

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

119th Legislative Day

Tuesday, May 8, 2012

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Prayer	By the chaplain, Pastor Robert Schlipp, The Worship Center of Brighton.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Nicholson.	16
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Roll Call	Present--32	18
	Absent--2, Harvey, Johnston.	19
	Excused--1, Mitchell.	20
	Present later--3, Harvey, Johnston, Mitchell.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Neville, reading of the Journal of Monday, May 8, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-151 be postponed indefinitely.	33
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1349 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	39
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1355 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	45
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1357 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	51
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HJR12-1021 be referred to the Senate for final action.	57
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Judiciary

The Committee on Judiciary has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

BOARD OF PINNACOL ASSURANCE

for a term expiring January 1, 2017:

Jeffrey L. Cummings of Arvada, Colorado, an employer whose liability is insured by Pinnacol Assurance, appointed.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB12-1361** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB12-1352** be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. In Colorado Revised Statutes, **add** part 17 to article 2 of title 2 as follows:

PART 17

LOWER NORTH FORK WILDFIRE COMMISSION

2-2-1701. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) IN MARCH 2012, A CONTROLLED BURN CONDUCTED BY THE COLORADO STATE FOREST SERVICE IN THE LOWER NORTH FORK AREA OF JEFFERSON COUNTY, COLORADO, RESULTED IN A WILDFIRE ON MARCH 26, 2012, THAT KILLED THREE PEOPLE, DESTROYED HOMES AND OTHER STRUCTURES RESULTING IN EXTENSIVE PROPERTY DAMAGE, AND BURNED MORE THAN ONE THOUSAND FOUR HUNDRED ACRES SOUTH OF CONIFER, COLORADO. THE LOWER NORTH FORK WILDFIRE OCCURRING ON MARCH 26, 2012, IS REFERRED TO IN THIS PART 17 AS THE "WILDFIRE".

(b) THE IMPACT ON THE AFFECTED COMMUNITY RESULTING FROM THE WILDFIRE INCLUDES NOT ONLY LOSS OF LIFE AND FINANCIAL DEVASTATION BUT ALSO A LOSS OF CONFIDENCE BY PERSONS AFFECTED IN THE ABILITY OF THE STATE AND OTHER EMERGENCY RESPONDERS TO RESPOND TO THIS OR OTHER DISASTERS THAT MAY OCCUR IN THE FUTURE. ACCORDINGLY, IT IS AN APPROPRIATE USE OF THE PLENARY POWER OF THE GENERAL ASSEMBLY TO EMPOWER A BODY SUCH AS THE COMMISSION CREATED UNDER THIS PART 17 TO INVESTIGATE THE CAUSES OF THE WILDFIRE AND TO MAKE RECOMMENDATIONS FOR LEGISLATIVE OR OTHER ACTION THAT WOULD PREVENT THE OCCURRENCE OF A SIMILAR TRAGEDY.

2-2-1702. Lower north fork wildfire commission - created - membership - chair - meetings - quorum - reimbursement of expenses - staff assistance - public meetings. (1) THE LOWER NORTH FORK WILDFIRE COMMISSION, REFERRED TO IN THIS PART 17 AS THE "COMMISSION", IS HEREBY CREATED. THE COMMISSION IS COMPRISED OF THE FOLLOWING FIVE MEMBERS:

(a) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE EACH APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(b) TWO MEMBERS OF THE SENATE, ONE EACH APPOINTED BY THE PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF THE SENATE; AND

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-103 (1), C.R.S., OR HIS OR HER DESIGNEE.

(2) THE COMMISSION SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS. THE COMMISSION SHALL MEET AT SUCH TIME AND SUCH PLACE

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AS DESIGNATED BY THE CHAIR; EXCEPT THAT THE FIRST MEETING OF THE COMMISSION SHALL TAKE PLACE NOT LATER THAN JULY 1, 2012. A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM.

(3) MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR SERVING ON THE COMMISSION; EXCEPT THAT COMMISSION MEMBERS ARE ENTITLED TO REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. IN THE CASE OF THE LEGISLATIVE MEMBERS OF THE COMMISSION, IN CONNECTION WITH THEIR NECESSARY ATTENDANCE AT MEETINGS OF THE COMMISSION, SUCH MEMBERS ARE ENTITLED TO RECEIVE THE AMOUNT SPECIFIED IN SECTION 2-2-307 (3) (a) (I) FOR NECESSARY ATTENDANCE AT A MEETING OF AN INTERIM COMMITTEE.

(4) SUBJECT TO THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., MEETINGS OF THE COMMISSION ARE PUBLIC MEETINGS.

(5) ANY STAFF ASSISTANCE REQUIRED BY THE COMMISSION SHALL BE PERFORMED BY EXISTING EMPLOYEES OF THE LEGISLATIVE STAFF AGENCIES OF THE GENERAL ASSEMBLY OR THE DEPARTMENT OF PUBLIC SAFETY WITHIN EXISTING APPROPRIATIONS.

2-2-1703. Investigation of causes of wildfire - recommendations for legislative or other action - report to general assembly. (1) DURING THE 2012 LEGISLATIVE INTERIM THE COMMISSION SHALL INVESTIGATE, REPORT ITS FINDINGS, AND MAKE RECOMMENDATIONS FOR LEGISLATIVE OR OTHER ACTION ON ALL MATTERS RELATING TO THE WILDFIRE, INCLUDING, WITHOUT LIMITATION, CAUSES OF THE WILDFIRE, THE IMPACT ON THE AFFECTED COMMUNITY CAUSED BY THE WILDFIRE, THE LOSS OF LIFE AND FINANCIAL DEVASTATION INCURRED BY THE COMMUNITY, THE LOSS OF CONFIDENCE BY THE COMMUNITY IN THE RESPONSE TO THE EMERGENCY BY GOVERNMENTAL BODIES AT ALL LEVELS, AND MEASURES TO PREVENT THE OCCURRENCE OF A SIMILAR TRAGEDY. IN CONNECTION WITH THIS DUTY, THE COMMISSION SHALL SOLICIT AND ACCEPT REPORTS AND TAKE TESTIMONY AT ONE OR MORE PUBLIC HEARINGS HELD FOR SUCH PURPOSES. THE COMMISSION MAY SOLICIT OTHER SOURCES, INCLUDING, WITHOUT LIMITATION, REPRESENTATIVES FROM STATE AND LOCAL GOVERNMENTS AND ORGANIZATIONS OF CITIZENS, TO PROVIDE TESTIMONY, WRITTEN COMMENTS, AND OTHER RELEVANT INFORMATION.

(2) NOT LATER THAN DECEMBER 31, 2012, THE COMMISSION SHALL SUBMIT A WRITTEN REPORT OF ITS FINDINGS AND ANY RECOMMENDATIONS MADE PURSUANT TO THIS SECTION FOR LEGISLATIVE OR OTHER ACTION TO THE JUDICIARY AND LOCAL GOVERNMENT COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. UPON THE REQUEST OF ANY MEMBER OF THE COMMISSION, SUMMARIES OF DISSENTING OPINIONS SHALL BE PREPARED AND ATTACHED TO THE FINAL REPORT OF THE COMMISSION'S FINDINGS AND RECOMMENDATIONS. THE FINAL REPORT REQUIRED BY THIS SUBSECTION (2) IS SUBJECT TO THE REQUIREMENTS OF SECTION 24-1-136 (9), C.R.S.

2-2-1704. Repeal of part. THIS PART 17 IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2012, the sum of \$25,832 and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

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

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1351** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 3, strike "and (1) (a) (III)" and substitute "(1) (a) (III), (1) (a) (VI), (1) (c) (III), (1) (c) (VI) introductory portion, and (1) (f) introductory portion; and **add** (8)".

Page 2, line 6, strike "**declaration.**" and substitute "**declaration - report**

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- repeal."

Page 2, line 14, strike "section is" and substitute "section is".

Page 2, line 15, strike "provided or implied." and substitute "provided or implied."

Page 3, line 4, after "(III)" insert "(A)".

Page 3, line 6, strike "EITHER".

Page 3, line 8, strike "OR" and substitute "OR, IN ACCORDANCE WITH SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III),".

Page 3, after line 14 insert:

"(B) FOR THE PURPOSES OF THE RENEWABLE ENERGY STANDARD, THE PUBLIC UTILITIES COMMISSION MAY AUTHORIZE A MAXIMUM OF FOUR PROJECTS, THE CUMULATIVE NAMEPLATE RATING OF WHICH PROJECTS MAY NOT EXCEED SIXTY-FIVE MEGAWATTS, THAT USE PYROLYSIS TO COMBUST SYNTHETIC GAS FROM WASTE MATERIALS.

(VI) "Wholesale distributed generation" means a renewable energy resource in Colorado with a nameplate rating of thirty megawatts or less and that does not qualify as retail distributed generation.

(c) Electric resource standards:

(III) Each kilowatt-hour of electricity generated from eligible energy resources, in Colorado, other than retail distributed generation shall be counted COUNTS as one and one-quarter kilowatt-hours for the purposes of compliance with this standard.

