

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

31st Legislative Day

Friday, February 10, 2012

Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.	11
Call to Order	By the President at 9:00 a.m.	13
Pledge	By Senator King S.	16
Roll Call	Present--32 Absent--1, Heath. Excused--2, Boyd, Renfroe. Present later--2, Heath, Renfroe.	18 19 20 21
Quorum	The President announced a quorum present.	23
Reading of Journal	On motion of Senator Guzman, reading of the Journal of Thursday, February 9, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26

COMMITTEE OF REFERENCE REPORTS

Health & Human Services	After consideration on the merits, the Committee recommends that SB12-099 be referred to the Committee of the Whole with favorable recommendation.	33 34
Health & Human Services	After consideration on the merits, the Committee recommends that SB12-091 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	37 38 39
	Amend printed bill, page 2, strike line 3 and substitute "(1) (a) introductory portion, (I) (a) (I), and (1) (a) (III) as follows:".	41 42
	Page 3, line 6, strike "article. and shall be from the" and substitute "article, and AT LEAST ONE OF WHOM shall be from the".	44 45
	Page 3, strike line 9 and substitute:	47
	"(B) nonprofit facility administration.".	48 49
	Page 3, after line 11 insert:	51
	"(III) Three members shall be representative of the public at large; except that upon the expiration of the term of office of the one member of the board representing the public whose term expires on July 1, 2011, the board shall consist of two members representative of the public at large. AT LEAST ONE PUBLIC MEMBER MUST BE A CURRENT OR FORMER RESIDENT OF A NURSING HOME FACILITY OR A FAMILY MEMBER OF A CURRENT OR FORMER NURSING HOME FACILITY RESIDENT.".	53 54 55 56 57 58 59
	Page 4, line 18, strike "TWO YEARS;" and substitute "ONE YEAR;".	61
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-017 be postponed indefinitely.	63 64 65 66

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Local Government

After consideration on the merits, the Committee recommends that **SB12-101** be referred to the Committee on Appropriations with favorable recommendation.

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Education

After consideration on the merits, the Committee recommends that **SB12-045** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

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"SECTION 1. In Colorado Revised Statutes, add 23-1-130 as follows:

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23-1-130. Commission directive - associate degree completion program - legislative declaration - definitions. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, DUE TO THE DEMANDS OF A GLOBAL ECONOMY, THE STATE AND THE NATION HAVE AN INCREASING NEED FOR INDIVIDUALS WITH A POSTSECONDARY CREDENTIAL OR DEGREE. MANY STUDENTS BEGIN THEIR POSTSECONDARY EDUCATION IN A TWO-YEAR INSTITUTION AND TRANSFER TO A FOUR-YEAR INSTITUTION PRIOR TO RECEIVING AN ASSOCIATE DEGREE. SOME STUDENTS WHO SUBSEQUENTLY ACCUMULATE THE CREDIT HOURS NECESSARY FOR AN ASSOCIATE DEGREE WHILE AT THE FOUR-YEAR INSTITUTION, OR WHO LEAVE THE FOUR-YEAR INSTITUTION PRIOR TO COMPLETING A BACHELOR'S DEGREE, WOULD BENEFIT FROM THE AWARD OF AN ASSOCIATE DEGREE. THE AWARD OF AN ASSOCIATE DEGREE NOT ONLY REWARDS THE STUDENT'S EFFORTS IN ATTAINING POSTSECONDARY EDUCATION, BUT ALSO RECOGNIZES THE INVESTMENT OF FINANCIAL RESOURCES IN POSTSECONDARY EDUCATION BY BOTH THE STUDENT AND THE STATE.

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(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE STATE'S TWO-YEAR AND FOUR-YEAR INSTITUTIONS SHOULD WORK IN COLLABORATION WITH THE COMMISSION TO DEVELOP A PROCESS THAT REDUCES A POTENTIAL BARRIER TO DEGREE COMPLETION BY PROVIDING STUDENTS WITH INFORMATION ABOUT THE STUDENT'S ELIGIBILITY FOR AN ASSOCIATE DEGREE.

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(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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(a) "ASSOCIATE DEGREE" MEANS AN ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE.

