) Roberts--
13 Concerning a prohibition on the use of public land for
14 retail sales.

15
16 The question being "Shall the bill pass?".

17 A roll call vote was taken. As shown by the following recorded vote, a
18 majority of those elected to the House voted in the affirmative and the bill
19 was declared **passed**.

20								
21	YES	37	NO	28	EXCUSED	0	ABSENT	0
22	Acree	Y	Fischer	N	Looper	Y	Solano	N
23	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
24	Barker	Y	Gerou	Y	McCann	N	Soper	Y
25	Baumgardner	Y	Hamner	N	McKinley	Y	Stephens	Y
26	Becker	Y	Holbert	Y	Miklosi	N	Summers	Y
27	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
28	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
29	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
30	Casso	Y	Kagan	N	Pace	N	Todd	N
31	Conti	Y	Kefalas	N	Peniston	N	Tyler	N
32	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
33	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	N
34	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y
35	Duran	N	Lee	N	Schafer S.	N	Williams A.	N
36	Ferrandino	N	Levy	N	Scott	Y	Wilson	N
37	Fields	N	Liston	Y	Singer	Y	Young	N
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Barker, Coram, Liston, Looper.

40
41
42
43
44 On motion of Representative Stephens, **HB12-1333, 1155, 1329,**
45 **SB12-060, 123, 150, 168, 121, 160** were made Special Orders on
46 Wednesday, April 25, 2012, at 10:55 a.m.

47
48
49 The hour of 10:55 a.m., having arrived, on motion of Representative
50 Vaad, the House resolved itself into Committee of the Whole for
51 consideration of Special Orders and he was called to the Chair to act as
52 Chairman.

53
54
55
56

SPECIAL ORDERS--SECOND READING OF BILLS

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The Committee of the Whole having risen, the Chairman reported the titles of the following bills had been read (reading at length had been dispensed with by unanimous consent), the bills considered and action taken thereon as follows:

(Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.)

HB12-1333 by Representative(s) Becker, Beezley, Coram, Kerr J., Priola--Concerning public school employees' participation in labor organizations.

Amendment No. 1, Education Report, dated April 23, 2012, and placed in member's bill file; Report also printed in House Journal, April 24, page 1107.

Amendment No. 2, by Representative(s) Becker.

Amend Education committee report, dated April 23, 2012, strike lines 1 through 3 and substitute:

"Amend printed bill, page 2, strike lines 21 through 23.

Page 2, line 24, strike "(b)" and substitute "(2) (a)".

Reletter succeeding paragraphs accordingly.

Page 3, line 1, strike "ORGANIZATION" and substitute "UNION".

Page 3, line 7, strike "ORGANIZATION'S" and substitute "UNION'S".

Page 3, line 15, strike "ORGANIZATION" and substitute "UNION".

Page 3, line 17, strike "ORGANIZATION" and substitute "UNION".

As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.

HB12-1155 by Representative(s) Massey, Fields, Hamner; also Senator(s) Bacon--Concerning measures to increase the timely completion of postsecondary degrees.

Amendment No. 1, Education Report, dated March 14, 2012, and placed in member's bill file; Report also printed in House Journal, March 15, pages 670-671.

Amendment No. 2, Appropriations Report, dated April 20, 2012, and placed in member's bill file; Report also printed in House Journal, April 23, pages 1082-1083.

Amendment No. 3, by Representative(s) Massey.

Amend printed bill, page 10, line 25, strike "COURSES" and substitute "COURSES".

1 Page 10, strike line 26.

2

3 Page 17, after line 12, insert:

4

5 **"SECTION 8.** In Colorado Revised Statutes, 23-41-104.6, **amend**
6 (3) introductory portion, (4) (b), and (4) (c) as follows:

7 **23-41-104.6. Performance contract - authorization -**
8 **operations.** (3) Beginning July 1, 2001, for the contract in effect through
9 November 30, ~~2012~~ 2013, and beginning December 1, ~~2012~~ 2013, for the
10 contract in effect through November 30, ~~2022~~ 2023, the board of trustees
11 of the Colorado school of mines shall negotiate a performance contract
12 with the department of higher education, subject to approval by the
13 Colorado commission on higher education, that shall specify the
14 performance goals that the institution shall achieve during the period that
15 it operates under the performance contract. The specified goals shall be
16 measurable and specific to the Colorado school of mines' role and mission
17 and shall include, at a minimum, the goals negotiated for the institution
18 pursuant to sections 23-1-108 (1.5) (f) and ~~23-5-129~~ and the following
19 issues:

20 (4) (b) As early as possible during the 2002 regular session and as
21 early as possible during the ~~2012~~ 2013 regular session, the Colorado
22 commission on higher education shall present the finalized performance
23 contract for the applicable contract period at a joint session of the
24 education committees of the senate and the house of representatives, or
25 any successor committees, and the joint budget committee of the general
26 assembly. The members of the education committees and the members of
27 the joint budget committee shall review the financial effect of the
28 provisions of the contract with regard to funding for the Colorado school
29 of mines or funding for the statewide system of higher education and may
30 recommend changes to the terms of the performance contract or
31 renegotiation of the performance contract. If a majority of the members
32 of the education committees and the members of the joint budget
33 committee approve the terms of the performance contract, the chairmen
34 of the education committees, in cooperation with the joint budget
35 committee, shall sponsor a joint resolution to recognize and approve the
36 performance contract. The performance contract shall be deemed
37 approved upon final passage of said joint resolution.

