

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

Seventy-third Legislative Day

Friday, March 23, 2012

- 1 The Speaker called the House to order at 9:00 a.m.  
2  
3 Prayer by the Reverend Tim Mooney, People's Presbyterian, Denver.  
4  
5 Pledge of Allegiance led by Grey Heidrich, Katherine and William  
6 Kotowski, Steele Elementary; Delilah and Grace Staberg, Bill  
7 Roberts Elementary, Denver.  
8  
9 The roll was called with the following result:  
10  
11 Present--62.  
12 Excused--Representative(s) Beezley, McCann, Singer--3.  
13 Present after roll call--Representative(s) Singer.  
14

15 The Speaker declared a quorum present.  
16  
17

18 On motion of Representative Pabon, the reading of the journal of  
19 March 22, 2012, was declared dispensed with and approved as corrected  
20 by the Chief Clerk.  
21  
22

23  
24 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

25  
26 **HB12-1125** by Representative(s) Ramirez, Sonnenberg; also Senator(s)  
27 Steadman--Concerning procedures related to the costs of  
28 impounded animals.  
29

30 (Amended as printed in Senate Journal, March 19, pages 520-521.)  
31

32 Representative Ramirez moved that the House **concur** in Senate  
33 amendments. The motion was declared **passed** by the following roll call  
34 vote:  
35

	YES	63	NO	0	EXCUSED	2	ABSENT	0
37	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
38	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
39	Barker	Y	Gerou	Y	McCann	E	Soper	Y
40	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
41	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
42	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
43	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
44	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y

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

10

11 The question being, "Shall the bill, as amended, pass?".

12 A roll call vote was taken. As shown by the following recorded vote, a  
 13 majority of those elected to the House voted in the affirmative, and the  
 14 bill, as amended, was declared **repassed**.

15

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

34 Co-sponsor(s) added: Representative(s) Conti, Kerr J.

35

36

37

38 On motion of Representative Baumgardner, the House resolved itself into  
 39 Committee of the Whole for consideration of General Orders, and he was  
 40 called to the Chair to act as Chairman.

41

42

43

#### 44 **GENERAL ORDERS--SECOND READING OF BILLS**

45

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

50

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

53

54 On motion of Representative Waller, consideration of the following bills  
 55 on the General Orders Calendar were laid over until March 26, retaining  
 56 place on Calendar: **HB12-1080, SB12-148, HB12-1254, SB12-022.**

1 **HB12-1305** by Representative(s) Gardner; also Senator(s) King, S--  
2 Concerning statutory rates of interest.  
3

4 Amendment No. 1, Judiciary Report, dated March 8, 2012, and placed in  
5 member's bill file; Report also printed in House Journal, March 9,  
6 page 608.  
7

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

11 **HB12-1162** by Representative(s) Todd, Labuda, Looper, Solano,  
12 Soper, Ryden, Fields, Hullinghorst, McCann, Young; also  
13 Senator(s) Heath, Williams S.--Concerning the creation of  
14 an operation desert storm license plate.  
15

16 Amendment No. 1, Transportation Report, dated February 23, 2012, and  
17 placed in member's bill file; Report also printed in House Journal,  
18 February 24, page 386.  
19

20 Amendment No. 2, Appropriations Report, dated March 16, 2012, and  
21 placed in member's bill file; Report also printed in House Journal,  
22 March 16, page 686.  
23

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

27 **HB12-1268** by Representative(s) Acree, Beezley, Joshi, Kerr J.,  
28 McCann, Ramirez--Concerning a transfer of functions  
29 pertaining to health facility compliance with certain  
30 building safety standards from the department of public  
31 health and environment to the division of fire safety in the  
32 office of preparedness, security, and fire safety within the  
33 department of public safety, and, in connection therewith,  
34 renaming the public school construction and inspection  
35 section in the division of fire safety.  
36

37 Rereferred to the Committee on Appropriations.  
38

39 **HB12-1297** by Representative(s) Gardner B., Barker, Ryden, Waller;  
40 also Senator(s) Tochtrop--Concerning the committee on  
41 anticompetitive conduct, and, in connection therewith,  
42 implementing the department of regulatory agencies'  
43 sunset review recommendations by allowing the  
44 committee's statutory authorization to terminate.  
45

46 Amendment No. 1, Judiciary Report, dated March 15, 2012, and placed  
47 in member's bill file; Report also printed in House Journal, March 16,  
48 pages 700-701.  
49

50 As amended, ordered engrossed and placed on the Calendar for Third  
51 Reading and Final Passage.  
52

53 **SB12-074** by Senator(s) Aguilar; also Representative(s) Gardner B.--  
54 Concerning services provided by a person designated by a  
55 person eligible for consumer-directed care services.  
56

1 Amendment No. 1, Judiciary Report, dated March 15, 2012, and placed  
2 in member's bill file; Report also printed in House Journal, March 16,  
3 page 703.

4  
5 As amended, ordered revised and placed on the Calendar for Third  
6 Reading and Final Passage.

7  
8 **SB12-131** by Senator(s) Guzman, Steadman; also Representative(s)  
9 Pabon--Concerning the responsibilities of a fiduciary with  
10 regard to the estate of a person who may have executed a  
11 designated beneficiary agreement.

12  
13 Amendment No. 1, Judiciary Report, dated March 15, 2012, and placed  
14 in member's bill file; Report also printed in House Journal, March 16,  
15 page 703.

16  
17 As amended, ordered revised and placed on the Calendar for Third  
18 Reading and Final Passage.

19  
20 **HB12-1258** by Representative(s) DelGrosso; also Senator(s) Jahn--  
21 Concerning regulation of public utilities in terms of  
22 alternative fuel vehicles.

23  
24 Amendment No. 1, Transportation Report, dated March 15, 2012, and  
25 placed in member's bill file; Report also printed in House Journal,  
26 March 16, pages 703-704.

27  
28 Amendment No. 2, by Representative(s) DelGrosso.

29  
30 Amend the Transportation Committee Report, dated March 15, 2012,  
31 page 1, strike lines 12 through 17 and substitute:

32  
33 "Page 3 of the printed bill, strike lines 19 through 23 and substitute  
34 "UTILITY. ELECTRIC AND NATURAL GAS PUBLIC UTILITIES MAY PROVIDE  
35 THE SERVICES DESCRIBED IN THIS SUBSECTION (2) AS UNREGULATED  
36 SERVICES, AND THESE UNREGULATED SERVICES MAY NOT BE SUBSIDIZED  
37 BY THE REGULATED SERVICES OF THE ELECTRIC OR NATURAL GAS PUBLIC  
38 UTILITY."."

39  
40 As amended, ordered engrossed and placed on the Calendar for Third  
41 Reading and Final Passage.

42  
43 **SB12-034** by Senator(s) King S., Tochtrop; also Representative(s)  
44 Miklosi--Concerning repeal of the rapid screen program to  
45 identify high-emitting motor vehicles.

46  
47 Ordered revised and placed on the Calendar for Third Reading and Final  
48 Passage.

49  
50 **SB12-092** by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak,  
51 King S., Tochtrop; also Representative(s) Liston--  
52 Concerning the use of a video display in a motor vehicle  
53 that is being operated on a roadway.

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

1 **SB12-040** by Senator(s) Bacon, Harvey, Renfroe, Schwartz; also  
2 Representative(s) Vigil, Brown, Sonnenberg--Concerning  
3 the qualification of certain state higher education facilities  
4 for state controlled maintenance funding.  
5

6 Amendment No. 1, Education Report, dated March 19, 2012, and placed  
7 in member's bill file; Report also printed in House Journal, March 20,  
8 page 740.  
9

10 As amended, ordered revised and placed on the Calendar for Third  
11 Reading and Final Passage.  
12

13  
14 **SB12-045** by Senator(s) Hudak and King K., Bacon; also  
15 Representative(s) Massey and Fields, Holbert--Concerning  
16 granting associate degrees to students who transfer from  
17 a two-year institution.  
18

19 Amendment No. 1, Education Report, dated March 19, 2012, and placed  
20 in member's bill file; Report also printed in House Journal, March 20,  
21 page 740.  
22

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

26  
27 **SB12-091** by Senator(s) Tochtrop; also Representative(s) Bradford--  
28 Concerning modifications to provisions governing the  
29 practice of nursing home administration, and, in  
30 connection therewith, modifying the criteria for nursing  
31 home administrators to qualify to serve on the board of  
32 examiners of nursing home administrators, modifying the  
33 experience requirements for persons applying to take the  
34 nursing home administrator licensure examination or to  
35 participate in the administrator-in-training program, and  
36 permitting a nursing home administrator who has passed  
37 a national examination and an examination in another state  
38 to sit for the Colorado licensure examination.  
39

40 Amendment No. 1, Health & Environment Report, dated  
41 March 20, 2012, and placed in member's bill file; Report also printed in  
42 House Journal, March 21, pages 754-755.  
43

44 As amended, ordered revised and placed on the Calendar for Third  
45 Reading and Final Passage.  
46

47  
48 **HB12-1068** by Representative(s) McKinley; also Senator(s) Grantham--  
49 Concerning the administration of a nonprofit cemetery  
50 corporation by persons who own the right to bury a  
51 deceased person within the cemetery.  
52

53 (Previously amended as printed in House Journal, February 1, 2012,  
54 page 127, and also as printed in House Journal, February 13, 2012,  
55 page 239).  
56

1 Amendment No. 4, Appropriations Report, dated March 9, 2012, and  
2 placed in member's bill file; Report also printed in House Journal,  
3 March 9, page 602.

4

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

7

8 **HB12-1303** by Representative(s) Schafer S., Hamner, Kerr J., Peniston,  
9 Summers, Young; also Senator(s) Spence, Jahn--  
10 Concerning the regulation of speech-language pathologists  
11 by the department of regulatory agencies.

12

13 Amendment No. 1, Health & Environment Report, dated  
14 February 28, 2012, and placed in member's bill file; Report also printed  
15 in House Journal, February 29, pages 458-460.

16

17 Amendment No. 2, Finance Report, dated March 7, 2012, and placed in  
18 member's bill file; Report also printed in House Journal, March 8,  
19 page 582.

20

21 Amendment No. 3, Appropriations Report, dated March 16, 2012, and  
22 placed in member's bill file; Report also printed in House Journal,  
23 March 16, pages 689-690.

24

25 Amendment No. 4, by Representative(s) Schafer S.

26

27 Amend the Health and Environment Committee Report, dated February  
28 28, 2012, page 2, line 13, strike "LICENSED" and substitute "LICENSED,  
29 CERTIFIED, OR REGISTERED".

