

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

65th Legislative Day Thursday, March 15, 2012

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Prayer	By the chaplain, Pastor Michael Dent, Trinity United Methodist 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 White.	16
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Roll Call	Present--34 Excused--1, Mitchell.	18
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Nicholson, reading of the Journal of Wednesday, March 14, 2012 was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB12-154 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31
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Amend printed bill, page 3, line 8, strike "THE" and substitute "EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, THE".

Page 3, line 12, after the period add "THE STATE LICENSING AUTHORITY SHALL NOT ACT ON ANY APPLICATIONS MADE UNDER THIS SECTION UNTIL JULY 1, 2012. AN APPROVED TRAINING PROGRAM DESIGNATION SHALL BE VALID FOR TWO YEARS FROM THE DATE IT IS ISSUED.".

Page 4, after line 14 insert:
 "(4) THE STATE LICENSING AUTHORITY SHALL NOT APPROVE A TRAINING PROGRAM OFFERED BY:
 (a) A PERSON WITH A FINANCIAL INTEREST IN A BUSINESS LICENSED OR APPLYING FOR LICENSE PURSUANT TO ARTICLE 43.3 OF TITLE 12;
 (b) A PERSON WHO IN THE PREVIOUS TWO YEARS WAS AN EMPLOYEE OF A BUSINESS LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12;
 (c) A PERSON WHO IN THE PREVIOUS TWO YEARS WAS AN EMPLOYEE OF AN ASSOCIATION OF BUSINESSES LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12 OR AN EMPLOYEE OF AN ORGANIZATION FOR EMPLOYEES OF BUSINESSES LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12;
 (d) A PERSON WHO WAS EMPLOYED TO APPROVE PROGRAMS UNDER THIS SECTION; OR
 (e) A PERSON WHO IS NOT A RESIDENT OF THE STATE OF COLORADO."

Judiciary	After consideration on the merits, the Committee recommends that HB12-1125 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	62
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Amend reengrossed bill, page 3, strike line 5 and substitute:

"(II) TO THE EXTENT PRACTICABLE, WITHIN SEVENTY-TWO".

Page 3, line 7, strike "AN" and substitute "UPON REQUEST FROM THE OWNER OR CUSTODIAN OF THE IMPOUNDED ANIMAL, THE".

Page 3, line 9, strike "ANIMAL," and substitute "ANIMAL AT A TIME AND PLACE SELECTED BY THE IMPOUND AGENCY,".

Page 3, line 11, strike "FOLLOWING SUCH".

Page 3, strike lines 12 through 18.

Page 4, strike line 12 and substitute "REASONABLE AND NECESSARY, WHICH COSTS SHALL BE SPECIFICALLY ITEMIZED BY THE IMPOUND AGENCY PRIOR TO THE DATE OF THE HEARING AND SHALL INCLUDE, AT A MINIMUM, AN ACCOUNTING OF THE COSTS OF UPKEEP AND VETERINARY SERVICES;".

Page 4, after line 25 insert:

"(V) THE JUDGE PRESIDING OVER AN IMPOUNDMENT HEARING CONDUCTED UNDER THIS PARAGRAPH (c) MAY, IN THE JUDGE'S DISCRETION, WAIVE ALL OR A PORTION OF THE IMPOUNDMENT, CARE, AND PROVISION COSTS UPON MAKING A DETERMINATION THAT THE OWNER OR CUSTODIAN OF THE IMPOUNDED ANIMAL IS INDIGENT. THE JUDGE MAY ALSO, IN HIS OR HER DISCRETION, MAKE ARRANGEMENTS FOR PERIODIC PAYMENTS BY AN OWNER OR CUSTODIAN.".

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1041** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 5, before "HEALTH" insert "HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE".

Page 3, line 7, strike "ITS SUCCESSOR COMMITTEE," and substitute "THEIR SUCCESSOR COMMITTEES,".

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1052** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 2, after line 1 insert:

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) It is important for the state of Colorado to collect accurate and up-to-date health care professional data on a statewide basis in order to determine the medically underserved areas of the state and to accurately guide the education and training needs for health care professionals in this state;

(b) In order to successfully collect the needed data, the department of regulatory agencies and the department public health and environment need to work together.

(2) Therefore, it is the intent of the general assembly to encourage the department of regulatory agencies and the department of public health and environment to work together in a timely manner to accomplish the goals of collecting and analyzing health care professional data in order to help meet the health care professional needs for all of Colorado.".

Renumber succeeding sections accordingly.

