

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

105th Legislative Day

Tuesday, April 24, 2012

Prayer	By the chaplain, Rabbi Yossi Serebryanski, Chabad of South Denver.	1
Call to Order	By the President at 9:00 a.m.	2
Pledge	By Senator Lambert.	3
Roll Call	Present--33 Excused--2, Aguilar, King S. Present later--2, Aguilar, King S.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Morse, reading of the Journal of Monday, April 23, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	6

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1110 be referred to the Committee on <u>Finance</u> with favorable recommendation.	7
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1294 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	8
	Amend reengrossed bill, page 10, line 23, strike "FACILITY; OR" and substitute "FACILITY FOR THE PROVISION OF EXTENDED OBSERVATION AND OTHER RELATED SERVICES FOR NOT MORE THAN SEVENTY-TWO HOURS;".	9
	Page 10, line 24, strike "FACILITY." and substitute "FACILITY; OR (C) IS NOT OTHERWISE SUBJECT TO HEALTH FACILITY LICENSURE UNDER THIS SECTION OR SECTION 25-1.5-103 BUT OPTS TO OBTAIN LICENSURE AS A COMMUNITY CLINIC IN ORDER TO RECEIVE PRIVATE DONATIONS, GRANTS, GOVERNMENT FUNDS, OR OTHER PUBLIC OR PRIVATE REIMBURSEMENT FOR SERVICES RENDERED.".	10
	Page 10, line 25, strike "REGULATED" and substitute "OPERATED".	11
	Page 12, strike line 27 and substitute "INVOLVING MORAL TURPITUDE;".	12
	Page 13, strike lines 1 and 2.	13
	Page 16, line 19, strike "SHALL NOT" and substitute "MAY".	14
	Page 16, strike line 21 and substitute "THIS SUBSECTION (1)".	15
	Page 16, line 22, strike "(c)." and substitute "(c) BY AN AMOUNT NOT TO EXCEED THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY FOR ALL URBAN CONSUMERS, ALL GOODS, OR ITS SUCCESSOR INDEX.".	16

Judiciary	After consideration on the merits, the Committee recommends that HB12-1213 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
Judiciary	After consideration on the merits, the Committee recommends that SB12-175 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9 10
	Amend printed bill, page 16, strike lines 18 through 27.	11
	Strike page 17.	12 13
	Page 18, strike lines 1 through 3.	14 15
	Re-number succeeding sections accordingly.	16 17
	Page 20, strike lines 22 through 27.	18 19 20
	Page 21, strike lines 1 through 8	21 22
	Re-number succeeding sections accordingly.	23 24 25
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SJM12-003 be amended to the Senate for final action.	26 27 28 29
	Amend printed joint memorial, page 1, strike lines 1 through 6.	30 31
	Strike page 2.	32 33
	Page 3, strike lines 1 through 28 and substitute:	34 35
	"WHEREAS, In 2004, the United States Senate Finance Committee issued a white paper proposing reforms to federal oversight of nonprofit organizations; and	36 37 38 39
	WHEREAS, Senator Charles Grassley, Chair of the Senate Finance Committee, encouraged formation of a panel of nonprofit leaders to examine these issues in the white paper and submit recommendations to Congress; and	40 41 42 43 44
	WHEREAS, In 2005, the Panel on the Nonprofit Sector (panel) issued a "Report to Congress and the Nonprofit Sector on Governance, Transparency, and Accountability"; and	45 46 47 48
	WHEREAS, As part of its report, the panel recommended that small nonprofit organizations be required to file an annual notice with the Internal Revenue Service. The report also recommended that the Internal Revenue Service should have the authority, "[a]fter an appropriate phase-in period, . . . to suspend the tax-exempt status of organizations that fail to file the required notification form for three consecutive years"; and	49 50 51 52 53 54
	WHEREAS, The panel recommended the annual notice because it ". . . will assist the IRS in providing more accurate information to the public about organizations eligible to receive tax-deductible contributions"; and	55 56 57 58 59
	WHEREAS, In 2006, Congress adopted the "Pension Protection Act of 2006" (act), which was based in part on the panel's recommendations; and	60 61 62 63
	WHEREAS, Section 1223 of the act, codified at 26 U.S.C. sec. 6033, created new and unfamiliar annual filing requirements for many small nonprofit organizations by requiring those organizations to annually file Form 990-N, also known as the e-Postcard; and	64 65 66 67