30

31 Page 3 of the report, line 3, strike ""2019."" and substitute ""2017."".

32

33 Page 3 of the report, strike lines 4 through 7 and substitute:

34

35 "Page 29 of the printed bill, strike line 25 and substitute "(48.5) as  
36 follows:".

37

38 Page 30 of the bill, strike lines 1 and 2 and substitute "(48.5) The  
39 following agencies, functions, or both, ~~shall~~ terminate on September 1,  
40 2017:

41

42 (a) The domestic violence offender management board created in  
43 section 16-11.8-103, C.R.S.;".

43

44 Page 3 of the report, line 8, strike ""(e)"" and substitute ""(b)"".

45

46 Amendment No. 5, by Representative(s) Schafer S.

47

48 Amend printed bill, page 2, line 15, after "MEDICAL" insert "OR DENTAL".

49

50 Page 2, line 17, after "MEDICAL" insert "OR DENTAL".

51

52 Page 2, line 18, strike "MEDICINE;" and substitute "MEDICINE OR  
53 DENTISTRY;".

54

55 Page 3, strike lines 10 and 11 and substitute "PATHOLOGY; AND".

56

1 Page 3, strike lines 13 through 17 and substitute "SCHOOL  
2 SPEECH-LANGUAGE PATHOLOGISTS WHO ARE PAID SOLELY BY AN  
3 ADMINISTRATIVE UNIT OR STATE-OPERATED PROGRAM."

4  
5 Page 4, line 12, strike "(a)".

6  
7 Page 4, strike lines 15 and 16.

8  
9 Page 5, line 24, strike "LOSS;" and substitute "LOSS OR THE ORTHODONTIC  
10 MOVEMENT OF TEETH FOR THE PURPOSE OF CORRECTION OF SPEECH  
11 PATHOLOGY CONDITIONS;"

12  
13 Page 7, strike lines 2 through 11 and substitute:

14  
15 "(2) A PERSON DESCRIBED IN SECTION 12-43.5-108 (1) IS NOT  
16 REQUIRED TO OBTAIN CERTIFICATION UNDER THIS ARTICLE."

17  
18 Page 12, line 20, strike "PATHOLOGIST;" and substitute "PATHOLOGIST  
19 WHOSE COMPENSATION FOR SPEECH-LANGUAGE PATHOLOGY SERVICES IS  
20 PAID SOLELY BY AN ADMINISTRATIVE UNIT OR STATE-OPERATED  
21 PROGRAM;"

22  
23 Page 13, after line 25 insert:

24 "(3) NOTHING IN THIS ARTICLE REQUIRES A PROFESSIONAL  
25 LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE REGULATED UNDER  
26 THIS TITLE OR TITLE 22, C.R.S., TO OBTAIN CERTIFICATION UNDER THIS  
27 ARTICLE, OR SUBJECTS THE PROFESSIONAL TO DISCIPLINE UNDER THIS  
28 ARTICLE, FOR ENGAGING IN ACTIVITIES THAT ARE WITHIN HIS OR HER  
29 PROFESSIONAL SCOPE OF PRACTICE."

30  
31 Page 14, line 1, after "12-36-106," insert "DENTISTRY, AS DEFINED IN  
32 SECTIONS 12-35-103 (5) AND 12-35-113,"

33  
34 As amended, ordered engrossed and placed on the Calendar for Third  
35 Reading and Final Passage.

36  
37 **SB12-056** by Senator(s) Carroll; also Representative(s) Holbert--  
38 Concerning judicial appointments in domestic relations  
39 cases involving children.

40  
41 Amendment No. 1, Judiciary Report, dated March 15, 2012, and placed  
42 in member's bill file; Report also printed in House Journal, March 16,  
43 pages 701-703.

44  
45 Amendment No. 2, by Representative(s) Holbert.

46  
47 Amend the Judiciary Committee Report, dated March 15, 2012, page 2,  
48 strike lines 18 through 20 and substitute:

49  
50 "Page 7 of the bill, strike lines 8 and 9 and substitute "coordinator, the  
51 court ~~shall~~ MAY consider the effect of any CLAIM OR documented  
52 evidence of domestic violence, AS"."

53  
54 As amended, ordered revised and placed on the Calendar for Third  
55 Reading and Final Passage.

56

1 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

2  
3 Representative Kagan moved to amend the Report of the Committee of  
4 the Whole to reverse the action taken by the Committee in not adopting  
5 the following Kagan amendment, to HB12-1305, to show that said  
6 amendment passed, and that **HB12-1305**, as amended, passed.

7  
8 Amend printed bill, page 4, line 2, strike "(3)" and substitute "(3); and  
9 **add (4)**".

10  
11 Page 5, after line 11 insert:

12  
13 "(4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
14 CONTRARY, THE INTEREST RATE ON DAMAGES SHALL NEVER BE LESS THAN  
15 THE INTEREST RATE ON CONTRACTS, AS SET FORTH IN SECTION 5-12-102  
16 (2), C.R.S."

17  
18 The amendment was declared **lost** by the following roll call vote:

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

38  
39 Representative Ferrandino moved to amend the Report of the Committee  
40 of the Whole to reverse the action taken by the Committee in not adopting  
41 the following Ferrandino amendment, to HB12-1305, to show that said  
42 amendment passed, and that **HB12-1305**, as amended, passed.

43  
44 Amend printed bill, page 5, after line 11, insert the following:

45  
46 **"SECTION 4.** In Colorado Revised Statutes, 5-12-103, **amend**  
47 (1) as follows:

48  
49 **5-12-103. Greater rate may be stipulated.** (1) The parties to any  
50 bond, bill, promissory note, or other instrument of writing may stipulate  
51 therein for the payment of a greater or higher rate of interest than eight  
52 percent per annum, but not exceeding ~~forty-five~~ EIGHTEEN percent per  
53 annum, and any such stipulation may be enforced in any court of  
54 competent jurisdiction in the state, except as otherwise provided in  
55 articles 1 to 6 of this title. The rate of interest shall be deemed to be  
56 excessive of the limit under this section only if it could have been



1 determined at the time of the stipulation by mathematical computation  
 2 that such rate would exceed an annual rate of forty-five percent when the  
 3 rate of interest was calculated on the unpaid balances of the debt on the  
 4 assumption that the debt is to be paid according to its terms and will not  
 5 be paid before the end of the agreed term.

6  
 7 **SECTION 5.** In Colorado Revised Statutes, 5-12-107, **amend** (2)  
 8 (a) introductory portion as follows:

9  
 10 **5-12-107. Commercial credit plans - definitions.** (2) (a) A  
 11 creditor may charge and collect periodic interest under a commercial  
 12 credit plan on the outstanding unpaid indebtedness at a periodic  
 13 percentage rate or rates not exceeding ~~forty-five~~ EIGHTEEN percent per  
 14 annum. If the applicable periodic percentage rate under the agreement  
 15 governing the plan is other than daily, periodic interest may be calculated  
 16 on an amount not in excess of the average outstanding unpaid  
 17 indebtedness for the applicable billing period. If the applicable periodic  
 18 percentage rate under the agreement governing the plan is daily, periodic  
 19 interest may be calculated for each day in the billing period on an amount  
 20 not in excess of either:".

21  
 22 Renumber succeeding section accordingly.

23  
 24 The amendment was declared **lost** by the following roll call vote:

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

44  
 45  
 46  
 47 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

48  
 49 Passed Second Reading: **HB12-1305 amended, 1162 amended, 1297**  
 50 **amended, SB12-074 amended, 131 amended, HB12-1258 amended,**  
 51 **SB12-034, 092, 040 amended, 045 amended, 091 amended, HB12-1068**  
 52 **amended, 1303 amended, SB12-056 amended.**

53  
 54 Laid over until date indicated retaining place on Calendar: **HB12-1080,**  
 55 **SB12-148, HB12-1254, SB12-022--March 26, 2012.**

56

1 Rereferred to Committee indicated: **HB12-1268**--Appropriations.  
 2  
 3 The Chairman moved the adoption of the Committee of the Whole  
 4 Report. As shown by the following roll call vote, a majority of those  
 5 elected to the House voted in the affirmative, and the Report was  
 6 **adopted**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
9 Acree	Y		Fischer	Y	Looper	Y	Solano	Y
10 Balmer	Y		Gardner B.	Y	Massey	Y	Sonnenberg	Y
11 Barker	Y		Gerou	Y	McCann	E	Soper	Y
12 Baumgardner	Y		Hamner	Y	McKinley	Y	Stephens	Y
13 Becker	Y		Holbert	Y	Miklosi	Y	Summers	Y
14 Beezley	E		Hullinghorst	Y	Murray	Y	Swalm	Y
15 Bradford	Y		Jones	Y	Nikkel	Y	Swerdfeger	Y
16 Brown	Y		Joshi	Y	Pabon	Y	Szabo	Y
17 Casso	Y		Kagan	Y	Pace	Y	Todd	Y
18 Conti	Y		Kefalas	Y	Peniston	Y	Tyler	Y
19 Coram	Y		Kerr A.	Y	Priola	Y	Vaad	Y
20 Court	Y		Kerr J.	Y	Ramirez	Y	Vigil	Y
21 DelGrosso	Y		Labuda	Y	Ryden	Y	Waller	Y
22 Duran	Y		Lee	Y	Schafer S.	Y	Williams A.	Y
23 Ferrandino	Y		Levy	Y	Scott	Y	Wilson	Y
24 Fields	Y		Liston	Y	Singer	Y	Young	Y
							Speaker	Y

25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**MEMORANDUM  
 REPORT FROM THE HOUSE AND SENATE  
 COMMITTEES ON DELAYED BILLS**

35 Pursuant to Joint Rule 23 (c), the House and Senate Committees on  
 36 Delayed Bills, acting jointly, extend the following deadlines:

37  
 38 The Monday, March 26 deadline (the 76th legislative day) for  
 39 introduction of the long appropriation bill in the House is extended until  
 40 Wednesday, April 4, 2012 (the 85th legislative day).

41  
 42 The Friday, March 30 deadline (the 80th legislative day) for passage of  
 43 the long appropriation bill in the House is extended until Thursday, April  
 44 12, 2012 (the 93rd legislative day).

45  
 46 The Friday, April 6 deadline (the 87th legislative day) for passage of the  
 47 long appropriation bill in the Senate is extended until Thursday, April 19,  
 48 2012 (the 100th legislative day).

49  
 50 The Friday, April 13 deadline (the 94th legislative day) for adoption of the  
 51 conference committee report on the long appropriation bill is extended until  
 52 Thursday, April 26, 2012 (the 107th legislative day).

