

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

99th Legislative Day Wednesday, April 18, 2012

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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Jahn.	15
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Roll Call	Present--34	17
	Excused--1, Boyd.	18
	Present later--1, Boyd.	19
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Steadman, reading of the Journal of Tuesday, April 17, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

Appropriations	After consideration on the merits, the Committee recommends that HB12-1267 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 the State, Veterans and Military Affairs Committee Report, dated April 9, 2012, page 3, after line 29 insert:

"Page 3 of reengrossed bill, after line 16 insert:

"SECTION 6. In Colorado Revised Statutes, 1-5-505.5, amend (3) (a) and (3) (b) as follows:

1-5-505.5. State reimbursement to counties for ballot measure elections. (3) For any other odd- or even-numbered year election in which a state ballot issue or state ballot question is on the ballot of a particular county, the state shall reimburse such county for the cost of the duties performed by the county clerk and recorder that relate to conducting the election on the ballot issue or ballot question; except that the reimbursement shall be set at the following rates:

(a) For counties with ten thousand or fewer active registered electors, ~~eighty cents~~ NINETY CENTS for each active registered elector as of the time of the election;

(b) For counties with more than ten thousand active registered electors, ~~seventy cents~~ EIGHTY CENTS for each active registered elector as of the time of the election."

Re-number succeeding sections accordingly."

Page 5, after line 33 insert:

"Page 5 of the bill, before line 10 insert:

"SECTION 9. Appropriation. (1) 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

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of state, for the fiscal year beginning July 1, 2012, the sum of \$642,286, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$615,646 for local election reimbursement; and

(b) \$26,640 for the information technology services division, for reprogramming of the statewide Colorado voter registration and elections system."

Renumber succeeding sections accordingly.

Page 1 of the bill, line 103, strike "ELECTIONS." and substitute "ELECTIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SCR12-002** be postponed indefinitely.

SENATE SERVICES REPORT

Correctly Engrossed: SJM12-002; SJR12-035.
Correctly Reengrossed: SB12-026.

MESSAGE FROM THE HOUSE

April 17, 2012

The House has adopted and returns herewith SJM12-002.

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-171

by Senator(s) Shaffer B. and Brophy; also Representative(s) Becker--Concerning the creation of the Colorado conservation and recreation fund, and, in connection therewith, creating the Colorado conservation license plate.
Finance

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, HB12-1341, HB12-1342, HB12-1343, HB12-1344, and HB12-1335 were made Special Orders at 9:15 a.m.

Senate in recess. Senate reconvened.

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Committee of the Whole The hour of 9:15 a.m. having arrived, Senator Boyd moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Boyd was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1336 by Representative(s) Becker and Levy, Gerou; also Senator(s) Steadman and Lambert, Hodge--Concerning authorization of a prison utilization analysis, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 17, pages 759-760 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Steadman.

Amend the Appropriations Committee Report, dated April 17, 2012, page 2, line 4, strike "ISSUES" and substitute "LIMITATIONS".

Amend reengrossed bill, page 4, after line 11 insert:

"(3) THIS SECTION IS EXEMPT FROM THE REQUIREMENTS OF SECTION 2-3-303.3, C.R.S."

Renumber succeeding subsection accordingly.

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

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

Amendment No. 1(L.001), by Senators Guzman and Carroll.

Amend reengrossed bill, page 2, line 10, after the period add "THE DEPARTMENT SHALL ACTIVELY PURSUE OPTIONS TO SELL OR LEASE THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY, WHICH IS ALSO KNOWN AS COLORADO STATE PENITENTIARY II OR CSP II."

Amendment No. 1(L.002), by Senator Harvey.

Amend the Guzman and Carroll floor amendment (HB1337_L.001), page 1, strike line 5 and substitute "OR CSP II. ANY PROCEEDS RECEIVED AS A RESULT OF A SALE OR LEASE OF CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY SHALL BE FIRST APPLIED TO THE PAYMENT OF THE CERTIFICATES OF PARTICIPATION.".

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

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

HB12-1338 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the transfer of general fund surplus moneys to the state education fund at the end of certain fiscal years.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 760 and placed in members' bill files.)

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

HB12-1339 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning the Colorado benefits management system improvement and modernization
project, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 760 and placed in members' bill files.)

