

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

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79th Legislative Day Thursday, March 29, 2012

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Prayer	By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, 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 Grantham.	15
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Roll Call	Present--35	17
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Quorum	The President announced a quorum present.	19
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Reading of Journal	On motion of Senator Guzman, reading of the Journal of Wednesday, March 28, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	21
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**COMMITTEE OF REFERENCE REPORTS**

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Business, Labor, & Technology	The Committee on <u>Business, Labor, and Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	30
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MEMBERS OF THE  
 FIRE AND POLICE PENSION ASSOCIATION  
 BOARD OF DIRECTORS

for terms expiring September 1, 2015:

Pamela M. Feely of Lakewood, Colorado to serve as a representative of a board of directors of a special district, appointed;

Timothy J. Nash of Greeley, Colorado to serve as a representative of Colorado municipal employers, reappointed.

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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>HB12-1304</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	41
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	Amend reengrossed bill, page 2, line 9, after "in" insert "lost".	53
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	Page 2, strike lines 14 through 27 and substitute:	55
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	<b>"SECTION 2.</b> In Colorado Revised Statutes, 18-8-111, <b>amend</b>	57
	(1) (a) and (2) as follows:	58
	<b>18-8-111. False reporting to authorities.</b> (1) A person commits false reporting to authorities, if:	59
	(a) He OR SHE knowingly:	60
	(I) Causes BY ANY MEANS, INCLUDING BUT NOT LIMITED TO	61
	ACTIVATION, a false alarm of fire or other emergency OR A FALSE	62
	EMERGENCY EXIT ALARM to SOUND OR TO be transmitted to or within an	63
	official or volunteer fire department, ambulance service, LAW	64
	ENFORCEMENT AGENCY, or any other government agency which deals	65
	with emergencies involving danger to life or property; or	66
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(II) PREVENTS BY ANY MEANS, INCLUDING BUT NOT LIMITED TO DEACTIVATION, A LEGITIMATE FIRE ALARM, EMERGENCY EXIT ALARM, OR OTHER EMERGENCY ALARM FROM SOUNDING OR FROM BEING TRANSMITTED TO OR WITHIN AN OFFICIAL OR VOLUNTEER FIRE DEPARTMENT, AMBULANCE SERVICE, LAW ENFORCEMENT AGENCY, OR ANY OTHER GOVERNMENT AGENCY THAT DEALS WITH EMERGENCIES INVOLVING DANGER TO LIFE OR PROPERTY; OR

(2) False reporting to authorities is a class 3 misdemeanor; EXCEPT THAT IF IT IS COMMITTED IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, IT IS A CLASS 2 MISDEMEANOR."

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **HB12-1228** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary

After consideration on the merits, the Committee recommends that **SB12-163** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 3, line 5, strike "12-\_\_\_\_," and substitute "12-163,".

Page 3, line 21, strike "(2) (d)" and substitute "(2) (b.3), (2) (b.7), and (2) (d)".

Page 3, line 26, strike "flunitrazepam, ketamine," and substitute "~~flunitrazepam, ketamine,~~".

Page 3, line 27, strike "or" and substitute "or".

Page 4, line 4, strike "flunitrazepam," and substitute "~~flunitrazepam,~~".

Page 4, line 5, strike "ketamine, or" and substitute "~~ketamine, or~~".

Page 4, line 9, after "methamphetamine" insert "OR GAMMA HYDROXYBUTYRATE [GHB]".

Page 4, line 12, after "methamphetamine" insert "OR GAMMA HYDROXYBUTYRATE [GHB]".

Page 4, after line 13 insert:

"(b.3) (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHING TWO HUNDRED MILLIGRAMS OR LESS THAT CONTAINS ANY QUANTITY OF FLUNITRAZEPAM, COMMITS A CLASS 1 MISDEMEANOR.

(II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHING MORE THAN TWO HUNDRED MILLIGRAMS THAT CONTAINS ANY QUANTITY OF FLUNITRAZEPAM, COMMITS A CLASS 6 FELONY.