53  
54  
55

1 This memorandum shall be printed in the journal of each house as is  
2 required by said Joint Rule 23 (c).

3

4 (signed)

5 Representative McNulty  
6 Speaker of the House of Representatives

Senator Shaffer  
President of the Senate

7

8 Representative Stephens  
9 House Majority Leader

Senator Morse  
Senate Majority Leader

10

11 Representative Ferrandino  
12 House Minority Leader

Senator Cadman  
Senate Minority Leader

13

14

15

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

17

18 **APPROPRIATIONS**

19 After consideration on the merits, the Committee recommends the  
20 following:

21

22 **HB12-1014** be amended as follows, and as so amended, be referred to  
23 the Committee of the Whole with favorable  
24 recommendation:

25

26 Amend printed bill, page 3, before line 13 insert:

27

28 **"SECTION 2.Appropriation.** (1) In addition to any other  
29 appropriation, there is hereby appropriated, out of any moneys in the  
30 Colorado state titling and registration account of the highway users tax  
31 fund created in section 42-1-211 (2), Colorado Revised Statutes, not  
32 otherwise appropriated, to the department of revenue, for the fiscal year  
33 beginning July 1, 2012, the sum of \$7,400, or so much thereof as may be  
34 necessary, for the purchase of computer center services.

35

36 (2) In addition to any other appropriation, there is hereby  
37 appropriated to the governor - lieutenant governor - state planning and  
38 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$7,400,  
39 or so much thereof as may be necessary, for allocation to the office of  
40 information technology, for the provision of computer center services for  
41 the department of revenue related to the implementation of this act. Said  
42 sum is from reappropriated funds received from the department of  
43 revenue out of the appropriation made in subsection (1) of this section."

44

45 Renumber succeeding sections accordingly.

46

47 Page 1, line 102, strike "VEHICLE." and substitute "VEHICLE, AND, IN  
48 CONNECTION THEREWITH, MAKING AN APPROPRIATION."

49

50

51

52 **HB12-1048** be amended as follows, and as so amended, be referred to  
53 the Committee of the Whole with favorable  
54 recommendation:

55

56 Amend printed bill, page 5, after line 2, insert:

1           **"SECTION 6. Appropriation - adjustments in 2012 long bill.**

2 (1) For the implementation of this act, appropriations made in the annual  
3 general appropriation act to the department of public safety for the fiscal  
4 year beginning July 1, 2012, are adjusted as follows:

5  
6           (a) The appropriation for the executive director's office is  
7 decreased by \$219,894. Of this amount, \$197,709 is from the general  
8 fund and \$22,185 is from cash funds.

9  
10           (b) The appropriation for the Colorado bureau of investigation is  
11 decreased by \$1,633,054 and 26.4 FTE. Of this amount, \$1,349,168 is  
12 from the general fund and \$283,886 is from cash funds."

13  
14 Renumber succeeding section accordingly.

15  
16 Page 1, line 104, strike "TRANSFERS." and substitute "TRANSFERS, AND  
17 IN CONNECTION THEREWITH, REDUCING APPROPRIATIONS."

18  
19  
20  
21 **HB12-1066** be amended as follows, and as so amended, be referred to  
22 the Committee of the Whole with favorable  
23 recommendation:

24  
25 Amend printed bill, page 75, after line 6 insert:

26  
27           **"SECTION 81. Appropriation.** (1) In addition to any other  
28 appropriation, there is hereby appropriated, out of any moneys in the  
29 Colorado state titling and registration account of the highway users tax  
30 fund created in section 42-1-211 (2), Colorado Revised Statutes, not  
31 otherwise appropriated, to the department of revenue, for the fiscal year  
32 beginning July 1, 2012, the sum of \$25,900, or so much thereof as may  
33 be necessary, for allocation to the information technology division, for the  
34 implementation of this act.

35  
36           (2) In addition to any other appropriation, there is hereby  
37 appropriated to the governor - lieutenant governor - state planning and  
38 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$25,900,  
39 or so much thereof as may be necessary, for allocation to the office of  
40 information technology for the provision of programming services to the  
41 department of revenue related to the implementation of this act. Said sum  
42 is from reappropriated funds received from the department of revenue out  
43 of the appropriation made in subsection (1) of this section."

44  
45 Page 75, strike lines 7 through 17 and substitute:

46  
47           **"SECTION 82. Act subject to petition - effective date -**  
48 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
49 following the expiration of the ninety-day period after final adjournment  
50 of the general assembly (August 8, 2012, if adjournment sine die is on  
51 May 9, 2012); except that, if a referendum petition is filed pursuant to  
52 section 1 (3) of article V of the state constitution against this act or an  
53 item, section, or part of this act within such period, then the act, item,  
54 section, or part will not take effect unless approved by the people at the  
55 general election to be held in November 2012 and, in such case, will take  
56 effect on the date of the official declaration of the vote thereon by the

1 governor.

2

3 The provisions of this act apply to acts occurring on or after April  
4 1, 2014."

5

6 Page 1, line 102 strike "**VEHICLES.**" and substitute "**VEHICLES, AND, IN**  
7 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"

8

9

10

11 **HB12-1110** be amended as follows, and as so amended, be referred to  
12 the Committee of the Whole with favorable  
13 recommendation:

14

15 Amend printed bill, page 29, after line 18 insert:

16

17 "**SECTION 18. Appropriation.** (1) In addition to any other  
18 appropriation, there is hereby appropriated, out of any moneys in the  
19 division of real estate cash fund created in section 12-61-111.5 (2) (b),  
20 Colorado Revised Statutes, not otherwise appropriated, to the department  
21 of regulatory agencies, for the fiscal year beginning July 1, 2012, the sum  
22 of \$265,104 and 2.0 FTE, or so much thereof as may be necessary, to be  
23 allocated for the implementation of this act as follows:

24

25 (a) \$90,959 and 2.0 FTE for personal services;

26

27 (b) \$11,306 for operating expenses;

28

29 (c) \$100,000 for information technology system modifications; and

30

31 (d) \$62,839 for the purchase of legal services.

32

33 (2) In addition to any other appropriation, there is hereby  
34 appropriated to the department of law, for the fiscal year beginning July  
35 1, 2012, the sum of \$62,839 and 0.5 FTE, or so much thereof as may be  
36 necessary, for the provision of legal services for the department of  
37 regulatory agencies related to the implementation of this act. Said sum is  
38 from reappropriated funds received from the department of regulatory  
39 agencies out of the appropriation made in paragraph (d) of subsection (1)  
40 of this section.

41

42 (3) In addition to any other appropriation, there is hereby  
43 appropriated, out of any moneys in the Colorado bureau of investigation  
44 identification unit fund created in section 24-33.5-426, Colorado Revised  
45 Statutes, not otherwise appropriated, to the department of public safety,  
46 for allocation to the Colorado bureau of investigation, for the Colorado  
47 crime information center, identification, for the fiscal year beginning July  
48 1, 2012, the sum of \$23,700, or so much thereof as may be necessary for  
49 fingerprint-based criminal history checks related to the implementation  
50 of this act."

51

52 Renumber succeeding sections accordingly.

53

54 Page 1, line 102, strike "**COMPANIES.**" and substitute "**COMPANIES, AND,**  
55 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"

56

1 **HB12-1142** be postponed indefinitely.

2

3

4 **HB12-1161** be referred to the Committee of the Whole with favorable  
5 recommendation.

6

7

8 **HB12-1240** be referred to the Committee of the Whole with favorable  
9 recommendation.

10

11

12 **HB12-1261** be amended as follows, and as so amended, be referred to  
13 the Committee of the Whole with favorable  
14 recommendation:

15

16 Amend the Education Committee Report, dated March 7, 2012, page 3,  
17 after line 21 insert:

18

19 **"SECTION 4. Appropriation.** In addition to any other  
20 appropriation, there is hereby appropriated, out of any moneys in the state  
21 education fund created in section 17 (4) of article IX of the state  
22 constitution, not otherwise appropriated, to the department of education,  
23 for the fiscal year beginning July 1, 2012, the sum of \$1,659,200, or so  
24 much thereof as may be necessary, for allocation to the professional  
25 development and instructional support programs, for stipends for  
26 nationally board certified teachers related to the implementation of this  
27 act."

28

29 Renumber succeeding section accordingly.

30

31 Page 3 of the report, after line 31 insert:

32

33 "Page 1 of the bill, line 102, strike "SCHOOLS." and substitute "SCHOOLS,  
34 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

35

36

37

38 **HB12-1282** be referred to the Committee of the Whole with favorable  
39 recommendation.

40

41

42 **HB12-1295** be amended as follows, and as so amended, be referred to  
43 the Committee of the Whole with favorable  
44 recommendation:

45

46 Amend printed bill, page 4, after line 15 insert:

47

48 **"SECTION 3. Appropriation.** (1) In addition to any other  
49 appropriation, there is hereby appropriated, out of any moneys in the  
50 Colorado state titling and registration account of the highway users tax  
51 fund created in section 42-1-211 (2), Colorado Revised Statutes, not  
52 otherwise appropriated, to the department of revenue, for the fiscal year  
53 beginning July 1, 2012, the sum of \$2,960, or so much thereof as may be  
54 necessary, to be allocated to the information technology division for the  
55 purchase of computer center services.

56

1 (2) In addition to any other appropriation, there is hereby  
2 appropriated to the governor - lieutenant governor - state planning and  
3 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$2,960,  
4 or so much thereof as may be necessary, for allocation to the office of  
5 information technology, for the provision of computer center services for  
6 the department of revenue related to the implementation of this act. Said  
7 sum is from reappropriated funds received from the department of  
8 revenue out of the appropriation made in subsection (1) of this section.  
9

10 (3) In addition to any other appropriation, there is hereby  
11 appropriated, out of any moneys in the license plate cash fund created in  
12 section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise  
13 appropriated, to the department of revenue, for the fiscal year beginning  
14 July 1, 2012, the sum of \$17,760, or so much thereof as may be necessary,  
15 for allocation to the division of motor vehicles, driver and vehicle  
16 services, for the purchase of special license plates related to the  
17 implementation of this act."  
18

19 Renumber succeeding section accordingly.  
20

21 Page 1, line 102 strike "PLATE." and substitute "PLATE, AND, IN  
22 CONNECTION THEREWITH, MAKING AN APPROPRIATION."  
23  
24  
25

26 **HB12-1317** be amended as follows, and as so amended, be referred to  
27 the Committee of the Whole with favorable  
28 recommendation:  
29

30 Amend printed bill, page 7, after line 20, insert:  
31

32 **"SECTION 2. Appropriation - adjustments in 2012 long bill.**  
33 For the implementation of this act, the appropriation made in the annual  
34 general appropriation act to the department of natural resources for the  
35 fiscal year beginning July 1, 2012, is decreased by \$18,055 cash funds. Of  
36 this amount, \$11,607 shall be from the wildlife cash fund pursuant to  
37 section 33-1-112 (1) (a), Colorado Revised Statutes, and \$6,448 shall be  
38 from the parks and outdoor recreation cash fund pursuant to section 33-  
39 10-111 (1), Colorado Revised Statutes.  
40

41 Renumber succeeding section accordingly.  
42

43 Page 1, line 105, strike "COMMISSION." and substitute "COMMISSION,  
44 AND REDUCING APPROPRIATIONS."  
45  
46  
47  
48

49 **ECONOMIC & BUSINESS DEVELOPMENT**

50 After consideration on the merits, the Committee recommends the  
51 following:  
52

53 **HB12-1309** be amended as follows, and as so amended, be referred to  
54 the Committee on Agriculture, Livestock, & Natural  
55 Resources with favorable recommendation:  
56

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **amend** 8-2-122 as  
4 follows:

5  
6 **8-2-122. Verification of employee work eligibility status - short**  
7 **title - legislative declaration - definitions - e-verify program - audits**  
8 **- fines - cash fund.** (1) THIS SECTION SHALL BE KNOWN AND MAY BE  
9 CITED AS THE "COLORADO MANDATORY E-VERIFY ACT".

