

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

93rd Legislative Day Thursday, April 12, 2012

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Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	14
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Pledge	By Senator King S.	17
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Roll Call	Present--30	19
	Excused--5, Aguilar, Bacon, Mitchell, Renfroe, Schwartz.	20
	Present later--5, Aguilar, Bacon, Mitchell, Renfroe, Schwartz.	21
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Quorum	The President announced a quorum present.	23
		24
Reading of Journal	On motion of Senator Morse, reading of the Journal of Wednesday, April 11, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	The Committee on <u>Business, Labor, and Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	31
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MEMBERS OF THE BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2015:	37
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James R. Meurer of Golden, Colorado, reappointed;	39
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Sondra W. Mercier of Denver, Colorado, reappointed;	41
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for terms expiring July 1, 2012;	43
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MaryKay Kelley of Silverthorne, Colorado, reappointed;	45
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Diane M. DeVries of Wheat Ridge, Colorado, reappointed;	47
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Lyle D. Hansen of Denver, Colorado, reappointed;	49
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A. Louesa Maricle of Denver, Colorado reappointed;	51
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Gregg A. Near of Wheat Ridge, Colorado, reappointed;	53
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Amy J. Williams of Hayden, Colorado, engaged in agricultural, appointed.	55
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Business,
Labor, &
Technology

The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointment and recommend that the appointment be confirmed:

MEMBER OF THE
STATE ELECTRICAL BOARD

for terms expiring July 1, 2014:

Thomas B. Fox of Steamboat Springs, Colorado, to serve as a general contractor actively engaged in the building industry, appointed.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB12-166** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB12-162** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, 18-19-102, **add** (3) as follows:

18-19-102. Definitions. (3) "METHAMPHETAMINE OFFENDER" MEANS:

(a) A PERSON CONVICTED OF AN OFFENSE UNDER SECTION 18-18-403.5 (2) (b) OR AN ATTEMPT TO COMMIT SUCH OFFENSE AS PROVIDED BY PART 1 OF ARTICLE 2 OF THIS TITLE; AND

(b) A PERSON CONVICTED OF AN OFFENSE UNDER SECTION 18-18-405 (1) (a) WHEN THE CONTROLLED SUBSTANCE IS METHAMPHETAMINE.

SECTION 2. In Colorado Revised Statutes, **add** 18-19-103.7 as follows:

18-19-103.7. Methamphetamine laboratory clean-up surcharge. (1) IN ADDITION TO THE SURCHARGES ESTABLISHED IN SECTIONS 18-19-103 AND 18-19-103.5, EACH METHAMPHETAMINE OFFENDER WHO IS CONVICTED, OR WHO RECEIVES A DEFERRED SENTENCE PURSUANT TO SECTION 18-1.3-102, SHALL PAY A SURCHARGE TO THE CLERK OF THE COURT IN THE COUNTY IN WHICH THE CONVICTION OCCURS OR IN WHICH THE DEFERRED SENTENCE IS ENTERED. THE SURCHARGE IS IN AN AMOUNT DETERMINED BY THE JUDGE, BUT MUST NOT BE LESS THAN FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS.

(2) THE CLERK OF THE COURT SHALL DISBURSE THE SURCHARGE REQUIRED BY SUBSECTION (1) OF THIS SECTION AS FOLLOWS:

(a) THE CLERK SHALL RETAIN FIVE PERCENT FOR PURPOSES OF ADMINISTERING THE DISBURSAL OF THE SURCHARGE PURSUANT TO THIS SUBSECTION (2).

(b) THE CLERK SHALL DISBURSE NINETY-FIVE PERCENT TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE LOCAL GOVERNMENT ASSISTANCE ACCOUNT OF THE METHAMPHETAMINE LABORATORY CLEAN-UP CASH FUND CREATED IN SECTION 25-18.5-103.5, C.R.S.

(3) THE SURCHARGE IS MANDATORY, AND THE COURT MAY SUSPEND OR WAIVE THE SURCHARGE ONLY IF IT DETERMINES THAT THE DEFENDANT IS INDIGENT.

SECTION 3. In Colorado Revised Statutes, **amend** article 18.5 of title 25 as follows:

25-18.5-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Board" means the state board of health in the department of public health and environment.

(2) ~~(Deleted by amendment, L. 2009, (SB-09-060), ch. 140, p. 600, § 1, effective April 20, 2009.)~~ "CERTIFIED INDUSTRIAL HYGIENIST" OR "CIH" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN

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BOARD OF INDUSTRIAL HYGIENE OR ITS SUCCESSOR.

