

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

108th Legislative Day Friday, April 27, 2012

- Prayer 10
 By the chaplain, Elder Larry Henry, Word Alive Ministries, Thornton. 11
- Call to 12
 Order 13
 By the President *pro tem* at 9:00 a.m. 14
- Pledge 15
 By Senator Lambert. 16
- Roll Call 17
 Present--34 18
 Absent--1, Williams S. 19
 Present later--1, Williams S. 20
- Quorum 21
 The President *pro tem* announced a quorum present. 22
- Reading of 23
 Journal 24
 On motion of Senator Aguilar, reading of the Journal of Thursday, April 26, 2012, was 25
 dispensed with and the Journal was approved as corrected by the Secretary. 26

COMMITTEE OF REFERENCE REPORTS

Health & 31
 Human 32
 Services 33
 The Committee on Health and Human Services has had under consideration and has had a 34
 hearing on the following appointments and recommends that the appointments be 35
 confirmed: 36

MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY TRUST FUND BOARD

for a term expiring June 30, 2014: 37
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 Timothy R. Hurtado, D.O. of Colorado Springs, Colorado, reappointed. 40
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for a term expiring June 30, 2015: 42
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 Sena K. Harjo of Lakewood, Colorado, appointed. 45
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Health & 48
 Human 49
 Services 50
 The Committee on Health and Human Services has had under consideration and has had a 51
 hearing on the following appointment and recommends that the appointment be confirmed: 52

MEMBER OF THE
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2014: 53
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 LaShay Canady of Aurora, Colorado, to serve as a parent, appointed. 56
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Health & Human Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2014:

Keith Evans of Lonetree, Colorado, a representative of insurance carriers, and occasioned by the resignation of Leo Tokar of Englewood, Colorado, appointed.

Education

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

MEMBERS OF THE BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER

for terms expiring December 31, 2015:

Dawn P. Bookhardt of Aurora, Colorado, to serve as a Republican, reappointed;

Robert Cohen of Greenwood Village, Colorado, to serve as an Unaffiliated, reappointed;

Melody Harris of Denver, Colorado, to serve as a Democrat, reappointed.

Education

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

MEMBERS OF THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2015:

William Carl Sanden of Colorado Springs, Colorado, a Republican, appointed;

Cheryl Denise Cohen-Vader of Denver, Colorado, an Unaffiliated, appointed.

Education

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

MEMBERS OF THE COLLEGEINVEST BOARD OF DIRECTORS

for terms expiring July 31, 2015:

Ashley J. Burt of Gunnison, Colorado, reappointed;

Patrice M. Henning of Evergreen, Colorado, appointed;

Douglas W. Lyon of Durango, Colorado, appointed.

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Education The Committee on Education 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 FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2015:

Theresa Kathleen Pena of Denver, Colorado and a resident of the First Congressional District, to serve as a Democrat, appointed;

Bernadette B. Marquez of Denver, Colorado and a resident of the First Congressional District, to serve as a Democrat, reappointed.

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2015:

George H. Delaney of Castle Rock, Colorado to serve as a Democrat, reappointed;

Linda A. Morton of Littleton, Colorado to serve as a Democrat, reappointed.

Education After consideration on the merits, the Committee recommends that **HB12-1043** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike line 7 and substitute "THE STUDENT'S PARENT OR LEGAL GUARDIAN, BY ELECTRONIC MAIL OR OTHER WRITTEN FORM, AND TO THE STUDENT".

Page 3, line 8, strike "GUARDIAN".

Page 4, strike line 13 and substitute "EXPLAINS TO THE STUDENT'S PARENT OR LEGAL GUARDIAN, BY ELECTRONIC MAIL OR OTHER WRITTEN FORM, AND TO THE STUDENT".

Page 4, line 14, strike "LEGAL GUARDIAN".

Page 4, strike lines 22 through 27.