10  
11 (2) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES  
12 THAT:

13  
14 (I) THE GENERAL ASSEMBLY'S TOP PRIORITY FOR THE 2012  
15 LEGISLATIVE SESSION IS PUTTING COLORADANS BACK TO WORK;

16  
17 (II) OUR STATE HAS OVER FOUR HUNDRED THOUSAND PEOPLE OUT  
18 OF WORK WHO DESPERATELY NEED SOMETHING BETTER FOR THEMSELVES  
19 AND THEIR FAMILIES;

20  
21 (III) UNEMPLOYMENT AMONG VETERANS RETURNING FROM IRAQ  
22 OR AFGHANISTAN IS NEARLY DOUBLE THE RATE AMONG THE POPULATION  
23 AT LARGE;

24  
25 (IV) YOUTH AND MINORITIES HAVE AN EVEN TOUGHER TIME  
26 FINDING WORK;

27  
28 (V) EVERY DAY, ONE HUNDRED FIFTY THOUSAND UNAUTHORIZED  
29 ALIENS HEAD OFF TO WORK IN COLORADO, MANY OF THEM DOING SO IN  
30 DEFIANCE OF COLORADO LAW MANDATING THAT EMPLOYERS VERIFY THE  
31 WORK ELIGIBILITY OF NEWLY HIRED EMPLOYEES BY CHECKING  
32 PAPER-BASED FORMS OF IDENTIFICATION, SUCH AS DRIVER'S LICENSES OR  
33 SOCIAL SECURITY CARDS;

34  
35 (VI) WHILE THE CURRENT LAW, WHICH WAS PASSED DURING THE  
36 2006 FIRST EXTRAORDINARY SESSION OF THE SIXTY-FIFTH GENERAL  
37 ASSEMBLY ADDRESSING IMMIGRATION REFORM, REQUIRES EMPLOYERS TO  
38 VERIFY WORK ELIGIBILITY USING PAPER-BASED FORMS OF IDENTIFICATION,  
39 THAT MODE OF VERIFICATION IS OUTDATED AND RELATIVELY EASY TO  
40 FORGE;

41  
42 (VII) COLORADO CITIZENS STRUGGLING TO FIND SCARCE JOBS  
43 DESERVE BETTER, AND IT IS TIME TO BRING EMPLOYMENT VERIFICATION  
44 INTO THE TWENTY-FIRST CENTURY BY MANDATING THAT ALL COLORADO  
45 EMPLOYERS USE THE INTERNET-BASED FEDERAL EMPLOYMENT  
46 VERIFICATION SYSTEM, KNOWN AS "E-VERIFY", ADMINISTERED BY THE  
47 UNITED STATES DEPARTMENT OF HOMELAND SECURITY, TO BETTER  
48 ENSURE THAT ONLY THOSE COLORADANS WHO ARE LEGALLY ENTITLED TO  
49 WORK HERE ARE DOING SO;

50  
51 (VIII) ANYONE, INCLUDING LEGITIMATE JOB-SEEKERS, CAN GO ON  
52 THE E-VERIFY WEB SITE AND RUN A SELF-CHECK TO MAKE SURE THEY ARE  
53 ELIGIBLE AND CLEAR UP ANY POTENTIAL PROBLEMS, SUCH AS IDENTITY  
54 THEFT, BEFORE APPLYING FOR WORK;

55  
56 (IX) E-VERIFY IS ALREADY WIDELY USED IN COLORADO AND



1 THROUGHOUT THE COUNTRY AT LARGE;

2

3 (X) OVER TWENTY THOUSAND COLORADO BUSINESS SITES AND  
4 SEVEN HUNDRED THOUSAND BUSINESS SITES ACROSS THE NATION USE THE  
5 SYSTEM ON A VOLUNTARY BASIS;

6

7 (XI) NINE OTHER STATES HAVE ALREADY PASSED LEGISLATION  
8 REQUIRING PRIVATE EMPLOYERS TO USE E-VERIFY, A MANDATE THAT THE  
9 UNITED STATES SUPREME COURT HAS DECLARED CONSTITUTIONAL.

10

11 (b) THE GENERAL ASSEMBLY THEREFORE FINDS AND DETERMINES  
12 THAT IT IS:

13

14 (I) IN THE BEST INTEREST OF THE STATE FOR ALL EMPLOYERS TO  
15 VERIFY THE SOCIAL SECURITY NUMBERS AND WORK ELIGIBILITY STATUS  
16 OF NEWLY HIRED EMPLOYEES; AND

17

18 (II) IMPORTANT THAT EVERY EMPLOYER IN COLORADO  
19 PARTICIPATE IN E-VERIFY FOR THE PURPOSE OF VERIFYING THE WORK  
20 ELIGIBILITY STATUS OF NEWLY HIRED EMPLOYEES.

21

22 (†) (3) As used in this section, unless the context otherwise  
23 requires:

24

25 (a) "BUSINESS LICENSE" MEANS A LICENSE, PERMIT, CERTIFICATE,  
26 APPROVAL, REGISTRATION, CHARTER, OR SIMILAR FORM OF  
27 AUTHORIZATION REQUIRED BY LAW AND ISSUED BY AN AGENCY FOR THE  
28 PURPOSE OF OPERATING A BUSINESS IN THIS STATE.

29

30 (a) (b) "Director" means the director of the division.

31

32 (b) (c) "Division" means the division of labor in the department  
33 of labor and employment.

34

35 (c) (d) "Employer" means a person or entity that:

36

37 (I) Transacts business in Colorado;

38

39 (II) At any time, employs another person to perform services of  
40 any nature IN COLORADO; and

41

42 (III) Has control of the payment of wages for such services or is  
43 the officer, agent, or employee of the person or entity having control of  
44 the payment of wages.

45

46 (e) "E-VERIFY PROGRAM" OR "PROGRAM" MEANS THE ELECTRONIC  
47 EMPLOYMENT VERIFICATION PROGRAM, FORMERLY KNOWN AS THE "BASIC  
48 PILOT PROGRAM", AUTHORIZED UNDER PUB.L. 104-208, DIVISION C, TITLE  
49 IV, SUBTITLE A, 110 STAT. 3009-655, (SEPT. 30, 1996), AS AMENDED, AND  
50 JOINTLY ADMINISTERED BY THE UNITED STATES DEPARTMENT OF  
51 HOMELAND SECURITY AND THE SOCIAL SECURITY ADMINISTRATION, OR ITS  
52 SUCCESSOR PROGRAM.

53

54 (f) "FEDERAL LAW" MEANS SECTION 274A OF THE FEDERAL  
55 "IMMIGRATION AND NATIONALITY ACT", AS AMENDED, 8 U.S.C. SEC.  
56 1324a, AND ANY FEDERAL REGULATIONS ADOPTED PURSUANT TO 8 U.S.C.

1 SEC. 1324a.

2

3 ~~(d)~~ (g) "Unauthorized alien" has the same meaning as set forth in  
4 8 U.S.C. sec. 1324a (h) (3).

5

6 ~~(2) (4) (a) On and after January 1, 2007, within twenty days after~~  
7 ~~hiring a new employee, each employer in Colorado shall affirm that the~~  
8 ~~employer has examined the legal work status of such newly hired~~  
9 ~~employee and has retained file copies of the documents required by 8~~  
10 ~~U.S.C. sec. 1324a; that the employer has not altered or falsified the~~  
11 ~~employee's identification documents; and that the employer has not~~  
12 ~~knowingly hired an unauthorized alien. The employer shall keep a written~~  
13 ~~or electronic copy of the affirmation, and of the documents required by~~  
14 ~~8 U.S.C. sec. 1324a, for the term of employment of each employee~~  
15 PURSUANT TO FEDERAL LAW, IT IS UNLAWFUL FOR AN EMPLOYER TO  
16 KNOWINGLY HIRE AN UNAUTHORIZED ALIEN.

17

18 (b) ON AND AFTER JANUARY 1, 2013, UPON HIRING A NEW  
19 EMPLOYEE TO PERFORM WORK IN COLORADO, EACH EMPLOYER IN  
20 COLORADO SHALL PARTICIPATE IN THE E-VERIFY PROGRAM FOR THE  
21 PURPOSE OF VERIFYING THE WORK ELIGIBILITY STATUS OF EACH OF THE  
22 EMPLOYER'S NEWLY HIRED EMPLOYEES. THE EMPLOYER SHALL RETAIN A  
23 WRITTEN OR ELECTRONIC COPY OF THE EMPLOYMENT ELIGIBILITY  
24 INFORMATION IT RECEIVES THROUGH THE E-VERIFY PROGRAM REGARDING  
25 EACH NEWLY HIRED EMPLOYEE IN ACCORDANCE WITH E-VERIFY PROGRAM  
26 STANDARDS.

27

28 (c) UPON HIRING A NEW EMPLOYEE TO PERFORM WORK IN  
29 COLORADO ON OR AFTER JANUARY 1, 2013, AN EMPLOYER SHALL ENTER  
30 INTO AN AGREEMENT AS REQUIRED BY THE UNITED STATES DEPARTMENT  
31 OF HOMELAND SECURITY TO PARTICIPATE IN THE E-VERIFY PROGRAM AND  
32 SHALL COMPLY WITH THE REQUIREMENTS FOR PARTICIPATING IN THE  
33 PROGRAM. IF THE AGREEMENT IS TERMINATED BY THE UNITED STATES  
34 DEPARTMENT OF HOMELAND SECURITY BASED ON THE EMPLOYER'S  
35 FAILURE TO COMPLY WITH THE ESTABLISHED PROCEDURES OR LEGAL  
36 REQUIREMENTS AS SET FORTH IN THE AGREEMENT, THE EMPLOYER IS  
37 SUBJECT TO THE PENALTIES SET FORTH IN SUBSECTION (6) OF THIS  
38 SECTION.