(3) "CLEAN-UP STANDARDS" MEANS THE ACCEPTABLE STANDARDS FOR THE REMEDIATION OF AN ILLEGAL DRUG LABORATORY INVOLVING METHAMPHETAMINE, AS ESTABLISHED BY THE BOARD PURSUANT TO SECTION 25-18.5-102.

(4) "CONSULTANT" MEANS A CERTIFIED INDUSTRIAL HYGIENIST OR INDUSTRIAL HYGIENIST WHO IS NOT AN EMPLOYEE, AGENT, REPRESENTATIVE, PARTNER, JOINT VENTURE PARTICIPANT, SHAREHOLDER, PARENT, OR SUBSIDIARY COMPANY OF THE CONTRACTOR, AND WHO HAS BEEN CERTIFIED PURSUANT TO SECTION 25-18.5-106.

(5) "CONTRACTOR" MEANS ONE OR MORE INDIVIDUALS OR COMMERCIAL ENTITIES:

(a) HIRED TO DECONTAMINATE AN ILLEGAL DRUG LABORATORY IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE BOARD PURSUANT TO SECTION 25-18.5-102; AND

(b) CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 25-18.5-106.

(6) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

~~(2.5)~~ (7) "Governing body" means the agency or office designated by the city council or board of county commissioners where the property in question is located. If there is no such designation, the governing body shall be the county, district, or municipal public health agency, building department, and law enforcement agency with jurisdiction over the property in question.

~~(2.7)~~ (8) "Illegal drug laboratory" means the areas where controlled substances, as defined by section 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of ~~such~~ THE manufacturing, processing, cooking, disposal, use, or ~~storing~~ STORAGE.

(9) "INDUSTRIAL HYGIENIST" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-30-1402 (2.2), C.R.S.

~~(3)~~ (10) "Property" means anything that may be the subject of ownership, including ~~but not limited to~~, land, buildings, structures, and vehicles.

~~(4)~~ (11) "Property owner", for the purposes of real property, means the person holding record fee title to real property. "Property owner" also means the person holding the title to a manufactured home.

25-18.5-102. Illegal drug laboratories - rules. (1) The board shall promulgate ~~health-protective rules that establish procedures for testing and evaluation of contamination and the acceptable standards for the cleanup of illegal drug laboratories involving methamphetamine.~~ PURSUANT TO SECTION 24-4-103, C.R.S., AS NECESSARY TO IMPLEMENT THIS ARTICLE, INCLUDING:

(a) PROCEDURES FOR TESTING CONTAMINATION, EVALUATING CONTAMINATION, AND ESTABLISHING THE ACCEPTABLE STANDARDS FOR CLEANUP OF ILLEGAL DRUG LABORATORIES INVOLVING METHAMPHETAMINE;

(b) PROCEDURES FOR A TRAINING AND CERTIFICATION PROGRAM FOR INDIVIDUALS AND COMPANIES INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES. THE BOARD SHALL DEFINE "ASSESSMENT", "DECONTAMINATION", AND "SAMPLING" FOR PURPOSES OF THIS ARTICLE. THE BOARD MAY DEVELOP DIFFERENT LEVELS OF TRAINING AND CERTIFICATION REQUIREMENTS BASED ON AN INDIVIDUAL'S OR COMPANY'S PRIOR EXPERIENCE IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES.

(c) PROCEDURES FOR THE APPROVAL OF INDIVIDUALS AND COMPANIES THAT PROVIDE TRAINING FOR CONSULTANTS OR CONTRACTORS PERFORMING ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES.

(d) PROCEDURES FOR CONTRACTORS AND CONSULTANTS TO ISSUE CERTIFICATES OF COMPLIANCE TO PROPERTY OWNERS UPON COMPLETION OF ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES TO CERTIFY THAT THE REMEDIATION OF THE PROPERTY MEETS THE CLEAN-UP STANDARDS ESTABLISHED BY THE BOARD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) THE BOARD SHALL ESTABLISH FEES FOR THE FOLLOWING:

(a) CERTIFICATION OF INDIVIDUALS AND COMPANIES INVOLVED IN

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THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES;

(b) MONITORING OF INDIVIDUALS AND COMPANIES INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES, IF NECESSARY TO ENSURE COMPLIANCE WITH THIS ARTICLE; AND

(c) APPROVAL OF INDIVIDUALS OR COMPANIES INVOLVED IN TRAINING FOR CONSULTANTS OR CONTRACTORS PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION.