Strike pages 5 and 6 and substitute:

"SECTION 3. In Colorado Revised Statutes, 22-35-104, **amend** (2) (b) as follows:

22-35-104. Enrollment in an institution of higher education - cooperative agreement. (2) (b) If a superintendent of a school district, the superintendent's designee, or a chief administrator of a district charter school, institute charter school, or high school of a BOCES receives a timely application from a qualified student pursuant to paragraph (a) of this subsection (2), the superintendent, superintendent's designee, or chief administrator of a district charter school, institute charter school, or high school of a BOCES shall approve or disapprove the application and notify the student of the decision. IN CONSIDERING APPLICATIONS, THE SUPERINTENDENT, DESIGNEE, OR CHIEF ADMINISTRATOR SHALL GIVE PRIORITY CONSIDERATION TO QUALIFIED STUDENTS WHO, BY THE TIME THEY WOULD CONCURRENTLY ENROLL, WILL HAVE COMPLETED THE HIGH SCHOOL GRADUATION REQUIREMENTS AND ARE APPLYING FOR

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CONCURRENT ENROLLMENT TO BEGIN EARNING CREDITS TOWARD A POSTSECONDARY DEGREE OR CERTIFICATE OR, IF REQUIRED TO COMPLETE BASIC SKILLS COURSES, TO COMPLETE THE COURSES DURING THE REMAINDER OF THE TWELFTH-GRADE YEAR.

SECTION 4. In Colorado Revised Statutes, 22-32-109 (1) (oo) as added by Senate Bill 12-047, **add** (III) as follows:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(oo) (III) THE POLICY ADOPTED PURSUANT TO THIS PARAGRAPH (oo) SHALL ALSO REQUIRE EACH PUBLIC SCHOOL TO ENSURE THAT, IN DEVELOPING AND MAINTAINING EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, THE COUNSELOR OR TEACHER EXPLAINS TO THE STUDENT'S PARENT OR LEGAL GUARDIAN, BY ELECTRONIC MAIL OR OTHER WRITTEN FORM, AND TO THE STUDENT THE REQUIREMENTS FOR AND BENEFITS OF CONCURRENTLY ENROLLING IN COURSES WITH AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE. BASED ON A REQUEST FROM THE STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN, THE COUNSELOR OR TEACHER SHALL ASSIST THE STUDENT IN COURSE PLANNING TO ENABLE THE STUDENT TO CONCURRENTLY ENROLL IN COURSES WITH AN INSTITUTION OF HIGHER EDUCATION.

SECTION 5. In Colorado Revised Statutes, 22-30.5-523 as added by Senate Bill 12-047, **add** (3) as follows:

22-30.5-523. Individual career and academic plans. (3) EACH INSTITUTE CHARTER SCHOOL SHALL ENSURE THAT, IN DEVELOPING AND MAINTAINING EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, THE COUNSELOR OR TEACHER EXPLAINS TO THE STUDENT'S PARENT OR LEGAL GUARDIAN, BY ELECTRONIC MAIL OR OTHER WRITTEN FORM, AND TO THE STUDENT THE REQUIREMENTS FOR AND BENEFITS OF CONCURRENTLY ENROLLING IN COURSES WITH AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE. BASED ON A REQUEST FROM THE STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN, THE COUNSELOR OR TEACHER SHALL ASSIST THE STUDENT IN COURSE PLANNING TO ENABLE THE STUDENT TO CONCURRENTLY ENROLL IN COURSES WITH AN INSTITUTION OF HIGHER EDUCATION.

SECTION 6. Act subject to petition - effective date. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Notwithstanding the provisions of subsection (1) of this section:

(a) Sections 1 and 2 of this act do not take effect if Senate Bill 12-047 becomes law;

(b) Sections 4 and 5 of this act take effect only if Senate Bill 12-047 becomes law."