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(b) "FOUR-YEAR INSTITUTION" MEANS A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION THAT IS AUTHORIZED TO GRANT BACCALAUREATE DEGREES.

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(c) "TWO-YEAR INSTITUTION" MEANS A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION, OR A LOCAL DISTRICT COLLEGE, THAT IS AUTHORIZED TO GRANT ASSOCIATE DEGREES.

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(3) (a) THE COMMISSION SHALL COLLABORATE WITH THE GOVERNING BOARDS OF THE TWO-YEAR AND FOUR-YEAR INSTITUTIONS TO DEVELOP AND COORDINATE A PROCESS TO NOTIFY STUDENTS CONCERNING ELIGIBILITY FOR THE AWARD OF AN ASSOCIATE DEGREE. THE NOTIFICATION PROCESS SHALL APPLY TO STUDENTS AT A FOUR-YEAR INSTITUTION WHO HAVE ACCUMULATED SEVENTY CREDIT HOURS AT A FOUR-YEAR INSTITUTION AND WHO TRANSFERRED TO THE INSTITUTION AFTER COMPLETING THE RESIDENCY REQUIREMENTS FOR AN ASSOCIATE DEGREE AT A TWO-YEAR INSTITUTION. THE NOTIFICATION PROCESS DEVELOPED PURSUANT TO THIS SECTION SHALL SPECIFY THE ROLE OF THE STUDENT, THE DEPARTMENT, AND THE TWO-YEAR AND FOUR-YEAR INSTITUTIONS IN THE PROCESS, WITH THE ROLE OF THE FOUR-YEAR INSTITUTIONS LIMITED TO PROVIDING CONTACT INFORMATION FOR ELIGIBLE STUDENTS. THE NOTIFICATION PROCESS SHALL BE IMPLEMENTED NO LATER THAN THE BEGINNING OF THE 2013-14 ACADEMIC YEAR.

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(b) AT A MINIMUM, THE NOTIFICATION TO ELIGIBLE STUDENTS SHALL INCLUDE THE REQUIREMENTS FOR THE DEGREE AUDIT BY THE TWO-YEAR INSTITUTION AND INFORMATION CONCERNING THE PROCESS FOR A STUDENT TO BE AWARDED AN ASSOCIATE DEGREE IN THE FUTURE IF THE DEGREE REQUIREMENTS ARE NOT MET OR THE STUDENT DECLINES THE ASSOCIATE DEGREE AT THE TIME OF THE NOTIFICATION.

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(c) NOTHING IN THIS SECTION LIMITS THE ABILITY OF THE GOVERNING BOARDS OF TWO-YEAR AND FOUR-YEAR INSTITUTIONS TO DEVELOP REVERSE TRANSFER AGREEMENTS THAT ARE CONSISTENT WITH THE INTENT OF THIS SECTION.

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(4) EACH TWO-YEAR AND FOUR-YEAR INSTITUTION SHALL PROVIDE STUDENTS WITH INFORMATION CONCERNING THE PROCESS DEVELOPED

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PURSUANT TO THIS SECTION.

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."

Education

After consideration on the merits, the Committee recommends that **SB12-067** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, 22-30.5-103, **add** (3.5) as follows:

22-30.5-103. Definitions. As used in this part 1, unless the context otherwise requires:

(3.5) "EDUCATION MANAGEMENT PROVIDER" MEANS A NONPROFIT, NOT-FOR-PROFIT, OR FOR-PROFIT ENTITY THAT CONTRACTS WITH A CHARTER SCHOOL TO PROVIDE, MANAGE, OR OVERSEE ALL OR SUBSTANTIALLY ALL OF THE EDUCATIONAL SERVICES PROVIDED BY THE CHARTER SCHOOL."

Renumber succeeding sections accordingly.

Page 2, line 4, after "(4)" insert "(a)".

Page 2, line 8, after "~~may~~" insert "THAT WAS INITIALLY CHARTERED ON OR AFTER AUGUST 6, 1997,".

