

1.	<b>SENATE JOURNAL</b>	1
	Sixty-eighth General Assembly	2
	<b>STATE OF COLORADO</b>	3
	Second Regular Session	4
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	113th Legislative Day	6
	Wednesday, May 2, 2012	7
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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	10
Call to Order	By the President at 9:00 a.m.	11
Pledge	By Senator Nicholson.	12
Roll Call	Present--35	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Neville, reading of the Journal of Tuesday, May 1, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	15
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**COMMITTEE OF REFERENCE REPORTS**

Local Government	After consideration on the merits, the Committee recommends that <b>HB12-1329</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	30
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	Amend reengrossed bill, page 2, strike lines 5 through 14 and substitute "salaries - reports. (6) THE PUBLIC TRUSTEE OF EACH COUNTY SHALL ADOPT A BUDGET PURSUANT TO THE REQUIREMENTS OF PART 1 OF ARTICLE 1 OF TITLE 29, C.R.S., AND SHALL SUBMIT THE BUDGET TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH HE OR SHE SERVES FOR REVIEW BY THE BOARD."	36
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Trans- portation	The Committee on <u>Transportation</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	44
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**MEMBERS OF THE  
TRANSPORTATION COMMISSION**

	for terms expiring July 1, 2015:	47
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	Heather M. Barry of Westminster, Colorado to serve as a commissioner from the fourth district, reappointed;	49
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	Kathleen R. Gilliland of Livermore, Colorado to serve as a commissioner from the fifth district, appointed;	51
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	Leslie W. Gruen of Colorado Springs, Colorado to serve as a commissioner from the ninth district, reappointed;	53
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	Edward James Peterson of Lakewood, Colorado to serve as a commissioner from the Second Transportation District, appointed.	55
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Trans-  
portation

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

MEMBER OF THE  
WASTE TIRE ADVISORY COMMITTEE

for a term expiring on September 9, 2014:

Trent A. Peterson of Durango, Colorado, to serve as a representative of waste tire monofills that are operating in compliance with their certificates of designation, appointed.

Trans-  
portation

After consideration on the merits, the Committee recommends that **SJR12-037** be amended to the Senate for final action.

Amend printed joint resolution, page 3, line 9, strike "and inflation indexing of".

Page 3, line 10, strike "tolling," and substitute "tolling for new capacity created by public-private partnerships,".

Page 3, line 25, before "the" insert "operational barriers to and".

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB12-1038** be referred to the Committee on Appropriations with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB12-1315** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend the State, Veterans & Military Affairs Committee Report, dated May 1, 2012, page 1, strike lines 7 and 8 and substitute:

"(III) CLEANER ENERGY SOURCES SUCH AS BIOGAS AND BIOMASS;".

Page 2 of the report, strike lines 5 through 9 and substitute:

"Page 17 of the reengrossed bill, strike lines 21 and 22.

Page 17 of the bill, line 23, strike "(c)" and substitute "(b)".

Page 17 of the bill, strike lines 24 and 25 and substitute:

"(c) OFFICE POLICIES THAT POSITIVELY OR NEGATIVELY IMPACT THE ENERGY SECTOR;".

Page 4 of the report, line 42, strike "STATE." and substitute "STATE; EXCEPT THAT THE MONEYS ARE LIMITED TO EFFICIENCY PROJECTS AND ANY OTHER PROJECTS RELATED TO THE SEVERANCE OF MINERALS SUBJECT TO TAXATION UNDER ARTICLE 29 OF TITLE 39, C.R.S.".

Finance

After consideration on the merits, the Committee recommends that **SB12-174** 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.

Amend printed bill, page 2, strike lines 2 through 13.

Renumber succeeding sections accordingly.

Page 4, strike line 24 and substitute "COUNTY OF DENVER ELECTS TO USE THE PILOT ALTERNATE PROTEST".

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Page 5, strike lines 1 through 3 and substitute "TAXPAYER MUST NOTIFY THE BOARD OF COUNTY COMMISSIONERS IN WRITING OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT SUCH NOTICE MUST BE DELIVERED OR POSTMARKED NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED; AND THAT AFTER SUCH DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST."

Page 6, strike line 7 and substitute "COUNTY OF DENVER ELECTS TO USE THE PILOT ALTERNATE PROTEST".

Page 6, strike lines 16 through 18 and substitute "RIGHT TO OBJECT AND PROTEST, THE TAXPAYER MUST NOTIFY THE BOARD OF COUNTY COMMISSIONERS IN WRITING OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT SUCH NOTICE MUST BE DELIVERED OR POSTMARKED NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED; AND THAT AFTER SUCH DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST."

Page 6, line 21, strike "On" and substitute "EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), on".

Page 7, line 2, strike "EXCEPT AS".

Page 7, strike line 3 and substitute "The".

Page 7, strike line 15 and substitute "COUNTY OF DENVER ELECTS TO USE THE PILOT ALTERNATE PROTEST".

Page 7, strike lines 18 through 27.

Page 8, strike lines 1 through 8 and substitute "TO STATE THAT THE CITY AND COUNTY OF DENVER HAS ELECTED TO USE THE PILOT ALTERNATE PROTEST PROCEDURE ESTABLISHED IN SECTION 39-5-122.8; THAT ALL OBJECTIONS AND PROTESTS WILL BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH THE PROTEST PROCEDURES SET FORTH IN SECTION 39-5-122.8; THAT TO PRESERVE THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST, THE TAXPAYER MUST NOTIFY THE BOARD OF COUNTY COMMISSIONERS IN WRITING OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT SUCH NOTICE MUST BE DELIVERED OR POSTMARKED NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED; AND THAT AFTER SUCH DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST."

Page 8, line 11, strike "**and appeal**".

Page 8, line 12, strike "**Denver.**" and substitute "**Denver - repeal.**".

Page 8, strike line 14 and substitute "USE THE PILOT ALTERNATE PROTEST PROCEDURE DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO DETERMINE".

Page 8, line 18, strike "ARTICLES 5 AND 8" and substitute "ARTICLE 5".

Page 8, line 20, strike "SECTION 39-10-114." and substitute "THIS SECTION."

Page 8, line 22, strike "AND APPEAL".

Page 8, line 26, after "THE" insert "PILOT" and strike "AND APPEAL".

Page 8, line 27, after "COUNTY" insert "OF DENVER".

Page 9, strike line 3 through 9 and substitute:

"(2) **Alternate protest procedure.** (a) THE CITY AND COUNTY OF DENVER SHALL AMEND THE NOTICES REQUIRED BY SECTIONS 39-5-121 AND 39-5-122 TO PROVIDE NOTICE THAT ALL OBJECTIONS AND PROTESTS

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CONCERNING VALUATION OF TAXABLE PROPERTY SHALL BE DETERMINED IN ACCORDANCE WITH THIS SECTION.