Education

After consideration on the merits, the Committee recommends that **SB12-167** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, 10-3-903.5, **add** (8) as follows:

10-3-903.5. Jurisdiction over providers of health care benefits. (8) BEGINNING JUNE 1, 2012, THE COMMISSIONER OF INSURANCE SHALL PARTICIPATE IN A COLLABORATIVE REVIEW PROCESS PURSUANT TO WHICH THE COMMISSIONER MAY PROMULGATE RULES TO ALLOW ONE OR MORE

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STATE INSTITUTIONS OF HIGHER EDUCATION TO ESTABLISH A STUDENT HEALTH TRUST TO PARTIALLY OR FULLY SELF-FUND A STUDENT HEALTH PLAN FOR THE PURPOSE OF PROVIDING HEALTH BENEFITS TO STUDENTS AND DEPENDENTS OF STUDENTS ENROLLED IN THE INSTITUTION OR INSTITUTIONS.

SECTION 2. 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."

Education After consideration on the merits, the Committee recommends that **HB12-1331** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that **SB12-172** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB12-171** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1205** be postponed indefinitely.

SENATE SERVICES REPORT

Correctly Printed: SB12-179, 180, 181 and 182.
 Correctly Engrossed: SB12-046, 090, 104, 108 and 175; SJR12-023.
 Correctly Reengrossed: SB12-002, 027, 028 and 101.
 Correctly Revised: HB12-1348.
 Correctly Rerevised: HB12-1059, 1081, 1140, 1304 and 1324.

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:

SB12-129 by Senator(s) Schwartz, Aguilar, Bacon, Grantham, Harvey, Heath, Hodge, Hudak, Johnston, King S., Lundberg, Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram--Concerning access to affordable broadband internet connectivity in noncompetitive rural areas.

Laid over until Monday, April 30, retaining its place on the calendar.

HCR12-1001 by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.-- Submitting to the registered electors of the state of Colorado amendments to the Colorado constitution concerning the state personnel system, and, in connection therewith, expanding the veterans' preference; increasing the number of candidates eligible to be appointed to a position; adjusting the duration of allowable temporary employment; allowing the flexibility to remove a limited number of positions from the system; modifying the residency requirement; adjusting the terms of service for members of the state personnel board; and requiring merit-based appointments to be made through a comparative analysis process.

Laid over until Monday, April 30, retaining its place on the calendar.

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

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: Aguilar, Boyd and King S.

SB12-104 by Senator(s) Steadman, Aguilar, Guzman, Morse, Newell, Renfroe, Roberts; also Representative(s) DelGrosso, Kerr A., Lee, Pabon, Vigil--Concerning consolidation of drug treatment funding into the correctional treatment fund, and, in connection therewith, making and reducing appropriations.

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: Bacon, Boyd, Giron, Hudak, Jahn, King S., Tochtrop and Williams S.

SB12-108 by Senator(s) Nicholson; --Concerning providing oral health services to pregnant women who are enrolled in medicaid, and, in connection therewith, making an appropriation.

Laid over until Monday, April 30, retaining its place on the calendar.

SB12-090 by Senator(s) Foster, Aguilar, Bacon, Boyd, Carroll, Giron, Guzman, Heath, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Williams S.; also Representative(s) Court--Concerning restoring coverage for circumcision of males under medicaid, and, in connection therewith, making an appropriation.

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

YES	21	NO	14	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	Y	Spence	N
Brophy	Y	Hodge	N	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.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsor added: Shaffer B.

SB12-046 by Senator(s) Newell and Hudak; also Representative(s) Nikkel and Levy, Szabo-- Concerning disciplinary measures in public schools, and in connection therewith, requiring a post-enactment review of the implementation of this act.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	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	N	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.	N	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-sponsor added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Harvey, Heath, Hodge, Jahn, Johnston, King S., Mitchell, Morse, Neville, Nicholson, Scheffel, Spence, Steadman, Tochtrop, White and Williams S.

SB12-175 by Senator(s) Carroll and Roberts; also Representative(s) Gardner B. and Duran-- Concerning statutorily established time intervals.