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

HB12-1340 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning a reduction in the general fund portion of the per diem rates paid to nursing
facilities, and, in connection therewith, reducing an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 763 and placed in members' bill files.)

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

HB12-1341 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the repeal of the statewide strategic use fund.

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

HB12-1342 by Representative(s) Levy, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert--
Concerning a work therapy program in the department of human services, and, in
connection therewith, making an appropriation.

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

HB12-1343 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the transfer of moneys from the state rail bank fund to the general fund.

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

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave
to sit again at 1:30 p.m. A majority of those elected to the Senate having voted in the
affirmative, the motion was adopted.

Committee of the Whole in recess.

Senate in recess. Senate reconvened.

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Committee of the Whole reconvened.

HB12-1335 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, pages 755-759 and placed in members' bill files.)

Amendment No. 2(J.104), by Senators Brophy, Cadman, Schwartz, Tochtrop, Jahn, Renfroe, Scheffel, and Grantham.

Amend the Appropriations Committee Report, dated April 17, 2012, page 6, strike lines 13 through 16.

PURPOSE: Maintains that portion of House Amendment #18 (J.054) which increased the appropriation to the Water Resources Division in the Department of **Natural Resources** by \$100,000 General Fund to supplement moneys used to reimburse water commissioners for vehicle per-mile costs.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Natural Resources	\$100,000	\$0	\$0	\$0	\$100,000	0.0

Amendment No. 3(J.095), by Senators Boyd, Aguilar, Carroll, Giron, Tochtrop.

Amend the Appropriations Committee Report, dated April 17, 2012, page 6, strike lines 17 through 20.

PURPOSE: Increases the appropriation to the Department of **Local Affairs** for the Colorado Affordable Housing Construction Grants and Loans program by \$200,000 General Fund, which was reduced by \$200,000 General Fund in the Senate Appropriations Committee Report.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Local Affairs	\$200,000	\$0	\$0	\$0	\$200,000	0.0

Amendment No. 4(J.113), by Senators Newell, Heath, Williams, Aguilar, Bacon, Boyd, Carroll, Giron, Schwartz, and Tochtrop.

Amend reengrossed bill page 23, line 13, in the ITEM & SUBTOTAL column strike "62,927,488" and substitute "60,927,488" and in the GENERAL FUND column strike "60,568,781" and substitute "58,568,781".

Page 268, after line 14 insert:

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
"Mental Health, Employment, Housing and Other Veterans Services ^{40a}	2,000,000	2,000,000".

Adjust affected totals accordingly.

Page 271, after line 8 insert:

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

40a Department of Military and Veterans Affairs, Division of Veterans Affairs, Mental Health, Employment, Housing and Other Veterans Services -- It is the intent of the General Assembly that these moneys be granted to non-profit or governmental entities that provide mental health, family counseling, job training, employment, housing, and other services to veterans; and that the Colorado Board of Veterans Affairs assist the Division in developing grant-making criteria and selecting grant recipients."

PURPOSE: Appropriates \$2.0 million General Fund to the Department of **Military and Veterans Affairs** for Mental Health, Employment, Housing and Other Veterans Services. Adds a footnote stating the General Assembly's intent that this money be granted to entities that provide mental health, family counseling, job training, employment, housing, and other services to veterans. Reduces by \$2.0 million the General Fund appropriation for private prisons in the Department of **Corrections**.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Corrections	(\$2,000,000)	\$0	\$0	\$0	(\$2,000,000)	0.0
Military and Veterans Affairs	2,000,000	0	0	0	2,000,000	0.0
	\$0	\$0	\$0	\$0	\$0	0.0

Amendment No. 5(J.094), by Senators Hudak, Jahn, Giron, and Tochtrop.

Amend reengrossed bill, page 54, line 13, in the ITEM & SUBTOTAL column strike "6,357,743" and substitute "357,743" and in the CASH FUNDS column strike "6,357,743" and substitute "357,743".

Adjust affected totals accordingly.

Page 60, line 2, in the GENERAL FUND column strike "2,487,067,253" and substitute "2,481,067,253" and in the CASH FUNDS column strike "514,387,293^d" and substitute "520,387,293^d".

Page 61, line 1, strike "\$189,922,411" and substitute "\$195,922,411".

Adjust affected totals accordingly.