(b) IF ANY TAXPAYER IS OF THE OPINION THAT HIS OR HER PROPERTY HAS BEEN VALUED TOO HIGH, HAS BEEN TWICE VALUED, OR IS EXEMPT BY LAW FROM TAXATION OR THAT THE PROPERTY HAS BEEN ERRONEOUSLY ASSESSED TO SUCH PERSON, HE OR SHE MAY FILE A WRITTEN OBJECTION AND PROTEST WITH THE BOARD OF COUNTY COMMISSIONERS BY DELIVERING OR MAILING THE WRITTEN OBJECTION AND PROTEST NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED.

(c) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (2), NO DECISION ON ANY WRITTEN OBJECTION AND PROTEST CONCERNING VALUATION OF TAXABLE PROPERTY SHALL BE MADE BY THE BOARD OF COUNTY COMMISSIONERS UNLESS A HEARING IS HELD THEREON, AT WHICH HEARING THE ASSESSOR AND THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE SHALL HAVE THE OPPORTUNITY TO BE PRESENT. THE BOARD MAY APPOINT INDEPENDENT REFEREES WHO ARE EXPERIENCED IN PROPERTY VALUATION TO CONDUCT THE HEARING ON BEHALF OF THE BOARD, TO MAKE FINDINGS, AND TO SUBMIT RECOMMENDATIONS TO THE BOARD FOR ITS FINAL DECISION. ALL DECISIONS SHALL BE MAILED TO THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE WITHIN FIVE BUSINESS DAYS OF THE DATE ON WHICH SUCH DECISION IS RENDERED. IF REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS, THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE SHALL BE PRESENT AT A HEARING HELD PURSUANT TO THIS PARAGRAPH (c) AND SHALL PRODUCE INFORMATION TO SUPPORT THE WRITTEN OBJECTION AND PROTEST. IN THE EVENT THE BOARD OF COUNTY COMMISSIONERS REQUESTS THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE TO BE PRESENT AT A HEARING, THE BOARD OF COUNTY COMMISSIONERS SHALL PROVIDE AT LEAST THIRTY DAYS' NOTICE OF THE HEARING, UNLESS THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE REQUESTS A HEARING AT AN EARLIER DATE. THE BOARD OF COUNTY COMMISSIONERS SHALL PROVIDE WRITTEN NOTICE OF THE HEARING BY CERTIFIED MAIL, AND SUCH WRITTEN NOTICE SHALL CONTAIN THE DATE, TIME, AND PLACE OF THE HEARING. UPON REQUEST OF THE TAXPAYER OR THE TAXPAYER'S REPRESENTATIVE THE BOARD OF COUNTY COMMISSIONERS MAY RESCHEDULE THE HEARING. IF THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE FAILS TO BE PRESENT AT THE HEARING WHEN REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS, ABSENT GOOD CAUSE, THE BOARD OF COUNTY COMMISSIONERS SHALL DISMISS THE WRITTEN OBJECTION AND PROTEST, AND THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE SHALL NOT HAVE THE RIGHT TO APPEAL THE DISMISSAL.

(d) UPON AUTHORIZATION BY THE BOARD OF COUNTY COMMISSIONERS, THE ASSESSOR MAY REVIEW WRITTEN OBJECTIONS AND PROTESTS CONCERNING VALUATION OF TAXABLE PROPERTY AND SETTLE BY WRITTEN MUTUAL AGREEMENT ANY SUCH WRITTEN OBJECTION AND PROTEST. ANY REDUCTION AGREED UPON AND SETTLED PURSUANT TO THIS PARAGRAPH (d) SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (c) OF THIS SUBSECTION (2).

(e) EVERY WRITTEN OBJECTION AND PROTEST CONCERNING THE VALUATION OF TAXABLE PROPERTY SHALL BE ACTED UPON PURSUANT TO THE PROVISIONS OF THIS SECTION BY THE BOARD OF COUNTY COMMISSIONERS OR THE ASSESSOR, AS APPROPRIATE, WITHIN SIX MONTHS OF THE DATE OF FILING SUCH PETITION.

(f) IF THE BOARD OF COUNTY COMMISSIONERS GRANTS AN OBJECTION AND PROTEST, IN WHOLE OR IN PART, THE ASSESSOR SHALL ADJUST THE VALUATION ACCORDINGLY; BUT, IF THE OBJECTION AND PROTEST IS DENIED, IN WHOLE OR IN PART, THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE MAY APPEAL THE VALUATION SET BY THE ASSESSOR OR, IF THE VALUATION IS ADJUSTED AS A RESULT OF A DECISION OF THE BOARD OF COUNTY COMMISSIONERS, THE ADJUSTED VALUATION TO THE BOARD OF ASSESSMENT APPEALS OR TO THE DENVER DISTRICT COURT FOR A TRIAL DE NOVO, OR THE TAXPAYER MAY SUBMIT THE CASE TO ARBITRATION PURSUANT TO THE PROVISIONS OF SECTION 39-8-108.5. SUCH APPEAL OR SUBMISSION TO ARBITRATION SHALL BE TAKEN NO LATER THAN THIRTY DAYS AFTER THE DATE SUCH DENIAL IS MAILED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (2).

(g) IF THE BOARD OF COUNTY COMMISSIONERS DOES NOT ISSUE A

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WRITTEN DECISION ON AN OBJECTION OR PROTEST FOR VALUATION OF TAXABLE PROPERTY BEFORE DECEMBER 1 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED, THE TAXPAYER'S WRITTEN OBJECTION AND PROTEST SHALL BE DEEMED TO BE A PETITION FOR ABATEMENT OR REFUND AND SHALL BE DETERMINED IN ACCORDANCE WITH SECTION 39-10-114. IF THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO SECTION 39-10-114 (1), OR THE PROPERTY TAX ADMINISTRATOR, PURSUANT TO SECTION 39-2-116, DENIES THE PETITION FOR ABATEMENT OR REFUND OF TAXES IN WHOLE OR IN PART, THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE MAY APPEAL TO THE BOARD OF ASSESSMENT APPEALS OR TO THE DENVER DISTRICT COURT FOR A TRIAL DE NOVO, OR MAY SUBMIT THE CASE TO ARBITRATION PURSUANT TO THE PROVISIONS OF SECTION 39-8-108.5. SUCH APPEAL OR SUBMISSION TO ARBITRATION SHALL BE TAKEN NO LATER THAN THIRTY DAYS AFTER THE ENTRY OF ANY SUCH DECISION.

