

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

80th Legislative Day Friday, March 30, 2012

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Prayer	By the chaplain, Elder Larry Henry, Word Alive Ministries, Thornton.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Rex, Lucy, and Ozzie Foster, grandchildren of Senator Foster.	15
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Roll Call	Present--34	17
	Excused--1, Aguilar.	18
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Guzman, reading of the Journal of Thursday, March 29, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

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Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	31
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**MEMBERS OF THE
OIL AND GAS CONSERVATION COMMISSION
 OF THE STATE OF COLORADO**

for terms expiring July 1, 2015: 36

John H. Benton of Littleton, Colorado, to serve as a member with substantial experience in the oil and gas industry and with a college degree in petroleum geology or petroleum engineering, and as a Republican, appointed; 37

Winston Perry Pearce of Denver, Colorado, to serve as a member with substantial experience in the oil and gas industry and as a Democrat, appointed. 38

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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SJR12-024 be referred to the Senate for final action.	51
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Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	57
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**MEMBER OF THE
CHARTER SCHOOL INSTITUTE BOARD**

for a term expiring July 1, 2012: 59

Donahue Cassius Quashie of Colorado Springs, Colorado, as a representative of a parent of a student who is, or who has been, enrolled in an institute charter school, and occasioned by the resignation of John G. Schlichting of Greenwood Village, Colorado, appointed. 60

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR COLORADO MESA UNIVERSITY

for a term to expire December 31, 2013:

Robert Glenn Wilson of Grand Junction, Colorado, a Republican and resident of Mesa County and occasioned by the resignation of Jerome Gonzales of Grand Junction, a Democrat, appointed.

for terms expiring December 31, 2015:

Joan D. Ringel of Denver, Colorado, an Unaffiliated, appointed;

Paula Herzmark of Cherry Hills Village, a Democrat, appointed.

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

MEMBER OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for a term expiring December 31, 2015:

Steven Ray Short of Durango, Colorado to serve as a Republican, appointed.

Education After consideration on the merits, the Committee recommends that **SB12-160** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, line 10, strike "one" and substitute "~~one~~ KINDERGARTEN".

Page 4, strike line 5 and substitute "WITH DISABILITIES;".

Page 1, line 101, strike "EDUCATION." and substitute "PUBLIC EDUCATION ADVISORY COMMITTEES.".

Education After consideration on the merits, the Committee recommends that **HB12-1146** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 24 through 27 and substitute:

"SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

Page 6, strike lines 1 through 6.

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Health &
Human
Services

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

MEMBER OF THE
HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2014:

Roger L. Freeman of Denver, Colorado, to serve as a representative of the academic community and as a Democrat, reappointed;

Aleksandr "Alek" M. Orloff of Denver, Colorado, to serve as a public member and as an Unaffiliated, reappointed;

John Harrison Kehoe of Centennial, Colorado, to serve as a representative of the regulated community and as an Unaffiliated, appointed.

Health &
Human
Services

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

MEMBERS OF THE
COVERCOLORADO BOARD OF DIRECTORS

for terms expiring July 1, 2015:

Gary S. Carlson of Castle Rock, Colorado, representing individuals who are currently insured under the program, reappointed;

Carrie S. Etherton of Denver, Colorado, an individual who is currently insured or who has been insured under the program, appointed.

for a term expiring July 1, 2013:

Christopher Jon Miller of Denver, Colorado, a representative of an insurance carrier, and occasioned by the resignation of John W. Martie of Littleton, Colorado, appointed.

Health &
Human
Services

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

Amend printed bill, page 4, strike lines 2 through 5 and substitute "POSTPARTUM PERIOD."

Page 4, strike lines 10 through 19 and substitute "PREGNANCY AND POSTPARTUM PERIOD SHALL INCLUDE:

- (I) ORAL HYGIENE EDUCATION AND INSTRUCTION;
- (II) ORAL EXAMINATION AND DIAGNOSIS, AS NEEDED;
- (III) PROPHYLAXIS;
- (IV) DEBRIDEMENT;
- (V) ROOT PLANING AND SCALING, WITHOUT PRIOR AUTHORIZATION;
- (VI) CARIOSTATIC AGENTS, WHEN RECOMMENDED BY THE TREATING DENTIST;
- (VII) RADIOGRAPHS, AS NEEDED;
- (VIII) DENTAL RESTORATION, INCLUDING AMALGAM AND COMPOSITE FILLINGS; AND
- (IX) EXTRACTIONS."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-139** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, add 26-2-138 as follows:

26-2-138. Colorado job support act - pilot program - legislative declaration - definitions - fund - notice of funding through gifts, grants, and donations - repeal. (1) **Short title.** THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO JOB SUPPORT ACT".