38 (c) The school of mines shall operate pursuant to the performance
39 contract that is approved by joint resolution passed during the 2002
40 regular session beginning on the date the performance contract is
41 approved and continuing through November 30, ~~2012~~ 2013. The school
42 of mines shall operate pursuant to the performance contract that is
43 approved by joint resolution passed during the ~~2012~~ 2013 regular session
44 beginning on December 1, ~~2012~~ 2013, and continuing through November
45 30, ~~2022~~ 2023.

46 **SECTION 9.** In Colorado Revised Statutes, 23-1-125, **amend** (3)
47 as follows:

48 **23-1-125. Commission directive - student bill of rights - degree**
49 **requirements - implementation of core courses - competency test.**
50 (3) **Core courses.** The department, in consultation with each Colorado
51 public institution of higher education, is directed to outline a plan to
52 implement a core course concept that defines the general education course
53 guidelines for all public institutions of higher education. The core of
54 courses shall be designed to ensure that students demonstrate competency
55 in reading, critical thinking, written communication, mathematics, and
56 technology. The core of courses shall consist of at least thirty credit

1 hours, but shall not exceed forty credit hours. Individual institutions of
2 higher education shall conform their own core course requirements with
3 the guidelines developed by the department and shall identify the specific
4 courses that meet the general education course guidelines. Any such
5 guidelines developed by the department shall be submitted to the
6 commission for its approval. IN CREATING AND ADOPTING THE
7 GUIDELINES, THE DEPARTMENT AND THE COMMISSION MAY MAKE
8 ALLOWANCES FOR BACCALAUREATE PROGRAMS THAT HAVE ADDITIONAL
9 DEGREE REQUIREMENTS RECOGNIZED BY THE COMMISSION. If a statewide
10 matrix of core courses is adopted by the commission, the courses
11 identified by the individual institutions as meeting the general education
12 course guidelines shall be included in the matrix. The commission shall
13 adopt such policies to ensure that institutions develop the most effective
14 way to implement the transferability of core course credits."

15
16 Renumber succeeding section accordingly.

17
18 Amendment No. 4, by Representative(s) Massey.

19
20 Amend Amendment No.3, by Representative Massey as printed in House
21 Journal, page 1130, line 7, strike "COMMISSION" and substitute
22 "COMMISSION, IN COLLABORATION WITH THE PUBLIC INSTITUTIONS OF
23 HIGHER EDUCATION,".

24
25 As amended, ordered engrossed and placed on the Calendar for Third
26 Reading and Final Passage.

27
28 **SB12-060** by Senator(s) Roberts; also Representative(s) Gerou--
29 Concerning improving medicaid fraud prosecution, and, in
30 connection therewith, making and reducing appropriations.

31
32 Ordered revised and placed on the Calendar for Third Reading and Final
33 Passage.

34
35 **SB12-123** by Senator(s) Renfroe, Brophy, Cadman, Grantham,
36 Harvey, King K., King S., Lambert, Lundberg, Mitchell,
37 Neville, Roberts, Scheffel, Steadman, White; also
38 Representative(s) Brown--Concerning the secretary of
39 state's on-line business filing system, and, in connection
40 therewith, authorizing enhancements to the system, the
41 designation of commercial registered agents, and changes
42 to a reporting entity's anniversary month and making an
43 appropriation.

44
45 Ordered revised and placed on the Calendar for Third Reading and Final
46 Passage.

47
48 **SB12-150** by Senator(s) Schwartz, Bacon, Renfroe; also
49 Representative(s) Sonnenberg, Brown, Vigil--Concerning
50 the state treasurer's authority to manage state public
51 financing, and, in connection therewith, reducing an
52 appropriation.

53
54 Ordered revised and placed on the Calendar for Third Reading and Final
55 Passage.

56

1 **SB12-168** by Senator(s) Steadman, Hodge, Lambert; also
 2 Representative(s) Gerou, Becker, Levy--Concerning a
 3 trigger related to general fund obligations created in
 4 Senate Bill 09-228.

5
 6 Ordered revised and placed on the Calendar for Third Reading and Final
 7 Passage.

8
 9 **SB12-121** by Senator(s) King K.; also Representative(s) Massey--
 10 Concerning charter schools.

11
 12 Ordered revised and placed on the Calendar for Third Reading and Final
 13 Passage.

14
 15 **SB12-160** by Senator(s) Hudak; also Representative(s) Duran--
 16 Concerning parent involvement in public education
 17 advisory committees.

18
 19 Ordered revised and placed on the Calendar for Third Reading and Final
 20 Passage.

21
 22 **HB12-1329** by Representative(s) Scott and Pabon, Sonnenberg,
 23 Looper, Barker, Nikkel, Liston, Kerr J., Stephens, Vaad--
 24 Concerning the county treasurer becoming the public
 25 trustee in certain counties where the public trustee is
 26 currently appointed by the governor.

27
 28 Amendment No. 1, Local Government Report, dated April 23, 2012, and
 29 placed in member's bill file; Report also printed in House Journal,
 30 April 24, page 1108.

31
 32 Amendment No. 2, by Representative(s) Scott.

33
 34 Amend the Local Government Committee Report, dated April 23, 2012,
 35 page 1, strike lines 16 through 20 and substitute:

36
 37 "(7) THE OFFICE OF THE PUBLIC TRUSTEE IS SUBJECT TO ANNUAL
 38 AUDIT PURSUANT TO THE "COLORADO LOCAL GOVERNMENT AUDIT LAW",
 39 PART 6 OF ARTICLE 1 OF TITLE 29, C.R.S.; EXCEPT THAT THE OFFICE OF THE
 40 PUBLIC TRUSTEE OF ANY TRUSTEE WHO IS APPOINTED BY THE GOVERNOR
 41 SHALL INSTEAD BE SUBJECT TO AN INDIVIDUAL ANNUAL AUDIT PURSUANT
 42 TO SECTION 29-1-603 (1.5), C.R.S."