(3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2017."

Page 9, line 21, strike "PROTEST AND APPEAL" and substitute "PILOT PROTEST".

Page 9, line 23, strike "HIS OR HER" and substitute "THE".

Page 9, strike line 24 and substitute "COUNTY OF DENVER THAT THE CITY AND COUNTY OF DENVER HAS MADE SUCH ELECTION; THAT".

Page 9, line 27, strike "39-10-114;" and substitute "39-5-122.8;".

Page 10, strike lines 1 through 7 and substitute "THE TAXPAYER MUST NOTIFY THE BOARD OF COUNTY COMMISSIONERS IN WRITING OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT SUCH NOTICE MUST BE DELIVERED OR POSTMARKED NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED; AND THAT AFTER SUCH DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST."

Page 10, strike line 14 and substitute "ALTERNATE PILOT PROTEST PROCEDURE ESTABLISHED IN".

Page 10, line 19, strike "amend (1)".

Page 10, line 20, strike "and (2)" and substitute "add (6)".

Page 10, strike lines 21 through 27.

Strike pages 11 and 12.

Page 13, strike lines 1 through 6 and substitute:

**"39-8-107. Hearings on appeal.** (6) IF THE CITY AND COUNTY OF DENVER ELECTS TO USE THE ALTERNATIVE PILOT PROTEST PROCEDURE ESTABLISHED IN SECTION 39-5-122.8, ALL HEARINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THAT SECTION."

Page 13, strike line 8 and substitute "(1) (a) (I) (A) and (1) (a) (I) (D) as follows:".

Page 14, strike line 14 through 27 and substitute:

"(D) No abatement or refund of taxes shall be made based upon the ground of overvaluation of property if an objection or protest to such valuation has been made and a notice of determination has been mailed to the taxpayer pursuant to section 39-5-122 OR A WRITTEN DECISION HAS BEEN ISSUED PURSUANT TO SECTION 39-5-122.8; except that this prohibition shall not apply to personal property when a notice of determination has been mailed to the taxpayer, an objection or protest is withdrawn or not pursued, and the county assessor has undertaken an audit of such personal property that shows that a reduction in value is warranted."

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Finance

After consideration on the merits, the Committee recommends that **HB12-1273** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 25, strike "JANUARY 1, 2014," and substitute "JANUARY 1, 2013,".

Page 3, line 3, strike "ORGANIZATION." and substitute "ORGANIZATION; EXCEPT THAT, SUBJECT TO THE LIMITATIONS SPECIFIED IN SUBSECTIONS (5) AND (6) OF THIS SECTION AND PARAGRAPH (d) OF SUBSECTION (6.7) OF THIS SECTION, ANY CREDIT FOR A MONETARY CONTRIBUTION MADE TO AN APPROVED FACILITY SCHOOL IN THE INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2013, BUT BEFORE JANUARY 1, 2014, SHALL NOT BE CLAIMED UNTIL THE INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2014.".

Finance

After consideration on the merits, the Committee recommends that **HB12-1326** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, after line 4 insert:

**SECTION 3.** In Colorado Revised Statutes, 26-11-205.5, amend (5) as follows:

**26-11-205.5. Older Coloradans program - distribution formula.** (5) (a) There is hereby created the older Coloradans cash fund, referred to in this subsection (5) as the "fund". The fund shall consist of moneys allocated and credited to the fund from sales and use taxes pursuant to the provisions of section 39-26-123 (3) (a) (III), C.R.S., and any moneys appropriated to the fund by the general assembly. In addition, the state treasurer may credit to the fund any public or private gifts, grants, or donations received by the state department for implementation of the program. The fund shall be subject to annual appropriation by the general assembly to the state department. Notwithstanding the provisions of section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any amount remaining in the fund at the end of any fiscal year shall remain in the fund and not be transferred or credited to the general fund or any other fund.

(b) THERE IS HEREBY CREATED WITHIN THE FUND THE SENIOR SERVICES ACCOUNT, REFERRED TO IN THIS PARAGRAPH (b) AS THE "ACCOUNT". THE ACCOUNT SHALL CONSIST OF MONEYS TRANSFERRED TO THE ACCOUNT PURSUANT TO SECTION 39-3-207 (6), C.R.S. MONEYS IN THE ACCOUNT ARE SUBJECT TO ANNUAL APPROPRIATION TO THE STATE DEPARTMENT FOR DISTRIBUTION TO AREA AGENCIES ON AGING PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE STATE DEPARTMENT MAY DESIGNATE THE SENIOR SERVICES FOR WHICH MONEYS IN THE ACCOUNT SHALL BE USED.

**SECTION 4.** In Colorado Revised Statutes, 39-3-207, add (6) as follows:

**39-3-207. Reporting of exemptions - reimbursement to local governmental entities - transfer of unencumbered balances.** (6) ON JUNE 30, 2013, AND ON EACH JUNE 30 THEREAFTER, THE TREASURER SHALL TRANSFER TO THE SENIOR SERVICES ACCOUNT WITHIN THE OLDER COLORADANS CASH FUND, CREATED PURSUANT TO SECTION 26-11-205.5 (5) (b), C.R.S., AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE TOTAL ESTIMATED AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE COSTS OF THIS PART 2 EXCEEDS THE TOTAL AMOUNT OF ALL WARRANTS ISSUED BY THE STATE TREASURER PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION."

Renumber succeeding sections accordingly.

Page 3, line 9, strike "\$3,022,800," and substitute "\$3,022,800 and 1.0 FTE,".

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Finance After consideration on the merits, the Committee recommends that **HB12-1110** be referred to the Committee on Appropriations with favorable recommendation. 1  
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Finance After consideration on the merits, the Committee recommends that **HB12-1042** be referred to the Committee on Appropriations with favorable recommendation. 3  
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Finance After consideration on the merits, the Committee recommends that **SB12-083** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 7  
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Amend printed bill, strike everything below the enacting clause and substitute: 12  
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**"SECTION 1.** In Colorado Revised Statutes, **repeal and reenact, with amendments,** 2-3-304.5 as follows: 16  
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**2-3-304.5. Dynamic model advisory committee - creation - duties - cash fund - repeal.** (1) (a) THE DYNAMIC MODEL ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", IS HEREBY CREATED IN THE LEGISLATIVE BRANCH. THE COMMITTEE CONSISTS OF THE FOLLOWING FOUR MEMBERS: 18  
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(I) THE DIRECTOR OF RESEARCH; 24