WHEREAS, The act requires that an affected organization's tax-exempt status "be considered revoked" rather than "suspended" after failing to file the e-Postcard for three consecutive years; and

WHEREAS, Although the Internal Revenue Service sent an initial mailing in 2007 and has since developed other resources to alert these affected nonprofit organizations of the new filing requirements, nonprofit organizations with outdated contact information with the Internal Revenue Service did not receive these notices, and many others were not sufficiently aware of how to comply with their new reporting duties; and

WHEREAS, Based on some constituent conversations with Internal Revenue Service representatives and contrary to statements on the Internal Revenue Service's web site, the Internal Revenue Service does not send reminder notices to organizations that do not file their e-Postcards on time and only notifies affected organizations after such revocation has occurred; and

WHEREAS, Approximately 400,000 nonprofit organizations across the United States, including thousands of organizations in Colorado, many of which have annual budgets of less than \$25,000, have had their tax-exempt status automatically revoked by the Internal Revenue Service for failing to file an annual notice for three consecutive years. Although many of these organizations no longer do business, many other organizations continue to operate and could have successfully maintained their tax-exempt status if they had received more timely notice of the impending revocation; and

WHEREAS, Although the Internal Revenue Service allows revoked organizations to apply for retroactive reinstatement of their tax-exempt status, the application process is burdensome and costly for these nonprofit organizations; now, therefore,

Be It Resolved by the Senate of the Sixty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That we, the members of the Colorado General Assembly, hereby memorialize the United States Congress to amend 26 U.S.C. sec. 6033 so that:

(1) The Internal Revenue Service is required to send timely notification to remind small nonprofit organizations when they have not filed the e-Postcard on time and to inform them of any impending revocation or other action affecting their tax-exempt status due to their failure to file an annual notice for three consecutive years; and

(2) The Internal Revenue Service is required to suspend, not revoke, the tax-exempt status of any nonprofit organization that fails to file for three consecutive years so that a nonprofit organization's tax-exempt status may be simply and retroactively restored without the organization being required to reapply for a determination of tax-exempt status.

Be It Further Resolved, That copies of this Joint Memorial be sent to each member of Colorado's congressional delegation, Speaker of the United States House of Representatives John Boehner, Senate Majority Leader Harry Reid, Secretary of the United States Senate Nancy Erickson, Clerk of the United States House of Representatives Karen L. Haas, and Treasury Secretary Timothy Geithner."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1048** be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that **SB12-104** 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 14, 2012, page 1, line 4, strike "THIRTEEN MILLION SIX HUNDRED" and substitute "SEVEN MILLION SIX HUNDRED FIFTY-SIX THOUSAND TWO HUNDRED".

Page 1 of the committee report, line 5, strike "FORTY-NINE THOUSAND ONE HUNDRED FORTY-NINE".

Page 1 of the committee report, line 6, strike "2012-13," and substitute "2012-13 FROM THE GENERAL FUND," and strike "SIXTEEN MILLION FIVE HUNDRED SEVENTY-SIX" and substitute "NINE MILLION FIVE HUNDRED THOUSAND".

Page 1 of the committee report, line 7, strike "THOUSAND FIVE HUNDRED EIGHTY-ONE" and strike "2013-14," and substitute "2013-14 FROM THE GENERAL FUND,".

Page 1 of the committee report, strike line 8.

Page 1 of the committee report, line 9, strike "SIX HUNDRED SIXTY-FIVE DOLLARS IN FISCAL YEAR 2014-15".

Page 2 of the committee report, strike lines 12 and 13 and substitute:

""**SECTION 4.** In Colorado Revised Statutes, **repeal** 24-33.5-503 (1) (u).

SECTION 5. Appropriation - adjustments in 2012 long bill.

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

(a) The cash funds appropriation for inmate programs, drug and alcohol treatment subprogram, drug offender surcharge program, is decreased by \$995,127. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for inmate programs, drug and alcohol treatment subprogram, contract services, is decreased by \$250,000. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The reappropriated funds appropriation for community services, parole subprogram, contract services, is decreased by \$1,757,100. Said sum is from moneys transferred from the judicial department.