43
 44 Page 2 of the report, line 6, strike "RULES." and substitute:

45
 46 "RULES.

47 **SECTION 2.** In Colorado Revised Statutes, 29-1-603, **add** (1.5)
 48 as follows:

49 **29-1-603. Audits required.** (1.5) NOTWITHSTANDING THE
 50 PROVISIONS OF THIS PART 6, BEGINNING JANUARY 1, 2013, THE OFFICE OF
 51 THE COUNTY PUBLIC TRUSTEE OF ANY TRUSTEE WHO IS APPOINTED BY THE
 52 GOVERNOR PURSUANT TO SECTION 38-37-102 (1), C.R.S., SHALL CAUSE TO
 53 BE MADE AN ANNUAL AUDIT OF THE FINANCIAL ACTIVITIES OF THE OFFICE
 54 OF THE PUBLIC TRUSTEE THAT IS SEPARATE FROM THE AUDIT MADE
 55 PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND SUCH OFFICES OF THE
 56 PUBLIC TRUSTEE NEED NOT BE INCLUDED IN THE COUNTY AUDIT MADE

1 PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE OFFICE OF THE
 2 COUNTY PUBLIC TRUSTEE OF ANY TRUSTEE WHO IS THE COUNTY
 3 TREASURER PURSUANT TO SECTION 38-37-102 (2), C.R.S., SHALL
 4 CONTINUE TO BE INCLUDED IN THE COUNTY AUDIT MADE PURSUANT TO
 5 SUBSECTION (1) OF THIS SECTION."

6

7 Page 2 of the report, line 8, strike "2." and substitute "3."

8

9 As amended, ordered engrossed and placed on the Calendar for Third
 10 Reading and Final Passage.

11

12

13

14

AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT

15

16 Representative Solano moved to amend the Report of the Committee of
 17 the Whole to reverse the action taken by the Committee in adopting
 18 HB12-1333, to show that **HB12-1333**, as amended, lost.

19

20 The amendment was declared **lost** by the following roll call vote:

21

22

	YES	32	NO	33	EXCUSED	0	ABSENT	0
23	Acree	N	Fischer	Y	Looper	N	Solano	Y
24	Balmer	N	Gardner B.	N	Massey	N	Sonnenberg	N
25	Barker	N	Gerou	N	McCann	Y	Soper	Y
26	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	N
27	Becker	N	Holbert	N	Miklosi	Y	Summers	N
28	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
29	Bradford	N	Jones	Y	Nikkel	N	Swerdfeger	N
30	Brown	N	Joshi	N	Pabon	Y	Szabo	N
31	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
32	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
33	Coram	N	Kerr A.	Y	Priola	N	Vaad	N
34	Court	Y	Kerr J.	N	Ramirez	N	Vigil	Y
35	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	N
36	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
37	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
38	Fields	Y	Liston	N	Singer	Y	Young	Y
39							Speaker	N

40

41

42

43

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

44

45 Passed Second Reading: **HB12-1333 amended, 1155 amended,**
 46 **SB12-060, 123, 150, 168, 121, 160, HB12-1329 amended.**

47

48 The Chairman moved the adoption of the Committee of the Whole
 49 Report. As shown by the following roll call vote, a majority of those
 50 elected to the House voted in the affirmative, and the Report was
 51 **adopted.**

52

53

	YES	65	NO	0	EXCUSED	0	ABSENT	0
54	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
55	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
56	Barker	Y	Gerou	Y	McCann	Y	Soper	Y

1	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
2	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
3	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
4	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
5	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
6	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
7	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
8	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
9	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
10	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
11	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
12	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
13	Fields	Y	Liston	Y	Singer	Y	Young	Y
14							Speaker	Y

15
16
17
18
19 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

20
21 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

22 After consideration on the merits, the Committee recommends the
23 following:

24
25 **This CORRECTED COMMITTEE REPORT replaces the house**
26 **committee report dated April 24, 2012 (as printed in the House**
27 **Journal pages 1104-1106).**

28
29 **HB12-1278** be amended as follows, and as so amended, be re-referred
30 to the Committee on Appropriations with favorable
31 recommendation:

32
33 Amend printed bill, strike everything below the enacting clause and
34 substitute:

35
36 **"SECTION 1. Legislative declaration.** (1) The general
37 assembly hereby declares that:

38 (a) In 1966, the general assembly commissioned a study of the
39 interaction between the South Platte alluvial aquifer and the surface flows
40 in the South Platte river. The general assembly considered this study in
41 passing the "Water Right Determination and Administration Act of
42 1969", article 92 of title 37, Colorado Revised Statutes, and augmentation
43 plans authorized by the 1969 act are operating on a large scale in the
44 South Platte river basin. Many scientific and technological advances have
45 occurred since the study was completed in 1968, yet no comprehensive
46 study has been conducted since then regarding the impact of alluvial
47 groundwater usage on the South Platte river or the relative success of
48 augmentation plans authorized by the 1969 act in protecting senior
49 surface water diverters and maximizing the use of both groundwater and
50 surface waters of the state. The general assembly finds that the South
51 Platte alluvial aquifer plays a critical role in the state's economy, that
52 development of this aquifer is and will continue to be an important water
53 supply source, and that it is appropriate at this time to engage in an
54 additional study on these matters.