39

40 (d) UPON ENTERING THE AGREEMENT DESCRIBED IN PARAGRAPH  
41 (c) OF THIS SUBSECTION (4), THE EMPLOYER SHALL MAINTAIN A COPY OF  
42 THE AGREEMENT, SHOWING THAT THE EMPLOYER IS AN ACTIVE  
43 PARTICIPANT IN THE E-VERIFY PROGRAM, AND SHALL NOTIFY ITS  
44 EMPLOYEES THAT IT IS PARTICIPATING IN THE PROGRAM IN THE MANNER  
45 REQUIRED BY THE AGREEMENT.

46

47 ~~(3) (5) Upon the request of the director, an employer shall submit~~  
48 ~~documentation to the director that demonstrates that the employer is in~~  
49 ~~compliance with the employment verification requirements specified in~~  
50 ~~8 U.S.C. sec. 1324a (b) and documentation that the employer has~~  
51 ~~complied with the requirements of COPIES OF THE E-VERIFY EMPLOYMENT~~  
52 ~~ELIGIBILITY INFORMATION REGARDING NEW EMPLOYEES AND A COPY OF~~  
53 ~~THE EMPLOYER'S AGREEMENT WITH THE UNITED STATES DEPARTMENT OF~~  
54 ~~HOMELAND SECURITY, AS REQUIRED BY subsection (2) (4) of this section.~~  
55 The director or the director's designee may conduct random audits of  
56 employers in Colorado to obtain the documentation. When the director

1 has reason to believe that an employer has not ~~complied with the~~  
2 ~~employment verification and examination requirements~~ ENROLLED IN THE  
3 E-VERIFY PROGRAM OR VERIFIED A NEW EMPLOYEE THROUGH THE  
4 E-VERIFY PROGRAM, the director shall request the employer to submit the  
5 documentation.

6  
7 ~~(4)~~ (6) (a) An employer who, with reckless disregard, fails to  
8 submit the documentation required by this section, ~~or who, with reckless~~  
9 ~~disregard,~~ submits false or fraudulent documentation, ~~shall be~~ OR FAILS  
10 TO PARTICIPATE IN THE E-VERIFY PROGRAM TO VERIFY THE EMPLOYMENT  
11 ELIGIBILITY OF EACH NEWLY HIRED EMPLOYEE IS subject to a fine of not  
12 more than five thousand dollars for the first offense and not more than  
13 twenty-five thousand dollars for the second ~~and~~ OFFENSE. FOR any  
14 subsequent offense, THE EMPLOYER IS SUBJECT TO A FINE OF NOT MORE  
15 THAN TWENTY-FIVE THOUSAND DOLLARS AND A SUSPENSION OF ALL THE  
16 EMPLOYER'S BUSINESS LICENSES FOR UP TO SIX MONTHS. The DIVISION  
17 SHALL TRANSMIT moneys collected pursuant to this subsection ~~(4) shall~~  
18 ~~be deposited~~ (6) TO THE STATE TREASURER FOR DEPOSIT in the  
19 employment verification cash fund, which is hereby created in the state  
20 treasury. The GENERAL ASSEMBLY SHALL APPROPRIATE moneys in the  
21 fund ~~shall be appropriated~~ to the department of labor and employment for  
22 the purpose of implementing, administering, and enforcing this section.  
23 The moneys in the fund ~~shall~~ remain in the fund and DO not revert to the  
24 general fund or any other fund at the end of any fiscal year.

25  
26 (b) FOR PURPOSES OF THIS SUBSECTION (6), "PARTICIPATE IN THE  
27 E-VERIFY PROGRAM" MEANS TO:

28  
29 (I) ENROLL IN THE PROGRAM BY ENTERING INTO AN AGREEMENT  
30 WITH THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; AND

31  
32 (II) USE THE PROGRAM TO VERIFY THE WORK ELIGIBILITY STATUS  
33 OF EACH NEW EMPLOYEE.

34  
35 (7) (a) AS PART OF ITS QUARTERLY ELECTRONIC PUBLICATION TO  
36 EMPLOYERS, THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL  
37 NOTIFY EVERY EMPLOYER OF THE REQUIREMENTS OF THIS SECTION AND  
38 SHALL INCLUDE IN THE PUBLICATION A LINK TO ITS WEB SITE WHERE AN  
39 EMPLOYER CAN ACCESS THE NOTICE DESCRIBED IN PARAGRAPH (b) OF THIS  
40 SUBSECTION (7). THE DEPARTMENT SHALL INCLUDE THE NOTICE AND WEB  
41 SITE LINK IN EACH QUARTERLY ELECTRONIC PUBLICATION DISTRIBUTED TO  
42 EMPLOYERS ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AS  
43 AMENDED.

44  
45 (b) IN CONNECTION WITH THE STATEMENT AND INFORMATION  
46 REQUIRED TO BE POSTED PURSUANT TO SECTION 8-2-124, THE  
47 DEPARTMENT OF LABOR AND EMPLOYMENT SHALL PERMANENTLY POST A  
48 NOTICE ON ITS WEB SITE EXPLAINING THE REQUIREMENTS OF THIS SECTION  
49 THAT INCLUDES AT LEAST THE FOLLOWING INFORMATION:

50  
51 (I) THAT FEDERAL LAW PROHIBITS AN EMPLOYER FROM  
52 KNOWINGLY EMPLOYING AN UNAUTHORIZED ALIEN;

53  
54 (II) THAT AS OF JANUARY 1, 2013, EMPLOYERS WHO HIRE NEW  
55 EMPLOYEES TO PERFORM WORK IN COLORADO ARE REQUIRED TO VERIFY  
56 THE EMPLOYMENT ELIGIBILITY OF THE NEW EMPLOYEES THROUGH THE

1 E-VERIFY PROGRAM; AND

2

3 (III) INSTRUCTIONS FOR THE EMPLOYER ON HOW TO ENROLL IN THE  
4 E-VERIFY PROGRAM.

5

6 (8) (a) AN EMPLOYER HAS A REBUTTABLE PRESUMPTION THAT THE  
7 EMPLOYER, ACTING IN GOOD FAITH, DID NOT KNOWINGLY EMPLOY AN  
8 UNAUTHORIZED ALIEN IF:

9

10 (I) THE EMPLOYER COMPLIES WITH THE EMPLOYMENT  
11 VERIFICATION REQUIREMENTS SPECIFIED IN FEDERAL LAW AND IN  
12 PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION; AND

13

14 (II) THE EMPLOYER PARTICIPATES IN THE E-VERIFY PROGRAM IN  
15 ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION,  
16 AND THE INFORMATION OBTAINED IN ACCORDANCE WITH THE E-VERIFY  
17 PROGRAM INDICATES THAT THE EMPLOYEE'S WORK ELIGIBILITY STATUS  
18 ALLOWED THE EMPLOYER TO HIRE AND RETAIN THE EMPLOYEE.

19

20 (b) AN EMPLOYER HAS A REBUTTABLE PRESUMPTION THAT THE  
21 EMPLOYER, ACTING IN GOOD FAITH, DID NOT WRONGFULLY TERMINATE AN  
22 INDIVIDUAL IF:

23

24 (I) THE EMPLOYER PARTICIPATES IN THE E-VERIFY PROGRAM IN  
25 ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION;  
26 AND

27

28 (II) THE EMPLOYER RECEIVED A FINAL NOTICE OF  
29 NONCONFIRMATION OF WORK ELIGIBILITY ON THE INDIVIDUAL THROUGH  
30 THE E-VERIFY PROGRAM.

31

32 (c) AN EMPLOYER THAT SHOWS THAT IT COMPLIED IN GOOD FAITH  
33 WITH THE REQUIREMENTS OF FEDERAL LAW ESTABLISHES AN AFFIRMATIVE  
34 DEFENSE THAT THE EMPLOYER DID NOT INTENTIONALLY OR KNOWINGLY  
35 EMPLOY AN UNAUTHORIZED ALIEN.

36

37 ~~(5)~~ (9) **Construction.** It is the public policy of Colorado that this  
38 section ~~shall~~ be enforced without regard to race, religion, gender,  
39 ethnicity, national origin, or disability AND BE CONSTRUED IN A MANNER  
40 SO AS TO BE FULLY CONSISTENT WITH APPLICABLE PROVISIONS OF FEDERAL  
41 LAW.

42

43 (10) **Implementation.** THIS SECTION MUST BE IMPLEMENTED IN A  
44 MANNER CONSISTENT WITH FEDERAL LAWS REGULATING IMMIGRATION,  
45 PROTECTING THE CIVIL RIGHTS OF ALL PERSONS, AND RESPECTING THE  
46 PRIVILEGES AND IMMUNITIES OF UNITED STATES CITIZENS.

47

48 (11) **Severability.** IF ANY PROVISION OF THIS SECTION IS HELD  
49 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OF THIS  
50 SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION.

51

52 **SECTION 2.** In Colorado Revised Statutes, 8-2-124, **amend** (2)  
53 (a) (I) as follows:

54

55 **8-2-124. Electronic verification program - availability - notice**  
56 **to employers - definitions.** (2) (a) (I) As part of its quarterly electronic  
publication distributed to employers, the department shall, at a minimum,

1 notify every employer of the federal law against hiring or continuing to  
2 employ an unauthorized alien and of the availability of, AND THE  
3 REQUIREMENT UNDER SECTION 8-2-122 (4) (b) TO PARTICIPATE IN, the  
4 ~~optional~~ electronic verification program to verify the work eligibility  
5 status of new employees.

6  
7 **SECTION 3.** In Colorado Revised Statutes, **repeal** article 17.5  
8 of title 8.