(3) THE BOARD SHALL ADOPT RULES FOR DETERMINING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THIS ARTICLE, BASED ON THE FACTORS ENUMERATED IN SECTION 25-18.5-107 (2) (g).

25-18.5-103. Discovery of illegal drug laboratory - property owner - cleanup - liability. (1) (a) Upon notification from a peace officer that chemicals, equipment, or supplies indicative of an illegal drug laboratory are located on a property, or when an illegal drug laboratory used to manufacture methamphetamine is otherwise discovered and the property owner has received notice, the owner of any contaminated property shall meet the clean-up standards for property established by the board in section 25-18.5-102; except that a property owner may, at his or her option and subject to paragraph (b) of this subsection (1), elect instead to demolish the contaminated property. If the owner elects to demolish the contaminated property, the governing body or, if none has been designated, the county, district, or municipal public health agency, building department, or law enforcement agency with jurisdiction over the area where the property is located may require the owner to fence off the property or otherwise make it inaccessible to persons for occupancy or intrusion.

(b) An owner of any personal property within a structure or vehicle contaminated by illegal drug laboratory activity shall have ten days after the date of discovery of the laboratory or contamination to remove or clean his or her personal property according to board rules. If the personal property owner fails to remove the personal property within ten days, the owner of the structure or vehicle may dispose of the personal property during the clean-up process without liability to the owner of the personal property for such THE disposition.

(2) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2), once a property owner has met the clean-up standards and documentation requirements established by the board, as evidenced by a copy of the results provided to the governing body; RECEIVED CERTIFICATES OF COMPLIANCE FROM A CONTRACTOR AND A CONSULTANT, PURSUANT TO SECTION 25-18.5-102 (1) (d), or has demolished the property:

(I) ~~compliance with subsection (1) of this section shall establish immunity for the property owner~~ HE OR SHE SHALL FURNISH COPIES OF THE CERTIFICATES OF COMPLIANCE TO THE GOVERNING BODY; AND

(II) HE OR SHE IS IMMUNE from a suit BROUGHT BY A CURRENT OR FUTURE OWNER, RENTER, OCCUPANT, OR NEIGHBOR OF THE PROPERTY for ~~alleged health-based civil actions brought by any future owner, renter, or other person who occupies such property, or a neighbor of such property, in which the alleged cause of the injury or loss is the existence of the illegal drug laboratory used to manufacture methamphetamine, except that immunity from a civil suit is not established for the~~ THAT ALLEGE INJURY OR LOSS ARISING FROM THE ILLEGAL DRUG LABORATORY. A PROPERTY OWNER WHO MET THE CLEAN-UP STANDARDS AND DOCUMENTATION REQUIREMENTS OF THIS SECTION AS IT EXISTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, IS LIKEWISE IMMUNE FROM SUIT.

(b) A person convicted for the ~~production~~ MANUFACTURE of methamphetamine OR FOR POSSESSION OF CHEMICALS, SUPPLIES, OR EQUIPMENT WITH INTENT TO MANUFACTURE METHAMPHETAMINE IS NOT IMMUNE FROM SUIT.

(3) A person who removes personal property or debris from a drug laboratory shall secure the property and debris to prevent theft or exposing another person to any toxic or hazardous chemicals until the property and debris is appropriately disposed of or cleaned according to board rules.

25-18.5-103.5. Methamphetamine laboratory clean-up cash fund - rules. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE

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METHAMPHETAMINE LABORATORY CLEAN-UP CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE STATE TREASURER SHALL CREDIT MONEYS COLLECTED PURSUANT TO THIS ARTICLE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE BOARD FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND ARE NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) GOVERNING BODIES MAY APPLY TO THE BOARD FOR REIMBURSEMENT FROM THE LOCAL GOVERNMENT ASSISTANCE ACCOUNT OF THE FUND, WHICH IS HEREBY CREATED, FOR COSTS INCURRED BY THE GOVERNING BODIES FOR METHAMPHETAMINE LABORATORY CLEAN-UP EFFORTS THAT FALL OUTSIDE OF THIS ARTICLE. THE BOARD SHALL PROMULGATE RULES FOR DETERMINING ELIGIBLE ACTIVITIES UNDERTAKEN BY GOVERNING BODIES AND PROCEDURES FOR REVIEWING APPLICATIONS AND REIMBURSING GOVERNING BODIES.