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

(a) The cash funds appropriation for mental health and alcohol and drug abuse services, alcohol and drug abuse division, treatment services, treatment and detoxification contracts, is decreased by \$887,300. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for mental health and alcohol and drug abuse services, alcohol and drug abuse division, treatment services, short-term intensive residential remediation and treatment (STIRRT), is decreased by \$383,316. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The reappropriated funds appropriation for mental health and

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alcohol and drug abuse services, co-occurring behavioral health services, substance use disorder offender services (H.B. 10-1352), is decreased by \$1,819,900. Said sum is from moneys transferred from the judicial department.

(3) 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 cash funds appropriation for courts administration, central appropriations, for various centrally appropriated line items, is decreased by \$81,998. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for probation and related services, probation programs, is decreased by \$702,114. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The cash funds appropriation for probation and related services, offender treatment and services, is decreased by \$1,010,006. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(d) The reappropriated funds appropriation for probation and related services, offender treatment and services, is decreased by \$7,656,200. Said sum is from general fund moneys credited to the drug offender surcharge fund pursuant to section 18-19-103 (3.5), Colorado Revised Statutes.

(e) The general fund appropriation for probation and related services, S.B. 03-318 community treatment funding, is decreased by \$2,200,000.

(f) The general fund appropriation for probation and related services, H.B. 10-1352 appropriation to drug offender surcharge fund, is decreased by \$7,656,200.

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

(a) The cash funds appropriation for the executive director's office, administration, for various centrally appropriated line items, is decreased by \$10,793. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for the division of criminal justice, administration, DCJ administrative services, is decreased by \$84,803. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The general fund appropriation for the division of criminal justice, administration, DCJ administrative services, is decreased by \$37,964 and 0.5 FTE.

(d) The cash funds appropriation for the division of criminal justice, administration, indirect cost assessment, is decreased by \$8,401. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(e) The cash funds appropriation for the division of criminal justice, community corrections, community corrections placement, is decreased by \$994,019. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(f) The reappropriated funds appropriation for the division of criminal justice, community corrections, treatment for substance abuse and co-occurring disorders, is decreased by \$1,568,750. Said sum is from moneys transferred from the judicial department.

SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of corrections, for the fiscal year beginning July 1, 2012, the sum of \$3,002,227, or so much thereof as may be necessary, for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the fiscal year beginning July 1, 2012, the sum of \$3,090,516, or so much thereof as may

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be necessary, for allocation to the mental health and alcohol and drug abuse services section for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, to the judicial department, for the fiscal year beginning July 1, 2012, the sum of \$25,120,277, or so much thereof as may be necessary, for allocation to the probation and related services section for the implementation of this act as follows:

(a) \$9,856,200 general fund to be credited to the correctional treatment cash fund pursuant to sections 18-19-103 (3.5) (b) and 18-19-103 (4) (a), Colorado Revised Statutes;

(b) \$5,407,877 cash funds for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes; said sum is from the correctional treatment cash fund created in section 18-19-103 (3.5) (b), Colorado Revised Statutes; and

(c) \$9,856,200 reappropriated funds for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes; said sum is from general fund moneys credited to the correctional treatment cash fund through the appropriation made in paragraph (a) of subsection (3) of this section.

(4) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for the fiscal year beginning July 1, 2012, the sum of \$2,666,766, or so much thereof as may be necessary, for allocation to the division of criminal justice for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum shall be from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section."."

Page 2 of the committee report, after line 14 insert:

"Page 1, line 102, strike "FUND." and substitute "FUND, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS."."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-108** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend Health and Human Services Committee Report, dated March 29, 2012, page 1, strike lines 5 through 16 and substitute:

(I) ORAL EXAMINATION, LIMITED TO ONE COMPREHENSIVE EXAMINATION;

(II) PROPHYLAXIS;

(III) DEBRIDEMENT;

(IV) CARIOSTATIC AGENTS, WHEN RECOMMENDED BY THE TREATING DENTIST;

(V) RADIOGRAPHS, AS NEEDED; AND

(VI) DENTAL RESTORATIONS, INCLUDING AMALGAM AND COMPOSITE FILLINGS, LIMITED TO FIVE RESTORATIONS."."