(VI) Each kilowatt-hour of electricity generated from eligible energy resources at a community-based project shall be counted as one and one-half kilowatt-hours. For purposes of this subparagraph (VI), "community-based project" means a project: located in Colorado:

(f) Policies for the recovery of costs incurred with respect to these standards for qualifying retail utilities that are subject to rate regulation by the commission. These policies shall MUST provide incentives to qualifying retail utilities to invest in eligible energy resources. in the state of Colorado. Such THE policies shall MUST include:

(8) (a) DURING THE FIRST REGULAR SESSION OF THE SEVENTY-FIRST GENERAL ASSEMBLY, BUT PRIOR TO APRIL 10, 2017, THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION SHALL REPORT TO THE APPROPRIATE HOUSE AND SENATE COMMITTEES OF REFERENCE FOR ENERGY-RELATED MATTERS, AS DETERMINED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE, SITTING JOINTLY, REGARDING THE RESULTS OF THE EXPANSION OF THE TERM "RECYCLED ENERGY" EFFECTED BY HOUSE BILL 12-1351, ENACTED IN 2012. THE REPORT SHALL INCLUDE, AT A MINIMUM, ANY JOBS CREATED AND OTHER ECONOMIC BENEFITS REALIZED, ANY ENERGY GENERATED, EMISSIONS REDUCTIONS, AND LANDFILL REDUCTIONS RESULTING FROM OR FAIRLY ATTRIBUTABLE TO THAT EXPANSION.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017."

Page 3, before line 15 insert:

"SECTION 2. In Colorado Revised Statutes, add 40-2-124.5 as follows:

40-2-124.5. Greenhouse gas mitigation projects - coal mine methane gas - legislative declaration - definition. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE CAPTURE OF COAL MINE METHANE GAS PROVIDES MANY BENEFITS TO COLORADO CITIZENS BY MAKING BENEFICIAL USE OF A SOURCE OF ENERGY THAT WOULD OTHERWISE BE WASTED, REDUCING GREENHOUSE GAS EMISSIONS, AND PROVIDING NEW JOBS AND REVENUES TO LOCAL COMMUNITIES.

(2) AS USED IN THIS SECTION, "COAL MINE METHANE GAS" MEANS THE GREENHOUSE GAS METHANE CAPTURED FROM ACTIVE AND INACTIVE COAL MINES, WHERE IT IS DETERMINED THAT THE METHANE IS ESCAPING TO THE ATMOSPHERE. AT ACTIVE MINES, ONLY METHANE VENTED IN THE NORMAL COURSE OF MINE OPERATIONS AND SAFETY PROCEDURES, AND, AT

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INACTIVE MINES, ONLY METHANE THAT IS NATURALLY ESCAPING TO THE ATMOSPHERE, IS COAL MINE METHANE GAS. THE CAPTURE AND COMBUSTION OF COAL MINE METHANE GAS AS A CLEAN ENERGY SOURCE MAY BE VERIFIED BY A QUALIFIED THIRD PARTY FOLLOWING ESTABLISHED CARBON OFFSET PROTOCOLS FOR CLIMATE PROTECTION.

(3) EACH KILOWATT-HOUR OF ELECTRICITY GENERATED FROM COAL MINE METHANE GAS IS COUNTED AS ONE KILOWATT-HOUR FOR PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY STANDARD UNDER SECTION 40-2-124 AS AN ELIGIBLE ENERGY RESOURCE; EXCEPT THAT THE TOTAL AMOUNT OF ELECTRICITY GENERATED BY COAL MINE METHANE GAS TO BE COUNTED TOWARD COMPLIANCE WITH THE RENEWABLE ENERGY STANDARD ESTABLISHED IN SECTION 40-2-124 MUST NOT EXCEED FIFTY MEGAWATTS OF NAMEPLATE CAPACITY."

Renumber succeeding section accordingly.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for an expression of personal privilege.

SENATE SERVICES REPORT

Correctly Printed: SJR12-049.
Correctly Engrossed: SB12-083, 183 and 184.
Correctly Reengrossed: SB12-105, 155, 169,171, 174 and 182.
Correctly Rerevised: HB12-1084, 1223, 1267, 1314 and 1329.
Correctly Enrolled: SB12-009 and 149.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Veto.

CONSIDERATION OF GOVERNOR'S VETO

SB12-124 by Senator(s) Harvey, Scheffel, Foster, Jahn, Lambert, Newell, Schwartz; also Representative(s) Nikkel, Brown, Conti, Coram, DelGrosso, Gardner B., Holbert, Liston, Murray, Szabo--Concerning the elimination of the limit on the number of regional tourism projects that the Colorado economic development commission may approve.

(Governor's veto message printed in Senate Journal, May 4, pages 1106-1107.)

Laid over until Thursday, May 10, retaining its place on the calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments.

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CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2015:

Sara Canfield of Fort Morgan, Colorado, to serve as a representative from the Fourth Congressional District and as a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator King K., the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE CHARTER SCHOOL INSTITUTE BOARD

Steven Richard Schneider, Colorado Springs, Colorado, a Republican who has experience as a public school administrator with experience working with charter schools and with other board or public service experience, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB12-1168 by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.

Senator Morse moved for the adoption of the first report of the first conference committee on **HB12-1168**, as printed in Senate journal, March 26, page 578. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SR12-003 by Senator(s) Schwartz and Nicholson; --Concerning measures to create Colorado jobs by encouraging active forest management for healthy forest ecosystems and the use of Colorado forest biomass as a source of renewable energy.

On motion of Senator Schwartz, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hodge, Jahn, King S., Mitchell, Newell, Roberts, Shaffer B., Steadman, Tochtrop, White and Williams S.

HJR12-1021 by Representative(s) Hamner and McKinley, Massey; also Senator(s) Scheffel--
Concerning the designation of pack burro racing as a summer heritage sport in Colorado.

Amendment No. 1(L.003), by Senator Scheffel.

Amend engrossed joint resolution, page 3, line 7, strike the second "and".

Page 3, line 8, strike "Association." and substitute "Association; and the county commissioners of Park and Lake counties.".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Scheffel, the resolution, as amended, was **adopted** by the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Grantham and Tochtrop.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1119, HB12-1327, HB12-1328, HB12-1350, HB12-1268, HB12-1045, HB12-1357 were made Special Orders -- Second Reading of Bills -- Consent Calendar at 9:45 a.m.

Committee of the Whole The hour of 9:45 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills -- Consent Calendar and Senator Carroll was called to the Chair to act as Chairman.

**SPECIAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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

HB12-1119 by Representative(s) Coram; also Senator(s) Giron and King S.--Concerning violations of state requirements enforced by the department of public health and environment that pertain to construction-related discharges of storm water.

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

HB12-1327 by Representative(s) Coram; also Senator(s) Roberts and King S.--Concerning financial responsibility requirements for motor carriers, and, in connection therewith, repealing the surety bond requirement for towing carriers, imposing a period of disqualification from the right to operate as a towing carrier as an additional penalty for failure to respond as required after violating applicable provisions, creating a designated tow truck license plate, and, in connection therewith, making an appropriation.

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

HB12-1328 by Representative(s) Priola, Ferrandino, DelGrosso, Murray, Sonnenberg; also Senator(s) Giron--Concerning exclusion from the "Uniform Consumer Credit Code" of certain charges by persons regularly engaged in making contracts for purchase of tangible personal property in the course of business if those charges do not exceed amounts permitted by law.

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

HB12-1350 by Representative(s) Waller, Balmer, Barker, Casso, Court, Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A., Liston, Looper, Massey, Pabon, Priola, Ramirez, Soper, Stephens, Summers, Swerdfeger, Vigil; also Senator(s) Hodge, Heath, Guzman, Hudak, King K., Morse, Nicholson--Concerning in-state tuition classification for dependents of members of the armed forces.

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

HB12-1268 by Representative(s) Acree, Beezley, Joshi, Kerr J., McCann, Ramirez; also Senator(s) Hudak--Concerning a transfer of functions pertaining to health facility compliance with certain building safety standards from the department of public health and environment to the division of fire safety in the office of preparedness, security, and fire safety within the department of public safety, and, in connection therewith, creating the health facility construction and inspection section in the division of fire safety.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, May 3, pages 1047-1049 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 4, page 1105 and placed in members' bill files.)

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

HB12-1045 by Representative(s) Bradford; also Senator(s) King S.--Concerning sales and use tax exemptions for the sale and use of wood from trees harvested in Colorado damaged by beetles.

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

HB12-1357 by Representative(s) Brown, Sonnenberg, Vigil; also Senator(s) Renfroe, Bacon, Schwartz--Concerning the use of unspent moneys after completion of capital construction projects at state-supported institutions of higher education authorized by a 2008 federal mineral lease revenues lease-purchase agreement.

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

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**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1119, HB12-1327, HB12-1328, HB12-1350, HB12-1268 as amended, HB12-1045, HB12-1357.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, were made Special Orders at 10:15 a.m.