9  
10 **SECTION 4.** In Colorado Revised Statutes, 24-21-112, **amend**  
11 (2) as follows:

12  
13 **24-21-112. Electronic verification program - notice - employer**  
14 **responsibilities - definitions.** (2) The secretary of state, in consultation  
15 with the department of labor and employment, shall post on the secretary  
16 of state's web site information pertaining to the prohibition against hiring  
17 or continuing to employ an unauthorized alien, as defined in 8 U.S.C. sec.  
18 1324a (h) (3), ~~and~~ the availability of and the requirements for  
19 participation in the electronic verification program as a means for  
20 employers to verify the work eligibility status of new employees, AND THE  
21 REQUIREMENTS FOR VERIFYING THE WORK ELIGIBILITY STATUS OF NEWLY  
22 HIRED EMPLOYEES AND THE PENALTIES FOR NONCOMPLIANCE AS SET  
23 FORTH IN SECTION 8-2-122, C.R.S. The web site posting required by this  
24 subsection (2) ~~shall~~ MUST appear in the same format as required by  
25 section 8-2-124 (2) (a), C.R.S., and ~~shall~~ MUST appear in a conspicuous  
26 location on the secretary of state's web site. The secretary of state's web  
27 site ~~shall~~ MUST also provide a link to the e-verify web site available  
28 through the internet portal for the United States citizenship and  
29 immigration services, or its successor agency.

30  
31 **SECTION 5. Appropriation - adjustments in 2012 long bill.**  
32 (1) For the implementation of this act, appropriations made in the annual  
33 general appropriation act to the department of labor and employment for  
34 the fiscal year beginning July 1, 2012, are adjusted as follows:

35  
36 (a) The reappropriated funds appropriation for the executive  
37 director's office is decreased by \$78,305 and 1.0 FTE. Said sum is from  
38 statewide indirect cost recoveries.

39  
40 (b) The appropriation for the division of labor is increased by  
41 \$78,305 and 1.0 FTE. Said sum is from the employment support cash  
42 fund created in section 8-77-109 (1), Colorado Revised Statutes.

43  
44 (2) For the implementation of this act, appropriations made in the  
45 annual general appropriation act to the department of personnel and  
46 administration, office of the state controller, for the fiscal year beginning  
47 July 1, 2012, are adjusted as follows:

48  
49 (a) The general fund appropriation is decreased by \$78,305.

50  
51 (b) The reappropriated funds appropriation is increased by  
52 \$78,305. Said sum is from the department of labor and employment  
53 statewide indirect cost recoveries.

54  
55 **SECTION 6. Effective date.** This act takes effect January 1,  
56 2013.

1           **SECTION 7. Safety clause.** The general assembly hereby finds,  
 2 determines, and declares that this act is necessary for the immediate  
 3 preservation of the public peace, health, and safety."  
 4

5 Page 1 of the bill, line 103, strike "**PROGRAM.**" and substitute "**PROGRAM,**  
 6 **AND, IN CONNECTION THEREWITH, MAKING AND REDUCING**  
 7 **APPROPRIATIONS.**"  
 8  
 9  
 10

11  
 12 **FINANCE**

13 After consideration on the merits, the Committee recommends the  
 14 following:  
 15

16 **SB12-041**       be referred favorably to the Committee on Appropriations.  
 17

18  
 19 **SB12-087**       be amended as follows, and as so amended, be referred to  
 20 the Committee of the Whole with favorable  
 21 recommendation:  
 22

23 Amend reengrossed bill, page 2, after line 1 insert:

24           "**SECTION 1.** In Colorado Revised Statutes, 39-8-109, **amend**  
 25 (1) as follows:  
 26

27           **39-8-109. Effects of board of assessment appeals or district**  
 28 **court decision.** (1) If upon appeal the appellant is sustained, in whole or  
 29 in part, then the appellant shall provide a copy of the order or judgment  
 30 of the board of assessment appeals or district court, as the case may be,  
 31 to the county assessor. If the order or judgment has been appealed, then  
 32 the appellant shall present to the county assessor a copy of the original  
 33 order or judgment of the board of assessment appeals or district court and  
 34 copies of all further decisions of the board of assessment appeals, district  
 35 court, court of appeals, and supreme court. Upon presentation to the  
 36 treasurer by the county assessor of a copy of the order or judgment of the  
 37 board of assessment appeals or district court, as the case may be, and, if  
 38 the case has been appealed, copies of all further decisions of the board of  
 39 assessment appeals, district court, court of appeals, and supreme court,  
 40 modifying the valuation for assessment of the property, the appellant,  
 41 identified as the petitioner or plaintiff on the order or judgment of the  
 42 board of assessment appeals or district court, shall forthwith receive the  
 43 appropriate refund of taxes and delinquent interest thereon, together with  
 44 refund interest at the same rate as delinquent interest as specified in  
 45 section 39-10-104.5. Such refund interest ~~shall only accrue from the date~~  
 46 ~~on which payment of taxes and delinquent interest thereon was received~~  
 47 ~~by the treasurer~~ ACCRUES FROM THE LATER OF THE DATE A COMPLETE  
 48 ABATEMENT PETITION IS FILED WITH THE BOARD OF COUNTY  
 49 COMMISSIONERS OR THE DATE THE TAXES ARE PAID. Such refund shall be  
 50 paid to the appellant even if the appellant is not the current owner of the  
 51 property. The appellant and the county shall each be responsible for their  
 52 respective costs in said court or board of assessment appeals, as the case  
 53 may be."  
 54

55 Renumber succeeding sections accordingly.  
 56

1 **HEALTH & ENVIRONMENT**

2 After consideration on the merits, the Committee recommends the  
3 following:

4  
5 **HB12-1294** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend the Economic and Business Development Committee Report,  
10 dated March 1, 2012, page 1, strike lines 1 through 5 and substitute:

11  
12 "Amend printed bill, page 5, line 26, strike "(2) (a.5) introductory portion,  
13 and (2) (c);" and substitute "and (2) (a.5) introductory portion;"

14  
15 Page 5 of the bill, line 27, after "(III)" insert "and (2) (b.5)".

16  
17 Page 6 of the bill, line 8, strike the first "centers," and substitute "~~centers~~  
18 HOSPITALS,"

19  
20 Page 6 of the bill, strike lines 10 through 12 and substitute "disabilities,  
21 ~~habilitation centers for brain-damaged children, chiropractic centers and~~  
22 ~~hospitals, maternity hospitals, nursing care facilities, the pilot project~~  
23 ~~rehabilitative nursing facility, hospice care, assisted living"~~

24  
25 Page 6 of the bill, line 23, strike "CONDUCT ONLY AN ABBREVIATED," and  
26 substitute "EXTEND THE SURVEY CYCLE OR CONDUCT A TIERED".

27  
28 Page 6 of the bill, line 24, strike "PERIODIC".

29  
30 Page 6 of the bill, line 26, strike "TAKEN" and substitute "TAKEN, NO  
31 PATTERNS OF DEFICIENT PRACTICES EXIST, AS DOCUMENTED IN THE  
32 INSPECTION AND SURVEY REPORTS ISSUED BY THE DEPARTMENT,"

33  
34 Page 7 of the bill, strike line 3 and substitute "INSPECTION. THE  
35 DEPARTMENT MAY EXPAND THE SCOPE OF THE INSPECTION OR SURVEY TO  
36 AN EXTENDED OR FULL SURVEY IF THE DEPARTMENT FINDS DEFICIENT  
37 PRACTICE DURING THE TIERED INSPECTION OR SURVEY. THE DEPARTMENT,  
38 BY RULE, SHALL ESTABLISH A SCHEDULE FOR AN EXTENDED SURVEY CYCLE  
39 OR A TIERED".

40  
41 Page 7 of the bill, line 4, strike "ABBREVIATED, PERIODIC".

42  
43 Page 7 of the bill, line 25, strike "INCLUDE" and substitute "CITE AS A  
44 DEFICIENCY" and strike "OR PLAN".

45  
46 Page 7 of the bill, line 26, strike "OF CORRECTION".

47  
48 Page 7 of the bill, line 27, after "DEFICIENCY" insert "FROM AN ISOLATED  
49 EVENT".

50  
51 Page 8 of the bill, line 1, strike "AND EFFICIENTLY".

52  
53 Page 8 of the bill, line 2, strike "FACILITY." and substitute "FACILITY,  
54 UNLESS THE DEFICIENCY CAUSED HARM OR A POTENTIAL FOR HARM,  
55 CREATED A LIFE- OR LIMB-THREATENING EMERGENCY, OR WAS DUE TO  
56 ABUSE OR NEGLECT.".

1 Page 1 of the committee report, line 6, strike "after line 9 insert:" and  
2 substitute "strike lines 10 through 14 and substitute:".

3

4 Page 1 of the committee report, strike lines 17 and 18.

5

6 Page 2 of the committee report, strike lines 1 through 21 and substitute:

7

8 "Page 9 of the bill, line 20, strike "center," and substitute "center  
9 HOSPITAL,".

10

11 Page 9 of the bill, strike lines 22 through 25 and substitute "persons with  
12 developmental disabilities, ~~habilitation center for children with brain~~  
13 ~~damage, chiropractic center and hospital, maternity hospital,~~ AS DEFINED  
14 IN SECTION 25-1.5-103 (2) (c), nursing care facility, ~~pilot project~~  
15 ~~rehabilitative nursing facility,~~ hospice care, assisted living".

16

17 Page 11 of the bill, strike lines 9 and 10 and substitute "department;  
18 except that a community residential home shall make application for a  
19 license pursuant to section 27-10.5-109, C.R.S.".

20

21 Page 13 of the bill, strike lines 9 through 27.

22

23 Page 14 of the bill, strike lines 1 through 19 and substitute:

24

25 "(b) (I) IN THE APPLICATION FOR THE RENEWAL OF A LICENSE FOR  
26 A HEALTH FACILITY DESCRIBED IN SECTION 25-3-101, OTHER THAN AN  
27 AMBULATORY SURGICAL CENTER, THE DEPARTMENT OF PUBLIC HEALTH  
28 AND ENVIRONMENT SHALL DEEM HEALTH FACILITIES THAT ARE  
29 CURRENTLY ACCREDITED BY AN ACCREDITING ORGANIZATION  
30 RECOGNIZED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID  
31 SERVICES AS SATISFYING THE REQUIREMENTS FOR RENEWAL OF THE  
32 LICENSE.