Page 1, after line 16 insert:

"Page 6 of the bill, after line 25 insert:

SECTION 3. 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 department of health care policy and financing, for the fiscal year beginning July 1, 2012, the sum of \$38,906 or so much thereof as may be necessary, for allocation to professional services contracts for the implementation of this act. Said

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sum is subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2012, the department of health care policy and financing will receive the sum of \$116,719 in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

(2) 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 health care policy and financing, for the fiscal year beginning July 1, 2012, the sum of \$278,581 or so much thereof as may be necessary, for allocation to medical service premiums for the implementation of this act. Said sum is subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2012, the department of health care policy and financing will receive the sum of \$278,581 in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB12-090** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 8 insert:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated out of the general fund, to the department of health care policy and financing, for the fiscal year beginning July 1, 2012, the sum of \$194,986, or so much thereof as may be necessary, for the implementation of this act. Said sum is subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2012, the department of health care policy and financing will receive the sum of \$194,986 in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB12-046** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Senate Education Committee Report, dated March 1, 2012, page 8, line 7, strike "AND".

Page 8, line 10, strike "22-20-103 (5)." and substitute "22-20-103 (5); AND".

Page 8, after line 10 insert:

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"(D) ENSURE THAT, IN IMPLEMENTING THE CODE, EACH SCHOOL OF THE SCHOOL DISTRICT SHOWS DUE CONSIDERATION OF THE IMPACT OF CERTAIN VIOLATIONS OF THE CODE UPON VICTIMS OF SUCH VIOLATIONS, IN ACCORDANCE WITH THE PROVISIONS OF TITLE IX OF THE UNITED STATES CODE AND OTHER STATE AND FEDERAL LAWS."

Page 11, strike lines 27 through 30.

Page 13, strike lines 18 through 25.

Page 13, line 26, strike "HEARING."

Page 18, line 13, after "C.R.S.," insert "IN AGGREGATE FORM WITHOUT PERSONAL IDENTIFYING INFORMATION,".

Page 19, strike lines 4 through 14 and substitute "JANUARY 1, 2014, THE POST BOARD SHALL IDENTIFY A SCHOOL RESOURCE OFFICER TRAINING CURRICULUM TO PREPARE PEACE OFFICERS.

(2) TO THE EXTENT PRACTICABLE, THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL INCORPORATE THE SUGGESTIONS OF RELEVANT STAKEHOLDERS AND ADVOCATES."

Page 20, strike line 13 and substitute "LAW ENFORCEMENT AGENCIES".

Page 20, line 15, strike "INFORMATION" and substitute "INFORMATION, AS SUBMITTED TO THE DIVISION, TO ANY MEMBER OF THE".

Page 20, strike lines 16 and 17.

Page 20, line 19, after "STUDENT." add "IF THE DIVISION PROVIDES THE INFORMATION TO A MEMBER OF THE PUBLIC UPON REQUEST PURSUANT TO THIS PARAGRAPH (aa), THE DIVISION MAY CHARGE A FEE TO THE PERSON, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE DIVISION IN PROVIDING THE INFORMATION."

Page 24, after line 32 insert:

"SECTION 26. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding sections accordingly.

Appropriations

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

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1292** be referred to the Committee of the Whole with favorable recommendation.

SENATE SERVICES REPORT

Correctly Printed: SCR12-004; SJM12-004; SJR12-047.
Correctly Engrossed: SB12-005, 047, 139, 144, 159, 164, 165 and 166;
SJR12-040.
Correctly Revised: HB12-1131, 1153, 1162, 1258 and 1275.

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INTRODUCTION OF BILLS -- FIRST READING

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

SB12-176 by Senator(s) Brophy, Guzman, Morse, Roberts, Schwartz; also Representative(s) Labuda, Gardner B., Levy, Murray, Waller--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.
 Judiciary

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 Wednesday, April 25, 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 Wednesday, April 25, retaining its place on the calendar.

HB12-1153 by Representative(s) Soper; also Senator(s) Lambert--Concerning the creation of a special license plate commemorating recipients of the distinguished flying cross, 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	2	EXCUSED	2	ABSENT	0
Aguilar		E 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		N 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.		E Roberts		Y	

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

Co-sponsor added: Newell.

HB12-1131 by Representative(s) Labuda; also Senator(s) Tochtrop--Concerning the creation of a child loss awareness 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	27	NO	6	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	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	N	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

Co-sponsors added: Hudak, Newell, Nicholson, Schwartz and Williams S.

HB12-1162 by Representative(s) Todd, Labuda, Looper, Solano, Soper, Ryden, Fields, Hullinghorst, McCann, Young; also Senator(s) Heath, Williams S.--Concerning the creation of an operation desert storm 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	2	EXCUSED	2	ABSENT	0
Aguilar	E	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	N	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.	E	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., Newell, Schwartz and Spence.