(b.7) (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHING EIGHT HUNDRED MILLIGRAMS OR LESS THAT CONTAINS ANY QUANTITY OF KETAMINE, COMMITS A CLASS 1 MISDEMEANOR.

(II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHING MORE THAN EIGHT HUNDRED MILLIGRAMS THAT CONTAINS ANY QUANTITY OF KETAMINE, COMMITS A CLASS 6 FELONY."

Page 4, line 27, strike " 12-\_\_\_\_," and substitute "12-163,".

Page 5, line 7, strike "12-\_\_\_\_," and substitute "12-163,".

Page 6, line 20, strike " 12-\_\_\_\_," and substitute "12-163,".

Page 6, line 27, strike " 12-\_\_\_\_," and substitute " 12-163,".

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Judiciary	After consideration on the merits, the Committee recommends that <b>HB12-1323</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	1 2 3 4 5
Judiciary	After consideration on the merits, the Committee recommends that <b>HB12-1209</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	6 7 8 9
State, Veterans, & Military Affairs	The Committee on <u>State, Veterans, and Military Affairs</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	10 11 12 13 14
<b><u>MEMBERS OF THE BOARD OF COMMISSIONERS OF STATE AND VETERANS NURSING HOMES</u></b>		15 16 17 18 19
	for terms expiring July 1, 2015:	20 21
	Justin A. Martinez of Highlands Ranch, Colorado, to serve as a member with expertise in nursing home operations, who is a nursing home administrator at the time of appointment, who is experienced in the financial operations of a nursing home and as an Unaffiliated voter, reappointed;	22 23 24 25 26
	James C. Bobick of Aurora, Colorado, a veteran and the designee of the State Board of Veterans Affairs; reappointed.	27 28 29 30
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>HB12-1149</b> be postponed indefinitely.	31 32 33 34 35 36
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>HCR12-1001</b> be referred to the Committee of the Whole with favorable recommendation.	37 38 39 40 41 42
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>HB12-1321</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	43 44 45 46
	Amend reengrossed bill, page 12, line 10, strike "THE PERSONAL SERVICES LINE ITEM" and substitute "A LINE ITEM ENTITLED "PERSONAL SERVICES"".	47 48 49
	Page 14, line 4, strike "SUB-SUBPARAGRAPH (B) OF".	50 51
	Page 14, strike lines 24 through 27.	52 53
	Page 15, strike lines 1 through 3 and substitute:	54 55
	"(C) "PERSONAL SERVICES-RELATED LINE ITEM" MEANS A LINE ITEM ENTITLED "PERSONAL SERVICES", "GROUP HEALTH, LIFE, AND DENTAL INSURANCE", "SHORT-TERM DISABILITY INSURANCE", "AMORTIZATION EQUALIZATION DISBURSEMENTS", "SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENTS", "SALARY SURVEY", OR "SHIFT DIFFERENTIAL".	56 57 58 59 60 61
	(D) "QUALIFYING CASH FUND" MEANS A CASH FUND FOR WHICH THERE IS EXPRESS AUTHORIZATION FOR A REVERSION PURSUANT TO THIS PARAGRAPH (j) FROM THE CASH FUND TO THE STATE EMPLOYEE RESERVE FUND."	62 63 64 65 66
	Page 15, line 5, strike "MONEYS APPROPRIATED FOR" and substitute	67

"STATE MONEYS APPROPRIATED FROM THE GENERAL FUND OR A QUALIFYING CASH FUND FOR".

Page 15, line 6, strike "OPERATING LINE ITEM OF" and substitute "A LINE ITEM ENTITLED "OPERATING EXPENSES" IN".

Page 15, line 16, strike "BY THE STATE TREASURER".

Page 16, line 9, strike "A QUALIFYING" and substitute "THE GENERAL FUND OR A QUALIFYING CASH".

Page 16, strike lines 15 and 16.