33

34 (II) IF THE STANDARDS FOR NATIONAL ACCREDITATION ARE LESS  
35 STRINGENT THAN THE STATE'S LICENSURE STANDARDS FOR A PARTICULAR  
36 HEALTH FACILITY, THE DEPARTMENT OF PUBLIC HEALTH AND  
37 ENVIRONMENT MAY CONDUCT A SURVEY THAT FOCUSES ON THE MORE  
38 STRINGENT STATE STANDARDS. BEGINNING ONE YEAR AFTER THE  
39 DEPARTMENT FIRST GRANTS DEEMED STATUS TO A HEALTH FACILITY  
40 PURSUANT TO THIS PARAGRAPH (b), THE DEPARTMENT MAY CONDUCT  
41 VALIDATION SURVEYS, BASED ON A VALID SAMPLE METHODOLOGY, OF UP  
42 TO TEN PERCENT OF THE TOTAL NUMBER OF ACCREDITED HEALTH  
43 FACILITIES IN THE INDUSTRY, EXCLUDING HOSPITALS. IF THE DEPARTMENT  
44 CONDUCTS A VALIDATION SURVEY OF A HEALTH FACILITY, THE  
45 VALIDATION SURVEY IS IN LIEU OF A LICENSING RENEWAL SURVEY THAT  
46 THE HEALTH FACILITY WOULD HAVE UNDERGONE IF THE HEALTH FACILITY  
47 DID NOT HAVE DEEMED STATUS PURSUANT TO THIS PARAGRAPH (b)."."

48

49 Page 2 of the committee report, line 22, strike ""(III)" and substitute  
50 "(III)".

51

52 Page 3 of the committee report, line 3, strike ""(B), UPON THE" and  
53 substitute ""(B), BY AN AMOUNT NOT TO EXCEED".

54

55 Page 3 of the committee report, strike lines 4 and 5.

56



- 1 Page 3 of the committee report, strike lines 11 through 17 and substitute:  
2  
3 "Page 18 of the bill, line 8, strike "article including indirect costs" and  
4 substitute "article, including indirect costs,".  
5  
6 Page 18 of the bill, line 10, strike "INDUSTRY" and strike "ADVISORY  
7 COUNCIL" and substitute "STAKEHOLDER FORUM".  
8  
9 Page 18 of the bill, strike lines 15 through 27.  
10  
11 Strike pages 19 and 20 of the bill.  
12  
13 Page 21 of the bill, strike lines 1 through 24 and substitute:  
14  
15 **"25-3-112. Health care facility stakeholder forum - creation -**  
16 **membership - duties.** (1) THERE IS HEREBY CREATED IN THE  
17 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THE HEALTH CARE  
18 FACILITY STAKEHOLDER FORUM, REFERRED TO IN THIS SECTION AS THE  
19 "STAKEHOLDER FORUM". THE STAKEHOLDER FORUM MUST CONSIST OF  
20 REPRESENTATIVES FROM VARIOUS TYPES OF PROVIDER FACILITIES  
21 LICENSED BY THE DEPARTMENT, CONSUMERS, CONSUMER ADVOCATES,  
22 OMBUDSMEN, AND OTHER INTERESTED PARTIES. THE DEPARTMENT SHALL  
23 MEET AT LEAST FOUR TIMES EACH YEAR WITH THE STAKEHOLDER FORUM  
24 TO DISCUSS AND TAKE INTO CONSIDERATION THE CONCERNS AND ISSUES  
25 OF INTEREST TO THE FORUM MEMBERS AND OTHER ATTENDEES REGARDING  
26 THE DEVELOPMENT AND IMPLEMENTATION OF RULES AND OTHER MATTERS  
27 THAT AFFECT ALL HEALTH CARE FACILITIES LICENSED BY THE  
28 DEPARTMENT.  
29  
30 (2) THE MEMBERS OF THE STAKEHOLDER FORUM SERVE ON A  
31 VOLUNTARY BASIS WITHOUT COMPENSATION AND ARE RESPONSIBLE FOR  
32 NOTICING, STAFFING, RECORDING, AND REPORTING THE NOTES FROM THE  
33 STAKEHOLDER FORUM MEETINGS. THE DEPARTMENT SHALL CONSIDER THE  
34 ATTENDANCE OF ITS REPRESENTATIVES AT MEETINGS WITH THE  
35 STAKEHOLDER FORUM TO BE WITHIN THE NORMAL COURSE OF BUSINESS,  
36 WITH NO ADDITIONAL APPROPRIATION TO OR RESOURCES FROM THE  
37 DEPARTMENT REQUIRED.  
38  
39 (3) THE STAKEHOLDER FORUM AND THE DEPARTMENT SHALL  
40 WORK TO COORDINATE WITH, AND SHALL NOT DUPLICATE THE WORK BEING  
41 DONE BY, ESTABLISHED OR STATUTORILY AUTHORIZED ADVISORY  
42 COMMITTEES OR WORKING GROUPS ON ISSUES RELATED TO THE  
43 DEVELOPMENT AND IMPLEMENTATION OF RULES."  
44  
45 Page 3 of the committee report, line 18, strike ""(5)" and substitute "(4)".  
46  
47 Page 3 of the committee report, line 19, strike "ADVISORY COUNCIL".  
48  
49 Page 3 of the committee report, strike line 20 and substitute  
50 "DEPARTMENT MAY USE THE STAKEHOLDER FORUM DESCRIBED IN THIS  
51 SECTION, WHEN APPROPRIATE, TO SERVE AS THE".  
52  
53 Page 3 of the committee report, line 23, strike "subsection" and substitute  
54 "sections".  
55  
56 Page 3 of the committee report, strike line 24 and substitute:

- 1 "Page 23 of the printed bill, strike line 5 and substitute "state regulatory  
2 agencies, SHALL REQUIRE THE DEPARTMENT OF HEALTH CARE POLICY AND  
3 FINANCING AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
4 TO WORK JOINTLY TO RESOLVE DIFFERING REQUIREMENTS, AND SHALL  
5 ONLY REGULATE A PROVIDER FOR THE".  
6
- 7 Page 4 of the committee report, strike lines 2 through 28.  
8
- 9 Page 5 of the committee report, strike lines 1 through 10 and substitute:  
10
- 11 "Page 23 of the bill, strike line 14 and substitute "**amend** (2) and (3) as  
12 follows:".  
13
- 14 Page 23 of the bill, strike line 16 and substitute "(2) (a) The department  
15 of public health and environment and the".  
16
- 17 Page 23 of the bill, line 17, strike "~~joint~~" and substitute "joint".  
18
- 19 Page 23 of the bill, strike lines 21 through 27.  
20
- 21 Page 24 of the bill, strike lines 1 through 10 and substitute:  
22 "(b) BY DECEMBER 31, 2012, THE DEPARTMENT OF PUBLIC HEALTH  
23 AND ENVIRONMENT, THE DEPARTMENT OF HEALTH CARE POLICY AND  
24 FINANCING, AND THE DEPARTMENT OF HUMAN SERVICES SHALL DEVELOP  
25 AN IMPLEMENTATION PLAN, IN CONSULTATION WITH INDUSTRY  
26 REPRESENTATIVES, TO RESOLVE DIFFERING REQUIREMENTS AND TO  
27 ELIMINATE OBSOLETE, REDUNDANT RULES AND REPORTING, MONITORING,  
28 COMPLIANCE, AUDITING CERTIFICATION, LICENSING, AND WORK PROCESSES  
29 PERTAINING TO THE REGULATION OF COMMUNITY RESIDENTIAL HOMES  
30 PURSUANT TO THIS SECTION. THE DEPARTMENTS SHALL STUDY THE  
31 FEASIBILITY OF IMPLEMENTING A SINGLE, CONSOLIDATED SURVEY AND  
32 METHODS FOR CONDUCTING SURVEYS SIMULTANEOUSLY. THE  
33 DEPARTMENTS SHALL REPORT THEIR PROGRESS IN MEETING THE  
34 REQUIREMENTS OF THIS PARAGRAPH (b) TO THEIR RESPECTIVE  
35 COMMITTEES OF REFERENCE WHEN MAKING THEIR DEPARTMENTAL  
36 PRESENTATIONS AS REQUIRED BY PART 2 OF ARTICLE 7 OF TITLE 2, C.R.S.  
37 THE DEPARTMENTS SHALL SEND COPIES OF THE REPORT TO THE HEALTH  
38 CARE FACILITY STAKEHOLDER FORUM CREATED IN SECTION 25-3-112,  
39 C.R.S.  
40
- 41 (3) (a) The department of public health and environment and the  
42 department of human services shall develop standards for the".  
43
- 44 Page 24 of the bill, strike lines 16 through 21.  
45
- 46 Page 24 of the bill, line 22, strike "(c)" and substitute "(b)" and after  
47 "DEPARTMENT" insert "OF HUMAN SERVICES OR THE STATE BOARD OF  
48 HEALTH, AS APPROPRIATE,".  
49
- 50 Page 24 of the bill, strike lines 24 through 27.  
51
- 52 Page 25 of the bill, strike line 1 and substitute "~~or the state board of health~~  
53 and shall specify the responsibilities of each department in the program.  
54 Surveys undertaken to ensure compliance with these standards shall, as  
55 appropriate, be undertaken as joint surveys by the departments.".  
56

1 Page 25 of the bill, line 4, after "DEPARTMENT" insert "OF PUBLIC HEALTH  
2 AND ENVIRONMENT OR THE DEPARTMENT OF HUMAN SERVICES, AS  
3 APPROPRIATE,".

4  
5 Page 25 of the bill, strike lines 8 through 27.

6  
7 Strike page 26 of the bill.

8  
9 Page 27 of the bill, strike lines 1 through 16.".

10  
11 Page 5 of the committee report, line 13, strike "(5)," and substitute "(4)".

12  
13  
14  
15 **SB12-127** be amended as follows, and as so amended, be referred to  
16 the Committee of the Whole with favorable  
17 recommendation:

18  
19 Amend reengrossed bill, page 5, line 5, after "CENTERS," insert "HOSPICE  
20 AND PALLIATIVE CARE CENTERS,".

21  
22  
23  
24 **SB12-128** be amended as follows, and as so amended, be referred to  
25 the Committee of the Whole with favorable  
26 recommendation:

27  
28 Amend reengrossed bill, page 2, strike line 16 and substitute:  
29 "(IV) THE STATE DEPARTMENT HAS CONDUCTED PRIOR STUDIES  
30 INFORMING THE STATE THAT AN ENHANCED REIMBURSEMENT  
31 METHODOLOGY IS NECESSARY FOR THE ESTABLISHMENT OF A STRONG  
32 CONTINUUM OF CARE FOR LONG-TERM CARE;

33  
34 (V) OTHER ALTERNATIVES TO NURSING HOME CARE SHOULD BE".

35  
36 Renumber succeeding subparagraph accordingly.

37  
38 Page 3, strike lines 17 through 20 and substitute:  
39 "(3) IN ORDER TO ADDRESS THE NEEDS OF MEDICAID CLIENTS WHO  
40 ARE AT RISK OF NURSING HOME PLACEMENT, THE STATE DEPARTMENT MAY  
41 ALSO CREATE A PROGRAM, INFORMED BY PRIOR STUDIES, THAT MAY  
42 INCLUDE, BUT NEED NOT BE LIMITED TO, TIERED-RATE, ACUITY, AND  
43 ENHANCED REIMBURSEMENTS FOR ALTERNATIVE CARE FACILITIES AND  
44 ENHANCED ALTERNATIVE CARE SERVICES. ANY PROGRAM CREATED BY  
45 THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION (3) SHALL BE  
46 BUDGET-NEUTRAL TO THE STATE DEPARTMENT."