(II) THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND BUDGETING OR HIS OR HER DESIGNEE; 25  
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(III) ONE ECONOMIST APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND 27  
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(IV) ONE ECONOMIST APPOINTED BY THE PRESIDENT OF THE SENATE. 29  
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(b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL APPOINT THEIR RESPECTIVE MEMBERS NO LATER THAN JUNE 15, 2012, FOR A TERM EXPIRING ON JULY 1, 2013. THE APPOINTED MEMBER SERVES AT THE PLEASURE OF THE APPOINTING AUTHORITY. 31  
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(c) THE DIRECTOR OF RESEARCH IS THE COMMITTEE CHAIRPERSON. 36

(d) THE COMMITTEE SHALL CONVENE ITS FIRST MEETING NO LATER THAN JULY 15, 2012, AND SHALL MEET MONTHLY THEREAFTER, OR MORE FREQUENTLY IF NECESSARY, BASED ON THE WORKLOAD OF THE COMMITTEE. THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC MEETING AT WHICH THE COMMITTEE HEARS PUBLIC TESTIMONY REGARDING DYNAMIC MODELING. 37  
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(e) MEMBERS OF THE COMMITTEE SERVE WITHOUT COMPENSATION. 43  
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(2) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE DIRECTOR OF RESEARCH IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES ON BEHALF OF THE COMMITTEE TO FUND THE COMMITTEE'S COSTS. THE DIRECTOR OF RESEARCH SHALL TRANSMIT ALL MONEYS RECEIVED PURSUANT TO THIS PARAGRAPH (a) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DYNAMIC MODEL ADVISORY COMMITTEE CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY AND REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE COMMITTEE TO PAY ANY COSTS INCURRED IN COMPLYING WITH THIS SECTION. THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS SECTION AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF THE 2011-12 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2013, SHALL BE RETURNED, ON A PRO RATA BASIS, TO THE ORIGINAL DONORS. 45  
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(b) THE DIRECTOR OF RESEARCH SHALL NOT ACCEPT MORE THAN ONE HUNDRED THOUSAND DOLLARS OF TOTAL GIFTS, GRANTS, AND DONATIONS PURSUANT TO THIS SECTION. 65  
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(3) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE COMMITTEE SHALL: 68  
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- (I) CONDUCT RESEARCH ON THE DYNAMIC MODELS AVAILABLE TO THE STATE;
  - (II) ANALYZE THE DYNAMIC MODELS USED IN OTHER STATES;
  - (III) ASSESS THE AVAILABILITY OF DATA FOR THE STATE AND LOCAL GOVERNMENTS TO BE USED WITH THE DYNAMIC MODEL;
  - (IV) IDENTIFY ANY ISSUES RELATED TO USING A DYNAMIC MODEL TO ANALYZE THE DIRECT AND INDIRECT OR SECONDARY ECONOMIC EFFECTS OF BILLS;
  - (V) ESTIMATE THE ANNUAL COSTS OF USING THE DYNAMIC MODEL TO ANALYZE BILLS MAKING A TAX POLICY CHANGE AND FOR OTHER BILLS; AND
  - (VI) MAKE RECOMMENDATIONS REGARDING THE ACQUISITION AND USE OF A DYNAMIC MODEL.
- (b) THE COMMITTEE SHALL UNDERTAKE THE DUTIES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE EXTENT THAT THERE ARE SUFFICIENT MONEYS IN THE FUND.
- (c) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF SUPPORT TO THE COMMITTEE.
- (4) (a) ON SEPTEMBER 1, 2012, THE COMMITTEE SHALL SUBMIT A STATUS REPORT REGARDING ITS WORK TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.
- (b) NO LATER THAN JANUARY 31, 2013, THE COMMITTEE SHALL SUBMIT A FINAL REPORT TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL THAT DETAILS THE WORK OF THE COMMITTEE AND THAT INCLUDES THE INFORMATION RELATED TO ITS DUTIES SET FORTH IN SUBSECTION (3) OF THIS SECTION. IF THE COMMITTEE HAS RECEIVED INSUFFICIENT GIFTS, GRANTS, OR DONATIONS TO PARTIALLY OR WHOLLY UNDERTAKE ITS DUTIES, THE COMMITTEE SHALL INCLUDE SUCH FACT IN THE REPORT.
- (5) THIS SECTION IS EXEMPT FROM THE PROVISIONS OF PART 13 OF ARTICLE 75 OF TITLE 24, C.R.S.
- (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.
- 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."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-105** 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 February 13, 2012, page 1, line 12, strike "16-24-107 and 16-24-108" and substitute "16-24-105 and 16-24-106".

Page 2 of the committee report, line 2, strike "DEPARTMENT." and substitute "BRANCH."

Page 2 of the committee report, line 11, strike "CLEAR AND CONVINCING".

Page 2 of the committee report, line 23, strike "DEPARTMENT." and substitute "BRANCH."

Page 3 of the committee report, strike lines 2 through 4 and substitute:

"Page 13 of the bill, strike lines 3 and 4 and substitute "SHALL INCLUDE A NOTE IN THE APPLICANT'S RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT THE CERTIFICATE OF REHABILITATION WAS ISSUED."."

Page 3 of the committee report, line 5, strike "19." and substitute "19 and substitute:

**"16-24-107. Effect of pardon and clemency.** (1) A PARDON ISSUED BY THE GOVERNOR SHALL WAIVE ALL COLLATERAL CONSEQUENCES ASSOCIATED WITH EACH CONVICTION FOR WHICH THE PERSON RECEIVED A PARDON UNLESS THE PARDON LIMITS THE SCOPE OF THE PARDON REGARDING COLLATERAL CONSEQUENCES.

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(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A PERSON WHO RECEIVES CLEMENCY FROM THE GOVERNOR MAY APPLY FOR AN ORDER OF REHABILITATIVE RELIEF PURSUANT TO SECTION 16-24-106 NO SOONER THAN THREE YEARS AFTER THE DATE OF CLEMENCY.

(3) IF THE GOVERNOR GRANTS A PARDON OR A REQUEST FOR CLEMENCY, THE GOVERNOR SHALL PROVIDE A COPY OF THE PARDON OR CLEMENCY TO THE CHIEF INFORMATION OFFICER OF THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM, AND THE CHIEF INFORMATION OFFICER SHALL INCLUDE A NOTE IN THE INDIVIDUAL'S RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT THE PARDON OR REQUEST FOR CLEMENCY WAS GRANTED."."

Page 3 of the committee report, line 23, strike "RETAINING,".