Committee of the Whole

The hour of 10:15 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, May 3, pages 1082-1085 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 7, pages 1130-1131 and placed in members' bill files.)

Amendment No. 3(L.026), by Senator Johnston.

Amend the Appropriations Committee Report, dated May 7, 2012, page 1, strike lines 1 through 7 and substitute:

"Amend the Education Committee Report, dated May 3, 2012, page 2, line 12, strike "CLASSES." and substitute "CLASSES; EXCEPT THAT THE DEPARTMENT MAY DRAFT THE CONTRACT TO PHASE IN THE REQUIREMENTS OF THIS PARAGRAPH (c) OVER MULTIPLE BUDGET YEARS BASED ON AVAILABLE APPROPRIATIONS.".

Page 2 of the Education Committee Report, line 3, after the semi-colon, add "AND".

Page 2 of the Education Committee Report, strike line 4.

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Page 2 of the Education Committee Report, line 5, strike "(III)" and substitute "(II)" and strike "AND MOBILE DEVICES".

Page 2 of the Education Committee Report, line 9, strike "MOBILE DEVICES AND".

Page 2 of the Education Committee Report, line 15, after the period add "IN NEGOTIATING THE TERMS OF THE CONTRACT, THE DEPARTMENT SHALL INCLUDE PERFORMANCE MEASURES, WHICH MAY INCLUDE STUDENT OUTCOMES, AS CONDITIONS AFFECTING THE AMOUNTS PAYABLE UNDER THE CONTRACT."

Page 2 of the Education Committee Report, line 14, strike "MOBILE".

Page 2 of the Education Committee Report, line 15, strike "DEVICES, SOFTWARE", and substitute "SOFTWARE LICENSES".

Page 2 of the Education Committee Report, strike lines 16 through 32 and substitute:

"(3) (a) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION PROVIDERS AND PROVIDE INFORMATION EXPLAINING:

(I) THE SOFTWARE LICENSES PURCHASED;

(II) THE AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE INCLUDING DATES, TIMES, AND LOCATIONS; AND

(III) THE PROCEDURES AND TIME LINES BY WHICH EACH LOCAL EDUCATION PROVIDER MAY APPLY TO RECEIVE THE SOFTWARE LICENSES AND TRAINING TO IMPLEMENT THE EARLY LITERACY ASSESSMENT TOOL.

(b) BASED ON THE LEVEL OF AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL SELECT THE LOCAL EDUCATION PROVIDERS WHO WILL RECEIVE THE EARLY LITERACY ASSESSMENT TOOL, INCLUDING THE TRAINING, FROM AMONG THOSE THAT APPLY. IN SELECTING AMONG THE APPLICANTS, THE DEPARTMENT SHALL:

(I) SELECT LOCAL EDUCATION PROVIDERS FROM VARIOUS REGIONS OF THE STATE AND OF VARYING STUDENT POPULATION SIZE;

(II) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING; AND

(III) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF SCHOOLS THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(c) A LOCAL EDUCATION PROVIDER THAT IS SELECTED TO RECEIVE THE EARLY LITERACY ASSESSMENT TOOL IN ONE BUDGET YEAR IS NOT REQUIRED TO REAPPLY IN SUBSEQUENT BUDGET YEARS. THE DEPARTMENT SHALL, TO THE EXTENT POSSIBLE WITHIN AVAILABLE APPROPRIATIONS, ANNUALLY INCREASE THE NUMBER OF LOCAL EDUCATION PROVIDERS THAT RECEIVE THE EARLY LITERACY ASSESSMENT TOOL.

(d) THE DEPARTMENT MAY CHOOSE TO PROVIDE THE EARLY LITERACY ASSESSMENT TOOL ONLY TO THOSE SCHOOLS OF A SELECTED SCHOOL DISTRICT THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(4) DURING THE 2014 REGULAR LEGISLATIVE SESSION AND DURING THE 2016 REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR'S OFFICE, THE JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(a) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES THROUGHOUT THE STATE THAT ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL;

(b) THE LOCAL EDUCATION PROVIDERS THAT HAVE RECEIVED THE EARLY LITERACY ASSESSMENT TOOL;

(c) THE IMPROVEMENTS, IF ANY, IN THE READING SKILL LEVELS OF STUDENTS WHO RECEIVED OR ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL; AND

(d) THE AMOUNT OF APPROPRIATIONS REQUIRED TO PURCHASE AN

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ADEQUATE NUMBER OF SOFTWARE LICENSES TO ENABLE THE LOCAL EDUCATION PROVIDERS IN THE STATE TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF THE KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES IN THE STATE."."

Page 2 of the Appropriations Committee Report, after line 9 insert:

"Page 6 of the Education Committee Report, line 12, strike "Statutes." and substitute "Statutes."

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$3,000,000, or so much thereof as may be necessary, for allocation to the assessments and data analyses subsection of the management and administration section, for the implementation of section 22-2-140, Colorado Revised Statutes."."

Amendment No. 4(L.021), by Senator Bacon.

Amend the Education Committee Report, dated May 3, 2012, page 4, line 26, strike "ALLOCATE THE" and substitute "REDUCE EACH SCHOOL DISTRICT'S AND EACH DISTRICT CHARTER SCHOOL'S".

Page 5, line 21, strike "DISTRIBUTE THE" and substitute "REDUCE EACH INSTITUTE CHARTER SCHOOL'S".

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

(For further action, see amendments to the report of the Committee of the Whole.)

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-135 by Senator(s) Lundberg, Scheffel, Cadman, Harvey, King K., Lambert, Mitchell, White; also Representative(s) Murray--Concerning the development of an on-line program to which the secretary of state posts election returns by the evenings of specified election days, and, in connection therewith, making an appropriation.

Laid over until Wednesday, May 9, retaining its place on the calendar.

SB12-184 by Senator(s) Cadman, Tochtrop; also Representative(s) Priola--Concerning the registration of special mobile machinery fleets, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Cadman was given permission to offer a third reading amendment.

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Third Reading Amendment No. 1(L.005), by Senator Cadman.

Amend engrossed bill, page 2, line 21, strike "STICKERS. IF THE MACHINERY" and substitute "AN IDENTIFYING DECAL".

Page 2, line 22, strike "IS NOT INTENDED FOR HIGHWAY USE, THE" and substitute "THE".

Page 3, line 19, strike "STICKERS," and substitute "AN IDENTIFYING DECAL,".

Page 3, line 24, strike "STICKERS," and substitute "IDENTIFYING DECAL,".

Page 4, line 3, strike "STICKER," and substitute "IDENTIFYING DECAL,".

Page 4, line 11, strike "REPORT," and substitute "REPORT IDENTIFYING NEW EQUIPMENT,".

Page 4, line 14, strike "TAXES AND".

Page 4, line 18, strike "STICKER," and substitute "IDENTIFYING DECAL,".

The amendment was passed on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB12-083 by Senator(s) Scheffel; also Representative(s) DeIGrosso--Concerning dynamic modeling to analyze the fiscal impact of proposed legislation.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Heath and Newell.

SB12-183

by Senator(s) Boyd; also Representative(s) Tyler--Concerning restrictions on a utility's ability to disconnect certain residential customers' utility service, and, in connection therewith, directing the commission on low-income energy assistance to review and report on the effectiveness of existing measures concerning discontinuance of service and low-income rate relief.

A majority of those elected to the Senate having voted in the affirmative, Senator Boyd was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.010), by Senator Boyd.

Amend engrossed bill, page 4, line 6, strike "PARAGRAPH (a)" and substitute "PARAGRAPHS (a) AND (b)".

Page 4, line 13, strike "(c)" and substitute "(d)".

Page 4, line 14, strike "40-8.7-112 (1) (a), C.R.S." and substitute "40-8.7-112 (1) (a)".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Foster, Heath, Johnston, Newell, Nicholson, Schwartz, Spence and Steadman.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-036 by Senator(s) Mitchell; also Representative(s) Holbert--Concerning parental consent for the collection of information from students in schools.

Senator Mitchell moved that the Senate concur in House amendments to **SB12-036**, as printed in House journal, April 5, pages 893-894, and amended on Third Reading as printed in House journal, April 18, pages 1029-1030. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

MESSAGE FROM THE HOUSE

May 8, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1278, amended as printed in House Journal, May 7, pages 1279-1280. HB12-1360, amended as printed in House Journal, May 7, page 1281.

The House has passed on Third Reading and returns herewith SB12-160, 118.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-026, amended as printed in House Journal, May 1, pages 1213-1214. SB12-078, amended as printed in House Journal, May 1, pages 1214-1215. SB12-044, amended as printed in House Journal, May 7, page 1281. SB12-166, amended as printed in House Journal, May 7, page 1281.

SB12-175, amended as printed in House Journal, May 7, pages 1281-1282, and amended on Third Reading as printed in House Journal, May 8.

The House has postponed indefinitely SB12-132, 162. The bills are returned herewith.