55 (b) Groundwater levels in some areas of the South Platte river
56 alluvium have risen since 2005 to unprecedented high levels and have

1 caused damaging conditions, including crop damage, decreased soil
2 productivity, salt accumulation in soils, deterioration of water quality,
3 failures of wastewater systems and infrastructure, damage to residential
4 and commercial property, increased nonbeneficial consumptive use by
5 phreatophytes, water waste, and significant outflow to Nebraska; and
6 (c) Because of the critical roles that the South Platte river and its
7 alluvial aquifer play in supporting the state's economy, the Colorado
8 water conservation board, beginning in 2012 and in consultation with the
9 state engineer and the Colorado water institute, must conduct
10 comprehensive studies of the available historical hydrologic data through
11 water year 2011 to evaluate the effectiveness of the "Water Right
12 Determination and Administration Act of 1969" in achieving the dual
13 goals of protecting senior water rights and maximizing the beneficial use
14 of both surface waters and groundwaters of the state.

15 **SECTION 2.** In Colorado Revised Statutes, 37-60-115, **add** (7)
16 as follows:

17 **37-60-115. Water studies - rules - repeal. (7) South Platte**
18 **river alluvial aquifer study - study authorized.** (a) THE BOARD SHALL,
19 IN CONSULTATION WITH THE STATE ENGINEER AND THE COLORADO WATER
20 INSTITUTE, ESTABLISHED IN SECTION 23-31-801, C.R.S., AND ALSO
21 REFERRED TO IN THIS SECTION AS THE "INSTITUTE", CONDUCT A
22 COMPREHENSIVE STUDY TO COMPILE AND EVALUATE AVAILABLE
23 HISTORICAL HYDROLOGIC DATA THROUGH WATER YEAR 2011. THE
24 STUDY'S OBJECTIVES ARE:

25 (I) TO EVALUATE WHETHER CURRENT LAWS AND RULES THAT
26 GUIDE WATER ADMINISTRATION IN THE SOUTH PLATTE RIVER BASIN
27 ACHIEVE THE DUAL GOALS OF PROTECTING SENIOR WATER RIGHTS AND
28 MAXIMIZING THE BENEFICIAL USE OF BOTH SURFACE WATER AND
29 GROUNDWATER WITHIN THE BASIN;

30 (II) TO IDENTIFY AND DELINEATE AREAS WITHIN THE BASIN
31 ADVERSELY IMPACTED BY HIGH GROUNDWATER LEVELS AND TO CONDUCT
32 A FEASIBILITY-LEVEL EVALUATION OF THE CAUSES OF HIGH
33 GROUNDWATER LEVELS IN THE AFFECTED AREAS;

34 (III) TO PROVIDE INFORMATION TO USE AS A BASIS FOR
35 IMPLEMENTATION OF MEASURES TO MITIGATE ADVERSE IMPACTS IN AREAS
36 EXPERIENCING HIGH GROUNDWATER LEVELS; AND

37 (IV) TO PROVIDE INFORMATION TO THE GENERAL ASSEMBLY, THE
38 BOARD, AND THE STATE ENGINEER TO FACILITATE THE LONG-TERM
39 SUSTAINABLE USE OF SOUTH PLATTE WATER SUPPLIES.

40 (b) THE BOARD SHALL ENTER INTO A CONTRACT WITH THE
41 INSTITUTE, USING EXISTING PROCUREMENT MECHANISMS AND
42 AGREEMENTS BETWEEN THE BOARD AND THE INSTITUTE, TO CONDUCT,
43 OVERSEE, AND COORDINATE ALL ASPECTS OF THE STUDY. THE BOARD
44 SHALL FUND THE STUDY FROM EXISTING RESEARCH RESOURCES AT LEVELS
45 AGREED TO BETWEEN THE BOARD AND THE INSTITUTE.

46 (c) THE INSTITUTE SHALL CONDUCT THE STUDY INDEPENDENTLY
47 USING RELEVANT, AVAILABLE, CURRENT, AND HISTORICAL HYDROLOGIC
48 DATA AND DOCUMENTS. THE STUDY IS RESTRICTED TO WATER USE IN
49 WATER DISTRICTS 1, 2, AND 64 WITHIN WATER DIVISION 1. IN CONDUCTING
50 THE STUDY, THE INSTITUTE SHALL CONSIDER THE IMPACTS OF ALL WATER
51 RIGHTS AND INTERSTATE OBLIGATIONS IN WATER DIVISION 1 AND SHALL
52 INVESTIGATE, COMPILE, AND EVALUATE HYDROLOGIC VARIABLES AND
53 FACTORS, INCLUDING:

54 (I) THE NUMBER AND LOCATION OF ALLUVIAL WELLS THAT ARE
55 CURRENTLY WITHDRAWING GROUNDWATER;