Page 84, line 2, in the ITEM & SUBTOTAL column strike "1,295,168" and substitute "1,595,168" and in the GENERAL FUND column strike "84,522" and substitute "384,522".

Page 85, line 4, in the ITEM & SUBTOTAL column strike "1,092,280" and substitute "6,792,280" and in the GENERAL FUND column strike "1,013,764" and substitute "6,713,764".

Adjust affected totals accordingly.

PURPOSE: Increases General Fund appropriations for the **Governor's**

Office of Economic Development and International Trade by \$5.7 million for the Economic Development Commission, by \$0.3 million for Small Business Development Centers, and reduces funds for the Department of **Education's** development of science and social studies assessments and updating existing assessments by the same amount.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Education	(\$6,000,000)	\$0	\$0	\$0	(\$6,000,000)	0.0
Gov - EDC	5,700,000	0	0	0	5,700,000	0.0
Gov - SBDC	300,000	0	0	0	300,000	0.0
	\$0	\$0	\$0	\$0	\$0	0.0

Amendment No. 6(J.063), by Senator Nicholson.

Amend reengrossed bill, page 103, line 9, in the TOTAL column strike "3,996,326,887" and substitute "3,994,685,293", in the GENERAL FUND column strike "1,055,920,704(M)" and substitute "1,055,118,623(M)", in the CASH FUNDS column strike "651,221,580^b" and substitute "651,202,864^b", and in the FEDERAL FUNDS column strike "1,973,766,639" and substitute "1,972,945,842".

Adjust affected totals accordingly.

Page 104, line 1, strike "\$482,163,583" and substitute "\$482,144,867".

PURPOSE: Reduces the Department of **Health Care Policy and Financing** appropriation for Medical Service Premiums by a total of \$1.6 million, including \$802,081 General Fund, for the following changes to dental benefits: (1) limiting orthodontics coverage to cases where the client has a severely handicapping malocclusion; (2) requiring prior authorization review for preparatory diagnostics (casts, x-rays, etc); and, (3) converting from upfront reimbursements to installment payments for orthodontia.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Health Care Policy and Financing	(\$802,081)	(\$18,716)	\$0	(\$820,797)	(\$1,641,594)	0.0

Amendment No. 7(J.105), by Senator King S. and Spence.

Amend reengrossed bill, page 206, line 13, strike "3,000 hours" and substitute "2,204 hours", in the ITEM & SUBTOTAL column strike "231,750" and substitute "170,259", and in the GENERAL FUND column strike "231,750" and substitute "170,259".

Adjust affected totals accordingly.

Page 235, line 5, in the ITEM & SUBTOTAL column strike "3,035,765" and substitute "3,049,837" and in the GENERAL FUND column insert "14,072".

Adjust affected totals accordingly.

Page 238, line 12, in the ITEM & SUBTOTAL column strike "20,571,790" and substitute "20,510,299".

Page 239, line 1, in the TOTAL column strike "25,193,421" and substitute "25,131,930" and in the REAPPROPRIATED FUNDS column strike "24,912,845^b" and substitute "24,851,354^b".

Adjust affected totals accordingly.

Page 239, line 9, in the ITEM & SUBTOTAL column strike "2,803,273" and substitute "2,816,528" and in the GENERAL FUND column strike "1,378,032" and substitute "1,391,287".

Page 239, line 13, in the ITEM & SUBTOTAL column strike "2,677,889" and substitute "2,703,455" and in the GENERAL FUND column strike "2,164,263" and substitute "2,189,829".

Adjust affected totals accordingly.

Page 243, line 15, in the ITEM & SUBTOTAL column strike "2,158,697" and substitute "2,167,295" and in the GENERAL FUND column strike "919,506" and substitute "928,104".

Adjust affected totals accordingly.

PURPOSE: Increases the General Fund appropriation to the Department of Law by \$61,491 to reinstate a portion of the 1.0 percent base personal services reduction, including: \$14,072 for Administration, Personal Services; \$13,255 for the Special Prosecutions Unit; \$25,566 for the Appellate Unit; and \$8,598 for the Consumer Protection and Antitrust Unit. Reduces by \$61,491 the General Fund appropriation to the **Judicial** Department for the purchase of legal services, thereby reducing the number of hours of service that can be purchased from the Department of Law by 796. Makes an corresponding \$61,491 reduction in the Department of Law's reappropriated funds spending authority related to the provision of legal services to the Judicial Department.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Judicial	(\$61,491)	\$0	\$0	\$0	(\$61,491)	0.0
Law	61,491	0	(61,491)	0	0	0.0
	\$0	\$0	(\$61,491)	\$0	(\$61,491)	0.0

Amendment No. 8(J.096), by Senator Neville.