25-18.5-104. Entry into illegal drug laboratories. (1) If a structure or vehicle has been determined to be contaminated or if a governing body or law enforcement agency issues a notice of probable contamination, the owner of the structure or vehicle shall not permit any person to have access to the structure or vehicle unless:

(a) The person is trained or certified to handle contaminated property pursuant to board rules or federal law; OR

(b) UNTIL THE OWNER HAS RECEIVED CERTIFICATES OF COMPLIANCE PURSUANT TO SECTION 25-18.5-102 (1) (d).

25-18.5-105. Drug laboratories - governing body - authority. (1) ~~An~~ GOVERNING BODIES MAY DEEM AN illegal drug laboratory that has not met the clean-up standards set by the board in section 25-18.5-102 ~~shall be deemed~~ a public health nuisance.

(2) Governing bodies may enact ordinances or resolutions to enforce this article, including ~~but not limited to~~, preventing unauthorized entry into contaminated property; requiring contaminated property to meet clean-up standards before it is occupied; notifying the public of contaminated property; AND coordinating services and sharing information between law enforcement, building, public health, and social services agencies and officials. ~~and charging reasonable inspection and testing fees.~~

25-18.5-106. Powers and duties of department. (1) THE DEPARTMENT SHALL IMPLEMENT, COORDINATE, AND OVERSEE THE RULES PROMULGATED BY THE BOARD PURSUANT TO THIS ARTICLE, INCLUDING:

(a) THE CERTIFICATION OF INDIVIDUALS AND COMPANIES INVOLVED IN THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES, AS THE BOARD HAS DEFINED "ASSESSMENT", "DECONTAMINATION", AND "SAMPLING" PURSUANT TO SECTION 25-18.5-102.

(b) THE APPROVAL OF INDIVIDUALS AND COMPANIES THAT PROVIDE TRAINING FOR CONSULTANTS AND CONTRACTORS WHO PERFORM ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES.

25-18.5-107. Enforcement. (1) AN INDIVIDUAL OR A COMPANY THAT VIOLATES ANY OF THE RULES PROMULGATED BY THE BOARD PURSUANT TO SECTION 25-18.5-102 IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT TO EXCEED FIFTEEN THOUSAND DOLLARS PER DAY PER VIOLATION UNTIL THE VIOLATION IS CORRECTED.

(2) (a) WHENEVER THE DEPARTMENT HAS REASON TO BELIEVE THAT AN INDIVIDUAL OR A COMPANY HAS VIOLATED ANY OF THE RULES PROMULGATED BY THE BOARD PURSUANT TO SECTION 25-18.5-102, THE DEPARTMENT SHALL NOTIFY THE INDIVIDUAL OR COMPANY. THE DEPARTMENT SHALL SPECIFY IN THE NOTICE THE RULE ALLEGED TO HAVE BEEN VIOLATED AND THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION.

(b) THE DEPARTMENT SHALL EITHER:

(I) SEND THE NOTICE BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED, TO THE ALLEGED VIOLATOR'S LAST-KNOWN ADDRESS; OR

(II) PERSONALLY SERVE THE NOTICE UPON THE ALLEGED VIOLATOR OR THE ALLEGED VIOLATOR'S AGENT.

(c) THE ALLEGED VIOLATOR HAS THIRTY DAYS FOLLOWING RECEIPT OF THE NOTICE TO SUBMIT A WRITTEN RESPONSE CONTAINING DATA, VIEWS, AND ARGUMENTS CONCERNING THE ALLEGED VIOLATION AND POTENTIAL CORRECTIVE ACTIONS.

(d) WITHIN FIFTEEN DAYS AFTER RECEIVING NOTICE OF AN ALLEGED VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST AN INFORMAL CONFERENCE WITH DEPARTMENT PERSONNEL TO DISCUSS THE NOTICE. THE DEPARTMENT SHALL HOLD THE INFORMAL CONFERENCE WITHIN THE THIRTY-DAY PERIOD ALLOWED FOR A WRITTEN RESPONSE, AS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (2).