Reletter succeeding sub-subparagraphs accordingly.

Page 20, line 17, strike "(3) (a), and (4) (a);" and substitute "(3), (4) (a), (4) (b), and (4) (c);".

Page 22, after line 4 insert:

"(b) Promotional ~~examinations~~ COMPARATIVE ANALYSIS shall be limited to qualified employees, including persons on reemployment lists. Performance evaluations may be utilized as part of a promotional ~~examination~~ COMPARATIVE ANALYSIS plan."

Page 22, after line 12 insert:

"(b) The state personnel director may convene an advisory panel of qualified human resource selection professionals, with one member selected by the aggrieved person, to assist the director in making a decision. Except as otherwise provided in paragraph (d) of this subsection (4), the director shall issue a written decision within ninety days after receipt of a timely appeal. The selection and ~~examination~~ COMPARATIVE ANALYSIS process action may be overturned only if the director finds the action to have been arbitrary, capricious, or contrary to rule or law. If the director fails to issue a decision within said ninety-day period, the original ~~examination~~ COMPARATIVE ANALYSIS and outcome shall be final. A written decision on any appeal filed pursuant to this subsection (4) or the outcome of an appeal resulting from the failure to issue such a decision shall be subject to judicial review pursuant to section 24-4-106, UNLESS THE MATTER IS APPEALED TO THE STATE PERSONNEL BOARD PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (4).

(c) The state personnel director shall establish a process for timely resolving appeals within the ninety-day period and criteria for advisory panel selection and service. The process for resolving appeals shall specify that if an employee who has filed an appeal with the state personnel director also files an appeal with the state personnel board pursuant to section 24-50-123 or the Colorado civil rights division pursuant to section 24-50-125.3, only if the appeal filed with the board or the civil rights division arises out of the same incident as the appeal filed with the director, and if the appeal is filed before the expiration of the ninety-day period and before the director has issued a written decision, the ninety-day period shall be tolled until there is a final agency action by the board. The board shall establish rules for certification of a person to a position when an appeal is pending relative to the selection and ~~examination~~ COMPARATIVE ANALYSIS process for that position."

Page 22, line 15, strike "SELECTION AND".

Page 22, line 20, strike "SELECTION AND".

Page 22, line 23, strike "SELECTION AND".

Page 24, line 13, strike "BY RULE".

Page 24, line 14, strike "PROCEDURES" and substitute "PROCEDURES, BY RULE,".

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**SENATE SERVICES REPORT**

Correctly Engrossed: SB12-121, 149 and 150.  
Correctly Revised: HB12-1009, 1012, 1052, 1083, 1204, 1215 and 1246.  
Correctly Enrolled: SB12-031 and 055.

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**MESSAGE FROM THE REVISOR OF STATUTES**

March 28, 2012

We herewith transmit:

Without comment, HB12-1282.  
Without comment, as amended, HB12-1258 and 1295.  
Without comment, as amended, SB12-127.

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**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".

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

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**INTRODUCTION OF BILLS -- FIRST READING**

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

**HB12-1295** by Representative(s) Priola; also Senator(s) Tochtrop--Concerning the creation of a Colorado Rockies license plate, and, in connection therewith, making an appropriation.  
Finance

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

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

**HB12-1083** by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning maintenance of the current fee structure on certain feeding operations under the "Colorado Water Quality Control Act".

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

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

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

**SB12-121** by Senator(s) King K.; also Representative(s) Massey--Concerning charter schools.

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

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

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

Co-sponsors added: Lambert and White.

**HB12-1012** by Representative(s) Williams A.; also Senator(s) Guzman and White--Concerning authorization for reimbursement for up to fifty thousand dollars of actual, reasonable, and necessary business reestablishment expenses to be paid by a state agency in connection with the reestablishment of an operation displaced by a department of transportation project or a project with department of transportation oversight.