Amend reengrossed bill, page 262, line 10, strike "Recovery" and substitute "Recovery^{40a}".

Page 264, after line 1 insert:

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

40a Department of Local Affairs, Division of Emergency Management, Disaster Response and Recovery -- It is the intent of the General Assembly that a portion of these funds be utilized to offset the impacts of the Lower North Fork Fire and that the Governor designate moneys in the Controlled Maintenance Trust Fund for this purpose."

PURPOSE: Adds a footnote to the Department of **Local Affairs** clarifying the General Assembly's intent that the Governor designate via Executive Order that Controlled Maintenance Trust Fund dollars be transferred to the Disaster Emergency Fund and spent to offset the impacts of the Lower North Fork Fire.

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Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Local Affairs	\$0	\$0	\$0	\$0	\$0	0.0

Amendment No. 9(J.097), by Senator Carroll.

Amend reengrossed bill, page 273, line 13, in the ITEM & SUBTOTAL column strike "3,103,483" and substitute "3,106,375" and in the CASH FUNDS column strike "2,720,167^b" and substitute "2,723,059^b".

Adjust affected totals accordingly.

Page 274, line 13, strike "\$26,446,186" and substitute "\$26,449,078".

Page 280, line 7, in the ITEM & SUBTOTAL column strike "6,468,382" and substitute "6,793,342" and in the CASH FUNDS column strike "6,468,382^a" and substitute "6,793,342^a".

Page 280, line 8, in the CASH FUNDS column strike "(74.0 FTE)" and substitute "(78.0 FTE)".

Adjust affected totals accordingly.

Page 281, line 8, strike "\$3,256,350" and substitute "\$3,581,310".

PURPOSE: Increases the cash funds and FTE appropriation to the Department of **Natural Resources** to allow the Oil and Gas Conservation Commission to hire four additional field inspectors for FY 2012-13.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Natural Resources	\$0	\$327,852	\$0	\$0	\$327,852	4.0

Amendment No. 10(J.089), by Senators Morse and Cadman.

Amend reengrossed bill, page 471, line 14 strike "Relocation to 1525 Sherman Street" and substitute "Relocation to 1525 Sherman Street, Legislative Department 6th and 7th Floors, Executive Department Remaining Floors".

PURPOSE: Clarifies the project name for the Capital Construction Fund appropriation to the Department of **Personnel and Administration** for the relocation to 1525 Sherman Street to indicate that the 6th and 7th floors will be occupied by the Legislative Department while the remaining floors will be occupied by the Executive Department.

Fiscal Impact of Amendment							
Department	GF	CCF	CF	RF	FF	Total	FTE
Personnel and Administration	\$0	\$0	\$0	\$0	\$0	\$0	0.0

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.)

HB12-1344 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning transfers of moneys relating to capital construction.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 17, page 760 and placed in members' bill files.)

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

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

Senator Steadman moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 12-1337 did pass.

Amend reengrossed bill, page 2, line 8, after "HOUSE" insert "COLORADO".

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

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	E
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	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.	N	Roberts	Y		

HB12-1335 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.

Senator Foster moved to amend the Report of the Committee of the Whole to show that the following Foster floor amendment, (Amendment 2 - J.092) to HB 12-1335, did pass.

Amend the Appropriations Committee Report, dated April 17, 2012, page 1, line 3, strike "\$13,000,000;" and substitute "\$12,805,014;".

Page 1 of the committee report, line 5, strike ""\$87,500,000"." and substitute ""\$87,694,986".".

Page 1 of the committee report, line 13, strike "\$13,000,000," and substitute "\$12,805,014,".

Page 8 of the committee report, after line 8 insert:

"Page 103 of the bill, line 9, in the TOTAL column strike "3,996,326,887" and substitute "3,996,716,859", in the GENERAL

FUND column strike "1,055,920,704(M)" and substitute "1,056,115,690(M)", and in the FEDERAL FUNDS column strike "1,973,766,639" and substitute "1,973,961,625".

Adjust affected totals accordingly."