The House has adopted the First Report of the First Conference Committee on HB12-1002, as printed in House Journal, April 30, page 1201, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1168, as printed in House Journal, May 8, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on SB12-020, as printed in House Journal, May 3, pages 1253-1254, and has repassed the bill as so amended. The bill is returned herewith.

The House has voted to recede from its position and discharge the First Conference Committee on HB12-1053. The House voted to concur in Senate amendments, and has repassed the bill as amended. The House requests return of the bill.

MESSAGE FROM THE REVISOR OF STATUTES

May 8, 2012

We herewith transmit:

Without comment, as amended, HB12-1278 and 1360.
Without comment, as amended, SB12-026, 044, 078, 166, and 175.

INTRODUCTION OF BILLS -- FIRST READING

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

HB12-1278 by Representative(s) Fischer; also Senator(s) Renfroe--Concerning the authorization of a study of the South Platte river alluvial aquifer, and, in connection therewith, making an appropriation.
Appropriations

HB12-1360 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the transfer of up to four million dollars from the general fund to the Colorado economic development fund based upon the amount by which the June 2012 estimate of general fund revenue for the 2011-12 fiscal year exceeds the March 2012 estimate of general fund revenue for the 2011-12 fiscal year, and, in connection therewith, making an appropriation.
Appropriations

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1278** be amended as follows, and as so amended, be referred to the Committee on Local Government with favorable recommendation.

Amend reengrossed bill, page 3, line 10, strike "state; and" and substitute "state."

Page 3, strike lines 11 and 12.

Page 7, strike lines 14 through 20.

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1360** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1355** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1349** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1358** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 6, strike "SEVEN" and substitute "TWO".

Page 3, line 12, strike "MILLION SEVEN" and substitute "MILLION TWO".

Page 3, line 13, strike "TWO MILLION" and substitute "ONE MILLION FIVE HUNDRED THOUSAND".

Page 3, line 18, strike "TWO MILLION" and substitute "ONE MILLION FIVE HUNDRED THOUSAND".

Page 3, line 24, strike "SEVEN" and substitute "TWO".

Page 4, after line 8, insert:

"(III) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (17) TO THE CONTRARY, ON JULY 1, 2012, THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED THOUSAND DOLLARS FROM THE MEDICAL MARIJUANA PROGRAM CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND FOR APPROPRIATION TO THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS FOR THE PURPOSE OF PROVIDING SUBSTANCE ABUSE TREATMENT, INCLUDING MARIJUANA ADDICTION, TO ELIGIBLE VETERANS. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MONEY BE USED FOR PROGRAMS AT FORT LYON, AND ANY MONEY NOT SPENT DURING THE 2012-13 FISCAL YEAR SHALL BE AVAILABLE FOR EXPENDITURE WITHOUT FURTHER APPROPRIATION IN FISCAL YEAR 2013-14."

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Judiciary The Committee on Judiciary has had under consideration and has had a hearing on the following appointment and recommends that the Senate not approve the confirmation:

BOARD OF PINNACOL ASSURANCE

for a term expiring January 1, 2017:

Marcia Ann Benshoof of Highlands Ranch, Colorado, who has experience in the management and operation of insurance companies, not competing with Pinnacol Assurance, appointed.

Judiciary After consideration on the merits, the Committee recommends that **HJR12-1023** be postponed indefinitely.

Legislative Council After consideration on the merits, the Committee recommends that **HB12-1352** be referred to the Committee of the Whole with favorable recommendation.

Legislative Council After consideration on the merits, the Committee recommends that **HB12-1278** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

May 8, 2012

The House has voted to concur in the Senate amendments to HB12-1270, 1275, 1059, 1081, 1304, 1324, 1124, 1068, 1226, 1274, 1294, 1303, and has repassed the bills as so amended.

Senate in recess. Senate reconvened.

Committee of the Whole reconvened.

Committee of the Whole The hour of having arrived, Senator Morse moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS - cont'd

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

HB12-1332 by Representative(s) Balmer, Liston, Hullinghorst, Joshi, Kerr J., Peniston, Schafer S., Young, Ramirez; also Senator(s) Guzman, Boyd, King S., Morse, Newell--Concerning licensure of anesthesiologist assistants.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, May 3, page 1050 and placed in members' bill files.)

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Amendment No. 2(L.010), by Senator Guzman.

Amend the Health and Human Services Committee Report, dated May 2, 2012, page 1, line 2, before "SHALL" insert "OR THE PATIENT'S REPRESENTATIVE".

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

HB12-1263 by Representative(s) Levy; also Senator(s) Steadman--Concerning reducing barriers to employment by state of Colorado agencies for people with criminal records.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, May 7, pages 1111-1112 and placed in members' bill files.)

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

HB12-1261 by Representative(s) Solano, Massey, Todd; also Senator(s) Bacon--Concerning effective educators in low-performing, high-needs schools, and, in connection therewith, making an appropriation.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, May 3, pages 1081-1082 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 7, page 1131 and placed in members' bill files.)

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

HB12-1283 by Representative(s) Barker; also Senator(s) Giron--Concerning the department of public safety, and, in connection therewith, renaming and reorganizing certain existing entities.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, May 1, pages 970-1016 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 7, pages 1132-1145 and placed in members' bill files.)

Amendment No. 3(L.018), by Senator Giron.

Amend the Judiciary Committee Report, dated May 1, 2012, page 4, line 23, after "MANAGEMENT" insert "AND ANY AND ALL CLAIMS AND LIABILITIES, WHETHER KNOWN OR UNKNOWN, ASSERTED OR UNASSERTED, RELATING IN ANY WAY TO FIRE AND WILDFIRE PREPAREDNESS, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT BY THE BOARD, THE STATE FOREST SERVICES OR ITS EMPLOYEES ON OR BEFORE JUNE 30, 2012,".

Page 18, line 22, strike "OFFICE OF" and substitute "DIVISION OF HOMELAND SECURITY AND".

Page 34, line 26, strike "~~division~~ OFFICE of" and substitute "division of HOMELAND SECURITY AND".

Page 34, line 28, strike "~~division~~ OFFICE" and substitute "division".

Page 34, line 29, strike before "emergency" insert "HOMELAND SECURITY AND".

Page 34, line 35, strike "~~division~~ OFFICE" and substitute "division".

Page 34, line 36, strike before "emergency" insert "HOMELAND SECURITY AND".

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Page 34, line 38, strike "division OFFICE of" and substitute "division of HOMELAND SECURITY AND".

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Page 35, line 1, strike "division OFFICE of" and substitute "division of HOMELAND SECURITY AND".

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Page 35, line 2, strike "division OFFICE of" and substitute "division of HOMELAND SECURITY AND".

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Page 57, line 23, after "2012." insert "THE TERMS OF SUCH INITIAL MEMBERS OF THE COLORADO EMERGENCY PLANNING COMMISSION, AS OF THAT DATE, CONTINUE AND EXPIRE ACCORDING TO THE DATES FOR WHICH SUCH MEMBERS WERE ORIGINALLY APPOINTED.".

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Page 59, line 7, strike "(1.5) (2)" and substitute "(1.5)".

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Page 64, line 16, after "TERROR;" insert "AND".

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Page 64, strike lines 17 and 18.

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Reletter succeeding paragraph accordingly.

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Page 65, line 9, strike "executive" and substitute "executive".

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Page 65, line 27, strike "EXECUTIVE".

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Amend the Appropriations Committee Report, dated May 7, 2012, page 2, line 1, strike the first "AND" and substitute "EXCLUSIVELY THROUGH".

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Page 2, line 2, strike "SAFETY." and substitute "SAFETY, AND NO OTHER PUBLIC ENTITY OR AGENCY, INCLUDING THE BOARD AND ITS EMPLOYEES, SHALL BE RESPONSIBLE OR LIABLE FOR ANY SUCH CLAIMS, LIABILITIES, OR DAMAGES THAT AROSE BEFORE JUNE 30, 2012.".

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Page 7, line 13, strike the second "AND" and substitute "EXCLUSIVELY THROUGH".

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Page 7, line 15, strike "AND" and substitute "BY AND THROUGH" and strike "SAFETY." and substitute "SAFETY, AND NO OTHER PUBLIC ENTITY OR AGENCY, INCLUDING THE BOARD AND ITS EMPLOYEES, SHALL BE RESPONSIBLE OR LIABLE FOR ANY SUCH CLAIMS, LIABILITIES, OR DAMAGES.".

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Amendment No. 4(L.021), by Senator Steadman.

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Amend the Judiciary Committee report, dated May 1, 2012, page 45, line 41, after "(1)" insert "(a)".

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Page 46, line 5, after "constitution." insert "THE EXECUTIVE DIRECTOR SHALL APPOINT ONLY THOSE PERSONS MEETING THE QUALIFICATIONS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1)".