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

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

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

**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".

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

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

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

**HB12-1246** by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a reversal of the annual payday shift as it applies to state employees paid on a biweekly basis, and making an appropriation in connection therewith.

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

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

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

**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:

**SB12-149** by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in which the board of a defined benefit plan or system created by a local government may modify retirement benefit provisions of the plan or system.

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

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

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

Co-sponsor added: Aguilar.

**HB12-1204** by Representative(s) McCann, Kefalas, Young; also Senator(s) Boyd--Concerning the continuation of the regulation of hemodialysis technicians, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Foster, Newell and Tochtrop.

**HB12-1009** by Representative(s) Gerou; also Senator(s) Lambert--Concerning a report related to the federal moneys received by the executive branch.

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

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

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

Co-sponsors added: Cadman, Hodge, Mitchell and Steadman.



**HB12-1052** by Representative(s) Summers; also Senator(s) Boyd and Roberts--Concerning the collection of health care work force data from health care professionals, and, in connection therewith, making an appropriation.

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

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

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

Co-sponsors added: Aguilar, Foster, Heath, Hudak, Newell, Schwartz, Steadman, Tochtrop and Williams S.

**SB12-150** by Senator(s) Schwartz, Bacon, Renfroe; also Representative(s) Sonnenberg, Brown, Vigil--Concerning the state treasurer's authority to manage state public financing, and, in connection therewith, reducing an appropriation.

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

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

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

### CONSIDERATION OF MEMORIALS

**SJM12-001** by Senator(s) Spence and Williams S., Aguilar, Roberts, Schwartz, White; also Representative(s) Todd and Conti, Acree, Hullinghorst, Labuda, Ryden, Schafer S., Solano, Williams A.--Memorializing Congress to support the establishment of a National Women's History Museum in Washington, D.C.

On motion of Senator Spence, the memorial was read at length and **adopted** by the following roll call vote:

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

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

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB12-074** by Senator(s) Aguilar; also Representative(s) Gardner B.--Concerning services provided by a person designated by a person eligible for consumer-directed care services.

Senator Aguilar moved that the Senate concur in House amendments to **SB12-074**, as printed in House journal, March 23, pages 767-768. The motion was **adopted** by the following roll call vote:

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

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

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

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

Co-sponsor added: Tochtrop.

**SB12-131** by Senator(s) Guzman, Steadman; also Representative(s) Pabon--Concerning the responsibilities of a fiduciary with regard to the estate of a person who may have executed a designated beneficiary agreement.

Senator Guzman moved that the Senate concur in House amendments to **SB12-131**, as printed in House journal, March 23, page 768. The motion was **adopted** by the following roll call vote:

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

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	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**.

Co-sponsors added: Bacon and Jahn.

**SB12-040** by Senator(s) Bacon, Harvey, Renfroe, Schwartz; also Representative(s) Vigil, Brown, Sonnenberg--Concerning the qualification of certain state higher education facilities for state controlled maintenance funding.

Senator Bacon moved that the Senate concur in House amendments to **SB12-040**, as printed in House journal, March 23, page 769. The motion was **adopted** by the following roll call vote:

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

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

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

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

Co-sponsors added: Boyd, Heath and Williams S.

**SB12-045** by Senator(s) Hudak and King K., Bacon; also Representative(s) Massey and Fields, Holbert--Concerning granting associate degrees to students who transfer from a two-year institution.

Senator Hudak moved that the Senate concur in House amendments to **SB12-045**, as printed in House journal, March 23, page 769. The motion was **adopted** by the following roll call vote:

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

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

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

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

Co-sponsors added: Roberts and White.

**SB12-091** by Senator(s) Tochtrop; also Representative(s) Bradford--Concerning modifications to provisions governing the practice of nursing home administration, and, in connection therewith, modifying the criteria for nursing home administrators to qualify to serve on the board of examiners of nursing home administrators, modifying the experience requirements for persons applying to take the nursing home administrator licensure examination or to participate in the administrator-in-training program, and permitting a nursing home administrator who has passed a national examination and an examination in another state to sit for the Colorado licensure examination.