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar		Y Guzman		Y Lambert		N Scheffel	E
Bacon		Y Harvey		N Lundberg		N Schwartz	Y
Boyd		Y Heath		Y Mitchell		N Spence	N
Brophy		Y Hodge		N Morse		N Steadman	N
Cadman		N Hudak		Y Neville		N Tochtrop	N
Carroll		Y Jahn		N Newell		Y White	N
Foster		Y Johnston		Y Nicholson		Y Williams S.	Y
Giron		Y King K.		N Renfroe		N President	Y
Grantham		N King S.		N Roberts		N	

Senators Williams, Newell, Bacon, and Heath moved to amend the Report of the Committee of the Whole to show that the following Newell, Heath, Williams, Aguilar, Bacon, Boyd, Carroll, Giron, Schwartz, and Tochtrop floor amendment, (Amendment 6 - J.107) to HB 12-1335, did pass.

Amend the Appropriations Committee Report, dated April 17, 2012, page 1, line 3, strike "\$13,000,000;". and substitute "\$11,000,000;".

Page 1 of the committee report, line 5, strike ""\$87,500,000"." and substitute ""\$89,500,000".".

Page 1 of the committee report, line 13, strike "\$13,000,000," and substitute "\$11,000,000,".

Page 8 of the committee report, after line 8 insert:

"Page 268 of the reengrossed bill, after line 14 insert:

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
Mental Health, Employment, Housing and Other Veterans Services ^{40a}	2,000,000	2,000,000".

Adjust affected totals accordingly.

Page 271 of the reengrossed bill, after line 8 insert:

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

40a Department of Military and Veterans Affairs, Division of Veterans Affairs, Mental Health, Employment, Housing and Other Veterans Services -- It is the intent of the General Assembly that these moneys shall be granted to non-profit or governmental entities that provide mental health, family counseling, job training, employment, housing, and other services to veterans; and that the Colorado Board of Veterans Affairs shall assist the

Division in developing grant-making criteria and selecting grant recipients".

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	E
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	N	Morse	N	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

Senators Lambert, Hodge, and Steadman moved to amend the Report of the Committee of the Whole to show that the following Boyd, Aguilar, Carroll, Giron, and Tochtrop floor amendment, (Amendment 11 - J.095) to HB 12-1335, did not pass.

Amend the Appropriations Committee Report, dated April 17, 2012, page 6, strike lines 17 through 20.

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	E
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	N	Steadman	Y
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		

Senators Lambert, Hodge, and Steadman moved to amend the Report of the Committee of the Whole to show that the following Newell, Heath, Williams, Aguilar, Bacon, Boyd, Carroll, Giron, Schwartz, and Tochtrop floor amendment, (Amendment 13 - J.113) to HB 12-1335, did not pass.

Amend reengrossed bill page 23, line 13, in the ITEM & SUBTOTAL column strike "62,927,488" and substitute "60,927,488" and in the GENERAL FUND column strike "60,568,781" and substitute "58,568,781".

Page 268, after line 14 insert:

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
"Mental Health, Employment, Housing and Other Veterans Services ^{40a}	2,000,000	2,000,000".

Adjust affected totals accordingly.

Page 271, after line 8 insert:

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

40a Department of Military and Veterans Affairs, Division of Veterans Affairs, Mental Health, Employment, Housing and Other Veterans Services -- It is the intent of the General Assembly that these moneys be granted to non-profit or governmental entities that provide mental health, family counseling, job training, employment, housing, and other services to veterans; and that the Colorado Board of Veterans Affairs assist the Division in developing grant-making criteria and selecting grant recipients."

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

YES	16	NO	18	EXCUSED	1	ABSENT	0	
Aguilar		N	Guzman	N	Lambert	Y	Scheffel	E
Bacon		N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd		N	Heath	N	Mitchell	Y	Spence	Y
Brophy		Y	Hodge	Y	Morse	N	Steadman	Y
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		

Senator Cadman moved to amend the Report of the Committee of the Whole to show that the following Cadman, Grantham, White, Renfroe, Brophy, Scheffel, Lundberg, and King S. floor amendment, (Amendment 18 - J.111) to HB 12-1335, did pass.

Amend reengrossed bill, page 165, line 2, strike "Service" and substitute "Service^{26a}".