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

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

Amend engrossed bill, page 71, strike lines 14 through 27.

Strike page 72.

Page 73, strike lines 1 through 17.

Renumber succeeding sections accordingly.

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-sponsor added: King S.

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 Memorials.

CONSIDERATION OF MEMORIALS

SM12-003 by Senator(s) Neville, Renfroe, Lundberg, Brophy, Cadman, Grantham, Harvey, King K., King S., Lambert, Mitchell, Roberts, Scheffel; --Concerning memorializing Congress to enact the "Respect for Rights of Conscience Act of 2011", and, in connection therewith, urging the President of the United States to provide an effective and comprehensive religious conscience exemption from a requirement to cover services that are contrary to the religious beliefs and practices of certain faiths.

On motion of Senator Neville, the memorial was read at length.

Call of the Senate. Call raised.

On motion of Senator Neville, the memorial was **lost** by the following roll call vote:

YES	15	NO	20	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	Y
Brophy	Y	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
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		

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 in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

April 27, 2012

The House has adopted and returns herewith SJR12-031, SJR12-035.

The House has adopted and transmits herewith HJR12-1022.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB12-163** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Judiciary committee report, dated March 28, 2012.

Strike the Finance committee report, dated April 10, 2012.

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

"SECTION 1. Legislative declaration. (1) The General Assembly hereby finds and declares that:

(a) In 2007, it created the Colorado commission on criminal and juvenile justice, referred to in this section as the "commission", in House Bill 07-1358.

(b) The commission was tasked with enhancing public safety, ensuring justice, and ensuring protection of the right of victims through the cost-effective use of public resources by studying evidence-based recidivism reduction initiatives that ensure the cost-effective expenditure of limited criminal justice funds;

(c) The commission has determined that it is sound public policy that the criminal justice system treat drug offenders who are primarily users and addicts differently than those more serious offenders who engage in distribution, manufacturing, and trafficking of controlled substances;

(d) It is important and necessary that the General Assembly consider drug policy changes in the criminal justice system during the

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first regular session of the Sixty-ninth General Assembly.
 (2) Therefore, the General Assembly determines that it is necessary to direct the commission to prioritize the development of a comprehensive drug sentencing scheme that better differentiates drug offenders who are primarily users and addicts from those involved in distribution and trafficking of controlled substances and that focuses efforts on funding interventions, supervision, and treatment in the community for addicts and abusers rather than the use of the current system of escalating punishment that can result in the ineffective use of the state's prison resources.

SECTION 2. In Colorado Revised Statutes, 16-11.3-103, add (2.7) as follows:

16-11.3-103. Duties of the commission - mission - staffing - repeal. (2.7) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA AND RESEARCH, THE COMMISSION SHALL CONSIDER THE DEVELOPMENT OF A COMPREHENSIVE DRUG SENTENCING SCHEME FOR ALL DRUG CRIMES DESCRIBED IN ARTICLE 18 OF TITLE 18, C.R.S. THE SENTENCING SCHEME SHALL CONSIDER:

(I) DEVELOPMENT OF A SENTENCING STRUCTURE THAT BETTER DIFFERENTIATES DRUG OFFENDERS WHO ARE PRIMARILY USERS AND ADDICTS FROM THOSE MORE SERIOUS OFFENDERS WHO ARE INVOLVED IN DRUG DISTRIBUTION, MANUFACTURING, OR TRAFFICKING;

(II) DEVELOPMENT OF RESOURCES THROUGH CHANGES IN THE CRIMINAL CODE THAT WILL ENHANCE INTERVENTION, SUPERVISION, AND TREATMENT IN THE COMMUNITY AND ENHANCE PUBLIC SAFETY BY ADDRESSING DRUG ABUSE AND ADDICTION AND BY DECREASING CRIME THROUGH DRUG ABUSE RECOVERY;