Page 4 of the committee report, strike line 25 and substitute "if:

**SECTION 8.** In Colorado Revised Statutes, 19-1-306, **amend** (5) (c) (I) as follows:

**19-1-306. Expungement of juvenile delinquent records.** (5) (c) The court may order expunged all records in the petitioner's case in the custody of the court and any records in the custody of any other agency or official if at the hearing the court finds that:

(I) The petitioner who is the subject of the hearing has not been convicted of a felony AS AN ADULT WITHIN THE PRECEDING TEN YEARS or of a misdemeanor AS AN ADULT WITHIN THE PRECEDING FIVE YEARS and has not been adjudicated a juvenile delinquent since the termination of the court's jurisdiction or the petitioner's unconditional release from parole supervision;

**SECTION 9.** In Colorado Revised Statutes, 24-34-102, **add** (8.7) as follows:

**24-34-102. Division of registrations - creation - duties of division and department heads - license, registration, or certification renewal, reinstatement, and endorsement - definitions.** (8.7) IF AN APPLICANT PROVIDES A LICENSING ENTITY WITH AN ORDER OF COLLATERAL RELIEF PURSUANT TO SECTION 16-24-105, C.R.S., OR AN ORDER OF REHABILITATIVE RELIEF PURSUANT TO SECTION 16-24-106, C.R.S., THE ORDER PERMITS, BUT DOES NOT REQUIRE THE LICENSING ENTITY TO GRANT THE APPLICANT THE LICENSE REQUESTED. THE ORDER SHALL BE CONSIDERED ALONG WITH ALL OF THE OTHER INFORMATION PROVIDED TO THE LICENSING ENTITY."."

Amend printed bill, page 4, strike line 21 and substitute "FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION ON AN INDIVIDUAL'S DRIVING PRIVILEGE.".

Page 5 of the bill, strike line 25 and substitute "SECTION 16-24-105.".

Page 6 of the bill, strike lines 5 through 27.

Page 7 of the bill, strike lines 1 through 25 and substitute:

**"16-24-105. Notice of collateral consequences upon release.**

(1) (a) IF AN INDIVIDUAL IS SENTENCED TO IMPRISONMENT OR OTHER INCARCERATION, THE OFFICER OR AGENCY RELEASING THE INDIVIDUAL SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) NOT MORE THAN THIRTY, AND, IF PRACTICABLE, AT LEAST TEN DAYS BEFORE RELEASE.

(b) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:  
(I) THAT COLLATERAL CONSEQUENCES MAY APPLY BECAUSE OF THE CONVICTION;

(II) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF LAWS THAT IMPOSE COLLATERAL CONSEQUENCES RELATED TO A CRIMINAL CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC DEFENDER'S WEB SITE; AND

(III) THAT PURSUANT TO SECTION 1-2-103 (4), C.R.S. A PERSON SERVING A SENTENCE OF PAROLE IS NOT ELIGIBLE TO REGISTER TO VOTE."."

Renumber succeeding sections accordingly.

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Page 7 of the bill, line 26, after "(1)" insert "(a)".

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Page 7 of the bill, line 27, after "SENTENCING," insert "SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON THE COURT'S OWN MOTION,".

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Page 8 of the bill, line 5, strike "IF THE COURT ISSUES AN ORDER" and substitute "THE PROVISIONS OF SECTION 16-24-106 (5), (6), (7), AND (8) APPLY TO THIS SECTION. A DEFENDANT IS NOT REQUIRED TO PAY FILING FEE AS RESULT OF THIS SECTION.".

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Page 10 of the bill, line 3, strike "16-24-107" and substitute "16-24-105".

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Page 10 of the bill, line 18, strike "AND".

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Page 10 of the bill, after line 21 insert:

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"(III) A JUVENILE SUCCESSFULLY COMPLETES A SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM, IF THE PETITION RELATES TO AN OFFENSE THAT RESULTED IN THE JUVENILE'S SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM.".

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Page 11 of the bill, line 7, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

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Page 11 of the bill, line 19, strike "RELIEF." and substitute "RELIEF, THE TYPE OF RELIEF SOUGHT AND THE SPECIFIC COLLATERAL CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF, THE CRIMINAL CASE NUMBER FOR EACH CASE FOR WHICH RELIEF IS BEING SOUGHT, A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK, AND, IF AVAILABLE, A COPY OF THE APPLICANT'S PROBATION OR PRESENTENCE REPORT FOR EACH CONVICTION FOR WHICH THE APPLICANT IS SEEKING RELIEF. THE STATE COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN APPLICANT MAY SUBMIT IN APPLICATION.".

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Page 11 of the bill, line 24, strike "FILED. WHEN THE INDIVIDUAL" and substitute "FILED AND TO THE REGULATORY OR LICENSING BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY."

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(c) WHEN THE INDIVIDUAL".

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Page 11 of the bill, line 25, strike "SHALL" and substitute "SHALL, IN ADDITION TO THE COURT'S DOCKET FEE,".

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Page 12 of the bill, after line 13, insert:

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"(b) IF THE COURT ORDERS AN ORDER OF REHABILITATIVE RELIEF, IT SHALL SPECIFY EACH CONVICTION FOR WHICH THE ORDER APPLIES.".

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Reletter succeeding paragraphs accordingly.

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Page 12 of the bill, line 19, strike "A COURT" and substitute "UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION OFFICER OR UPON THE COURT'S OWN MOTION, A COURT".

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Page 12 of the bill, line 20, strike "CLEAR AND CONVINCING".

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Page 12 of the bill, line 21, strike "HOLDER OF THE JUDGMENT HAS BECOME" and substitute "DEFENDANT IS NO LONGER ENTITLED TO RELIEF.".

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Page 12 of the bill, line 22, strike "A PRESENT RISK TO PUBLIC SAFETY".

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Page 12 of the bill, line 25, strike "HOLDER." and substitute "HOLDER AND TO ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED IN HIS OR HER MOTION FOR RELIEF.".

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Page 12 of the bill, line 26, strike "A CERTIFICATE OF REHABILITATION," and substitute "A CERTIFICATE OF REHABILITATION RELATED TO A COLORADO CONVICTION,".

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Page 22 of the bill, before line 25 insert:

**"SECTION 10. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the judicial stabilization cash fund created in section 13-32-101 (6), Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2012, the sum of \$333,674 cash funds and 5.2 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

- (a) \$75,724 for courthouse capital/infrastructure maintenance;
- (b) \$250,575 and 5.2 FTE for trial court programs for personal services; and
- (c) \$7,375 for trial court programs for operating expenses.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2012, the sum of \$33,901 cash funds and 1.0 FTE, or so much thereof as may be necessary, for allocation to the Colorado bureau of investigation for the implementation of this act as follows:

- (a) \$28,485 and 1.0 FTE for administration for personal services; and
- (b) \$5,416 for administration for operating expenses.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2012, the sum of \$15,000, or so much thereof as may be necessary, for allocation to the Colorado bureau of investigation, Colorado crime information center, for information technology costs related to the implementation of this act.