Page 201, after line 2 insert:

26a Department of Human Services, Office of Self Sufficiency, Special Purpose Welfare Programs, Electronic Benefits Transfer Service -- In order to comply with the federal Middle Class Tax Relief and Job Creation Act of 2012 and to avert a loss in federal funding, it is the intent of the General Assembly that the Department of Human Services ensure that cash assistance is not withdrawn from ATMs located in casinos, strip clubs, or liquor stores."

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

YES	14	NO	20	EXCUSED	1	ABSENT	0	
Aguilar	N	Guzman	N	Lambert	N	Scheffel	E	1
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N	2
Boyd	N	Heath	N	Mitchell	N	Spence	N	3
Brophy	Y	Hodge	N	Morse	N	Steadman	N	4
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	N	5
Carroll	N	Jahn	N	Newell	Y	White	Y	6
Foster	N	Johnston	N	Nicholson	N	Williams S.	N	7
Giron	N	King K.	Y	Renfroe	Y	President	Y	8
Grantham	Y	King S.	Y	Roberts	Y			9

Senators Lambert, Hodge, and Steadman moved to amend the Report of the Committee of the Whole to show that the following Carroll floor amendment, (Amendment 21 - J.097) to HB 12-1335, did not pass.

Amend reengrossed bill, page 273, line 13, in the ITEM & SUBTOTAL column strike "3,103,483" and substitute "3,106,375" and in the CASH FUNDS column strike "2,720,167^b" and substitute "2,723,059^b".

Adjust affected totals accordingly.

Page 274, line 13, strike "\$26,446,186" and substitute "\$26,449,078".

Page 280, line 7, in the ITEM & SUBTOTAL column strike "6,468,382" and substitute "6,793,342" and in the CASH FUNDS column strike "6,468,382^a" and substitute "6,793,342^a".

Page 280, line 8, in the CASH FUNDS column strike "(74.0 FTE)" and substitute "(78.0 FTE)".

Adjust affected totals accordingly.

Page 281, line 8, strike "\$3,256,350" and substitute "\$3,581,310".

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

YES	16	NO	18	EXCUSED	1	ABSENT	0	
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	E	1
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N	2
Boyd	N	Heath	N	Mitchell	Y	Spence	Y	3
Brophy	Y	Hodge	Y	Morse	N	Steadman	Y	4
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N	5
Carroll	N	Jahn	N	Newell	N	White	Y	6
Foster	N	Johnston	N	Nicholson	N	Williams S.	N	7
Giron	N	King K.	Y	Renfroe	Y	President	N	8
Grantham	Y	King S.	Y	Roberts	Y			9

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

Senators Steadman and Harvey moved to amend the Report of the Committee of the Whole to show that the following new amendment to HB 12-1337 did pass, and that the Steadman COW Amendment (COW.001) to HB 12-1337 did not pass.

New Amendment

Amend reengrossed bill, page 2, strike line 8 and substitute "OPERATED BY THE DEPARTMENT FOR THE PURPOSE OF HOUSING INMATES IN THE HOUSING UNITS BUT, IF NECESSARY, MAY".

Steadman COW Amendment

Amend reengrossed bill, page 2, line 8, after "HOUSE" insert "COLORADO".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	E
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 Boyd, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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

The Committee of the Whole took the following action:

Passed on second reading: HB12-1336 as amended, HB12-1337 as amended, HB12-1338 as amended, HB12-1339 as amended, HB12-1340 as amended, HB12-1341, HB12-1342, HB12-1343, HB12-1335 as amended, HB12-1344 as amended.

MESSAGE FROM THE HOUSE

April 18, 2012

The House has adopted and returns herewith SJR12-029.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1293, 1045.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB12-1161, amended as printed in House Journal, March 29, page 845.
 HB12-1328, amended as printed in House Journal, April 5, page 892,
 and amended on Third Reading as printed in House Journal, April 18.
 HB12-1326, amended as printed in House Journal, April 5, page 934.
 HB12-1048, amended as printed in House Journal, April 5, pages 965-966.
 HB12-1317, amended as printed in House Journal, April 5, pages 966-967.
 HB12-1213, amended as printed in House Journal, April 5, page 999.
 HB12-1332, amended as printed in House Journal, April 5, pages 999-1000.
 HB12-1294, amended as printed in House Journal, April 5, pages 1010-1012.
 HB12-1281, amended as printed in House Journal, April 5, pages 1012-1013.
 HB12-1037, amended as printed in House Journal, April 5, page 1013.
 HB12-1311, amended as printed in House Journal, April 5, page 1014.
 HB12-1314, amended as printed in House Journal, April 5, page 1014.