(e) AFTER CONSIDERATION OF ANY WRITTEN RESPONSE AND INFORMAL CONFERENCE, THE DEPARTMENT SHALL ISSUE A LETTER, WITHIN THIRTY DAYS AFTER THE DATE OF THE INFORMAL CONFERENCE OR WRITTEN RESPONSE, WHICHEVER IS LATER, AFFIRMING OR DISMISSING THE VIOLATION. IF THE DEPARTMENT AFFIRMS THE VIOLATION, THE DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE ORDER WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE TIME FOR A WRITTEN RESPONSE HAS EXPIRED. THE ADMINISTRATIVE ORDER MUST INCLUDE ANY REMAINING CORRECTIVE ACTIONS THAT THE VIOLATOR SHALL TAKE AND ANY ADMINISTRATIVE PENALTY THAT THE DEPARTMENT DETERMINES IS APPROPRIATE.

(f) THE DEPARTMENT SHALL SERVE AN ADMINISTRATIVE ORDER ISSUED PURSUANT TO THIS SECTION UPON THE INDIVIDUAL OR COMPANY THAT IS THE SUBJECT OF THE ORDER BY PERSONAL SERVICE OR BY REGISTERED MAIL, RETURN RECEIPT REQUESTED, AT THE INDIVIDUAL'S OR COMPANY'S LAST-KNOWN ADDRESS. AN ORDER MAY BE PROHIBITORY OR MANDATORY IN EFFECT. THE ORDER IS EFFECTIVE IMMEDIATELY UPON ISSUANCE, UNLESS OTHERWISE PROVIDED IN THE ORDER.

(g) IN DETERMINING THE AMOUNT OF AN ADMINISTRATIVE PENALTY, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:

- (I) THE SERIOUSNESS OF THE VIOLATION;
- (II) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR NEGLIGENT;
- (III) ANY IMPACT ON, OR THREAT TO, THE PUBLIC HEALTH OR ENVIRONMENT AS A RESULT OF THE VIOLATION;
- (IV) THE VIOLATOR'S DEGREE OF RECALCITRANCE, IF ANY;
- (V) WHETHER THE VIOLATOR HAS HAD ANY PRIOR VIOLATIONS AND, IF SO, THE NATURE AND SEVERITY OF ANY PRIOR VIOLATION OR VIOLATIONS;
- (VI) THE ECONOMIC BENEFIT THE VIOLATOR RECEIVED AS A RESULT OF THE VIOLATION;
- (VII) WHETHER THE VIOLATOR VOLUNTARILY, TIMELY, AND COMPLETELY DISCLOSED THE VIOLATION BEFORE THE DEPARTMENT DISCOVERED IT;
- (VIII) WHETHER THE VIOLATOR FULLY AND PROMPTLY COOPERATED WITH THE DEPARTMENT FOLLOWING DISCLOSURE OR DISCOVERY OF THE VIOLATION; AND
- (IX) ANY OTHER RELEVANT AGGRAVATING OR MITIGATING CIRCUMSTANCES.

(3) WHENEVER THE DEPARTMENT DETERMINES THAT AN INDIVIDUAL OR A COMPANY HAS BEEN GROSSLY NONCOMPLIANT WITH THE RULES PROMULGATED BY THE BOARD PURSUANT TO SECTION 25-18.5-102, THE DEPARTMENT MAY:

(a) SUSPEND OR REVOKE THE INDIVIDUAL'S OR COMPANY'S CERTIFICATION FOR THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES, AS THE BOARD HAS DEFINED "ASSESSMENT", "DECONTAMINATION", AND "SAMPLING" PURSUANT TO SECTION 25-18.5-102; OR

(b) SUSPEND OR REVOKE THE APPROVAL OF AN INDIVIDUAL OR A COMPANY THAT PROVIDES TRAINING FOR CONSULTANTS OR CONTRACTORS PERFORMING ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES.

25-18.5-108. Judicial review. THE DEPARTMENT'S DECISIONS ARE SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

SECTION 4. In Colorado Revised Statutes, 38-35.7-103, **amend** (2) (c) and (4) as follows:

38-35.7-103. Disclosure - methamphetamine laboratory.

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(2) (c) If the seller receives the notice referred to in paragraph (b) of this subsection (2) or if the seller receives the notice referred to in paragraph (a) of this subsection (2) and does not elect to have the property retested pursuant to paragraph (b) of this subsection (2), then an illegal drug laboratory used to manufacture methamphetamine shall be deemed to have been discovered. ~~and the owner shall be deemed to have received notice pursuant to section 25-18.5-103 (1) (a), C.R.S.~~ Nothing in this section shall prohibit PROHIBITS a buyer from purchasing the property and assuming liability pursuant to section 25-18.5-103, C.R.S., if, on the date of closing, the buyer provides notice to the department of public health and environment of the purchase and assumption of liability and if the remediation required by section 25-18.5-103, C.R.S., is completed within ninety days after the date of closing.