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Page 46, after line 5 insert:

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"(b) PURSUANT TO THIS PART 12, THE DIRECTOR IS RESPONSIBLE FOR THE DELIVERY, MANAGEMENT, AND ADMINISTRATION OF FIRE PROTECTION AND LIFE SAFETY-RELATED CODES AND STANDARDS, FIRE INVESTIGATIONS, FIRE SAFETY EDUCATION FOR THE PUBLIC, AND FIRE PREVENTION SERVICES FOR THE STATE. IN ORDER TO BE ELIGIBLE FOR APPOINTMENT AS DIRECTOR, A PERSON MUST BE QUALIFIED IN BOTH STRUCTURAL AND WILDLAND FIRE SUPPRESSION, MITIGATION, AND PREVENTION, HAVE AT LEAST TEN YEARS OF EXPERIENCE IN AN ORGANIZED CAREER FIRE DEPARTMENT, AND MEET, OR WILL MEET WITHIN ONE YEAR OF HIRE, THE JOB PERFORMANCE REQUIREMENTS SPECIFIED IN THE NATIONAL FIRE PROTECTION ASSOCIATION'S STANDARD 1037 AS THE PROFESSIONAL QUALIFICATIONS FOR FIRE MARSHAL."

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

HB12-1240 by Representative(s) Kerr A.; also Senator(s) Bacon and King K.--Concerning statutory changes to K-12 education.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, May 3, pages 1059-1061 and placed in members' bill files.)

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

HB12-1317 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the creation of the parks and wildlife commission to replace the parks and wildlife board in the department of natural resources, and, in connection therewith, describing the composition and terms of the commission, and reducing appropriations.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.

(Printed in Senate Journal, May 3, page 1062 and placed in members' bill files.)

Amendment No. 2(L.044), by Senator Schwartz.

Amend reengrossed bill, page 3, strike lines 21 through 24 and substitute "RESOURCES. ONE".

Page 4, line 12, strike "AND WILDLIFE HABITAT AND MANAGEMENT." and substitute "LAND CONSERVATION AND CONSERVATION EASEMENTS, AND DIVERSIFIED TRAILS INTERESTS AND ACTIVITIES.".

Page 4, line 20, strike "COLORADO." and substitute "COLORADO AND IS COMMITTED TO THE LONG-TERM FINANCIAL STABILITY AND SUSTAINABILITY OF THE DEPARTMENT.".

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

HB12-1266 by Representative(s) Sonnenberg, Gardner B.; also Senator(s) Morse--Concerning the continuation of the licensing of persons who furnish bail for compensation, and, in connection therewith, reducing an appropriation .

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, May 3, pages 1063-1071 and placed in members' bill files.)

Amendment No. 2(L.024), by Senator Morse.

Amend the Senate Finance Committee Report, dated May 3, 2012, page 2, line 20, strike "FUNDS OR".

Page 2, line 21, after "REPORT" insert "IN A FORMAT REQUIRED BY THE COMMISSIONER".

Page 2, line 29, strike "AND".

Page 2, strike line 33 and substitute "APPEAR;

(e) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT'S BOND WAS REVOKED BY A COURT AT THE REQUEST OF THE PRODUCER BECAUSE THE DEFENDANT WAS CHARGED WITH A NEW CRIMINAL OFFENSE ALLEGED TO HAVE BEEN COMMITTED DURING THE DURATION OF THE BOND; AND

(f) THE NUMBER OF BAIL BONDS POSTED BY THE PRODUCER OR ANY OTHER PRODUCER IN THE PRODUCER'S AGENCY FOR A DEFENDANT DURING THE TIME THE DEFENDANT WAS COVERED BY ANOTHER BOND POSTED BY THE PRODUCER OR THE PRODUCER'S AGENCY FOR ANOTHER CRIMINAL CASE.".

Page 4, strike line 19 and substitute:

"(VII) SET FORTH THE AMOUNT OF BAIL SET IN THE CASE, THE NAME OF THE DEFENDANT RELEASED ON THE BAIL BOND, THE COURT CASE NUMBER, THE COURT WHERE THE BOND IS EXECUTED, THE PREMIUM CHARGED, THE AMOUNT AND TYPE OF COLLATERAL HELD BY THE INSURANCE PRODUCER, AND THE CONDITIONS UNDER WHICH THE COLLATERAL IS RETURNED;"

Page 7, line 21, after "REPORT" insert "IN A FORMAT REQUIRED BY THE DIVISION".

Page 7, line 23, strike "PRODUCER" and substitute "AGENT".

Page 7, line 29, strike "AND".

Page 7, line 32, strike "PRODUCER" and substitute "AGENT".

Page 7, strike line 33 and substitute "APPEAR;

(V) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT'S BOND WAS REVOKED BY A COURT AT THE REQUEST OF THE AGNENT BECAUSE THE DEFENDANT WAS CHARGED WITH A NEW CRIMINAL OFFENSE ALLEGED TO HAVE BEEN COMMITTED DURING THE DURATION OF THE BOND; AND

(VI) THE NUMBER OF BAIL BONDS POSTED BY THE AGENT FOR A DEFENDANT DURING THE TIME THE DEFENDANT WAS COVERED BY ANOTHER BOND POSTED BY THE AGENT FOR ANOTHER CRIMINAL CASE."

Page 10, strike line 14 and substitute:

"(VII) SET FORTH THE AMOUNT OF BAIL SET IN THE CASE, THE NAME OF THE DEFENDANT RELEASED ON THE BAIL BOND, THE COURT CASE NUMBER, THE COURT WHERE THE BOND IS EXECUTED, THE PREMIUM CHARGED, THE AMOUNT AND TYPE OF COLLATERAL HELD BY THE AGENT, AND THE CONDITIONS UNDER WHICH THE COLLATERAL IS RETURNED;"

Page 14, strike lines 7 through 19 and substitute:

"(h) EXCEPT FOR THE BOND FEE, TO FAIL TO RETURN ANY NONFORFEITED COLLATERAL OR SECURITY WITHIN FOURTEEN DAYS AFTER RECEIPT OF A COPY OF THE COURT ORDER THAT RESULTS IN A RELEASE OF THE BOND BY THE COURT, OR IF THE DEFENDANT FAILS TO APPEAR AND THE SURETY IS EXONERATED, FAILS TO RETURN THE COLLATERAL TO THE INDEMNITOR UPON REQUEST WITHIN FOURTEEN DAYS AFTER THE THREE-YEAR PERIOD, UNLESS:

(I) THE COLLATERAL ALSO SECURES ANOTHER OBLIGATION, PREMIUM PAYMENT PLAN, OR BAIL RECOVERY FEE; OR

(II) THE LATER OF THREE YEARS OR, IF THE COURT GRANTS AN EXTENSION, SIX YEARS HAVE ELAPSED FROM THE DATE THE BOND WAS POSTED."

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

HB12-1214 by Representative(s) Becker, Todd; also Senator(s) Nicholson and Spence--Concerning community college two-year degree programs in certain health care fields without a student transfer agreement.

Ordered revised 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.

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

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- HB12-1281** by Representative(s) Young and Gerou, Ferrandino, Fields, Kefalas, Kerr A., McCann, Peniston, Schafer S.; also Senator(s) Steadman and Roberts--Concerning a pilot program establishing new payment methodologies in medicaid, and, in connection therewith, making an appropriation. 1
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Amendment No. 1, Health & Human Services Committee Amendment. 6
(Printed in Senate Journal, April 30, pages 929-930 and placed in members' bill files.) 7
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Amendment No. 2, Appropriations Committee Amendment. 9
(Printed in Senate Journal, May 4, page 1104 and placed in members' bill files.) 10
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Amendment No. 3(L.021), by Senators Steadman and Roberts. 12
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Amend reengrossed bill, page 5, line 1, strike "INCENTIVES" and substitute 14
"INCENTIVES, INCLUDING, BUT NOT LIMITED TO, GAINSHARING,". 15
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Page 10, line 15, strike "INCENTIVES" and substitute "INCENTIVES, 17
INCLUDING, BUT NOT LIMITED TO, GAINSHARING,". 18
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As amended, ordered revised and placed on the calendar for third reading and final 21
passage. 22
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- HB12-1143** by Representative(s) Ferrandino; also Senator(s) Steadman--Concerning an adjustment in 25
the reimbursement rates the state pays county governments for costs associated with 26
elections involving statewide ballot measures, and, in connection therewith, making an 27
appropriation. 28
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Ordered revised and placed on the calendar for third reading and final passage. 30
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- HB12-1273** by Representative(s) Pabon, Conti, McCann, Swerdfeger; also Senator(s) Steadman-- 33
Concerning the inclusion of approved facility schools affiliated with a hospital to the 34
definition of child care facility for purposes of the child care contribution income tax credit. 35
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Amendment No. 1, Finance Committee Amendment. 37
(Printed in Senate Journal, May 2, page 1024 and placed in members' bill files.) 38
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As amended, ordered revised and placed on the calendar for third reading and final 40
passage. 41
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- HB12-1315** by Representative(s) Becker; also Senator(s) Steadman--Concerning the reorganization of 44
the governor's energy office, and in connection therewith, making an appropriation. 45
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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 47
(Printed in Senate Journal, May 1, pages 965-969 and placed in members' bill files.) 48
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Amendment No. 2, Finance Committee Amendment. 50
(Printed in Senate Journal, May 2, page 1020 and placed in members' bill files.) 51
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Amendment No. 3, Appropriations Committee Amendment. 53
(Printed in Senate Journal, May 4, page 1104 and placed in members' bill files.) 54
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As amended, ordered revised and placed on the calendar for third reading and final 56
passage. 57
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- HB12-1311** by Representative(s) Summers, Acree, Brown, Fields, Joshi, Kefalas, McCann, Schafer S., 60
Young; also Senator(s) Boyd--Concerning continuation of the state board of pharmacy, and, 61
in connection therewith, implementing the recommendations contained in the sunset review 62
and report regarding the board and recodifying the laws regulating pharmacists, the practice 63
of pharmacy, and the manufacture, distribution, and dispensing of prescription drugs and 64
controlled substances, and making an appropriation. 65
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Amendment No. 1, Health & Human Services Committee Amendment. 67
(Printed in Senate Journal, April 30, page 930 and placed in members' bill files.) 68
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Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, May 3, page 1062 and placed in members' bill files.)