**SECTION 11. Appropriation - adjustments in 2012 long bill.**

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

- (a) The general fund appropriation for trial court programs, personal services, is decreased by \$15,000.
- (b) The cash funds appropriation for trial court programs, personal services, is increased by \$15,000. Said sum is from the judicial stabilization cash fund created in section 13-32-101 (6), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1 of the bill, line 103, strike "**SYSTEM.**" and substitute "**SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**".

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1223** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 23, strike "\$392,724." and substitute "\$331,766."

Page 4, line 25, strike "\$29,560." and substitute "\$24,972."

Page 4, line 27, strike "\$36,593." and substitute "\$22,139."

Page 5, line 4, strike "\$458,887," and substitute "\$378,877,".

Page 5, after line 5 insert:

- "(a) \$84,337 and 2.0 FTE for the offender services subprogram;".

Reletter succeeding paragraphs accordingly.

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Page 5, line 7, strike "\$358,237" and substitute "\$193,900".

Page 5, line 15, strike "(a)" and substitute "(b)".

Appropriations

After consideration on the merits, the Committee recommends that **SB12-171** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 20.

Strike page 3.

Page 4, strike line 1.

Reorder succeeding sections accordingly.

Page 4, strike lines 24 through 27 and substitute:

"(3) (a) A PERSON MAY APPLY FOR A COLORADO CONSERVATION LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION AND PROVIDES TO THE DEPARTMENT OR AN AUTHORIZED AGENT A CERTIFICATE ISSUED BY THREE RIVERS ALLIANCE, OR ITS SUCCESSOR ORGANIZATION, CONFIRMING THAT THE APPLICANT HAS DONATED FIFTY DOLLARS.

(b) THREE RIVERS ALLIANCE, OR ITS SUCCESSOR ORGANIZATION, SHALL FILE WITH THE DEPARTMENT AN ANNUAL STATEMENT VERIFYING THAT IT IS A NONPROFIT ORGANIZATION."

Page 5, strike lines 1 through 10 and substitute:

"(4) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES."

Reorder succeeding subsection accordingly.

Page 5, strike lines 26 and 27.

Page 6, strike lines 1 through 11.

Reorder succeeding section accordingly.

Page 6, after line 11 insert:

**SECTION 4. 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 \$2,960, or so much thereof as may be necessary, to be allocated for the purchase of computer center services related to the implementation of this act.

(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 \$2,960, 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 subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$5,920, or so much thereof as may be necessary, for allocation to the division of motor vehicles for the purchase of license plates and tabs related to the implementation of this act."

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Renumber succeeding section accordingly.

Page 1, line 103, strike "PLATE." and substitute "PLATE AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-182** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 21, after line 2 insert:

"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2012, the sum of \$52,688, or so much thereof as may be necessary, for allocation to the information technology services division for contract programming related to the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 101, strike "CORPORATIONS." and substitute "CORPORATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1314** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1084** be referred to the Committee of the Whole with favorable recommendation.

SENATE SERVICES REPORT

Correctly Printed: SR12-003.
Correctly Engrossed: SB12-086, 117, 132, 162, 163 and 172; SJR12-036.
Correctly Reengrossed: SB12-170, 176 and 177; SCR12-001.
Correctly Revised: HB12-1226, 1274, 1294, 1302, 1303 and 1331.
Correctly Rerevised: HB12-1041, 1068, 1108, 1241 and 1293; HCR12-1001.

MESSAGE FROM THE HOUSE

May 1, 2012

The House has voted to concur in the Senate amendments to HB12-1008, 1034, 1012 and has repassed the bills as so amended.

INTRODUCTION OF BILLS -- FIRST READING

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

- 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.  
 Business, Labor and Technology
- HB12-1319** by Representative(s) Gardner B.; also Senator(s) King K.--Concerning building inspections relating to utilities.  
 Local Government
- HB12-1333** by Representative(s) Becker, Beezley, Coram, Kerr J., Priola; also Senator(s) Grantham--Concerning public school employees' participation in labor organizations.  
 State, Veterans & Military Affairs
- HB12-1346** by Representative(s) Gardner B.; also Senator(s) King S.--Concerning sex offender registration.  
 Judiciary
- HB12-1350** by Representative(s) Waller, Balmer, Barker, Casso, Court, Gerou, Hamner, Holbert, Hulinghorst, 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.  
 State, Veterans & Military Affairs

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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.

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**CONSIDERATION OF RESOLUTIONS**

- SJR12-040** by Senator(s) Lambert and Shaffer B., Harvey, Mitchell, Renfroe, Scheffel, Williams S., Morse, Boyd, Aguilar, Schwartz, Giron, Jahn, Steadman, Guzman, Hodge, Tochtrop, Bacon, Brophy, Cadman, Grantham, Heath, Johnston, King K., King S., Lundberg, Neville, Roberts, Spence, White; also Representative(s) Soper and Waller--Concerning service to veterans by the Colorado Bar Association and the Veteran Trauma Court.

On motion of Senator Lambert, the resolution was read at length and **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: Carroll, Foster, Hudak, Newell and Nicholson.

**SJR12-048** by Senator(s) White and Tochtrop; also Representative(s) Bradford--Concerning the designation of May 13 through 19, 2012, as "National Nursing Home Week".

On motion of Senator White, the resolution was read at length and **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, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman and Williams 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 expressions of personal privilege.

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**

**SJM12-004** by Senator(s) Mitchell; also Representative(s) Priola--Memorializing former Senator Ted L. Strickland.

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

Senate in recess. Senate reconvened.

On motion of Senator Mitchell, the memorial 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, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

**THIRD READING OF BILLS -- FINAL PASSAGE --  
CONSENT CALENDAR**

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

**HB12-1331** by Representative(s) Brown, Wilson, Pace, Hamner, Kerr A., Massey, Murray, Ramirez, Schafer S., Summers, Todd; also Senator(s) Schwartz, Bacon, Heath, Johnston, King K., King S.--Concerning changing the name of Western state college of Colorado to Western state Colorado university.

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	N	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	N
Brophy	Y	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		

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

**HB12-1274** by Representative(s) Swerdfeger; also Senator(s) Jahn--Concerning the regulation of notaries public, 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: Lambert and Tochtrop.