(2) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) A PARADOX EXISTS FOR COLORADO'S LOW-WAGE WORKERS WHO SEEK SERVICES FROM THE STATE'S SAFETY NET PROGRAMS IN THAT, WHILE THEY MAY INITIALLY QUALIFY FOR PUBLIC ASSISTANCE OR "WORK SUPPORT" BENEFITS THROUGH TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, MEDICAID, OR THE COLORADO CHILD CARE ASSISTANCE PROGRAM TO HELP COVER THE COST OF BASIC NECESSITIES, AS THEY INCREASE THEIR EARNINGS THEY BEGIN TO LOSE THESE SUBSIDIES. THE LOSS OF A SUBSIDY IS GENERALLY MORE OF A FINANCIAL SETBACK THAN THE VALUE OBTAINED FROM AN INCREASE IN PAY. UNDER THESE CIRCUMSTANCES, WORKERS CAN EARN MORE WHILE SEEING THEIR FINANCIAL SITUATION DETERIORATE. THIS PHENOMENON IS CHARACTERIZED AS THE "CLIFF EFFECT", AND IT IS A BARRIER TO ECONOMIC SELF-SUFFICIENCY AS WELL AS A PERVERSE INCENTIVE TO MAINTAIN EMPLOYMENT AT AN ECONOMIC LEVEL OF POVERTY.

(b) IT IS IN THE PUBLIC INTEREST FOR LOW-WAGE WORKERS TO PURSUE ECONOMIC OPPORTUNITY, WHICH BENEFITS THE INDIVIDUAL, THE FAMILY, THE COMMUNITY, AND THE STATE.

(c) IT IS IMPORTANT FOR THE DEPARTMENT OF HUMAN SERVICES TO CREATE FOR THE STATE-SUPERVISED, COUNTY ADMINISTERED COLORADO WORKS PROGRAM A PERFORMANCE MEASUREMENT SYSTEM OF DESIRED GOALS, SPECIFIC MEASURES, PERFORMANCE TARGETS, REVIEW PROCEDURES, IDENTIFIABLE OUTCOMES, AND, WHEN AVAILABLE, INCENTIVES.

(d) CURRENTLY, THE COLORADO WORKS PROGRAM LISTS THE FEDERAL WORK PARTICIPATION AS THE PRIMARY PERFORMANCE MEASURE, SO THERE IS A NEED TO ADD OTHER PERFORMANCE MEASURES BASED UPON CULTURALLY RELEVANT, LOCALLY GENERATED, PROMISING PRACTICES THAT LEAD TO PARTICIPANT SUCCESS IN THE LABOR MARKET, IN FAMILY STABILIZATION, IN THE INTERRUPTION OF THE CYCLE OF POVERTY, AND IN OTHER EVIDENCE-BASED RESULTS STEMMING FROM THE USE OF GOVERNMENTAL DOLLARS OR SERVICES.

(e) THE PROVISIONS OF THIS SECTION ARE DESIGNED TO SUPPORT LOW-WAGE WORKERS AS THEY MOVE FROM THE NEED FOR WORK SUPPORT TOWARD ECONOMIC SELF-SUFFICIENCY, WHICH IS THE AMOUNT OF INCOME REQUIRED FOR FAMILIES AND INDIVIDUALS TO MEET THEIR BASIC NEEDS. THE PILOT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION WILL PREPARE THESE WORKERS AS THEY MAKE THE TRANSITION AWAY FROM PUBLIC ASSISTANCE AND WILL CREATE OPPORTUNITIES FOR THEM TO PLAN AND IMPLEMENT THEIR INDIVIDUAL PATHS TO ECONOMIC SELF-SUFFICIENCY.