Page 2, after line 13 insert:

"(b) AN ENTITY THAT HOLDS A CHARTER AUTHORIZED PURSUANT TO THIS PART 1 MAY CHOOSE TO CONTRACT WITH AN EDUCATION MANAGEMENT PROVIDER, WHICH EDUCATION MANAGEMENT PROVIDER MAY BE A FOR-PROFIT, A NONPROFIT, OR A NOT-FOR-PROFIT ENTITY, SO LONG AS THE CHARTER SCHOOL MAINTAINS A GOVERNING BOARD THAT IS INDEPENDENT OF THE EDUCATION MANAGEMENT PROVIDER."

Page 3, after line 11 insert:

"SECTION 5. In Colorado Revised Statutes, 22-30.5-502, **add** (4.5) as follows:

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(4.5) "EDUCATION MANAGEMENT PROVIDER" MEANS A NONPROFIT, NOT-FOR-PROFIT, OR FOR-PROFIT ENTITY THAT CONTRACTS WITH AN INSTITUTE CHARTER SCHOOL TO PROVIDE, MANAGE, OR OVERSEE ALL OR SUBSTANTIALLY ALL OF THE EDUCATIONAL SERVICES PROVIDED BY THE INSTITUTE CHARTER SCHOOL."

Renumber succeeding sections accordingly.

Page 3, line 15, after "(4)" insert "(a)".

Page 3, after line 21 insert:

"(b) AN ENTITY THAT HOLDS A CHARTER AUTHORIZED PURSUANT TO THIS PART 5 MAY CHOOSE TO CONTRACT WITH AN EDUCATION MANAGEMENT PROVIDER, WHICH EDUCATION MANAGEMENT PROVIDER MAY BE A FOR-PROFIT, A NONPROFIT, OR A NOT-FOR-PROFIT ENTITY, SO LONG AS THE INSTITUTE CHARTER SCHOOL MAINTAINS A GOVERNING BOARD THAT IS INDEPENDENT OF THE EDUCATION MANAGEMENT PROVIDER."

Education

After consideration on the merits, the Committee recommends that **SB12-036** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 7, strike "activities." and substitute

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"activities; EXCEPT THAT THE REQUIREMENT OF WRITTEN CONSENT DOES NOT APPLY TO A STUDENT'S PARTICIPATION IN AN ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-407 OR 22-7-409 OR PART 10 OF ARTICLE 7 OF THIS TITLE."

Finance After consideration on the merits, the Committee recommends that **SB12-082** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB12-006** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB12-086** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB12-119** be postponed indefinitely.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB12-132** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 20, strike "application." and substitute "application; EXCEPT THAT THE TWELVE-MONTH DEADLINE DOES NOT APPLY TO AN APPLICATION FOR RENEWAL OF A PERMIT."

Page 3, line 10, after "(7)" insert "and (8)".

Page 3, line 13, strike "OR COMMISSION".

Page 3, line 15, strike "COMPLETE." and substitute "COMPLETE; EXCEPT THAT NOTHING IN THIS SUBSECTION (7) APPLIES TO AN APPLICATION FOR RENEWAL OF A PERMIT." and strike "OR".

Page 3, line 16, strike everything before "TO".

Page 3, after line 18 insert:

"(8) (a) IF THE DIVISION EXPERIENCES A BACKLOG IN PROCESSING WATER QUALITY PERMIT APPLICATIONS CAUSED BY AN OCCASIONAL NEED THAT IS SEASONAL, IRREGULAR, OR FLUCTUATING IN NATURE, AND THE DEPARTMENT DETERMINES OR REASONABLY EXPECTS THAT, AS A RESULT, PERMITS WOULD NOT BE ISSUED WITHIN STATUTORY TIME FRAMES, THE DIVISION MAY MAKE AVAILABLE TO AN APPLICANT THE OPTION TO HAVE THE APPLICANT'S PERMIT APPLICATION REVIEWED FOR ACCEPTANCE AS DEMONSTRATING COMPLIANCE BY A CONTRACT CONSULTANT SELECTED BY THE DIVISION IN LIEU OF THE REVIEW BEING CONDUCTED BY DIVISION STAFF.