56 (II) THE NUMBER AND LOCATION OF ALLUVIAL WELLS THAT ARE

- 1 CURRENTLY CURTAILED FROM PUMPING, EITHER FULLY OR PARTIALLY;
2 (III) THE NUMBER AND LOCATION OF EXISTING ARTIFICIAL
3 RECHARGE FACILITIES AND THE HISTORICAL VOLUME OF WATER
4 RECHARGED;
5 (IV) HISTORICAL VOLUMES OF WATER PUMPED FOR EACH
6 HIGH-CAPACITY IRRIGATION, MUNICIPAL, INDUSTRIAL, OR OTHER WELL
7 NOT EXEMPTED UNDER SECTION 37-92-602;
8 (V) HISTORICAL AMOUNTS OF WATER LEAVING THE STATE IN
9 EXCESS OF THE REQUIREMENTS OF RIVER COMPACTS AND OF THE "PLATTE
10 RIVER COOPERATIVE AGREEMENT" OF 1997;
11 (VI) HISTORICAL WATER DELIVERIES TO SURFACE WATER RIGHTS;
12 (VII) GROUNDWATER LEVEL DATA AVAILABLE FROM EXISTING
13 OBSERVATION WELLS AND THE HISTORICAL FLUCTUATIONS OF
14 GROUNDWATER LEVELS BASED ON THE DATA;
15 (VIII) THE SOUTH PLATTE DECISION SUPPORT SYSTEM'S EXISTING
16 PHREATOPHYTE GROUNDWATER EVAPOTRANSPIRATION MODULE AND,
17 USING AVAILABLE DATA, THE RELATIONSHIP BETWEEN HIGH
18 GROUNDWATER LEVELS AND NONBENEFICIAL CONSUMPTIVE USE BY
19 PHREATOPHYTES FROM 2001 THROUGH 2011;
20 (IX) THE NUMBER AND SIZE OF AUGMENTATION PLANS IN
21 OPERATION IN THE STUDY AREA; AND
22 (X) THE IMPACT OF TRANSBASIN SUPPLIES, REUSE OF FULLY
23 CONSUMABLE SUPPLIES, CONSERVATION PRACTICES, AND THE
24 INSTALLATION OF LINED STORAGE FACILITIES IN THE ALLUVIUM.
25 (d) THE INSTITUTE SHALL EVALUATE AND REPORT ITS FINDINGS
26 AND CONCLUSIONS TO THE BOARD AND THE GENERAL ASSEMBLY
27 REGARDING SPECIFIC ISSUES, INCLUDING:
28 (I) TO WHAT EXTENT DEPLETIONS CAUSED BY PAST PUMPING OF
29 WELLS HAVE DELAYED IMPACTS ON SURFACE STREAMS AND, IF SO, THE
30 MOST APPROPRIATE METHODS FOR QUANTIFYING THE IMPACTS;
31 (II) TO WHAT EXTENT AUGMENTATION PLANS ARE PREVENTING
32 INJURY TO OTHER WATER RIGHTS HOLDERS OR POTENTIALLY CAUSING
33 OVER-AUGMENTATION OF WELL DEPLETIONS;
34 (III) WHETHER ADDITIONAL USAGE OF THE ALLUVIAL AQUIFERS
35 COULD BE PERMITTED IN A MANNER CONSISTENT WITH PROTECTING SENIOR
36 SURFACE WATER RIGHTS; AND
37 (IV) WHETHER, AND TO WHAT EXTENT, THE USE OF WATER IN THE
38 BASIN COULD BE IMPROVED OR MAXIMIZED BY AFFORDING THE STATE
39 ENGINEER ADDITIONAL AUTHORITY TO ADMINISTER WATER RIGHTS WHILE
40 ENSURING PROTECTION OF SENIOR SURFACE WATER RIGHTS.
41 (e) THE BOARD SHALL COMMISSION THE STUDY AS SOON AS
42 PRACTICABLE. THE INSTITUTE SHALL PREPARE A FINAL REPORT, INCLUDING
43 ITS CONCLUSIONS, AND PRESENT IT TO THE GENERAL ASSEMBLY NO LATER
44 THAN DECEMBER 31, 2013. THE INSTITUTE SHALL PREPARE A PROGRESS
45 REPORT AND PRESENT IT TO A JOINT MEETING OF THE HOUSE OF
46 REPRESENTATIVES COMMITTEE ON AGRICULTURE, LIVESTOCK, AND
47 NATURAL RESOURCES AND THE SENATE COMMITTEE ON AGRICULTURE,
48 NATURAL RESOURCES, AND ENERGY, OR THEIR SUCCESSOR COMMITTEES,
49 DURING THE FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL
50 ASSEMBLY IN 2013. THE INSTITUTE SHALL PRESENT THE FINAL REPORT TO
51 A JOINT MEETING OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON
52 AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES AND THE SENATE
53 COMMITTEE ON AGRICULTURE, NATURAL RESOURCES, AND ENERGY, OR
54 THEIR SUCCESSOR COMMITTEES, DURING THE SECOND REGULAR SESSION
55 OF THE SIXTY-NINTH GENERAL ASSEMBLY IN 2014.

56 **SECTION 3. Appropriation.** In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the
 2 Colorado water conservation board construction fund created in section
 3 37-60-121 (1) (a), Colorado Revised Statutes, not otherwise appropriated,
 4 to the department of natural resources, for the fiscal year beginning July
 5 1, 2012, the sum of \$2,470,900, or so much thereof as may be necessary,
 6 for allocation to the Colorado water conservation board for the H.B.
 7 12-1278 South Platte river alluvial aquifer study related to the
 8 implementation of this act.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
 10 determines, and declares that this act is necessary for the immediate
 11 preservation of the public peace, health, and safety."

12
 13 Page 1, strike line 101 and substitute "**CONCERNING THE**
 14 **AUTHORIZATION OF A STUDY OF THE SOUTH PLATTE RIVER ALLUVIAL**
 15 **AQUIFER, AND, IN CONNECTION THEREWITH, MAKING AN**
 16 **APPROPRIATION.**".

17
 18
 19
 20
 21 **HEALTH & ENVIRONMENT**

22 After consideration on the merits, the Committee recommends the
 23 following:

24
 25 **SB12-161** be referred to the Committee of the Whole with favorable
 26 recommendation.

27
 28
 29
 30
 31 **JUDICIARY**

32 After consideration on the merits, the Committee recommends the
 33 following:

34
 35 **HB12-1316** be postponed indefinitely.