HB12-1275 by Representative(s) Pace; also Senator(s) White--Concerning the encouragement of outdoor recreational opportunities, and, in connection therewith, creating the wildlife sporting license plate and making an appropriation.

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

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YES	26	NO	7	EXCUSED	2	ABSENT	0	
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	Y	1
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y	2
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y	3
Brophy	Y	Hodge	N	Morse	Y	Steadman	N	4
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y	5
Carroll	Y	Jahn	Y	Newell	Y	White	Y	6
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y	7
Giron	Y	King K.	Y	Renfroe	N	President	Y	8
Grantham	Y	King S.	E	Roberts	Y			9

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

Co-sponsors added: Schwartz and Spence.

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

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

YES	33	NO	0	EXCUSED	2	ABSENT	0	
Aguilar	E	Guzman	Y	Lambert	Y	Scheffel	Y	10
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y	11
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y	12
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y	13
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y	14
Carroll	Y	Jahn	Y	Newell	Y	White	Y	15
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y	16
Giron	Y	King K.	Y	Renfroe	Y	President	Y	17
Grantham	Y	King S.	E	Roberts	Y			18

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

Co-sponsors added: Carroll, Giron, Hodge, Newell, Schwartz, Spence, Steadman and Williams S.

SB12-166 by Senator(s) Giron and Roberts; also Representative(s) Priola and Williams A.-- Concerning the coordination of various economic development reports, and, in connection therewith, requiring the Colorado office of economic development to report annually to the general assembly regarding the programs it administers.

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

YES	27	NO	6	EXCUSED	2	ABSENT	0	
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	Y	19
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y	20
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y	21
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y	22
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y	23
Carroll	Y	Jahn	Y	Newell	Y	White	Y	24
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y	25
Giron	Y	King K.	Y	Renfroe	N	President	Y	26
Grantham	Y	King S.	E	Roberts	Y			27

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

Co-sponsors added: Hudak, Newell and Williams S.

SB12-144

by Senator(s) Heath and Scheffel; also Representative(s) Summers and Ryden, Kerr A.-- Concerning efforts by the Colorado office of economic development to grow the state's key industries.

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

YES	24	NO	9	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	N	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	Y
Cadman	Y	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.	Y	Renfroe	N	President	Y
Grantham	N	King S.	E	Roberts	N		

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

Co-sponsors added: Giron, Hudak, Newell, Schwartz, Shaffer B. and Williams S.

SB12-005

by Senator(s) Newell; also Representative(s) Massey--Concerning the creation of the Colorado business retention and expansion program.

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

YES	22	NO	11	EXCUSED	2	ABSENT	0
Aguilar	E	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.	Y	Renfroe	N	President	Y
Grantham	N	King S.	E	Roberts	N		

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

Co-sponsors added: Boyd, Giron, Heath, Hudak, Schwartz, Shaffer B. and Williams S.

SB12-139

by Senator(s) Boyd; also Representative(s) Fields and Summers--Concerning the "Colorado Job Support Act", 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	21	NO	12	EXCUSED	2	ABSENT	0
Aguilar	E	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.	E	Roberts	N		

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

Co-sponsors added: Foster, Heath, Hudak, Newell, Schwartz, Shaffer B. and Steadman.

SB12-159 by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	E	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.	E	Roberts	Y		

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

Co-sponsors added: Boyd, Heath, Hodge, Jahn, Newell, Schwartz, Steadman and Tochtrop.

SB12-164 by Senator(s) Heath and King K.; also Representative(s) Massey and Todd--Concerning the operation of private postsecondary institutions in Colorado, and, in connection therewith, making an appropriation.

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

YES	25	NO	8	EXCUSED	2	ABSENT	0
Aguilar	E	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	Y	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.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

Co-sponsor added: Bacon, Giron, Hudak, Jahn, Nicholson, Schwartz, Spence, Steadman and Williams S.

SB12-165

by Senator(s) Schwartz, Giron; also Representative(s) Baumgardner--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar		E 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: Guzman, Heath, Hodge, Neville, Newell, Nicholson, Roberts, Shaffer B., White and Williams S.

SB12-047

by Senator(s) King K. and Bacon; also Representative(s) Massey and Holbert--Concerning the use of assessment results for students enrolled in grades nine through twelve to assist students in graduating from high school without needing subsequent remedial educational services, and, in connection, therewith, making an appropriation.

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

Third Reading Amendment No. 1(L.004) , by Senator King K.