47  
48  
49  
50  
51 **JUDICIARY**  
52 After consideration on the merits, the Committee recommends the  
53 following:

54  
55 **SB12-102** be referred to the Committee of the Whole with favorable  
56 recommendation.

1 **SB12-141** be postponed indefinitely.  
2  
3  
4  
5

6 **STATE, VETERANS, & MILITARY AFFAIRS**

7 After consideration on the merits, the Committee recommends the  
8 following:  
9

10 **HB12-1211** be postponed indefinitely.  
11

12  
13 **SB12-093** be postponed indefinitely.  
14

15  
16 **SB12-152** be referred to the Committee of the Whole with favorable  
17 recommendation.  
18  
19  
20  
21

22 **TRANSPORTATION**

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

26 **SB12-059** be referred to the Committee of the Whole with favorable  
27 recommendation.  
28  
29  
30

31 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**  
32

33 The Speaker has signed: **SJR12-021, 022.**  
34  
35  
36

37 **DELIVERY OF BILLS TO GOVERNOR**  
38

39 The Chief Clerk of the House of Representatives reports the following  
40 bills have been delivered to the Office of the Governor: **HB12-1028,**  
41 **1029, 1031, 1032, 1058, 1061, 1065, 1072, 1089, 1104, 1169, 1207,**  
42 **1212, 1249, 1288** at 10:30 a.m. on March 22, 2012.  
43  
44  
45

46 **MESSAGE(S) FROM THE SENATE**  
47

48 The Senate has passed on Third Reading and returns herewith  
49 HB12-1222, HB12-1299, HB12-1312.  
50

51 The Senate has passed on Third Reading and transmits to the Revisor of  
52 Statutes: SB12-156.  
53

54 The Senate has postponed indefinitely HB12-1172, HB12-1123,  
55 HB12-1116, HB12-1007. The bills are returned herewith.  
56

1 The Senate has passed on Third Reading and returns herewith  
2 HB12-1269.

3

4 The Senate has passed on Third Reading and transmits to the Revisor of  
5 Statutes:

6

7 HB12-1270 amended as printed in Senate Journal, March 22, 2012,  
8 page 553.

9

10

11

12 **MESSAGE(S) FROM THE REVISOR**

13

14 We herewith transmit:

15 Without comment, SB12-156.

16

17

18 Without comment, as amended, HB12-1270.

19

20

21

22 **MESSAGE(S) FROM THE GOVERNOR**

23

24 I certify I received the following on the 22nd day of March, 2012, at  
25 2:17 p.m. The original is on file in the records of the House of  
26 Representatives of the General Assembly.

27

28

Marilyn Eddins,  
Chief Clerk of the House

29

30 March 22, 2012

31

32 To the Honorable House of Representatives

33 Sixty-Eighth General Assembly

34 Second Regular Session

35 State Capitol

36 Denver, CO 80203

37

38 Ladies and Gentlemen:

39

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

42

43 **HB12-1117** CONCERNING THE ABILITY OF A LOCAL GOVERNMENT TO  
44 PERMIT, IN ITS DISCRETION, THE COLLECTION OF  
45 CHARITABLE SOLICITATIONS FROM MOTORISTS ON A  
46 CERTAIN NUMBER OF DAYS PER CALENDAR YEAR

47

48 Approved March 22, 2012 at 12:36 pm

49

50 **HB 12-1221** CONCERNING BILLING FOR ANATOMIC PATHOLOGY  
51 SERVICES

52

53 Approved March 22, 2012 at 12:47 pm

54

55

- 1 **HB 12-1047** CONCERNING THE WAIVER OF NON-SAFETY LICENSING  
2 STANDARDS FOR KINSHIP FOSTER CARE  
3  
4 Approved March 22, 2012 at 12:51 pm  
5
- 6 **HB 12-1033** CONCERNING CONDITIONS ON THE AUTHORITY OF THE  
7 DIRECTOR OF THE DIVISION OF WORKERS'  
8 COMPENSATION TO IMPOSE ADMINISTRATIVE FINES AS  
9 A RESULT OF COMPLIANCE AUDITS FINDING INSTANCES  
10 OF LATE REPORTING OF INJURIES UNDER THE "WORKERS'  
11 COMPENSATION ACT OF COLORADO"  
12  
13 Approved March 22, 2012 at 12:54 pm  
14
- 15 **HB 12-1090** CONCERNING THE ANNUAL DATE FOR ESTABLISHING  
16 THE TOTAL PUPIL ENROLLMENT OF EACH PUBLIC  
17 SCHOOL  
18  
19 Approved March 22, 2012 at 12:58 pm  
20
- 21 **HB 12-1177** CONCERNING A GRANT PROGRAM TO PROVIDE HOME  
22 CARE ALLOWANCE BENEFITS TO CERTAIN ELIGIBLE  
23 INDIVIDUALS, AND, IN CONNECTION THEREWITH,  
24 MAKING AND REDUCING APPROPRIATIONS  
25  
26 Approved March 22, 2012 at 1:04 pm  
27
- 28 **HB 12-1074** CONCERNING ACCESS TO DATA TO ASSIST THE COURTS  
29 IN OVERSEEING PERSONS APPOINTED TO MANAGE THE  
30 AFFAIRS OF PERSONS UNDER DISABILITY  
31  
32 Approved March 22, 2012 at 1:09 pm  
33
- 34 **HB 12-1055** CONCERNING THE DIVISION OF REGISTRATIONS IN THE  
35 DEPARTMENT OF REGULATORY AGENCIES, AND, IN  
36 CONNECTION THEREWITH, RENAMING THE DIVISION AS  
37 THE DIVISION OF PROFESSIONS AND OCCUPATIONS AND  
38 REQUIRING PERIODIC REVIEW OF THE FUNCTIONS OF THE  
39 DIVISION  
40  
41 Approved March 22, 2012 at 1:12 pm  
42
- 43 **HB 12-1078** CONCERNING THE EXEMPTION OF DRINKING WATER  
44 TREATMENT FACILITIES FROM THE REQUIREMENT TO  
45 OBTAIN A CERTIFICATE OF DESIGNATION  
46  
47 Approved March 22, 2012 at 1:14 pm  
48
- 49 **HB 12-1095** CONCERNING ELECTRONIC COURT DOCUMENTS  
50  
51 Approved March 22, 2012 at 1:14 pm  
52
- 53 **HB 12-1163** CONCERNING LIMITED PEACE OFFICER AUTHORITY  
54 DESIGNATIONS  
55  
56 Approved March 22, 2012 at 1:15 pm

1 **HB 12-1217** CONCERNING THE AUTHORITY OF AN ORGANIZATION  
 2 THAT MAINTAINS A REGULARLY ESTABLISHED  
 3 INSPECTION DEPARTMENT TO CONDUCT INSPECTIONS OF  
 4 ITS OWN PRESSURE-RETAINING ITEMS

5  
 6 Approved March 22, 2012 at 1:15 pm  
 7

8 **HB 12-1233** CONCERNING THE ABILITY OF A COURT TO ENTER A  
 9 DECREE OF LEGAL SEPARATION IN CERTAIN  
 10 CIRCUMSTANCES WITHOUT THE APPEARANCE OF THE  
 11 PARTIES

12  
 13 Approved March 22, 2012 at 1:16 pm  
 14

15 **HB 12-1247** CONCERNING ANNUAL REDUCTIONS IN THE AMOUNT OF  
 16 TOBACCO LITIGATION SETTLEMENT MONEYS THAT ARE  
 17 ALLOCATED IN THE FISCAL YEAR IN WHICH THE STATE  
 18 RECEIVES THEM, AND, IN CONNECTION THEREWITH,  
 19 OFFSETTING THE REDUCTIONS WITH TOBACCO  
 20 LITIGATION SETTLEMENT CASH FUND MONEYS MADE  
 21 AVAILABLE BY THE REPEAL OF THE SHORT-TERM  
 22 INNOVATIVE HEALTH PROGRAM GRANT FUND  
 23

24 Approved March 22, 2012 at 1:16 pm  
 25

26 Sincerely,  
 27 (signed)  
 28 John W. Hickenlooper  
 29 Governor  
 30

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31  
 32 House in recess. House reconvened.  
 33

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34  
 35  
 36 **INTRODUCTION OF BILLS**  
 37 **First Reading**  
 38

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

41  
 42 **HB12-1330** by Representative(s) Becker, Priola, Sonnenberg--  
 43 Concerning the creation of a hearing process to end a  
 44 suspension of privileges to attempt to take wildlife.  
 45 Committee on Agriculture, Livestock, & Natural Resources  
 46

47 **SB12-134** by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson;  
 48 also Representative(s) Acree--Concerning financial  
 49 assistance in Colorado hospitals.  
 50 Committee on Health and Environment  
 51

52 **SB12-154** by Senator(s) Tochtrop; also Representative(s) Duran--  
 53 Concerning standards for responsible medical marijuana  
 54 vendors.  
 55 Committee on State, Veterans, & Military Affairs  
 56

1 **SB12-156** by Senator(s) Steadman, Hodge, Lambert; also  
 2 Representative(s) Gerou, Becker, Levy--Concerning the  
 3 authority of the department of personnel to expend gifts,  
 4 grants, and donations.  
 5 Committee on Appropriations

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8  
 9 **INTRODUCTION OF MEMORIAL**

10  
 11 The following memorial was read by title and laid over until  
 12 March 26, 2012 under the rules:

13  
 14 **HM12-1002** by Representative(s) Sonnenberg--Memorializing former  
 15 Representative Lowell Sonnenberg.

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18  
 19 **LAY OVER OF CALENDAR ITEM(S)**

20  
 21 On motion of Representative Waller, the following item(s) on the  
 22 Calendar was (were) laid over until March 26, retaining place on  
 23 Calendar:

24  
 25 Consideration of Resolution(s)--**HJR12-1016**.  
 26 Consideration of Senate Amendment(s)---**HJR12-1010, HB12-1008,**  
 27 **1034, 1114, 1151, 1070, 1002**.

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30  
 31 On motion of Representative Brown, the House adjourned until  
 32 10:00 a.m., March 26, 2012.

34 Approved:  
 35 FRANK McNULTY,  
 36 Speaker

37 Attest:  
 38 MARILYN EDDINS,  
 39 Chief Clerk