36
 37
 38 **HB12-1346** be amended as follows, and as so amended, be referred to
 39 the Committee of the Whole with favorable
 40 recommendation:

41
 42 Amend printed bill, page 10, line 27, strike "REGISTER AS REQUIRED BY
 43 THAT ARTICLE," and substitute "COMPLY WITH THE PROVISIONS OF
 44 SECTION 16-22-109 (3.5) (c) (I) OR 16-22-109 (3.5) (c) (II), C.R.S.,".

45
 46 Page 12, after line 6 insert:

47
 48 "(4) FAILURE TO VERIFY LOCATION AS A SEX OFFENDER IS NOT A
 49 SEXUAL OFFENSE SUBJECT TO THE PROVISIONS OF SECTIONS 16-11.7-104
 50 AND 16-11.7-105, C.R.S., AND, NOTWITHSTANDING ANY OTHER PROVISION
 51 OF LAW TO THE CONTRARY, OFFENDERS CONVICTED OF A VIOLATION OF
 52 THIS SECTION ARE NOT ELIGIBLE FOR PROBATION PURSUANT TO PART 2 OF
 53 ARTICLE 1.3 OF THIS TITLE.

54 **SECTION 7.** In Colorado Revised Statutes, 16-11-102, **amend**
 55 (1) (b) as follows:
 56 **16-11-102. Presentence or probation investigation.**

1 (1) (b) Each presentence report prepared regarding a sex offender, as
2 defined in section 16-11.7-102 (2), with respect to any offense committed
3 on or after January 1, 1996, shall contain the results of an evaluation and
4 identification conducted pursuant to article 11.7 of this title; EXCEPT
5 THAT, IF THE OFFENSE IS A MISDEMEANOR PURSUANT TO THE PROVISIONS
6 OF SECTION 18-3-412.6, C.R.S., AN EVALUATION AND IDENTIFICATION
7 CONDUCTED PURSUANT TO ARTICLE 11.7 OF THIS TITLE SHALL NOT BE
8 ORDERED BY THE COURT. In addition, the presentence report shall include,
9 when appropriate as provided in section 18-3-414.5, C.R.S., the results of
10 the risk assessment screening instrument developed pursuant to section
11 16-11.7-103 (4) (d). Notwithstanding the provisions of subsection (4) of
12 this section, a presentence report shall be prepared for each person
13 convicted as a sex offender, and the court may not dispense with the
14 presentence evaluation, risk assessment, and report unless such a report
15 has been completed within the last six months and there has been no
16 material change that would affect the report in the past six months."

17

18 Renumber succeeding sections accordingly.

19

20

21

22

23 **LEGISLATIVE COUNCIL**24 After consideration on the merits, the Committee recommends the
25 following:

26

27 **SB12-078** be referred favorably to the Committee on Appropriations.

28

29

30

31

32 **PRINTING REPORT**

33

34 The Chief Clerk reports the following bills have been correctly printed:
35 **HB12-1350, 1351; HCR12-1002, 1003.**

36

37

38

39 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

40

41 The Speaker has signed: **SB12-013, 110, 124, 134, 156, 158.**

42

43

44

45 **DELIVERY OF BILLS TO GOVERNOR**

46

47 The Chief Clerk of the House of Representatives reports the following
48 bills have been delivered to the Office of the Governor: **HB12-1019,**
49 **1063, 1341, 1342, 1343** at 4:09 p.m. on April 24, 2012.

50

51

52

53 House in recess. House reconvened.

54

55

56

1 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2
3 **TRANSPORTATION**

4 After consideration on the merits, the Committee recommends the
5 following:

6
7 **HB12-1327** be amended as follows, and as so amended, be referred to
8 the Committee on Finance with favorable
9 recommendation:

10
11 Amend printed bill, strike everything below the enacting clause and
12 substitute:

13
14 **"SECTION 1.** In Colorado Revised Statutes, 40-10.1-111, **amend**
15 (1) (c) as follows:

16 **40-10.1-111. Filing, issuance, and annual fees - repeal.** (1) A
17 motor carrier shall pay the commission the following fees in amounts
18 prescribed in this section or, if not so prescribed, as set administratively
19 by the commission with approval of the executive director of the
20 department of regulatory agencies:

21 (c) (I) The filing fee for a permit to operate under part 4 of this
22 article is one hundred fifty dollars.

23 (II) (A) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS
24 PARAGRAPH (c), A TOWING CARRIER THAT FILED PROOF OF A SURETY BOND
25 AS REQUIRED BY SECTION 40-10.1-401 (3) BEFORE THE EFFECTIVE DATE OF
26 THIS PARAGRAPH (c), AS AMENDED, IS EXEMPT FROM THE FILING FEE UNTIL
27 THE BOND EXPIRES.

28 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
29 2014.

30 **SECTION 2.** In Colorado Revised Statutes, **amend** 40-10.1-401
31 as follows:

32 **40-10.1-401. Permit requirements.** (1) (a) A person shall not
33 operate or offer to operate as a towing carrier in intrastate commerce
34 without first having obtained a permit therefor from the commission in
35 accordance with this article.

36 (b) A person may apply for a permit under this part 4 to the
37 commission in such form and with such information as the commission
38 may require. PERMITS ARE VALID FOR ONE YEAR AFTER THE DATE OF
39 ISSUANCE.

40 (2) The commission may deny an application under this part 4 of
41 a person who has, within the immediately preceding five years, been
42 convicted of, or pled guilty or nolo contendere to, a felony. THE
43 COMMISSION MAY ALSO DENY AN APPLICATION UNDER THIS PART 4 OR
44 REFUSE TO RENEW THE PERMIT OF A TOWING CARRIER BASED UPON A
45 DETERMINATION THAT THE TOWING CARRIER OR ANY OF ITS OWNERS,
46 PRINCIPALS, OFFICERS, MEMBERS, PARTNERS, OR DIRECTORS HAS NOT
47 SATISFIED A CIVIL PENALTY ARISING OUT OF ANY ADMINISTRATIVE OR
48 ENFORCEMENT ACTION BROUGHT BY THE COMMISSION.