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

HB12-1334 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Lambert, Steadman--
Concerning the extension of severance tax funding for the promotion of agricultural energy-
related projects, and, in connection therewith, making an appropriation.

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

HB12-1310 by Representative(s) Gardner B., Barker; also Senator(s) Carroll, Guzman--Concerning
changes to statutory provisions related to criminal proceedings, and, in connection
therewith, making an appropriation.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 1, pages 969-970 and placed in members' bill files.)

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

HB12-1110 by Representative(s) Williams A.; also Senator(s) Carroll--Concerning the regulation of
appraisal management companies, and, in connection therewith, making an appropriation.

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

HB12-1326 by Representative(s) Acree and Kefalas; also Senator(s) Spence and Nicholson--Concerning
assistance to the elderly, and, in connection therewith, making an appropriation.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, May 2, page 1024 and placed in members' bill files.)

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

HB12-1286 by Representative(s) Massey and Ferrandino, Todd, Brown, Casso, Coram, Court, Duran,
Fields, Fischer, Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Kerr J., Liston, McCann,
Miklosi, Pabon, Pace, Peniston, Priola, Ryden, Schafer S., Singer, Soper, Summers,
Swerdfeger, Vigil, Williams A., Wilson, Young; also Senator(s) Newell and White, Aguilar,
Bacon, Boyd, Foster, Heath, Jahn, Morse, Nicholson, Shaffer B., Steadman, Williams S.--
Concerning film production activities in Colorado, and, in connection therewith, making an
appropriation.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, May 2, page 1045 and placed in members' bill files.)

Amendment No. 2(L.008), by Senator Newell.

Amend reengrossed bill, page 9, line 22, strike "COPIES" and substitute
"COPIES, IN ACCORDANCE WITH SECTION 24-1-136 (9)".

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

HB12-1038 by Representative(s) Looper, Barker, Brown, Priola, Ramirez, Scott, Williams A.; also
Senator(s) Williams S.--Concerning the creation of a multi-year registration for Class A
trailers, and, in connection therewith, making an appropriation.

Amendment No. 1(L.004), by Senator Steadman.

Amend reengrossed bill, page 8, after line 22 insert:

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"SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$45,147 and 0.3 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$13,147 and 0.3 FTE for the processing of vehicle registrations; and

(b) \$32,000 for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$32,000, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section."

Renumber succeeding sections accordingly.

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

HB12-1042 by Representative(s) Pace; also Senator(s) Schwartz--Concerning a state income tax credit related to the portion of Colorado estate taxes paid that are attributable to agricultural land.

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

HB12-1361 by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman and Nicholson--Concerning claims against the state arising under the "Colorado Governmental Immunity Act".

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

HB12-1351 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning inclusion under the renewable energy standard's definition of recycled energy such energy that combusts gas generated from synthetic gas derived from waste materials through pyrolysis as the fuel source for generation.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 8, pages 1157-1159 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Tochtrop.

Amend the State, Veterans & Military Affairs Committee Report, dated May 8, 2012, page 1, strike lines 6 through 8.

Page 1, line 12, strike "(III),". and substitute "(III)," and strike "GAS GENERATED FROM".

Page 1, line 15, strike "PUBLIC UTILITIES".

Page 2, line 2, after "GAS" insert "DERIVED".

Page 2, line 8, strike "generation" and substitute "generation,".

Page 2, line 23, after "HOUSE" insert "OF REPRESENTATIVES".

Amend reengrossed bill, page 1, line 103, strike "GAS GENERATED FROM".

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

(For further action, see amendments to the report of the Committee of the Whole.)

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders -- Second Reading of Bills Calendar (HB12-1353, HB12-1330, HB12-1037, HB12-1346, HB12-1300, HB12-1099) of Tuesday, May 8 was laid over until later in the day, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

Senators Lambert and Harvey moved to amend the Report of the Committee of the Whole to show that the following Johnston floor amendment, (L.026) to HB 12-1345, did not pass.

Amend the Appropriations Committee Report, dated May 7, 2012, page 1, strike lines 1 through 7 and substitute:

"Amend the Education Committee Report, dated May 3, 2012, page 2, line 12, strike "CLASSES." and substitute "CLASSES; EXCEPT THAT THE DEPARTMENT MAY DRAFT THE CONTRACT TO PHASE IN THE REQUIREMENTS OF THIS PARAGRAPH (c) OVER MULTIPLE BUDGET YEARS BASED ON AVAILABLE APPROPRIATIONS."

Page 2 of the Education Committee Report, line 3, after the semi-colon, add "AND".

Page 2 of the Education Committee Report, strike line 4.

Page 2 of the Education Committee Report, line 5, strike "(III)" and substitute "(II)" and strike "AND MOBILE DEVICES".

Page 2 of the Education Committee Report, line 9, strike "MOBILE DEVICES AND".

Page 2 of the Education Committee Report, line 15, after the period add "IN NEGOTIATING THE TERMS OF THE CONTRACT, THE DEPARTMENT SHALL INCLUDE PERFORMANCE MEASURES, WHICH MAY INCLUDE STUDENT OUTCOMES, AS CONDITIONS AFFECTING THE AMOUNTS PAYABLE UNDER THE CONTRACT."

Page 2 of the Education Committee Report, line 14, strike "MOBILE".

Page 2 of the Education Committee Report, line 15, strike "DEVICES, SOFTWARE", and substitute "SOFTWARE LICENSES".

Page 2 of the Education Committee Report, strike lines 16 through 32 and substitute:

"(3) (a) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION PROVIDERS AND PROVIDE INFORMATION EXPLAINING:

(I) THE SOFTWARE LICENSES PURCHASED;

(II) THE AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE INCLUDING DATES, TIMES, AND LOCATIONS; AND

(III) THE PROCEDURES AND TIME LINES BY WHICH EACH LOCAL EDUCATION PROVIDER MAY APPLY TO RECEIVE THE SOFTWARE LICENSES AND TRAINING TO IMPLEMENT THE EARLY LITERACY ASSESSMENT TOOL.

(b) BASED ON THE LEVEL OF AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL SELECT THE LOCAL EDUCATION PROVIDERS WHO WILL

RECEIVE THE EARLY LITERACY ASSESSMENT TOOL, INCLUDING THE TRAINING, FROM AMONG THOSE THAT APPLY. IN SELECTING AMONG THE APPLICANTS, THE DEPARTMENT SHALL:

(I) SELECT LOCAL EDUCATION PROVIDERS FROM VARIOUS REGIONS OF THE STATE AND OF VARYING STUDENT POPULATION SIZE;

(II) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING; AND

(III) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF SCHOOLS THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(c) A LOCAL EDUCATION PROVIDER THAT IS SELECTED TO RECEIVE THE EARLY LITERACY ASSESSMENT TOOL IN ONE BUDGET YEAR IS NOT REQUIRED TO REAPPLY IN SUBSEQUENT BUDGET YEARS. THE DEPARTMENT SHALL, TO THE EXTENT POSSIBLE WITHIN AVAILABLE APPROPRIATIONS, ANNUALLY INCREASE THE NUMBER OF LOCAL EDUCATION PROVIDERS THAT RECEIVE THE EARLY LITERACY ASSESSMENT TOOL.

(d) THE DEPARTMENT MAY CHOOSE TO PROVIDE THE EARLY LITERACY ASSESSMENT TOOL ONLY TO THOSE SCHOOLS OF A SELECTED SCHOOL DISTRICT THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(4) DURING THE 2014 REGULAR LEGISLATIVE SESSION AND DURING THE 2016 REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR'S OFFICE, THE JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(a) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES THROUGHOUT THE STATE THAT ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL;

(b) THE LOCAL EDUCATION PROVIDERS THAT HAVE RECEIVED THE EARLY LITERACY ASSESSMENT TOOL;

(c) THE IMPROVEMENTS, IF ANY, IN THE READING SKILL LEVELS OF STUDENTS WHO RECEIVED OR ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL; AND

(d) THE AMOUNT OF APPROPRIATIONS REQUIRED TO PURCHASE AN ADEQUATE NUMBER OF SOFTWARE LICENSES TO ENABLE THE LOCAL EDUCATION PROVIDERS IN THE STATE TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF THE KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES IN THE STATE."."