(III) METHODS BY WHICH OFFENDERS CAN GAIN ACCESS TO ASSESSMENT-BASED TREATMENT SERVICES THAT ARE BASED ON TREATMENT NEED REGARDLESS OF THE LEVEL OR CLASSIFICATION OF THE CRIME;

(IV) CREATION OF EQUIVALENT PENALTIES FOR CRIMES THAT POSE SIMILAR RISKS TO PUBLIC SAFETY;

(V) ENHANCEMENT OF PENALTIES WHEN BEHAVIORS CLEARLY PRESENT A PUBLIC SAFETY RISK;

(VI) DEVELOPMENT OF RESOURCES FOR ADDITIONAL PRE-FILLING DIVERSION PROGRAMS AROUND THE STATE FOR DRUG OFFENDERS;

(VII) USE OF DRUG COURTS AND HOW LEGISLATIVE CHANGES COULD SUPPORT MORE EFFECTIVE USE OF THOSE RESOURCES;

(VIII) RELEVANT NEGATIVE IMPACTS RELATED TO CRIMINAL CONVICTIONS; AND

(IX) ANY OTHER ISSUES THAT THE COMMISSION DETERMINES TO BE IMPORTANT AND RELEVANT TO THE GOALS OF THE COMMISSION AND THE LEGISLATIVE INTENT OF SENATE BILL 12-163, ENACTED IN 2012.

(b) BY DECEMBER 15, 2012, THE COMMISSION SHALL PROVIDE TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES, A WRITTEN REPORT OF THE COMMISSION'S RECOMMENDATIONS FOR A COMPREHENSIVE DRUG SENTENCING SCHEME. IF THE COMMISSION IS UNABLE TO BRING FORTH ANY RECOMMENDATIONS FOR THE GENERAL ASSEMBLY TO CONSIDER, THE COMMISSION SHALL PROVIDE IN THE REPORT THE REASONS THE COMMISSION COULD NOT MAKE ANY RECOMMENDATIONS AND, IF POSSIBLE, DESCRIBE THE SPECIFIC AREAS OF DISAGREEMENT THAT PREVENTED THE COMMISSION FROM MAKING ANY RECOMMENDATIONS.

(c) THIS SUBSECTION (2.7) IS REPEALED, EFFECTIVE JULY 1, 2013.

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."

Page 1, strike lines 103 through 107 and substitute "SUBSTANCES CRIMES."

Appropriations

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

Amend Business, Labor and Technology Committee Report, dated April 11, 2012, page 9, after line 36 insert:

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"SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the methamphetamine laboratory clean-up cash fund created in section 25-18.5-103.5 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2012, the sum of \$210,920 and 1.2 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$91,802 and 1.2 FTE for the hazardous waste control program, personal services;

(b) \$103,976 for the hazardous waste control program, operating expenses; and

(c) \$15,142 for the hazardous materials and waste management division, purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2012, the sum of \$15,142 and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services for the department of public health and environment related to the implementation of this act. Said sum is from reappropriated funds received from the department of public health and environment out of the appropriation made in paragraph (c) of subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 10 of the committee report, after line 2 insert:

"Page 1 of the printed bill, line 102, strike "**LABORATORY.**" and substitute "**LABORATORY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"."

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1294** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 24, strike lines 11 through 14 and substitute:

"SECTION 13. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the health facilities general licensure cash fund created in section 25-3-103.1 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2012, the sum of \$183,730 and 2.4 FTE, or so much thereof as may be necessary, for allocation to the health facilities and emergency services division for expenses in the health facilities general licensure program related to the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 103, strike "**ENVIRONMENT.**" and substitute "**ENVIRONMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"."

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1226** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 14, strike "\$5,726," and substitute "\$5,650,".