(3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CLIFF EFFECT" MEANS THE PARADOX THAT DISCOURAGES PERSONS WHO ARE RECEIVING PUBLIC ASSISTANCE OR SERVICES FROM ACCEPTING INCREASES IN WAGES OR INCOME BECAUSE THEY MAY LOSE CONSIDERABLY MORE IN PUBLIC ASSISTANCE OR SERVICES THAN THE INCREASE IN WAGES OR INCOME.

(b) "COMMITTEE" MEANS THE COLORADO JOB SUPPORT ACT COMMITTEE ESTABLISHED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(c) "FUND" MEANS THE COLORADO JOB SUPPORT PROGRAM FUND ESTABLISHED PURSUANT TO SUBSECTION (7) OF THIS SECTION.

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(d) "PILOT PROGRAM" MEANS THE COLORADO JOB SUPPORT PILOT PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(4) **Pilot program.** SUBJECT TO THE RECEIPT OF SUFFICIENT GIFTS, GRANTS, OR DONATIONS, THERE IS HEREBY ESTABLISHED IN THE STATE DEPARTMENT THE COLORADO JOB SUPPORT PILOT PROGRAM TO PROVIDE GRANTS TO COUNTIES, NONPROFIT ENTITIES, OR OTHER COMMUNITY-BASED ORGANIZATIONS TO ESTABLISH PILOT PROGRAMS TO ADDRESS ONE OR BOTH OF THE FOLLOWING:

(a) POST-EMPLOYMENT TRANSITION PROGRAMS THAT ADDRESS THE CLIFF EFFECT AS A SIGNIFICANT BARRIER FOR LOW-WAGE WORKERS MAKING A TRANSITION AWAY FROM THE COLORADO WORKS PROGRAM; OR

(b) SUBSIDIZED JOB-TRAINING PROGRAMS DESIGNED TO ASSIST UNEMPLOYED AND LOW-SKILLED AND MIDDLE-SKILLED WORKERS TO GAIN NECESSARY JOB SKILLS THROUGH ON-THE-JOB TRAINING AND WORK EXPERIENCE.

(5) **Committee.** (a) THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE COLORADO JOB SUPPORT PROGRAM COMMITTEE THAT SHALL CONSIST OF THE FOLLOWING NINE MEMBERS:

(I) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR HIS OR HER DESIGNEE, WHO SHALL SERVE AS THE CHAIR OF THE COMMITTEE, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, OR HIS OR HER DESIGNEE. THE EXECUTIVE DIRECTORS SHALL SERVE AS EX OFFICIO AND NONVOTING MEMBERS OF THE COMMITTEE.

(II) SEVEN MEMBERS APPOINTED, PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5), BY THE STATE BOARD AS FOLLOWS:

(A) THREE MEMBERS WHO REPRESENT COUNTIES, AT LEAST ONE OF WHOM IS A COUNTY COMMISSIONER; AND

(B) FOUR MEMBERS WHO REPRESENT PARTICIPANT ADVOCATES, PARTICIPANTS, OR FORMER PARTICIPANTS OF THE COLORADO WORKS PROGRAM, AT LEAST ONE OF WHOM IS A CURRENT OR FORMER PARTICIPANT OF THE COLORADO WORKS PROGRAM.

(b) IN MAKING APPOINTMENTS TO THE COMMITTEE, THE STATE BOARD SHALL SOLICIT APPLICATIONS FROM COUNTY DEPARTMENTS, ADVOCACY AGENCIES, AND OTHER INTERESTED PERSONS THROUGHOUT THE STATE. THE STATE DEPARTMENT SHALL ASSIST THE STATE BOARD IN REVIEWING THE APPLICATIONS RECEIVED AND IN SELECTING APPOINTEES. THE STATE BOARD SHALL ALSO SEEK APPOINTMENT RECOMMENDATIONS FROM A STATEWIDE ASSOCIATION THAT REPRESENTS COUNTIES IN COLORADO AND FROM PARTICIPANT ADVOCATES OF THE COLORADO WORKS PROGRAM. THE STATE BOARD SHALL, TO THE EXTENT PRACTICABLE, ENSURE THAT THE PERSONS APPOINTED TO THE COMMITTEE ARE SELECTED FROM AREAS THROUGHOUT THE STATE AND REPRESENT THE STATE'S RACIAL, ETHNIC, AND GENDER DIVERSITY. THE STATE BOARD MAY PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(c) (I) THE APPOINTED MEMBERS OF THE COMMITTEE SHALL SERVE FIVE-YEAR TERMS. THE STATE BOARD MAY APPOINT THE SAME PERSON TO SERVE MULTIPLE CONSECUTIVE TERMS.