**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:

**SB12-086** by Senator(s) Cadman, Shaffer B.; also Representative(s) Szabo--Concerning a study of the cost of regulatory compliance for businesses in Colorado.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0	
Aguilar		N	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon		N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd		Y	Heath	N	Mitchell	Y	Spence	Y
Brophy		Y	Hodge	N	Morse	N	Steadman	Y
Cadman		Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll		N	Jahn	Y	Newell	Y	White	Y
Foster		Y	Johnston	Y	Nicholson	N	Williams S.	Y
Giron		N	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: Brophy, Grantham, Harvey, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Neville, Roberts, Scheffel, Spence, White and Williams S.

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

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

YES	24	NO	11	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	Y
Brophy		N	Hodge	Y	Morse	Y	Steadman	Y
Cadman		N	Hudak	Y	Neville	N	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	N	President	Y
Grantham		N	King S.	Y	Roberts	Y		

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

Senators Harvey, Grantham, and Lundberg requested their names be removed as sponsors on SB12-129.

Co-sponsors added: Foster, Giron, Guzman, Nicholson and Shaffer B.

**SB12-132** by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits, and, in connection therewith, making an appropriation.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0	
Aguilar		N	Guzman	N	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		N	Jahn	Y	Newell	Y	White	Y
Foster		Y	Johnston	Y	Nicholson	N	Williams S.	Y
Giron		N	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: Mitchell.

**SB12-172** by Senator(s) Johnston and Spence, Bacon, Heath, Hudak; also Representative(s) Massey and Hamner--Concerning student assessments adopted by the state board.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0	
Aguilar		Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon		Y	Harvey	Y	Lundberg	N	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	N	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, Newell, Nicholson, Steadman, Tochtrop and Williams S.

**SB12-163** by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes.

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

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YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	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	N	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: Bacon, Boyd, Carroll, Foster, Giron, Heath, Hudak, King S., Newell, Roberts, Tochtrop and Williams S.

**SB12-162** by Senator(s) Tochtrop; also Representative(s) Peniston--Concerning remediation performed on property contaminated by an illegal drug laboratory, and, in connection therewith, making an appropriation.

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

YES	24	NO	11	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	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	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	N	President	Y
Grantham	N	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: Boyd, Foster, Guzman, Heath, Hodge, Hudak, Johnston, Newell, Nicholson, Schwartz, Shaffer B. and Williams S.

**HB12-1294** by Representative(s) Liston, Todd, Acree, Gardner B., Kerr J., Massey, Miklosi, Murray, Priola, Ramirez, Soper, Swalm, Swerdfeger, Szabo; also Senator(s) Tochtrop, Boyd, Mitchell, Neville, White--Concerning modifications to the system of regulation of health facilities currently regulated by the department of public health and environment, and, in connection therewith, making an appropriation.

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, Hudak, King S., Newell, Steadman and Williams S.

**HB12-1226** by Representative(s) Barker; also Senator(s) Aguilar--Concerning a surcharge on persons convicted of crimes against at-risk persons, 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	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.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

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

Co-sponsor added: Bacon, Boyd, Foster, Heath, Hodge, Hudak, Johnston, Morse, Newell, Tochtrop and Williams S.

**HB12-1303** by Representative(s) Schafer S., Hamner, Kerr J., Peniston, Summers, Young; also Senator(s) Spence, Jahn--Concerning the regulation of speech-language pathologists by the department of regulatory agencies, and, in connection therewith, making an appropriation.

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

YES	24	NO	11	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	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	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	N	President	Y
Grantham	N	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, Newell, Nicholson, Tochtrop and Williams S.

**HB12-1302** by Representative(s) Massey; also Senator(s) Tochtrop--Concerning the creation of a flight for life Colorado license plate, and, in connection therewith, making an appropriation.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
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.	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: Guzman, Newell and Schwartz.

**SB12-117** by Senator(s) King S.; also Representative(s) Waller--Concerning the penalties for persons who drive while under the influence of alcohol or drugs, and, in connection therewith, making an appropriation.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	N	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: King K. and Lambert.

**RECONSIDERATION OF SB12-086**

**SB12-086** by Senator(s) Cadman, Shaffer B.; also Representative(s) Szabo--Concerning a study of the cost of regulatory compliance for businesses in Colorado.

Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-086.

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

**THIRD READING OF BILLS -- FINAL PASSAGE - cont'd**

**SB12-086** by Senator(s) Cadman, Shaffer B.; also Representative(s) Szabo--Concerning a study of the cost of regulatory compliance for businesses in Colorado.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0	
Aguilar		N	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon		N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd		Y	Heath	N	Mitchell	Y	Spence	Y
Brophy		Y	Hodge	N	Morse	N	Steadman	Y
Cadman		Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll		N	Jahn	Y	Newell	Y	White	Y
Foster		N	Johnston	Y	Nicholson	N	Williams S.	Y
Giron		N	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: Newell.

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Call of the Senate.

Call raised.

**RECONSIDERATION OF SB12-163**

**SB12-163** by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-163.

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

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**THIRD READING OF BILLS -- FINAL PASSAGE - cont'd**

**SB12-163** by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0	
Aguilar		Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon		Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd		Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy		N	Hodge	Y	Morse	Y	Steadman	Y
Cadman		N	Hudak	Y	Neville	Y	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		Y	King S.	Y	Roberts	Y		

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

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Newell was called to the Chair to act as Chairman. 1  
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**GENERAL ORDERS -- SECOND READING OF BILLS** 5  
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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: 7  
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**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. 11  
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Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 25, page 848 and placed in members' bill files.) 15  
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As amended, ordered revised and placed on the calendar for third reading and final passage. 18  
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**HB12-1043** by Representative(s) Conti; also Senator(s) King K.--Concerning concurrent enrollment for students who may complete high school graduation requirements before the end of twelfth grade. 22  
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Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, April 27, pages 913-914 and placed in members' bill files.) 26  
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As amended, ordered revised and placed on the calendar for third reading and final passage. 29  
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**HB12-1086** by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies. 33  
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Amendment No. 1, Legal Services Committee Amendment.  
(Printed in Senate Journal, April 30, page 929 and placed in members' bill files.) 38  
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Ordered revised and placed on the calendar for third reading and final passage. 41  
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(For further action, see amendments to the report of the Committee of the Whole.) 43  
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**SB12-173** by Senator(s) Jahn, Boyd, Harvey, Lundberg, Neville, Newell, Roberts, White, Williams S.; also Representative(s) Summers and DelGrosso--Concerning repeal of the requirement that mental health professionals make certain disclosures verbally. 46  
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Ordered engrossed and placed on the calendar for third reading and final passage. 50  
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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, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178) of Wednesday, May 2 was laid over until Thursday, May 3, retaining its place on the calendar. 55  
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Call of the Senate. Call raised. 63  
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**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**HB12-1086** by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 12-1086 did pass.