(4) If the seller ~~became~~ BECOMES aware that the property was once used for the production of methamphetamine and HE OR SHE REMEDIATES the property ~~was remediated~~ in accordance with the standards established pursuant to section 25-18.5-102, C.R.S., and ~~evidence of such remediation was received by the applicable governing body in~~ RECEIVES CERTIFICATES OF compliance with the documentation requirements established pursuant to section ~~25-18.5-102~~ 25-18.5-103, C.R.S., then:

(a) The seller ~~shall~~ IS not be required to disclose that the property was used as a methamphetamine laboratory to a buyer; and

(b) The property ~~shall be removed from~~ IS NO LONGER ELIGIBLE FOR INCLUSION IN any government-sponsored informational service listing properties that have been used for the production of methamphetamine.

SECTION 5. Applicability. The provisions of this act apply to offenses committed on or after the effective date of this act.

SECTION 6. 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."

Page 1, strike line 101 and substitute "**CONCERNING REMEDIATION PERFORMED ON**".

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:

MEMBERS OF THE
COLORADO COMMISSION ON JUDICIAL DISCIPLINE

effective July 1, 2011 for terms expiring June 30, 2015:

Albus Brooks of Denver, Colorado, to serve as a non attorney, occasioned by the resignation of Joe Samuel, appointed;

David Kenney of Denver, Colorado, to serve as a non attorney, reappointed;

Federico C. Alvarez of Denver, Colorado, to serve as an attorney, reappointed; and

effective October 14, 2011 for a term to expire June 30, 2015:

David Lee Dill of Pueblo, Colorado to serve as a non attorney, occasioned by the resignation of Judy Weaver of Pueblo, Colorado, appointed.

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1130** be postponed indefinitely.

Local
Government

After consideration on the merits, the Committee recommends that **HB12-1282** be referred to the Committee on Appropriations with favorable recommendation.

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Education After consideration on the merits, the Committee recommends that **HB12-1303** be referred to the Committee on Finance with favorable recommendation.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND

for terms expiring April 15, 2015:

James A. Smith of Denver, Colorado, to serve as an Unaffiliated from the First Congressional District, reappointed;

Matt J. Sugar of Winter Park, Colorado, to serve as a Democrat from the Second Congressional District west of the Continental Divide, reappointed;

Thomas Michael Burke of Grand Junction, Colorado, to serve as a Republican from the Third Congressional District, appointed;

Chana Gail Reed of Lamar, Colorado, to serve as a Republican from the Fourth Congressional District, appointed;

David Joseph Palanchar of Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, appointed;

Thomas W. Swanson of Evergreen, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed.

Jacy Tyler Jasmer Rock of Golden, Colorado, to serve as an Unaffiliated from the Seventh Congressional District, appointed.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE ENERGY AND MINERAL IMPACT ASSISTANCE ADVISORY COMMITTEE

for terms expiring August 24, 2015:

Karla Jean Distel of Durango, Colorado, appointed;

Susan B. Alvillar of Grand Junction, Colorado, appointed.

State, Veterans, & Military Affairs The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE COLORADO CHANNEL AUTHORITY BOARD OF DIRECTORS

for terms expiring October 6, 2015:

Timothy Michael Ryan of Aurora, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed;

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Ken Fellman of Arvada, Colorado, a Democrat, reappointed;

John W. Montgomery of Centennial, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, reappointed.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HJR12-1017** be referred to the Senate for final action.

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-031.
Correctly Reengrossed: SB12-001.
Correctly Rerevised: HB12-1080 and 1297.

Upon request of Senator Morse, **SB12-106** was removed from the General Orders--Second Reading of Bills Consent Calendar of Thursday, April 12 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Thursday, April 12.

Committee
of the Whole

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

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

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

HB12-1313 by Representative(s) Szabo; also Senator(s) Bacon--Concerning procedures related to the statewide initiative title board.

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

SB12-026 by Senator(s) Cadman; --Concerning a state agency rule that creates a state mandate on a local government.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 1, pages 74-75 and placed in members' bill files.)

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

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

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 10, page 692 and placed in members' bill files.)