Amend engrossed bill, page 12, line 23, strike "22-30.5-524" and substitute "22-30.5-117, 22-30.5-524,".

The amendment was passed on the following roll call vote:

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0	
Aguilar		E 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		Y

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

Co-sponsors added: Cadman, Giron, Grantham, Heath, Hudak, Jahn, Lambert, Newell, Roberts, Scheffel, Schwartz, Spence, Steadman and Williams S.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB12-155 by Senator(s) Heath and White; also Representative(s) Court and Murray--Concerning procedures to protect transparency in elections while preserving the integrity of ballots in connection with a request for public inspection of ballots under the "Colorado Open Records Act".

Laid over until Wednesday, April 25, retaining its place on the calendar.

SB12-070 by Senator(s) Aguilar; also Representative(s) Wilson, Solano--Concerning residential landlords and tenants, and, in connection therewith, enacting the "Uniform Residential Landlord and Tenant Act".

Laid over until Wednesday, April 25, retaining its place on the calendar.

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

Laid over until Wednesday, April 25, retaining its place on the calendar.

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.

Laid over until Wednesday, April 25, retaining its place on the calendar.

HB12-1160 by Representative(s) Baumgardner; also Senator(s) Schwartz--Concerning methane gas captured from active and inactive coal mines.

Laid over until Wednesday, April 25, retaining its place on the calendar.

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SCR12-001 by Senator(s) Steadman; also Representative(s) Ferrandino--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction.

Laid over until Wednesday, April 25, retaining its place on the calendar.

HB12-1237 by Representative(s) Williams A.; also Senator(s) Harvey--Concerning the records kept by the unit owners' association of a common interest community.

Laid over until Wednesday, April 25, retaining its place on the calendar.

HB12-1304 by Representative(s) Barker; also Senator(s) Newell--Concerning measures to prevent organized retail theft.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, April 23, page 818 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Mitchell.

Amend reengrossed bill, page 2, line 15, strike "(f)" and substitute "(f), (3) (a)".

Page 2, after line 25, insert:

"(3) (a) An offense under paragraph (a), or (c), or (g) of subsection (1) of this section is a class 1 petty offense; except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a class 2 misdemeanor."

Page 2, strike line 26 and substitute "(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, an offense under paragraph (e) or (f) OF SUBSECTION (1) OF THIS SECTION OR, IF THE OFFENSE IS COMMITTED DURING THE COMMISSION OF ANOTHER CRIMINAL OFFENSE PURSUANT TO PARAGRAPH (g) of subsection".

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

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

HB12-1041 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.

Laid over until Wednesday, April 25, retaining its place on the calendar.

HB12-1081 by Representative(s) Duran; also Senator(s) Steadman--Concerning the operations of the Auraria higher education center.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 5, page 661 and placed in members' bill files.)

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

HB12-1059 by Representative(s) Looper; also Senator(s) King K.--Concerning the authority of a person credentialed in another state whose residence is determined by military orders to practice an occupation regulated by Colorado law.

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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, 663, page April 5 and placed in members' bill files.)

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

SB12-101 by Senator(s) Nicholson; also Representative(s) Bradford--Concerning the authority of a local improvement district, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 10, page 693 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator Nicholson.

Amend printed bill, page 4, strike line 11 and substitute "PETITION.

(C) THE BOARD SHALL TAKE INTO CONSIDERATION AND MAKE A FINDING REGARDING ALL OF THE FOLLOWING FACTORS WHEN DETERMINING WHETHER TO GRANT OR DENY THE PETITION:

(I) THE BEST INTERESTS OF ALL OF THE FOLLOWING:

(A) THE PROPERTY TO BE INCLUDED OR EXCLUDED IN THE LOCAL IMPROVEMENT DISTRICT;

(B) THE LOCAL IMPROVEMENT DISTRICT FOR WHICH THE CHANGE OF BOUNDARIES IS PROPOSED;

(C) THE COUNTY OR COUNTIES IN WHICH THE LOCAL IMPROVEMENT DISTRICT IS LOCATED;

(II) THE RELATIVE COST AND BENEFIT TO THE PROPERTY TO BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT;

(III) THE ABILITY OF THE LOCAL IMPROVEMENT DISTRICT TO PROVIDE ECONOMICAL AND SUFFICIENT IMPROVEMENTS OR SERVICES TO BOTH THE PROPERTY TO BE INCLUDED OR EXCLUDED AND ALL OF THE PROPERTIES WITHIN THE DISTRICT'S BOUNDARIES.