Page 2 of the Appropriations Committee Report, after line 9 insert:

"Page 6 of the Education Committee Report, line 12, strike "Statutes"." and substitute "Statutes."

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$3,000,000, or so much thereof as may be necessary, for allocation to the assessments and data analyses subsection of the management and administration section, for the implementation of section 22-2-140, Colorado Revised Statutes."."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

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YES	12	NO	23	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	N
Brophy	N	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	N		

HB12-1351 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning inclusion under the renewable energy standard's definition of recycled energy such energy that combusts gas generated from synthetic gas derived from waste materials through pyrolysis as the fuel source for generation.

Senator Nicholson moved to amend the Report of the Committee of the Whole to show that the following Nicholson floor amendment, (L.017) to HB 12-1351, did pass.

Amend the State, Veterans and Military Affairs Committee report, dated May 8, 2012, page 2, line 2, after "MATERIALS." insert "IN ORDER TO BE USED FOR THE PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY STANDARD, THE COMMISSION MUST MAKE A DETERMINATION THAT PROJECTS THAT USE PYROLYSIS TO COMBUST SYNTHETIC GAS FROM WASTE MATERIALS ARE GREENHOUSE GAS EMISSION-NEUTRAL, AS MEASURED OVER THE LIFE-CYCLE OF THE PROCESS, AND THAT THE EMISSIONS PROFILE FOR ALL OTHER HEALTH-HARMING AIR EMISSIONS ARE AS CLEAN OR CLEANER THAN THE EMISSIONS FROM COMBINED-CYCLE NATURAL GAS PLANTS."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	8	NO	27	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	N
Boyd	N	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	N	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	N
Carroll	Y	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	Y	Williams S.	N
Giron	Y	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1345 as amended, HB12-1332 as amended, HB12-1263 as amended, HB12-1261 as amended, HB12-1283 as amended, HB12-1240 as amended, HB12-1317 as amended, HB12-1266 as amended, HB12-1214, HB12-1155, HB12-1281 as amended, HB12-1143, HB12-1273 as amended, HB12-1315 as amended, HB12-1311 as amended, HB12-1334, HB12-1310 as amended, HB12-1110, HB12-1326 as amended, HB12-1286 as amended, HB12-1038 as amended, HB12-1042, HB12-1361, HB12-1351 as amended.

Laid over until Tuesday, May 8: HB12-1353, HB12-1330, HB12-1037, HB12-1346, HB12-1300, HB12-1099.

Committee of the Whole On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Carroll was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1353 by Representative(s) Becker, Gerou, Levy; also Senator(s) Steadman, Hodge, Lambert-- Concerning the mitigation of the effect of automatic proportional reductions to the tier 2 transfers out of the operational account of the severance tax trust fund when revenue shortfalls occur.

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

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

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

HB12-1037 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning the classification of the sales of certain items used in agricultural production as wholesale sales.

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

HB12-1346 by Representative(s) Gardner B.; also Senator(s) King S.--Concerning sex offender registration.

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

HB12-1300 by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Aguilar-- Concerning professional review committees, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

Amendment No. 1, Health & Human Services Committee Amendment.
 (Printed in Senate Journal, May 3, pages 1072-1077 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
 (Printed in Senate Journal, May 7, pages 1131-1132 and placed in members' bill files.)

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

HB12-1099 by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.-- Concerning the establishment of an industrial hemp remediation pilot program to study phytoremediation through the growth of hemp on contaminated soil, and, in connection therewith, making an appropriation.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1353, HB12-1330, HB12-1037, HB12-1346, HB12-1300 as amended, HB12-1099.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR12-004 by Senator(s) Newell and Boyd, Aguilar, Bacon, Carroll, Foster, Giron, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, Lambert, Lundberg, Morse, Neville, Nicholson, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; --Concerning recognition of the office of Colorado's child protection ombudsman.

Laid over one day under Senate Rule 30(c).

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1349, HB12-1352, HB12-1355, HB12-1278, HB12-1360 were made Special Orders at 4:20 p.m.

Committee of the Whole The hour of 4:20 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1349 by Representative(s) Baumgardner, Brown, Coram, Fischer, Hullinghorst, Jones, Joshi, Looper, McKinley, McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz--Concerning the species conservation trust fund.

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

HB12-1352 by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman--Concerning the creation of a state commission to address matters arising out of the lower north fork wildfire, and, in connection therewith, making an appropriation.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 8, pages 1156-1157 and placed in members' bill files.)

Amendment No. 2(L.015), by Senator Cadman.

Amend the State, Veterans & Military Affairs Committee Report, dated May 7, 2012, page 3, strike lines 28 through 33.

Renumber succeeding section accordingly.

Page 3 of the report, after line 36 insert:

"Page 1 of the reengrossed bill, strike lines 102 and 103 and substitute "MATTERS ARISING OUT OF THE LOWER NORTH FORK WILDFIRE."."

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

HB12-1355 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the transfer of the geological survey to the Colorado school of mines.

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

HB12-1360 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the transfer of up to four million dollars from the general fund to the Colorado economic development fund based upon the amount by which the June 2012 estimate of general fund revenue for the 2011-12 fiscal year exceeds the March 2012 estimate of general fund revenue for the 2011-12 fiscal year, and, in connection therewith, making an appropriation.

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders -- Second Reading of Bills Calendar (HB12-1278) of Tuesday, May 8 was laid over until later in the day, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1349, HB12-1352 as amended, HB12-1355, HB12-1360.
Laid over until May 8: HB12-1278 as amended.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **HB12-1358** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 3, strike "(d) (I)" and substitute "(d) (I) (A)".

Page 3, after line 26 insert:

"(B) THE STATE LICENSING AUTHORITY SHALL REPORT TO THE HOUSE OF REPRESENTATIVES AND SENATE FINANCE COMMITTEES, OR THEIR SUCCESSOR COMMITTEES, BY JANUARY 31, 2013, REGARDING HOW IT HAS SPENT THE MONEY TRANSFERRED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I)".

Page 5, strike lines 23 through 27.

Page 6, strike lines 1 through 10.

Renumber succeeding sections accordingly.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1358** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Health and Human Services Committee report dated May 8, 2012.

Amend reengrossed bill, page 3, strike line 27.

Page 4 of the bill, strike lines 1 through 8.

Page 6 of the bill, strike lines 11 through 17.

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1325** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated May 4, 2012, page 1, strike lines 8 through 17.

Page 1 of the committee report, line 19, strike "(g)" and substitute "(e)".

Amend reengrossed bill, page 5, strike lines 25 through 27.

Renumber succeeding subsection accordingly.

Committee of the Whole

On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS - cont'd

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

HB12-1278 by Representative(s) Fischer; also Senator(s) Renfroe--Concerning the authorization of a study of the South Platte river alluvial aquifer, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, May 8, page 1171 and placed in members' bill files.)

As amended, laid over until Tuesday, May 8, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Laid over until Tuesday, May 8: HB12-1278 as amended.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1358 and HB12-1278 were made Special Orders at 6:15 p.m.

Committee of the Whole

The hour of 6:15 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1358 by Representative(s) Massey and McCann; also Senator(s) Aguilar--Concerning funding issues related to medical marijuana, and, in connection therewith, making an appropriation.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, May 8, page 1171 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, May 8, page 1186 and placed in members' bill files.)

Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, May 8, page 1187 and placed in members' bill files.)

Amendment No. 4(L.012), by Senator Aguilar.

Amend the Appropriations Committee Report, dated May 8, 2012, page 1, strike lines 3 through 6.

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

(For further action, see amendments to the report of the Committee of the Whole.)

HB12-1278 by Representative(s) Fischer; also Senator(s) Renfroe--Concerning the authorization of a study of the South Platte river alluvial aquifer, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 8, page 1171 and placed in members' bill files.)

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

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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1358 by Representative(s) Massey and McCann; also Senator(s) Aguilar--Concerning funding issues related to medical marijuana, and, in connection therewith, making an appropriation.

Senator Steadman moved to amend the Report of the Committee of the Whole to show that the following Aguilar floor amendment, (L.012) to HB 12-1358, did not pass.

Amend the Appropriations Committee Report, dated May 8, 2012, page 1, strike lines 3 through 6.

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **passed** on the following roll call vote:

YES	19	NO	16	EXCUSED	0	ABSENT	0	
Aguilar		N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon		N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd		Y	Heath	Y	Mitchell	Y	Spence	N
Brophy		Y	Hodge	Y	Morse	N	Steadman	Y
Cadman		Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll		N	Jahn	Y	Newell	N	White	N
Foster		N	Johnston	N	Nicholson	N	Williams S.	N
Giron		N	King K.	Y	Renfroe	Y	President	N
Grantham		Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1358 as amended, HB12-1278 as amended.