Page 2, line 20, strike "DATA, AS" and substitute "DATA".

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Page 3, line 1, strike "SECTION, CONCERNING:" and substitute "SECTION. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS HAS FINAL APPROVAL AUTHORITY REGARDING THE FORM AND MANNER OF THE DATA COLLECTED. THE DATA COLLECTED CONCERNS:".

Page 3, line 14, after the comma insert "THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES,".

Page 3, line 27, after the period insert "THE DIRECTOR OF THE DIVISION OF REGISTRATIONS HAS FINAL APPROVAL AUTHORITY REGARDING THE STRUCTURE OF THE DATA ELEMENTS.".

Page 5, after line 11 insert:

"SECTION 4. In Colorado Revised Statutes, 25-3-103.7, amend (6) as follows:

25-3-103.7. Employment of physicians - when permissible - conditions - definitions. (6) When applying for initial facility licensure and upon each application for license renewal, every health care facility licensed or certified by the department that employs a physician shall report to the department the number of physicians on the health care facility's medical staff. The report shall separately identify the number of ~~such~~ THOSE physicians who are employed by the health care facility under separate contract to the health care facility and independent of the health care facility. ~~A health care facility that is a FQHC, rural health clinic, school-based health center, or PACE organization that employs a physician shall report the information required by this subsection (6) to the department by January 1 of each year."~~

Renumber succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-155** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 11, after "DATE" insert "EITHER".

Page 5, line 14, strike "SECTION 1-10-105 (1)" and substitute "SECTION 1-11-103, 1-11-104, 1-11-105,".

Page 5, line 15, strike "APPLICABLE." and substitute "APPLICABLE, OR BY WHICH ANY RECOUNT CONDUCTED IN ACCORDANCE WITH ARTICLE 10.5 OF TITLE 1, C.R.S., OR SECTION 31-10-1207, C.R.S., IS COMPLETED, AS APPLICABLE, WHICHEVER DATE IS LATER.".

Page 5, strike lines 16 through 27 and substitute:

"(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DENIAL OF PUBLIC INSPECTION OF BALLOTS AUTHORIZED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL APPLY TO A RECOUNT THAT IS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 10.5 OF TITLE 1, C.R.S., OR SECTION 31-10-1207, C.R.S., AS APPLICABLE; EXCEPT THAT, DURING THE PERIOD DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), AN INTERESTED PARTY MAY INSPECT AND REQUEST COPIES OF BALLOTS IN CONNECTION WITH SUCH RECOUNT WITHOUT HAVING TO OBTAIN A COURT ORDER GRANTING SUCH INSPECTION. IN CONNECTION WITH AN INSPECTION BY AN INTERESTED PARTY AS AUTHORIZED BY THIS PARAGRAPH (b), AN INTERESTED PARTY MAY".

Page 6, line 6, after "BALLOTS." add "EXCEPT AS SPECIFIED IN THIS PARAGRAPH (b), NOTHING IN THIS SECTION IS INTENDED NOR OTHERWISE SHALL BE CONSTRUED TO AFFECT THE CONDUCT OF A RECOUNT AS PROVIDED BY LAW OR THE RIGHTS OF AN INTERESTED PARTY IN CONNECTION WITH SUCH RECOUNT.".

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MESSAGE FROM THE HOUSE

March 14, 2012

The House has postponed indefinitely SB12-058. The bill is returned herewith.

The House has adopted and returns herewith SJR12-019, SJR12-018.

SENATE SERVICES REPORT

Correctly Printed: SJR12-019.

Correctly Engrossed: SJR12-018 and 019.

Correctly Rerevised: HB12-1028, 1029, 1034, 1061, 1065, 1072, 1104, 1114 and 1216.

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 Friday, March 15, retaining its place on the calendar.

HB12-1151 by Representative(s) McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.; also Senator(s) King S.--Concerning the trafficking of human beings.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and their respective counts (34, 0, 1, 0). Rows list names of senators and representatives and their votes (Y for Yes, E for Excused, Y for Absent).

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

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

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

CONSIDERATION OF MEMORIALS

SM12-002 by Senator(s) Foster and Steadman; --Memorializing former Senator Robert S. Wham.

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

Senate in recess. Senate reconvened.

On motion of Senator Foster, the memorial was **adopted** by the following roll call vote:

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

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

Senate in recess. Senate reconvened.

Committee of the Whole On motion of Senator Steadman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Steadman 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:

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HB12-1289 by Representative(s) Nikkel, DelGrosso; also Senator(s) Jahn, Cadman--Concerning complaints to the division of insurance on certain adverse actions of auto insurers.