Amend reengrossed bill, page 2, strike lines 11 through 18.

Reletter succeeding paragraphs accordingly.

Less than 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	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		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Newell, 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: SB12-173, HB12-1036 as amended, HB12-1043 as amended, HB12-1086 as amended.

Laid over until Thursday, May 3: SB12-155, SB12-070, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178.



**CONFERENCE COMMITTEE GRANTED FURTHER POWERS**

**SB12-020** by Senator(s) Aguilar, Steadman; also Representative(s) Summers--Concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event.

Senator Aguilar moved that the Senate conferees on the first conference committee on **SB12-020** be granted permission to go beyond the scope of the differences between the two houses.

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

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**NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SB12-129**

Senator Steadman gave notice of intent to reconsider SB12-129.

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**MESSAGE FROM THE HOUSE**

May 2, 2012

The House has adopted and returns herewith SJR12-040.  
The House has adopted and returns herewith SJR12-048.  
The House has adopted and returns herewith SJM12-004.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1351, 1353.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1327, amended as printed in House Journal, May 1, page 1212.  
HB12-1352, amended as printed in House Journal, May 1, page 1213.

The House has voted to concur in the Senate amendments to HB12-1307, 1052, 1105, 1146, HCR-1001 and has repassed the bills as so amended.

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**MESSAGE FROM THE REVISOR OF STATUTES**

May 2, 2012

We herewith transmit:

Without comment, HB12-1351 and 1353.  
Without comment, as amended, HB12-1327 and 1352.

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**INTRODUCTION OF BILLS -- FIRST READING**

The following bill was read by title and referred to the committee indicated:

**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.  
State, Veterans & Military Affairs

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

The President has signed: HB12-1080; SB12-012, 041, 060, 121, 123, 150 and 168.

**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Morse, Chair, Johnston, and King S. as Senate conferees on the first conference committee on HB12-1168.

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 Wednesday, May 2 was laid over until Thursday, May 3, retaining its place on the calendar.

Consideration of Resolutions: SJR12-034, SJR12-038, SJR12-039, SJR12-043, SR12-003.

Consideration of House Amendments to Senate Bills: SB12-036.

Consideration of Governor's Appointments:

Members of the Colorado Tourism Board of Directors.

Member of the Waste Tire Advisory Committee.

Members of the Colorado Traumatic Brain Injury Trust Fund Board.

Member of the Colorado Children's Trust Fund Board.

Member of the CoverColorado Board of Directors.

Members of the Board of Trustees of Metropolitan State College of Denver.

Members of the Colorado Educational and Cultural Facilities Authority Board of Directors

Members of the CollegeInvest Board of Directors.

Members of the State Board for for Community Colleges and Occupational Education.

Members of the Board of Trustees for Western State College of Colorado.

Member of the Colorado Tourism Office Board of Directors.

Members of the Colorado Banking Board.

Commissioner of Insurance.

Conference Committees to Report: SB12-020, HB12-1053.

**TRIBUTES**

Honoring Senate aide, Kara Wheeler -- by Senator Brophy.

Honoring Senate aide, Nathan Pesch -- by Senator Grantham.

Honoring Senate aide, Laurie Bratten -- by Senators Harvey and Lambert.

Honoring Senate aide, Anne Willhardt -- by Senator King K.

Honoring Senate aide, JD Key -- by Senator King S.

Honoring Senate aide, Beth Folsom -- by Senator Lundberg.

Honoring Senate aide, Bethany Mitchell -- by Senator Mitchell.

Honoring Senate aide, Caleb Martinez -- by Senator Neville.

Honoring Senate aide, David Keimig -- by Senator Renfroe.

Honoring Senate aide, Ezra Riggs -- by Senator Roberts.

Honoring Senate aide, Shey Taylor -- by Senator Scheffel.

Honoring Senate aide, Mitch Whitus -- by Senator Scheffel.

Honoring Senate aide, Meg Waltrip -- by Senator Spence.

Honoring Senate aide, Richard Sandrock -- by Senator White.

Honoring Senate intern, Ryann Marie Woolf -- by Senator Brophy.

Honoring Senate intern, Alexander Morin -- by Senator Grantham.

Honoring Senate intern, Rick Wyman -- by Senator Grantham.

Honoring Senate intern, Lindon Belshe -- by Senator Harvey.

Honoring Senate intern, Andrew Challenger -- by Senator Harvey.

Honoring Senate intern, Daniel Arsenault -- by Senator Harvey.

Honoring Senate intern, Amelia Ransom -- by Senator Harvey.

Honoring Senate intern, Samantha Ford -- by Senator King K.

Honoring Senate intern, Marko Mocevic -- by Senator King K.

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- Honoring Senate intern, Ryan McKinley -- by Senator King S. 1
- Honoring Senate intern, Jesse Altum -- by Senator Lambert. 2
- Honoring Senate intern, MaryGrace Klippert -- by Senator Lundberg. 3
- Honoring Senate intern, Catherine Cox -- by Senator Lundberg. 4
- Honoring Senate intern, Erica Lloyd -- by Senator Lundberg. 5
- Honoring Senate intern, Kelly Grieve -- by Senator Mitchell. 6
- Honoring Senate intern, Steve Szutenbach -- by Senator Neville. 7
- Honoring Senate intern, Alexandra Bolch -- by Senator Renfroe. 8
- Honoring Senate intern, Andrew West -- by Senator Renfroe. 9
- Honoring Senate intern, Irina Yusifina -- by Senator Scheffel. 10
- Honoring Senate intern, Maria Scheffel -- by Senator Scheffel. 11

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**COMMITTEE OF REFERENCE REPORTS**

Finance

After consideration on the merits, the Committee recommends that **HB12-1286** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 25, after "(1)" insert "(a)".

Page 4, line 3, strike "(a)" and substitute "(I)".

Page 4, line 6, strike "(b)" and substitute "(II)".

Page 4, after line 6, insert:

"(b) "FILM" DOES NOT INCLUDE AN OBSCENE FILM.

(2) "OBSCENE" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-7-101 (2), C.R.S."

Page 4, line 7, strike "(2)" and substitute "~~(2)~~ (3)".

Page 4, line 9, strike "(3)" and substitute "(4)".

Page 4, line 18, strike "(4)" and substitute "(5)".

Page 4, line 23, strike "(5)" and substitute "(6)".

Page 4, line 26, strike "(6)" and substitute "(7)".

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, May 3, 2012.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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