The House has passed on Third Reading and returns herewith SB12-134, 013, 124
 110, 156, 158.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
 SB12-128, amended as printed in House Journal, April 5, page 892.
 SB12-036, amended as printed in House Journal, April 5, pages 893-894,
 and amended on Third Reading as printed in House Journal, April 18.

MESSAGE FROM THE REVISOR OF STATUTES

April 18, 2012

We herewith transmit:

Without comment, HB12-1045 and 1293.
 Without comment, as amended, HB12-1037, 1048, 1161, 1213, 1281, 1294, 1311, 1314,
 1317, 1326, 1328, and 1332.
 Without comment, as amended, SB12-036 and 128.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB12-172** by Senator(s) Johnston and Spence, Bacon, Heath, Hudak; --Concerning student
 assessments adopted by the state board.
 Education
- 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.
 Health and Human Services
- HB12-1037** by Representative(s) Becker; also Senator(s) Tochtrop--Concerning the classification of the
 sales of certain items used in agricultural production as wholesale sales.
 Agriculture, Natural Resources, and Energy
 Finance
 Appropriations

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HB12-1045	by Representative(s) Bradford; also Senator(s) King S.--Concerning sales and use tax exemptions for the sale and use of wood from trees harvested in Colorado damaged by beetles.	1
	Agriculture, Natural Resources, and Energy	2
	Finance	3
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HB12-1048	by Representative(s) Waller; also Senator(s) Tochtrop--Concerning relieving the Colorado bureau of investigation of its statutory duties as a point of contact for the national instant criminal background check system in cases of firearm transfers, and in connection therewith, reducing appropriations.	8
	State, Veterans & Military Affairs	9
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HB12-1161	by Representative(s) Looper; also Senator(s) King K.--Concerning scientific review of water quality rules regulating nutrients.	15
	Agriculture, Natural Resources, and Energy	16
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HB12-1213	by Representative(s) Fields; also Senator(s) King S.--Concerning the penalty for a person who escapes from a place of confinement other than a county jail or correctional facility.	20
	Judiciary	21
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HB12-1281	by Representative(s) Young and Gerou, Ferrandino, Fields, Kefalas, Kerr A., McCann, Peniston, Schafer S.; also Senator(s) Steadman and Roberts--Concerning a pilot program establishing new payment methodologies in medicaid, and, in connection therewith, making an appropriation.	25
	Health and Human Services	26
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HB12-1293	by Representative(s) Todd, Court, Ferrandino, Liston, Murray; also Senator(s) King K.--Concerning modifications to procedures that govern recall elections.	32
	State, Veterans & Military Affairs	33
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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.	37
	Business, Labor and Technology	38
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HB12-1311	by Representative(s) Summers, Acree, Brown, Fields, Joshi, Kefalas, McCann, Schafer S., Young; also Senator(s) Boyd--Concerning continuation of the state board of pharmacy, and, in connection therewith, implementing the recommendations contained in the sunset review and report regarding the board and recodifying the laws regulating pharmacists, the practice of pharmacy, and the manufacture, distribution, and dispensing of prescription drugs and controlled substances, and making an appropriation.	44
	Health and Human Services	45
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HB12-1314	by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning an exception to the requirement to file an oil and gas severance tax return for a person who has less than a certain amount withheld, and, in connection therewith, making an appropriation.	53
	Agriculture, Natural Resources, and Energy	54
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HB12-1317	by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the creation of the parks and wildlife commission to replace the parks and wildlife board in the department of natural resources, and, in connection therewith, describing the composition and terms of the commission, and reducing appropriations.	59
	Agriculture, Natural Resources, and Energy	60
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HB12-1326	by Representative(s) Acree and Kefalas; also Senator(s) Spence and Nicholson--Concerning assistance to the elderly, and, in connection therewith, making an appropriation. Finance	1 2 3 4 5
HB12-1328	by Representative(s) Priola, Ferrandino, DelGrosso, Murray, Sonnenberg; also Senator(s) Giron--Concerning exclusion from the "Uniform Consumer Credit Code" of certain charges by persons regularly engaged in making contracts for purchase of tangible personal property in the course of business if those charges do not exceed amounts permitted by law. Business, Labor and Technology	6 7 8 9 10 11 12
HB12-1332	by Representative(s) Balmer, Liston, Hullinghorst, Joshi, Kerr J., Peniston, Schafer S., Young, Ramirez; also Senator(s) Guzman, Boyd, King S., Morse, Newell--Concerning licensure of anesthesiologist assistants. Health and Human Services	13 14 15 16 17 18 19
INTRODUCTION OF RESOLUTIONS		
The following resolutions were read by title and referred to the committees indicated:		
SJR12-037	by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning the need for adequate and reliable long-term sources of funding for the statewide transportation system. Transportation	20 21 22 23 24 25 26 27 28 29
SJR12-038	by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the 75th anniversary of Wildlife and Sport Fish Restoration Programs. Laid over one day under Senate Rule 30(b).	30 31 32 33 34 35
SJR12-039	by Senator(s) Scheffel; also Representative(s) Massey--Concerning the designation of September 27, 2012, as "First Responder Appreciation Day". Laid over one day under Senate Rule 30(b).	36 37 38 39 40 41
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. Laid over one day under Senate Rule 30(b).	42 43 44 45 46 47 48 49 50
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. Laid over one day under Senate Rule 30(b).	51 52 53 54 55 56
SJR12-042	by Senator(s) Guzman and White; also Representative(s) Murray and Pabon--Concerning the designation of April as "Donate Life Colorado" month. Laid over one day under Senate Rule 30(b).	57 58 59 60 61 62
SJR12-043	by Senator(s) White, Foster, Guzman, Hudak, Jahn, King S., Lundberg, Newell, Nicholson, Roberts, Scheffel, Shaffer B., Spence, Tochtrop, Williams S.; also Representative(s) Murray--Concerning ovarian cancer in Colorado. Laid over one day under Senate Rule 30(b).	63 64 65 66 67