49 (3) (a) Except as otherwise provided in subsection (2) of this
50 section and section 40-10.1-112 (4), the commission shall issue a permit
51 to a towing carrier upon completion of the application, the filing of proof
52 of workers' compensation insurance coverage in accordance with the
53 "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8,
54 C.R.S., ~~the filing of proof of a surety bond in the amount of at least fifty~~
55 ~~thousand dollars~~, and with the financial responsibility requirements of this
56 article, and may attach to ~~such~~ THE permit and to the exercise of the rights

1 granted by the permit such restrictions, terms, and conditions, including
 2 altering the rates and charges of ~~such~~ THE applicant, as are reasonably
 3 deemed necessary for the protection of the property of the public. ~~The~~
 4 ~~surety bond must be made payable to the commission and is for the~~
 5 ~~purpose of paying any civil penalty assessments against the carrier that~~
 6 ~~the carrier fails to pay when due.~~

7 (b) ~~A towing carrier that held a current and valid permit on~~
 8 ~~August 10, 2011, must file proof of workers' compensation insurance~~
 9 ~~coverage and of the surety bond as required by paragraph (a) of this~~
 10 ~~subsection (3) on or before December 31, 2011. IF A TOWING CARRIER~~
 11 ~~VIOLATES THIS ARTICLE, ANY OTHER APPLICABLE PROVISION OF LAW, OR~~
 12 ~~ANY RULE OR ORDER OF THE COMMISSION ISSUED UNDER THIS ARTICLE~~
 13 ~~AND AS A RESULT IS ORDERED BY A COURT OR BY THE COMMISSION TO PAY~~
 14 ~~A FINE OR CIVIL PENALTY THAT THE TOWING CARRIER SUBSEQUENTLY~~
 15 ~~FAILS TO PAY IN FULL WITHIN THE TIME PRESCRIBED FOR PAYMENT, THEN:~~

16 (I) THE COMMISSION MAY IMMEDIATELY REVOKE THE TOWING
 17 CARRIER'S OPERATING AUTHORITY; AND

18 (II) THE TOWING CARRIER, ITS OWNERS, PRINCIPALS, OFFICERS,
 19 MEMBERS, PARTNERS, AND DIRECTORS, AND ANY OTHER ENTITY OWNED
 20 OR OPERATED BY ONE OR MORE OF THOSE OWNERS, PRINCIPALS, OFFICERS,
 21 MEMBERS, PARTNERS, OR DIRECTORS, MAY BE DISQUALIFIED FROM
 22 OBTAINING OR RENEWING ANY OPERATING AUTHORITY UNDER THIS
 23 ARTICLE FOR A PERIOD OF FIVE YEARS AFTER THE DATE ON WHICH THE FINE
 24 OR CIVIL PENALTY WAS DUE. THE PERIOD OF DISQUALIFICATION PURSUANT
 25 TO THIS SUBPARAGRAPH (II) IS IN ADDITION TO, AND NOT IN LIEU OF, AND
 26 DOES NOT AFFECT, ANY OTHER PENALTY OR PERIOD OF DISQUALIFICATION,
 27 INCLUDING THE PERIOD OF DISQUALIFICATION SPECIFIED IN SECTION
 28 40-10.1-112 (4).

29 (c) A TOWING CARRIER'S FACILITIES AND VEHICLES ARE SUBJECT
 30 TO INSPECTION BY THE COMMISSION AND BY AUTHORIZED PERSONNEL OF
 31 THE COLORADO STATE PATROL, WHICH SHALL PROMPTLY REPORT TO THE
 32 COMMISSION CONCERNING ANY VIOLATIONS REVEALED BY AN INSPECTION.

33 **SECTION 3.** In Colorado Revised Statutes, **add** 40-10.1-402 as
 34 follows:

35 **40-10.1-402. Verification of authority - notice of requirement**
 36 **for designated license plates - rules - repeal.** (1) (a) THE COMMISSION
 37 SHALL EITHER:

38 (I) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO
 39 OPERATE AS A TOWING CARRIER UNDER THIS ARTICLE MAY USE TO VERIFY
 40 TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED
 41 AGENT THAT THE PERSON IS SO AUTHORIZED; OR

42 (II) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE
 43 DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT
 44 THAT THE PERSON IS AUTHORIZED TO PROVIDE TOWING SERVICES UNDER
 45 THIS PART 4.

46 (b) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE
 47 DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC
 48 VERIFICATION TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S
 49 AUTHORIZED AGENT.

50 (2) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
 51 THIS SECTION AND TO ENFORCE SECTION 42-3-235.5, C.R.S.

52 (3) (a) BY JANUARY 1, 2013, THE COMMISSION SHALL NOTIFY EACH
 53 PERSON AUTHORIZED TO PROVIDE TOWING SERVICES UNDER THIS ARTICLE
 54 OF THE REQUIREMENTS OF SECTION 42-3-235.5, C.R.S.

55 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2013.

56 **SECTION 4.** In Colorado Revised Statutes, **add** 42-3-235.5 as

1 follows:

2 **42-3-235.5. Tow truck license plates - conditions for use -**
3 **transitional provisions - repeal.** (1) THE TOW TRUCK LICENSE PLATE IS
4 HEREBY ESTABLISHED. THE PLATE CONSISTS OF BLACK LETTERS ON A
5 YELLOW BACKGROUND AND FEATURES THE WORDS "COLORADO" ACROSS
6 THE TOP AND "TOW TRUCK" ACROSS THE BOTTOM OF THE PLATE.