(II) THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO COMPLETE ITS DUTIES AND SHALL ADOPT SUCH OPERATIONAL PROCEDURES AS MAY BE NECESSARY.

(III) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES; EXCEPT THAT THE COMMITTEE MEMBERS WHO ARE NOT PUBLIC EMPLOYEES MAY RECEIVE REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN SERVING AS MEMBERS OF THE COMMITTEE.

(IV) THE APPOINTED MEMBERS OF THE COMMITTEE MAY BE REMOVED BY THE STATE BOARD FOR CAUSE. IF A VACANCY ARISES AMONG THE APPOINTED MEMBERS OF THE COMMITTEE, THE STATE BOARD SHALL FILL THE VACANCY BY APPOINTMENT FOR THE REMAINDER OF THE TERM.

(d) THE COMMITTEE SHALL ADVISE THE STATE DEPARTMENT REGARDING THE PROCESS AND PROCEDURES FOR AWARDED GRANTS FROM THE FUND. THE COMMITTEE SHALL ALSO RECOMMEND ENTITIES TO RECEIVE GRANTS AND THE AMOUNT OF THE GRANTS.

(e) (I) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2018.

(II) PRIOR TO THE REPEAL OF THIS SUBSECTION (5), THE COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

(6) **Process.** (a) AFTER RECEIVING RECOMMENDATIONS FROM THE COMMITTEE, THE STATE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS FOR COUNTIES, NONPROFIT ENTITIES, OR OTHER COMMUNITY ORGANIZATIONS INTERESTED IN PARTICIPATING IN THE PILOT PROGRAM AND THE CRITERIA TO BE USED TO SELECT WHICH ENTITIES RECEIVE GRANTS. THE CRITERIA SHALL GIVE PREFERENCE TO AN APPLICATION THAT:

(I) MEETS AT LEAST ONE OF THE PURPOSES OF THE COLORADO WORKS PROGRAM SPECIFIED IN SECTION 26-2-705;

(II) UTILIZES EVIDENCE-BASED STRATEGIES THAT HAVE DEMONSTRATED EFFECTIVENESS IN ACHIEVING ONE OF MORE OF THE FOLLOWING GOALS:

(A) JOB ACQUISITION, RETENTION, AND ADVANCEMENT;

(B) MITIGATION OR AVOIDANCE OF THE CLIFF EFFECT;

(C) FINANCIAL LITERACY; OR

(D) EFFECTIVE CASE MANAGEMENT;

(III) SUPPORTS STRATEGIC ALLIANCES BETWEEN COUNTIES, NONPROFIT SERVICE PROVIDERS, ENGAGED EMPLOYERS, JOB TRAINING ORGANIZATIONS, THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND THE COLORADO WORK FORCE INVESTMENT PROGRAM; AND

(IV) CONTAINS A SYSTEM TO MEASURE AND DEMONSTRATE PERFORMANCE IN ADDITION TO THE FEDERAL WORK PARTICIPATION RATE.

(b) THE COMMITTEE SHALL REVIEW ALL APPLICATIONS RECEIVED AND SHALL MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR FOR AWARDS OF GRANTS FROM THE FUND. THE COMMITTEE SHALL RECOMMEND ONLY THOSE APPLICATIONS THAT HAVE BEEN APPROVED BY AT LEAST FIVE MEMBERS OF THE COMMITTEE.

(c) AFTER RECEIVING THE RECOMMENDATIONS OF THE COMMITTEE, THE EXECUTIVE DIRECTOR SHALL AWARD GRANTS TO RECIPIENTS.

(7) **Fund.** (a) (I) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO JOB SUPPORT FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION.