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

HB12-1206 by Representative(s) Acree, Baumgardner, Becker, Ramirez, Scott, Solano; also Senator(s) Morse--Concerning the implementation of sunset review of the cold case task force.

Ordered revised 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 Steadman, 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	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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: HB12-1289, HB12-1206.

Committee of the Whole On motion of Senator Steadman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Steadman 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:

SB12-127 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.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 1, page 342 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Newell.

Amend printed bill, page 5, after line 17 insert:

"(5) DUALY ELIGIBLE CLIENTS MAY VOLUNTARILY ELECT TO PARTICIPATE IN A RECOGNIZED MEDICARE COORDINATED CARE SYSTEM AND MAY VOLUNTARILY ELECT TO PARTICIPATE IN THE STATE DEPARTMENT'S MEDICAID COORDINATED CARE SYSTEM."

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

SB12-109 by Senator(s) Johnston; also Representative(s) Coram--Concerning requirements governing the regular maintenance of voter registration lists.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 23, page 233 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 9, page 412 and placed in members' bill files.)

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

SB12-124 by Senator(s) Harvey, Scheffel, Aguilar, Carroll, Foster, Giron, Jahn, Lambert, Newell, Schwartz; --Concerning the elimination of the limit on the number of regional tourism projects that the Colorado economic development commission may approve.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 9, page 413 and placed in members' bill files.)

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

HB12-1070 by Representative(s) Peniston; also Senator(s) Hodge--Concerning the modification of statutory provisions governing the ethical conduct of persons involved in government for the purpose of harmonizing such provisions with section 3 (5) of article XXIX of the state constitution.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 13, page 469 and placed in members' bill files.)

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

HB12-1085 by Representative(s) Fields; also Senator(s) Carroll and Hudak--Concerning an exception to the hearsay rule to allow testimony from persons with developmental disabilities.

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-134, SB12-070, HB12-1002, SB12-001, SB12-086, SB12-132, HB12-1053) of Thursday, March 15 was laid over until Friday, March 16 retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Steadman, 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	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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: SB12-127 as amended, SB12-109 as amended, SB12-124 as amended, HB12-1070 as amended, HB12-1085.
Laid over until Friday, March 16: SB12-134, SB12-070, HB12-1002, SB12-001, SB12-086, SB12-132, HB12-1053.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, March 14, 2012 at 2:16 p.m.: SB12-024, 037, 097, 111, 112, 113, 114 and 115.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for the Recall of SB12-116. The roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	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		

RECALL OF SB12-116

SB12-116 by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown, Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection therewith, establishing a misdemeanor penalty for possession of a cathinone.

Senator Morse moved for recall of **SB12-116** from the House for purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**. The bill was ordered recalled.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB12-1116** by Representative(s) Murray, Summers, Barker, Baumgardner, Brown, Casso, Holbert, McCann, Miklosi, Williams A.; also Senator(s) Nicholson--Concerning deceptive trade practices related to time share resale transactions.
Judiciary
- 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.
Health and Human Services
- HB12-1146** by Representative(s) Nikkel, Todd, Massey, Beezley, Murray, Solano, Summers; also Senator(s) Giron--Concerning programs to allow students to enroll in postsecondary institutions to complete high school graduation requirements.
Education
- HB12-1215** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning changes to the "Nonadmitted Insurance Act" to conform it to the requirements of the federal "Nonadmitted and Reinsurance Reform Act of 2010".
Appropriations
- HB12-1226** by Representative(s) Barker; also Senator(s) Aguilar--Concerning a surcharge on persons convicted of crimes against at-risk persons, and, in connection therewith, making an appropriation.
Judiciary

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 Thursday, March 15 was laid over until Friday, March 16, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Request for Conference Committee: SB12-020.

MESSAGE FROM THE HOUSE

March 15, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1307.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1150, amended as printed in House Journal, March 9, pages 591-592.
HB12-1241, amended as printed in House Journal, March 12, pages 616-617.
HB12-1131, amended as printed in House Journal, March 12, page 618.
HB12-1153, amended as printed in House Journal, March 12, page 618.

The House has passed on Third Reading and returns herewith SB12-072, 079, 064, 096, 011.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB12-146, amended as printed in House Journal, March 12, page 618.
SB12-007, amended as printed in House Journal, March 12, page 618.

The House has voted to concur in the Senate amendments to HB12-1058, 1249,
1031, 1032, 1089, and has repassed the bills as so amended.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 16,
2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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