Senator Tochtrop moved that the Senate concur in House amendments to **SB12-091**, as printed in House journal, March 23, page 769. The motion was **adopted** by the following roll call vote:

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

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

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

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

Co-sponsors added: Aguilar and Guzman.

**SB12-056** by Senator(s) Carroll; also Representative(s) Holbert--Concerning judicial appointments in domestic relations cases involving children.

Senator Carroll moved that the Senate concur in House amendments to **SB12-056**, as printed in House journal, March 23, page 771. The motion was **adopted** by the following roll call vote:

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

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

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

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

**SB12-061** by Senator(s) King K.; also Representative(s) Massey--Concerning procedures relating to the authorization of charter schools.

Senator King K. moved that the Senate concur in House amendments to **SB12-061**, as printed in House journal, March 23, page 771. The motion was **adopted** by the following roll call vote:

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

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

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

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

Co-sponsors added: Cadman, Grantham and White.

**SB12-092** by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak, King S., Tochtrop; also Representative(s) Liston--Concerning the use of a video display in a motor vehicle that is being operated on a roadway.

Senator Jahn moved that the Senate concur in House amendments to **SB12-092**, as printed in House journal, March 27, pages 811-812. The motion was **adopted** by the following roll call vote:

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

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

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

Co-sponsors added: King K. and Williams S.

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

The President has signed: SB12-023, 031 and 062.

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 29 was laid over until Friday, March 30, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, SB12-068, HB12-1271.

Consideration of Resolutions: SJR12-006, HJR12-1004.

Consideration of Governor's Appointments:

Members of the Oil and Gas Conservation Commission of the State of Colorado.

Members of the State Board of Parole.

Members of the Board of Real Estate Appraisers.

Conference Committees to Report: SB12-020.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE

effective July 18, 2011 for a term expiring at the pleasure of the Governor:

Barbara J. Brohl of Lakewood, Colorado.

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

MEMBERS OF THE COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2012:

Charles J. Murphy of Colorado Springs, Colorado, to fill the vacancy occasioned by the removal of Florence E. Hunt to serve as a member from the 5th Congressional District representing registered electors, and as a Democrat, appointed;

for terms expiring July 1, 2014:

Jannine Mohr of Loveland, Colorado, to serve as a member from the Fourth Congressional District and to serve as an attorney and as a Democrat, appointed;

Robert M. Webb of Golden, Colorado, to serve as a member from the Seventh Congressional District and to serve as a representative for CPAs, corporate finance and as a Libertarian, appointed;

Lowell R. Hutson of Denver, Colorado, to fill the vacancy occasioned by the removal of Debbie J. Jessup of Centennial, Colorado, and to serve as member from the First Congressional District and as a representative who has been engaged in business in a management-level capacity for at least five years, and as a Republican, appointed.

Finance After consideration on the merits, the Committee recommends that HB12-1295 be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that HB12-1318 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that HB12-1063 be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that HB12-1023 be referred to the Committee on Appropriations with favorable recommendation.

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**MESSAGE FROM THE HOUSE**

March 29, 2012

The House has postponed indefinitely SB12-109. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
HB12-1014, amended as printed in House Journal, March 28, pages 828-829.  
HB12-1240, amended as printed in House Journal, March 28, page 829.

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**MESSAGE FROM THE REVISOR OF STATUTES**

March 29, 2012

We herewith transmit:

Without comment, as amended, HB12-1014.  
With comment, as amended, HB12-1240.

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**INTRODUCTION OF BILLS -- FIRST READING**

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

**SB12-165** by Senator(s) Schwartz; also Representative(s) Baumgardner--Concerning the funding of  
Colorado water conservation board projects, and making appropriations in connection  
therewith.  
Agriculture, Natural Resources, and Energy

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 30,  
2012.

Approved:

Betty Boyd  
President *pro tem* of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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