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

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HB12-1209 by Representative(s) Gardner B.; also Senator(s) Carroll--Concerning the "Uniform Electronic Legal Material Act", and, in connection therewith, making an appropriation.
 Ordered revised and placed on the calendar for third reading and final passage.

HB12-1236 by Representative(s) Summers, Holbert; also Senator(s) Jahn, Boyd--Concerning the regulation of charitable solicitations, 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 --
 CONSENT CALENDAR**

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lundberg	Y	Schwartz	E
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	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-026 as amended, SB12-123 as amended, HB12-1313, HB12-1209, HB12-1236.
 Laid over to the end of the General Orders -- Second Reading of Bills calendar, Thursday, April 12: SB12-106.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB12-004 by Senator(s) Foster, Shaffer B.; also Representative(s) Miklosi--Concerning the creation of a procurement preference to be granted for materials manufactured in the United States, and, in connection therewith, making an appropriation.

Amendment No. 1, Local Government Committee Amendment.
 (Printed in Senate Journal, February 15, page 168 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
 (Printed in Senate Journal, March 23, page 558 and placed in members' bill files.)

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

HB12-1321 by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.--
Concerning the state personnel system, and, in connection therewith, enacting the
"Modernization of the State Personnel System Act".

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 29, pages 607-608 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 10, page 693 and placed in members' bill files.)

Amendment No. 1(L.025), by Senator Lambert.

Amend the State, Veterans & Military Affairs Committee Report, dated
March 28, 2012, page 1, strike lines 1 and 2.

Page 1 of the committee report, line 3, strike "Page" and substitute
"Amend reengrossed bill, page".

Page 2 of the committee report, strike lines 1 and 2 and substitute: "Page
15, line 6, strike "ITEM OR OPERATING LINE ITEM OF" and substitute "ITEM,
A LINE ITEM ENTITLED "OPERATING EXPENSES", OR ANY SUCCESSOR LINE
ITEM DESIGNATED BY THE JOINT BUDGET COMMITTEE FOR THE SAME
PURPOSES IN".

Page 12 of the reengrossed bill, line 10, strike "IN THE PERSONAL
SERVICES LINE ITEM".

Page 12 of the reengrossed bill, line 11, strike "ACT." and substitute "ACT
IN SUITABLE PERSONAL SERVICES LINE ITEMS OR OTHER LINE ITEMS THAT
INCLUDE SALARY APPROPRIATIONS."

Page 15 of the reengrossed bill, line 10, after "YEAR." insert "THE JOINT
BUDGET COMMITTEE SHALL NOTIFY THE STATE CONTROLLER AND STATE
TREASURER OF A SUCCESSOR LINE ITEM FROM WHICH THERE MAY BE A
REVERSION AMOUNT."

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

On motion of Senator Steadman, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the General Orders -- Second Reading of Bills
Calendar (SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001,
HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059,
SB12-101, SB12-139, SB12-047, SB12-027, SB12-028, HB12-1153, SB12-106) of
Thursday, April 12 was laid over until Friday, April 13, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on second reading: SB12-004 as amended, HB12-1321 as amended.
 Laid over until Friday, April 13: SB12-155, SB12-070, SB12-086, SB12-132,
 HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304,
 HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027, SB12-028,
 HB12-1153, SB12-106.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 12 was laid over until Friday, April 13, retaining its place on the calendar.

- Consideration of Resolutions: SJR12-032, HJR12-1004.
- Consideration of Memorials: SM12-003.
- Consideration of Governor's Appointments:
 - Members of the Colorado Housing and Finance Authority.
 - Member of the Colorado Racing Commission.
 - Statewide Internet Portal Authority.
 - Members of the Board of Trustees of Metropolitan State College of Denver.
 - Member of the Higher Education Competitive Research Authority Board of Directors.
 - Members of the Colorado Commission on Higher Education.
 - Members of the Board of Trustees for Adams State College.
 - Members of the Colorado School of Mines, Board of Directors.
 - Members of the Colorado Children's Trust Fund Board.
 - Member of the Colorado Commission on the Aging.
 - Member of the Hospital Provider Fee Oversight and Advisory Board.
 - Members of the State Board of Human Services.
 - Members of the Colorado Health Facilities Authority Board of Directors.
 - Member of the Securities Board.
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.
- Requests for Conference Committee: HB12-1168.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1228, 1271, 1318, 1323.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 13, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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