(d) IF THE CHANGE OF BOUNDARIES OF THE DISTRICT DOES NOT".

Reletter succeeding paragraph accordingly.

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

SB12-027 by Senator(s) Scheffel; --Concerning notice to certain members of the general assembly of rules promulgated pursuant to the "State Administrative Procedure Act" as a result of an enacted legislative measure.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 15, page 164 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Scheffel.

Amend the Judiciary Committee Report, dated February 14, 2012, page 1, line 8, strike "WRITING THE" and substitute "WRITING ANY SITTING".

Page 1, line 9, before "MEMBERS" insert "CURRENT".

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

SB12-028 by Senator(s) Grantham; --Concerning aggravated juvenile offenders adjudicated for murder.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, January 31, pages 59-60 and placed in members' bill files.)

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

Amend the Judiciary Committee Report, dated January 30, 2012, page 1, line 2, after "(D)" insert "and (10)".

Page 1 of committee report, strike lines 15 through 18 and substitute:

"Page 3 of the bill, line 7, strike "BY A STATE-EMPLOYED" insert "AND RISK ASSESSMENT BY A MENTAL HEALTH PROFESSIONAL"

Page 3 of the bill, strike line 8."

Page 2 of the committee report, strikes line 1 and 2 and substitute

"Page 3 of the bill, strike line 10 and substitute "OR HERSELF OR TO OTHERS. THE MENTAL HEALTH PROFESSIONAL".

Page 3 of the bill, line 11, strike "THREE COPIES" and substitute "A COPY".

Page 3 of the bill, line 12, strike "CLERK OF THE", and strike "IT" and substitute "IT, THE PROSECUTING ATTORNEY, AND COUNSEL FOR THE JUVENILE".

Page 3 of the bill, line 13, strike "THE CLERK SHALL FURNISH A COPY".

Page 3 of the bill, strike lines 14 and 15."

Page 2 of the committee report, line 6, strike "YOUTH" and substitute "YOUTHFUL OFFENDER SYSTEM,".

Page 2 of the committee report, line 7, strike "OFFENDER SERVICE PROGRAM,".

Page 2 of the committee report, strike line 14.

Page 2 of the committee report, line 15, strike "MENTAL HEALTH" and substitute "EVALUATION AND RISK ASSESSMENT,".

Page 2 of the committee report, strike line 16.

Page 2 of the committee report, after line 22, insert:

"Page 3 of the bill, after line 25, insert:

"(10) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON WHO IS EMPLOYED BY THE DEPARTMENT OF HUMAN SERVICES OR IS EMPLOYED UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND IS:

(a) A LICENSED PHYSICIAN WITH THE APPROPRIATE TRAINING AND EXPERTISE IN PSYCHIATRY; OR

(b) A LICENSED PSYCHOLOGIST."."

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

SB12-106 by Senator(s) King K.; --Concerning education.

Laid over until Wednesday, April 25, retaining its place on the calendar.

HB12-1140 by Representative(s) Jones; also Senator(s) Newell--Concerning the duties of the department of public health and environment as coordinator for suicide prevention programs throughout the state.

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

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

Laid over until Wednesday, April 25, retaining its place on the calendar.

SB12-002 by Senator(s) Steadman, Guzman; --Concerning authorization of civil unions.

Laid over until Wednesday, April 25, retaining its place on the calendar.

HB12-1267 by Representative(s) Coram; also Senator(s) Grantham--Concerning the simplification of certain preelection procedures in order to reduce the cost of administering elections.

Laid over until Wednesday, April 25, retaining its place on the calendar.

HB12-1324 by Representative(s) Massey and Scott; also Senator(s) Johnston and King S., Bacon, Heath--Concerning Colorado Mesa university.

Amendment No. 1(L.001), by Senator King S.

Amend reengrossed bill, page 3, line 15, strike "appointed." and substitute "appointed; EXCEPT THAT OF THE TWO MEMBERS APPOINTED PURSUANT TO HOUSE BILL 12-1324, ENACTED IN 2012, ONE SHALL HAVE A TERM THAT EXPIRES ON JANUARY 1, 2015, AND ONE SHALL HAVE A TERM THAT EXPIRES ON JANUARY 1, 2016."