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Appropriations	After consideration on the merits, the Committee recommends that HB12-1302 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that HB12-1303 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8 9
	Amend reengrossed bill, page 31, line 10, strike "1.2 FTE," and substitute "1.1 FTE,".	10 11 12
	Page 31, line 12, after "FTE" insert "for the division of registrations".	13 14
	Page 31, line 13, after "\$27,971" insert "for the division of registrations".	15 16
	Page 31, line 14, after "\$7,909" insert "for the division of registrations".	17 18 19
Appropriations	After consideration on the merits, the Committee recommends that HB12-1274 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	20 21 22 23 24
	Amend reengrossed bill, page 11, line 13, strike "\$190,100." and substitute "\$209,592.".	25 26 27
	Page 11, line 16, strike "\$190,100." and substitute "\$209,592.".	28 29 30
Appropriations	After consideration on the merits, the Committee recommends that SB12-117 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31 32 33 34 35
	Strike the State, Veterans & Military Affairs Committee Report, dated February 27, 2012.	36 37 38
	Amend printed bill, page 2, line 9, after "(a);" add "OR".	39 40
	Page 2 of the bill, strike lines 10 through 17.	41 42
	Page 2 of the bill, line 18, strike "(c)" and substitute "(b)".	43 44
	Page 3 of the bill, strike lines 1 through 3 and substitute "MILLILITER IN WHOLE BLOOD, IN WHICH CASE USE OF THE TERM SHALL INCORPORATE BY REFERENCE".	45 46 47 48
	Page 3 of the bill, strike lines 6 and 7 and substitute "(1) (d), (2) (b), (2) (c), (4), and (6) (e); repeal (1) (c); and add (2) (a.3) as".	49 50 51
	Page 3 of the bill, strike lines 22 through 27.	52 53
	Page 4 of the bill, strike lines 1 through 18 and substitute:	54 55
	"(2) (a.3) IT IS A MISDEMEANOR FOR ANY PERSON TO DRIVE A MOTOR VEHICLE OR VEHICLE WHEN THE PERSON'S BLOOD CONTAINS FIVE NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL AT THE TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING. DURING A TRIAL, IF THE STATE'S EVIDENCE RAISES THE ISSUE, OR IF A DEFENDANT PRESENTS SOME CREDIBLE EVIDENCE, THAT THE DEFENDANT CONSUMED A SUBSTANCE CONTAINING DELTA 9-TETRAHYDROCANNABINOL BETWEEN THE TIME THAT THE DEFENDANT STOPPED DRIVING AND THE TIME THAT TESTING OCCURRED, SUCH ISSUE IS AN AFFIRMATIVE DEFENSE, AND THE PROSECUTION MUST ESTABLISH BEYOND A REASONABLE DOUBT THAT THE MINIMUM FIVE NANOGRAMS OF DELTA 9-TETRAHYDROCANNABINOL REQUIRED IN THIS PARAGRAPH (a.3) WAS REACHED AS A RESULT OF CONSUMPTION BY THE DEFENDANT BEFORE THE DEFENDANT STOPPED DRIVING.".	56 57 58 59 60 61 62 63 64 65 66 67 68 69

Page 4 of the bill, line 26, strike "blood, URINE, SALIVA," and substitute "blood".

Page 5 of the bill, strike line 3 and substitute "WITH EXCESSIVE THC CONTENT".

Page 5 of the bill, strike lines 12 through 27.

Page 6 of the bill, strike lines 1 through 9.

Page 6 of the bill, line 10, before "(e)" insert "(6)".

Page 6 of the bill, line 19, strike "(2) (c); and **add (2.5)**" and substitute "(2) (c)".

Page 7 of the bill, strike lines 10 through 27.

Page 8 of the bill, strike line 1.

Page 8 of the bill, line 3, strike "(2) (c); and **add (2.5)**" and substitute "(2) (c)".

Page 8 of the bill, strike lines 21 through 27.

Page 9 of the bill, strike lines 1 through 12.

Page 24 of the bill, before line 6 insert:

SECTION 21. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2012, the sum of \$12,000 so much thereof as may be necessary, for allocation to the office of the state public defender for mandated costs related to the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$16,280, or so much thereof as may be necessary, to be allocated to the information technology division for the purchase of computer center services related to the implementation of this act.