MESSAGE FROM THE HOUSE

May 8, 2012

The House has postponed indefinitely SB12-105, 174. The bills are returned herewith.

The House has adopted and transmits herewith HJR12-1020.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1008, 1034, 1146, 1213, 1241, 1282, 1292, 1293, 1321, HCR12-1001.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR12-1020 by Representative(s) Kefalas, Court, Duran, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Jones, Kagan, Kerr A., Labuda, Lee, Levy, McCann, Pabon, Pace, Peniston, Ryden, Schafer S., Solano, Soper, Todd, Tyler, Williams A., Wilson, Young, Casso, Massey, Miklosi, Swerdfeger, Vigil; also Senator(s) Nicholson, Boyd, Shaffer B., Aguilar, Bacon, Carroll, Guzman, Hudak, Jahn, King S., Roberts--Concerning civility and respect in the Colorado general assembly.

Laid over one day under Senate Rule 30(e).

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1325 was made Special Orders at 9:06 p.m.

Committee of the Whole The hour of 9:06 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1325 by Representative(s) Summers; also Senator(s) Nicholson--Concerning tracking transactions related to methamphetamine precursor drugs.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 7, pages 1112-1113 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 8, page 1187 and placed in members' bill files.)

Amendment No. 3(L.022), by Senator Nicholson.

Amend reengrossed bill, page 4, after line 21, insert:

"(d) THE ADMINISTRATOR OF AN ELECTRONIC LOGGING SYSTEM SHALL FORWARD ON A WEEKLY BASIS STATE TRANSACTION RECORDS TO THE COLORADO BUREAU OF INVESTIGATION, IN A FORMAT AGREED TO BY BOTH PARTIES, AND PROVIDE REAL-TIME ACCESS TO THE INFORMATION THROUGH THE COLORADO CRIME INFORMATION CENTER TO LAW

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ENFORCEMENT AGENCIES IN COLORADO AS AUTHORIZED BY THE COLORADO BUREAU OF INVESTIGATION."

Reletter succeeding paragraph accordingly.

Page 4, after line 27, insert:

"(f) (I) A PROVIDER OF AN ELECTRONIC LOGGING SYSTEM AS DEFINED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY PRIOR TO PERMITTING THE SYSTEM TO BE USED IN COLORADO.

(II) THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE THE FOLLOWING:

(A) PENALTIES FOR NONCOMPLIANCE BY THE OPERATOR OF THE ELECTRONIC LOGGING SYSTEM;

(B) A REQUIREMENT THAT THE OPERATOR OF THE ELECTRONIC LOGGING SYSTEM PROVIDE THE DATA COLLECTED BY THE ELECTRONIC LOGGING SYSTEM TO THE COLORADO BUREAU OF INVESTIGATION IN AN UNEDITED FORMAT AT LEAST ONCE EVERY SEVEN DAYS;

(C) A REQUIREMENT THAT THE INFORMATION COLLECTED BY THE ELECTRONIC LOGGING SYSTEM MUST COMPLY WITH THE FEDERAL "COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005" (PUB.L. 109-177); AND

(D) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (f), ANY OTHER PROVISIONS AGREED TO BY THE PARTIES.

(III) THE MEMORANDUM OF UNDERSTANDING SHALL NOT INCLUDE THE FOLLOWING:

(A) A PROHIBITION ON LAW ENFORCEMENT AGENCIES' USE FOR A LAW ENFORCEMENT PURPOSE OF THE DATA COLLECTED BY THE ELECTRONIC LOGGING SYSTEM AND SUPPLIED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (f); AND

(B) ANY PROHIBITION ON A STATE OR LOCAL ENTITY ENACTING OR ADOPTING ANY PROVISIONS RELATED TO THE SALE OF A METHAMPHETAMINE PRECURSOR DRUG.

(IV) THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY SHALL CONDUCT AN ANNUAL AUDIT OF EACH ELECTRONIC LOGGING SYSTEM SUBJECT TO A MEMORANDUM OF UNDERSTANDING AND PROVIDE COPIES OF THE AUDIT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

(g) A STORE THAT FAILS TO COMPLY WITH THIS SUBSECTION (2.7) COMMITS A CLASS 1 MISDEMEANOR."

Page 5, line 11, strike "AND".

Page 5, line 13, strike "AGENCIES." and substitute "AGENCIES;"

Page 5, after line 13, insert:

"(IV) USES A FAIL-SAFE SYSTEM BASED ON UNIQUE INDIVIDUAL CHARACTERISTIC; AND

(V) IS CAPABLE OF INTERFACING WITH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY IN ORDER TO PROVIDE THE COLORADO BUREAU OF INVESTIGATION WITH DATA COLLECTED BY THE SYSTEM."

Page 5, strike lines 25 through 27.

Renumber succeeding subsection accordingly.

Senate in recess.

Senate reconvened.

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Appropriations.

(For further action, see amendments to the report of the Committee of the Whole.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1325 by Representative(s) Summers; also Senator(s) Nicholson--Concerning tracking transactions related to methamphetamine precursor drugs.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Nicholson floor amendment, (L.022) to HB 12-1325, did not pass, and that HB 12-1325, as amended by the Judiciary Committee amendment and the Appropriations Committee amendment, did pass and was not laid over or referred to the Appropriations Committee.

Amend reengrossed bill, page 4, after line 21, insert:

"(d) THE ADMINISTRATOR OF AN ELECTRONIC LOGGING SYSTEM SHALL FORWARD ON A WEEKLY BASIS STATE TRANSACTION RECORDS TO THE COLORADO BUREAU OF INVESTIGATION, IN A FORMAT AGREED TO BY BOTH PARTIES, AND PROVIDE REAL-TIME ACCESS TO THE INFORMATION THROUGH THE COLORADO CRIME INFORMATION CENTER TO LAW ENFORCEMENT AGENCIES IN COLORADO AS AUTHORIZED BY THE COLORADO BUREAU OF INVESTIGATION."

Reletter succeeding paragraph accordingly.

Page 4, after line 27, insert:

"(f) (I) A PROVIDER OF AN ELECTRONIC LOGGING SYSTEM AS DEFINED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY PRIOR TO PERMITTING THE SYSTEM TO BE USED IN COLORADO.

(II) THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE THE FOLLOWING:

(A) PENALTIES FOR NONCOMPLIANCE BY THE OPERATOR OF THE ELECTRONIC LOGGING SYSTEM;

(B) A REQUIREMENT THAT THE OPERATOR OF THE ELECTRONIC LOGGING SYSTEM PROVIDE THE DATA COLLECTED BY THE ELECTRONIC LOGGING SYSTEM TO THE COLORADO BUREAU OF INVESTIGATION IN AN UNEDITED FORMAT AT LEAST ONCE EVERY SEVEN DAYS;

(C) A REQUIREMENT THAT THE INFORMATION COLLECTED BY THE ELECTRONIC LOGGING SYSTEM MUST COMPLY WITH THE FEDERAL "COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005" (PUB.L. 109-177); AND

(D) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (f), ANY OTHER PROVISIONS AGREED TO BY THE PARTIES.

(III) THE MEMORANDUM OF UNDERSTANDING SHALL NOT INCLUDE THE FOLLOWING:

(A) A PROHIBITION ON LAW ENFORCEMENT AGENCIES' USE FOR A LAW ENFORCEMENT PURPOSE OF THE DATA COLLECTED BY THE ELECTRONIC LOGGING SYSTEM AND SUPPLIED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (f); AND

(B) ANY PROHIBITION ON A STATE OR LOCAL ENTITY ENACTING OR ADOPTING ANY PROVISIONS RELATED TO THE SALE OF A METHAMPHETAMINE PRECURSOR DRUG.

(IV) THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY SHALL CONDUCT AN ANNUAL AUDIT OF EACH ELECTRONIC LOGGING SYSTEM SUBJECT TO A MEMORANDUM OF UNDERSTANDING AND PROVIDE COPIES OF THE AUDIT TO THE JUDICIARY

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COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

(g) A STORE THAT FAILS TO COMPLY WITH THIS SUBSECTION (2.7) COMMITS A CLASS 1 MISDEMEANOR."

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Page 5, strike lines 25 through 27.

Renumber succeeding subsection accordingly.

On a substitute motion, Senator Morse moved that the Senate adjourned until 10:00 a.m., Wednesday, May 9, 2012 on the following roll call vote:

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	N
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

The balance of the calendar was laid over, retaining its place on the calendar:

General Orders -- Second Reading of Bills: SB12-070, HB12-1160.
 Consideration of Resolutions: SJR12-034, SJR12-037, SJR12-038.
 Consideration of Conference Committee Reports: SB12-020.

Approved:

Brandon C. Shaffer
 President of the Senate

Attest:

Cindi L. Markwell
 Secretary of the Senate

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