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1304 by Representative(s) Barker; also Senator(s) Newell--Concerning measures to prevent organized retail theft.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.005) to HB 12-1304, did not pass, and that the following new amendment did pass.

L.005

Amend reengrossed bill, page 2, line 15, strike "(f)" and substitute "(f), (3) (a)".

Page 2, after line 25, insert:

"(3) (a) An offense under paragraph (a), or (c), or (g) of subsection (1) of this section is a class 1 petty offense; except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a class 2 misdemeanor."

Page 2, strike line 26 and substitute "(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, an offense under paragraph (e) or (f) OF SUBSECTION (1) OF THIS SECTION OR, IF THE OFFENSE IS COMMITTED DURING THE COMMISSION OF ANOTHER CRIMINAL OFFENSE PURSUANT TO PARAGRAPH (g) of subsection".

New Amendment

Amend the Business, Labor, and Technology Committee Report, dated

March 28, 2012, page 2, line 1, strike "SECTION," and substitute "SECTION AND COMMITTED DURING THE COMMISSION OF ANOTHER CRIMINAL OFFENSE,".

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Johnston, 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: SB12-101 as amended, SB12-027 as amended, SB12-028 as amended, HB12-1304 as amended, HB12-1081 as amended, HB12-1059 as amended, HB12-1140, HB12-1324 as amended.
 Laid over until Wednesday, April 25: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, HB12-1041, SB12-106, SB12-135, SB12-002, HB12-1267.

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-177 by Senator(s) Jahn, Cadman; also Representative(s) Liston and Pabon, Duran, Gardner B., McNulty, Priola, Soper, Swalm, Swerdfeger, Szabo, Tyler, Williams A.--Concerning administration of the unemployment insurance program in order to stabilize unemployment insurance rates, and, in connection therewith, facilitating the issuance of unemployment revenue bonds and accelerating the creation of the division of unemployment insurance in the department of labor and employment.
 Business, Labor and Technology

SB12-178 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning the removal of enhanced credits for purchase of in-state eligible energy resources from the renewable energy standard.
Judiciary

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RECONSIDERATION OF SB12-159

SB12-159 by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.

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Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-159.

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

SB12-159 by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.

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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		

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

Co-sponsor added: King S.

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CONSIDERATION OF RESOLUTIONS

SJR12-041 by Senator(s) Morse; also Representative(s) Stephens--Concerning the convening date for the 2013 First Regular Session of the Sixty-ninth General Assembly.

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On motion of Senator Morse, 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: Boyd and Cadman.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
CHARTER SCHOOL INSTITUTE BOARD**

for a term expiring July 1, 2012:

Anthony Scott Lewis of Longmont, Colorado to serve as a member with experience as a charter school board member or founder of a charter school, experience as a public school administrator with experience working with charter schools, other board or public service experience, and as a Democrat, and occasioned by the resignation of Amy B. Anderson of Denver, Colorado, a Democrat, appointed.

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

On motion of Senator Williams S., the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
TRANSPORTATION COMMISSION**

for a term expiring July 1, 2015:

Kathy I. Connell of Steamboat Springs, Colorado to serve as a commissioner from the sixth district, appointed.

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

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

**MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD**

for terms expiring May 15, 2015:

Thomas A. Rennell of Castle Rock, Colorado, a member of a statewide organization of health insurance carriers, appointed;

William Patrick Heller of Denver, Colorado, an employee of the state department, appointed.

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

MESSAGE FROM THE GOVERNOR

April 23, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

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

SB12-067: CONCERNING REQUIREMENTS PERTAINING TO THE CORPORATE STATUS OF CHARTER SCHOOLS.

Approved April 23, 2012 at 1:23 p.m.

SB12-127: CONCERNING THE PARTICIPATION OF PROVIDERS OF LONG-TERM CARE IN MEDICAID CARE COORDINATION PROGRAMS.

Approved April 23, 2012 at 1:29 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor



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 Tuesday, April 24 was laid over until Wednesday, April 25, retaining its place on the calendar.

- Consideration of Resolutions: SJR12-023, SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-043, SJR12-044, HJR12-1017.
- Consideration of Memorials: SM12-003.
- Consideration of House Amendments to Senate Bills: SB12-128, SB12-036.
- Consideration of Governor's Appointments:
 - Members of the Tourism Office Board of Directors.
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1002, HB12-1335, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, HB12-1344.
- Requests for Conference Committee: SB12-1168.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 25, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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