(3) 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 \$16,280, 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 subsection (2) of this section."

Renumber succeeding section accordingly.

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

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Agriculture,
Natural
Resources, &
Energy

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

MEMBER OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2014:

Robert Stinchcomb of Lafayette, Colorado, a representative of the ski industry and occasioned by the resignation of Jeanne C. Mackowski of Carbondale, Colorado, appointed.

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 General Orders -- Second Reading of Bills.

Committee
of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

HB12-1041 by Representative(s) Labuda; also Senator(s) Guzman--Concerning the creation of an electronic death registration system in the department of public health and environment, and, in connection therewith, making an appropriation.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 15, page 492 and placed in members' bill files.)

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

HB12-1213 by Representative(s) Fields; also Senator(s) King S.--Concerning the penalty for a person who escapes from a place of confinement other than a county jail or correctional facility.

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

HB12-1282 by Representative(s) Ramirez; also Senator(s) Nicholson--Concerning the ability of the Colorado geological survey to exempt review of the geologic factors of a preliminary subdivision plan upon request from the board of county commissioners of a county.

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

HB12-1292 by Representative(s) Murray; also Senator(s) Heath--Concerning technical modifications to laws relating to the administration of elections, and, in connection therewith, harmonizing current laws with federal law, altering the time periods within which certain actions must be taken, raising certain fees, and deleting obsolete references.

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

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HB12-1124 by Representative(s) Massey, Fields, Hamner, Holbert, Levy, Peniston; also Senator(s) Johnston--Concerning a study of digital learning in Colorado.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, March 12, pages 465-466 and placed in members' bill files.)

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

HB12-1036 by Representative(s) Kerr J.; also Senator(s) Boyd--Concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files.

Laid over until Monday, April 30, 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 balance of the General Orders -- Second Reading of Bills Calendar (SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-106, SB12-135, HB12-1267, HB12-1241) of Friday, April 27 was laid over until Monday, April 30, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, 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: HB12-1041 as amended, HB12-1213, HB12-1282, HB12-1292, HB12-1124.

Laid over until Monday, April 30: HB12-1036, SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-106, SB12-135, HB12-1267, HB12-1241.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senators Hodge and Grantham will be the Senate joint prime sponsors on HB12-1330.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1131, 1153, 1162, 1258, 1335, 1336, 1337, 1338, 1339, 1340, 1344.

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 Friday, April 27 was laid over until Monday, April 30, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1293.
- Consideration of Resolutions: SJR12-025, SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-043, SJR12-044, HJR12-1017.
- Consideration of Memorials: SJM12-003.
- Consideration of House Amendments to Senate Bills: SB12-128, SB12-036, SB12-149, SB12-009, SB12-010, SB12-145.
- Consideration of Governor's Appointments:
 - Members of the Tourism Office Board of Directors.
 - Members of the Waste Tire Advisory Committee.
- Consideration of Conference Committee Reports: HB12-1002.
- Conference Committees to Report: SB12-020, HB12-1053.
- Requests for Conference Committee: HB12-1168.

MESSAGE FROM THE GOVERNOR

April 25, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

**MEMBER OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS**

effective May 1, 2012 for a term expiring May 1, 2016:

Kathie Troutd Riley of Loveland, Colorado to serve as a representative with broad general knowledge of the Colorado livestock industry and shall represent commodity other than confinement and non-confinement cattle industries, with the largest percentage of charged fees, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 4/27/2012
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

April 24, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

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Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration the following:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2015:

Nancy Lee Ferrier of Wheat Ridge, Colorado, the state long-term care ombudsman, and occasioned by the resignation of Shelley K. Hitt of Centennial, Colorado , appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 4/27/2012
Cindi Markwell, Secretary of the Senate

Committee on State, Veterans, and Military Affairs

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 30, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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