SJR12-044 by Senator(s) Grantham; also Representative(s) Becker--Concerning the 25th anniversary of the Arkansas Valley Correctional Facility.

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

INTRODUCTION OF MEMORIALS

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

SJM12-003 by Senator(s) Lundberg, Harvey, Grantham, Mitchell, Renfroe, King S., Cadman, King K., Newell, Roberts, Spence, Giron, Brophy, Jahn, Lambert, Neville, Scheffel, White; also Representative(s) DelGrosso, Liston--Memorializing Congress to modify certain reporting procedures for small nonprofit organizations to require the Internal Revenue Service to adequately notify such organizations of the procedures and to allow such organizations to remedy reporting deficiencies.

State, Veterans & Military Affairs

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, April 18 was laid over until Thursday, April 19, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: HCR12-1001.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1258, SB12-166.

General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027, SB12-028, HB12-1153, SB12-106, HB12-1140, SB12-135.

Consideration of Resolutions: SJR12-023, SJR12-032, SJR12-034, SJR12-036, HJR12-1017.

Consideration of Memorials: SM12-003.

Consideration of Governor's Appointments:

Members of the Colorado School of Mines, Board of Trustees.

Members of the Board of Assessment Appeals.

Member of the State Electrical Board.

Members of the Colorado Commission on Judicial Discipline.

Members of the State Board of the Great Outdoors Colorado Trust Fund.

Members of the Energy and Mineral Impact Assistance Advisory Committee.

Members of the Colorado Channel Authority Board of Directors.

Members of the Ground Water Commission.

Members of the State Board of Land Commissioners.

Members of the Colorado Tourism Office Board of Directors.

Members of the Board of Trustees for the University of Northern Colorado.

Member of the Board of Governors of the Colorado State University System.

Members of the Air Quality Control Commission.

Member of the Hospital Provider Fee Oversight and Advisory Board.

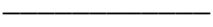
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.

Requests for Conference Committee: HB12-1168.

TRIBUTES

Honoring:

- Dana Tepol, 2012 Bill Daniels Ethics in Business Award -- by Senator Hudak.
- Denver Gay Men's Chorus, 30th Anniversary -- by Senator Steadman.
- Recognition of the American School Band Directors Association -- by Senator Harvey.
- Littleton Depot Art Center & Gallery, 50th Year Anniversary -- by Senator Newell.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 19, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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