7 (2) A PERSON WHO IS AUTHORIZED TO OPERATE AS A TOWING
8 CARRIER UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., SHALL REGISTER A
9 MOTOR VEHICLE USED FOR TOWING PURPOSES UNDER THIS ARTICLE AND
10 DISPLAY EITHER TOW TRUCK LICENSE PLATES OR APPORTIONED PLATES ON
11 THE VEHICLE. UPON REGISTRATION, THE DEPARTMENT SHALL ISSUE TOW
12 TRUCK LICENSE PLATES FOR THE VEHICLE IN ACCORDANCE WITH THIS
13 SECTION. THE DEPARTMENT SHALL NOT ISSUE TOW TRUCK LICENSE PLATES
14 UNLESS THE PERSON EITHER SUBMITS A VERIFICATION DOCUMENT OR THE
15 PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES THE
16 AUTHORIZATION AS PROVIDED IN SECTION 40-10.1-402, C.R.S.

17 (3) (a) A PERSON PROVIDING TOWING CARRIER SERVICES USING A
18 MOTOR VEHICLE THAT WAS REGISTERED ON JANUARY 1, 2013, IS NOT
19 REQUIRED TO OBTAIN TOW TRUCK LICENSE PLATES UNTIL THE VEHICLE IS
20 SCHEDULED FOR RENEWAL OF THE CURRENT REGISTRATION. UPON
21 RENEWING A REGISTRATION FOR A TOW TRUCK REGISTERED UNDER THIS
22 ARTICLE, THE DEPARTMENT SHALL ISSUE TOW TRUCK LICENSE PLATES FOR
23 THE VEHICLE IN ACCORDANCE WITH THIS SECTION.

24 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,
25 2014.

26 (4) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE WITH TOW
27 TRUCK LICENSE PLATES OR TEMPORARY TOW TRUCK LICENSE PLATES
28 UNLESS THE MOTOR VEHICLE TO WHICH THE PLATES ARE ATTACHED IS
29 REQUIRED BY SUBSECTION (2) OF THIS SECTION TO BEAR TOW TRUCK
30 LICENSE PLATES.

31 (5) IF THE PERSON WHO OWNS THE MOTOR VEHICLE WITH TOW
32 TRUCK LICENSE PLATES IS NOT THE PERSON UNDER WHOSE AUTHORITY THE
33 MOTOR VEHICLE OPERATES UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., THE
34 PERSON WITH THE AUTHORITY MAY REQUEST THAT THE DEPARTMENT
35 REQUIRE THE PLATES TO BE REPLACED. WITHIN THIRTY DAYS AFTER
36 RECEIVING THE REQUEST, THE DEPARTMENT SHALL REQUIRE THE OWNER
37 OF THE MOTOR VEHICLE TO RETURN THE TOW TRUCK LICENSE PLATES AND
38 BE ISSUED NEW LICENSE PLATES. THE OWNER OF THE MOTOR VEHICLE
39 SHALL SURRENDER THE TOW TRUCK LICENSE PLATES TO THE DEPARTMENT
40 WITHIN TEN DAYS AFTER RECEIVING NOTICE FROM THE DEPARTMENT
41 UNLESS THE OWNER OF THE MOTOR VEHICLE OBTAINS AUTHORITY TO
42 OPERATE A TOW TRUCK UNDER PART 4 OF ARTICLE 10.1 OF TITLE 40,
43 C.R.S., EITHER DIRECTLY OR AS AN AGENT, AND EITHER THE PERSON
44 SUBMITS A VERIFICATION DOCUMENT OR THE PUBLIC UTILITIES
45 COMMISSION ELECTRONICALLY VERIFIES THE AUTHORIZATION AS
46 PROVIDED IN SECTION 40-10.1-402, C.R.S.

47 (6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
48 TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS.

49 (7) THIS SECTION IS EFFECTIVE JANUARY 1, 2013.

50 **SECTION 5. Effective date - applicability.** This act takes effect
51 upon passage and applies to towing carriers that applied for permits on,
52 before, or after said date.

53 **SECTION 6. Safety clause.** The general assembly hereby finds,
54 determines, and declares that this act is necessary for the immediate
55 preservation of the public peace, health, and safety."

56

1 Page 1, line 103, strike "CARRIERS AND" and substitute "CARRIERS,".
2
3 Page 1, line 107, strike "PROVISIONS." and substitute "PROVISIONS, AND
4 CREATING A DESIGNATED TOW TRUCK LICENSE PLATE."
5

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8
9 **LAY OVER OF CALENDAR ITEM(S)**

10
11 On motion of Representative B. Gardner, the following item(s) on the
12 Calendar was (were) laid over until April 26, retaining place on Calendar:
13

14 Consideration of Third Reading--**HB12-1319**.
15 Consideration of General Orders--**SB12-118, HB12-1109, 1119, 1347**.
16 Consideration of Resolution(s)--**SJR12-031, HJR12-1020, 1021, 1022**.
17 Consideration of Memorial(s)--**HM12-1003**.
18 Consideration of Senate Amendment(s)--**HJR12-1010, HB12-1008,**
19 **1034, 1114, 1151, 1070, 1270, 1224, 1262, 1239, 1244, 1276, 1307,**
20 **1012, 1052, 1105, 1146, 1321, 1275**.
21

22
23
24 On motion of Representative B. Gardner, the House adjourned until
25 9:00 a.m., April 26, 2012.
26

27 Approved:
28 FRANK McNULTY,
29 Speaker

30 Attest:
31 MARILYN EDDINS,
32 Chief Clerk