(II) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE STATE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE PILOT PROGRAM AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 2. In Colorado Revised Statutes, 2-3-1203, **add** (3) (ee) (V) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(ee) July 1, 2018:

(V) THE COLORADO JOB SUPPORT ACT COMMITTEE CREATED PURSUANT TO SECTION 26-2-138 (5), C.R.S.

SECTION 2. Accountability. Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act

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utilizing the information contained in the legislative declaration set forth in section 1 of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 101, strike "ACT"." and substitute "ACT", AND, IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-161** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

SENATE SERVICES REPORT

Correctly Printed: SB12-165; SJR12-027

Correctly Engrossed: SJM-001.

Correctly Reengrossed: SB12-121, 149 and 150.

Correctly Rerevised: HB12-1009, 1012, 1052, 1083, 1204, 1215 and 1246.

Correctly Enrolled: SB12-022, 034, 057, 059, 095, 102 and 152.

MESSAGE FROM THE HOUSE

March 29, 2012

The House has postponed indefinitely SB12-143. The bill is returned herewith.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR12-1016 by Representative(s) Gerou, Becker, Levy, Barker, Brown, Coram, Ferrandino, Hamner, Holbert, Joshi, Kerr A., Kerr J., Massey, McNulty, Murray, Pace, Peniston, Priola, Schafer S., Solano, Stephens, Summers, Swerdfeger, Todd; also Senator(s) Hodge, Lambert, Steadman, Brophy, Cadman, Grantham, Roberts--Concerning support for federal legislation (S. 484 and H.R. 3040) to reimburse Colorado for costs of federal mandates associated with the Fort Lewis College Native American Tuition Waiver Program.

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

INTRODUCTION OF BILLS -- FIRST READING

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

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.
Business, Labor and Technology

SB12-167 by Senator(s) Heath; also Representative(s) Pabon and Summers, Massey--Concerning the authority of state institutions of higher education regarding student health trusts.
Education

- SB12-168** by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Levy--
Concerning a trigger related to general fund obligations created in Senate Bill 09-228.
Finance1
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- HB12-1068** by Representative(s) McKinley; also Senator(s) Grantham--Concerning the administration
of a nonprofit cemetery corporation by persons who own the right to bury a deceased person
within the cemetery.
Local Government7
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- HB12-1080** by Representative(s) Vigil; also Senator(s) Schwartz--Concerning changing the name of
Adams state college to Adams state university.
Education13
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- HB12-1108** by Representative(s) Kagan, Brown, Holbert; also Senator(s) Scheffel--Concerning the
authority of the Colorado department of transportation to have signs within rights-of-way on
the highway system.
Transportation18
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- HB12-1162** by Representative(s) Todd, Labuda, Looper, Solano, Soper, Ryden, Fields, Hulinghorst,
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.
Transportation24
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- HB12-1258** by Representative(s) DelGrosso; also Senator(s) Jahn--Concerning regulation of public
utilities in terms of alternative fuel vehicles.
Transportation30
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- HB12-1282** by Representative(s) Ramirez; also Senator(s) Nicholson--Concerning the ability of the
Colorado geological survey to exempt review of the geologic factors of a preliminary
subdivision plan upon request from the board of county commissioners of a county.
Local Government35
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- HB12-1297** by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Tochtrop--
Concerning the committee on anticompetitive conduct, and, in connection therewith,
continuing the committee's statutory authorization until September 1, 2013.
Judiciary41
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- HB12-1303** by Representative(s) Schafer S., Hamner, Kerr J., Peniston, Summers, Young; also
Senator(s) Spence, Jahn--Concerning the regulation of speech-language pathologists by the
department of regulatory agencies, and, in connection therewith, making an appropriation.
Education47
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On motion of Senator Morse, and with a majority of those elected to the Senate having
voted in the affirmative, the Senate proceeded out of order for an expression of personal
privilege.

Upon request of Senator Morse, **HB12-1017 and HB12-1237** were removed from the
General Orders--Second Reading of Bills Consent Calendar of Friday, March 30 and were
placed at the end of the General Orders--Second Reading of Bills Calendar of Friday,
March 30.

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

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

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

SB12-158 by Senator(s) Boyd; also Representative(s) Bradford--Concerning the consolidation of two public housing agencies within the division of housing in the department of local affairs.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 28, page 596 and placed in members' bill files.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Neville, 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		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 Committee of the Whole took the following action:

Passed on second reading: SB12-158 as amended
Laid over to the end of the General Orders -- Second Reading of Bills calendar, Friday, March 30: HB12-1017, HB12-1237.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-027 by Senator(s) Bacon, Aguilar, Foster, Giron, Guzman, Hudak, Schwartz; also Representative(s) Pabon, Fischer, Kefalas, Pace, Todd--Concerning recognition of "César Chávez Day".

On motion of Senator Bacon, the resolution was read at length and **adopted** by 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	

Co-sponsors added: Boyd, Brophy, Cadman, Carroll, Grantham, Harvey, Heath, Hodge, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-127 by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs.

Senator Newell moved that the Senate concur in House amendments to **SB12-127**, as printed in House journal, March 27, pages 820-821. The motion was **adopted** by 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	

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

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE STATE BOARD OF PAROLE

for terms expiring July 1, 2013:

Patricia Ann Waak, Erie, Colorado, to fill the vacancy occasioned by the resignation of Becky L. Lucero, Pueblo, Colorado, and to serve as a citizen representative, appointed;

for terms expiring July 1, 2014:

Anthony Young of Colorado Springs, Colorado, to serve as a citizen representative, appointed;

Denise K. Balazic of Aurora, Colorado, to serve as a parole or probation representative, appointed;

further, effective July 1, 2011 for a term expiring at the pleasure of the Governor:

Anthony Young of Colorado Springs, Colorado, to serve as Chairperson of the State Board of Parole, appointed;

Patricia Ann Waak of Erie, Colorado, to serve as Vice Chairperson of the State Board of Parole, appointed.

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	

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

MEMBERS OF THE BOARD OF REAL ESTATE APPRAISERS

effective July 2, 2011, for terms expiring July 1, 2014:

Bruce Warren Willard of Greeley, Colorado to serve as a licensed or certified appraiser, appointed;

Robin B. Anderson of Denver, Colorado to serve as a licensed or certified appraiser, reappointed;

Frank R. Beltran of Pueblo, Colorado to serve as a county assessor in office, reappointed;

Deborah K. Delaney of Fort Collins, Colorado an officer or employee of a commercial bank experienced in real estate lending, reappointed.

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	

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

MEMBERS OF THE COLORADO BOARD OF VETERANS AFFAIRS

for terms expiring June 30, 2015:

Franklin DB Jackson of Denver, Colorado, a Democrat and a veteran who has been honorably released or separated from the armed forces of the United States, reappointed;

Kathleen N. Dunemn of Littleton, Colorado, a Republican and a veteran who has been honorably released or separated from the armed forces of the United States, appointed.

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	

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for announcements.

MESSAGE FROM THE HOUSE

The House has adopted and transmits herewith HJR12-1018.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1018 by Representative(s) Murray and Schafer S., Acree, Bradford, Conti, Court, Duran, Fields, Gerou, Hamner, Hullinghorst, Labuda, Levy, Looper, McCann, Nikkel, Peniston, Ryden, Solano, Stephens, Szabo, Todd, Williams A.; also Senator(s) Williams S. and Spence, Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Morse, Nicholson, Roberts, Schwartz, Steadman, Tochtrop, White--Concerning the celebration of Colorado girls and women in sports and fitness.

On motion of Senator Spence, the resolution was **adopted** by 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		Y

Co-sponsors added: Brophy, Cadman, Grantham, Harvey, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Neville, Newell, Renfroe, Scheffel and Shaffer B.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, March 30 was laid over until Monday, April 2, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-044, SB12-068, HB12-1271, HB12-1160, SCR12-001.
 Consideration of Resolutions: SJR12-006, HJR12-1004.
 Consideration of Memorials: SM12-003.
 Consideration of Governor's Appointments:
 Members of the Oil and Gas Conservation Commission of the State of Colorado.
 Conference Committees to Report: SB12-020.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 2, 2012.

Approved:

Brandon C. Shaffer
 President of the Senate

Attest:

Cindi L. Markwell
 Secretary of the Senate

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