(b) THE DIVISION SHALL SELECT AND CONTRACT WITH NONGOVERNMENTAL ENGINEERS TO PERFORM PERMIT APPLICATION REVIEWS FOR APPLICANTS WHO CHOOSE CONTRACT CONSULTANT REVIEW OF THEIR PERMIT APPLICATION. THE DIVISION IS NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., IN SELECTING AND CONTRACTING WITH THE CONSULTANTS. THE DIVISION SHALL REVIEW AND EXCLUDE FROM CONSIDERATION AS A CONTRACT CONSULTANT ANY CONTRACTORS WITH A CONFLICT OF INTEREST REGARDING SUCH PERMIT APPLICATIONS. APPLICANTS THAT CHOOSE CONSULTANT REVIEW OF THEIR APPLICATION ARE RESPONSIBLE FOR BOTH THE CONSULTANT'S COSTS ASSOCIATED WITH THE REVIEW AS WELL AS THE DIVISION'S COSTS ASSOCIATED WITH THE REVIEW AND DETERMINATION OF THE PERMIT APPLICATION, TO BE PAID TO THE DIVISION. THE DIVISION SHALL TRANSFER THE MONEY TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE WATER QUALITY CONTROL FUND CREATED IN SECTION 25-8-502 (1) (c).

(c) THE DIVISION SHALL USE THE RESULTS OF THE REVIEW CONDUCTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (8) FOR PURPOSES OF THE DIVISION'S PERMIT APPLICATION ANALYSIS."

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Agriculture,
Natural
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After consideration on the merits, the Committee recommends that **HB12-1078** 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 reengrossed bill, page 3, line 24, after "OR" insert "OTHER".

Page 3, line 25, after "OPERATIONS" insert "OF DRINKING WATER TREATMENT RESIDUALS GENERATED ON-SITE".

Page 3, line 26, after "OR" insert "OTHER".

Page 3, line 27, after "OPERATIONS" insert "OF DRINKING WATER TREATMENT RESIDUALS GENERATED ON-SITE".

Page 4, line 3, strike everything after "FACILITY".

Page 4, strike line 4.

Page 4, line 5, strike "COMPLIANCE" and substitute "THAT DOES NOT REQUIRE A CERTIFICATE OF DESIGNATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7.5) SHALL COMPLY".

Page 4, after line 6 insert:

"(c) NOTHING IN PARAGRAPHS (a) OR (b) OF THIS SUBSECTION (7.5) LIMITS THE APPLICATION OF OTHER LOCAL GOVERNMENT LAND USE REGULATIONS TO WASTE IMPOUNDMENTS OR SOLID WASTES DISPOSAL OPERATIONS AT A DRINKING WATER TREATMENT FACILITY."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-022** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, **add 26-2-808** as follows:

26-2-808. Pilot program to continue child care assistance with modifications - legislative declaration - county participation - report - repeal. (1) THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THIS SECTION IS TO CREATE A PILOT PROGRAM TO STUDY WHETHER A NEW APPROACH TO THE COLORADO CHILD CARE ASSISTANCE PROGRAM CAN MITIGATE THE CIRCUMSTANCE, REFERRED TO IN THIS SECTION AS THE "CLIFF EFFECT", THAT SOMETIMES OCCURS WHEN WORKING PARENTS WHO ARE PARTICIPANTS IN THE COLORADO CHILD CARE ASSISTANCE PROGRAM RECEIVE A MINOR INCREASE IN THEIR INCOME THAT MAKES THEM INELIGIBLE FOR CHILD CARE ASSISTANCE AND THE INCREASE IN WAGES IS NOT ENOUGH TO COVER THE COSTS FOR CHILD CARE WITHOUT THE CHILD CARE ASSISTANCE. THE GENERAL ASSEMBLY FINDS THAT THIS PHENOMENON OFTEN CREATES DISINCENTIVES FOR FAMILIES TO ACHIEVE SELF-SUFFICIENCY. THE GENERAL ASSEMBLY ALSO ENCOURAGES COUNTIES PARTICIPATING IN THE PILOT PROGRAM TO CREATE EFFECTIVE PUBLIC AND PRIVATE PARTNERSHIPS WITH NONPROFIT ORGANIZATIONS AND BUSINESSES TO FIND ADDITIONAL INNOVATIVE WAYS TO CONTINUE CHILD CARE ASSISTANCE FOR WORKING PARENTS AS AN ECONOMIC BENEFIT TO FAMILIES AND FOR CONTINUITY OF QUALITY EARLY EDUCATION FOR THE CHILD. THE GENERAL ASSEMBLY FINDS THAT ALLOWING WORKING PARENTS TO CONTINUE TO RECEIVE CHILD CARE ASSISTANCE THROUGH THE PILOT PROGRAM ESTABLISHED IN THIS SECTION WILL BE BENEFICIAL TO:

(a) CHILDREN WHO ARE ABLE TO CONTINUE IN A STABLE DAY CARE ENVIRONMENT;

(b) WORKING PARENTS WHO ARE ABLE TO CONTINUE TO WORK AND ADVANCE IN THEIR JOBS AND BECOME MORE SELF-SUFFICIENT; AND

(c) EMPLOYERS WHO HAVE A WORK FORCE THAT IS MORE STABLE

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BECAUSE THEIR EMPLOYEES HAVE CONSISTENT CHILD CARE ARRANGEMENTS AND HAVE AN INCENTIVE TO STAY WITH AND ADVANCE IN THE SAME EMPLOYMENT.

(2) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, THE STATE DEPARTMENT IS AUTHORIZED TO DEVELOP AND OVERSEE A PILOT PROGRAM IN WHICH THE COLORADO CHILD CARE ASSISTANCE PROGRAM AS OUTLINED IN SECTION 26-2-805 IS MODIFIED TO MITIGATE THE CLIFF EFFECT FOR LOW-INCOME FAMILIES THAT ARE WORKING AND RECEIVING CHILD CARE ASSISTANCE, REFERRED TO IN THIS SECTION AS THE "PILOT PROGRAM". COUNTY DEPARTMENTS OF SOCIAL SERVICES MAY APPLY TO THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE TO PARTICIPATE IN THE PILOT PROGRAM. THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE MAY SELECT UP TO TEN COUNTIES THAT WILL PARTICIPATE IN THE PILOT PROGRAM AS DESCRIBED IN THIS SECTION. IN SELECTING THE COUNTIES, THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE SHALL SEEK DIVERSITY IN THE SIZE OF POPULATION, REGIONAL LOCATION, AND DEMOGRAPHIC COMPOSITION.

(3) SUBJECT TO AVAILABLE APPROPRIATIONS, A COUNTY THAT IS PARTICIPATING IN THE PILOT PROGRAM SHALL CONTINUE TO PROVIDE CHILD CARE ASSISTANCE FOR A PERIOD OF UP TO TWO YEARS FOR ANY PERSON WHO HAS BEEN RECEIVING CHILD CARE ASSISTANCE FROM THE COUNTY AND WHOSE INCOME EXCEEDS THE COUNTY-ADOPTED INCOME ELIGIBILITY LIMIT FOR THE COUNTY'S CHILD CARE ASSISTANCE PROGRAM. THE COUNTY SHALL REQUIRE A PARENT WHO IS RECEIVING EXTENDED CHILD CARE ASSISTANCE TO PAY A SERIES OF INCREMENTAL INCREASES IN THE PORTION OF THE PARENTAL SHARE OF THE CHILD CARE COSTS ON A SCHEDULED BASIS BASED UPON A FORMULA ESTABLISHED BY THE COUNTY; EXCEPT THAT ASSISTANCE SHALL NOT BE PROVIDED IF SAID INCOME EXCEEDS THE MAXIMUM LEVEL FOR ELIGIBILITY FOR SERVICES SET BY FEDERAL LAW FOR A FAMILY OF THE SAME SIZE. THE COUNTY SHALL WORK WITH THE PERSON TO PROVIDE A GRADUAL TRANSITION OFF OF THE CHILD CARE ASSISTANCE OVER A TWO-YEAR PERIOD. EACH COUNTY DEPARTMENT SHALL SET ITS OWN PARENTAL FEE SCHEDULE AND MAY CONSULT WITH THE STATE DEPARTMENT ON SETTING THE PARENTAL FEE SCHEDULE.

(4) A FAMILY THAT IS RECEIVING CHILD CARE ASSISTANCE FOR AN EXTENDED PERIOD OF TIME UNDER THE PILOT PROGRAM SHALL REPORT INCOME CHANGES TO THE COUNTY DURING THE TWO-YEAR PERIOD AND IS SUBJECT TO A REDETERMINATION BY THE COUNTY AFTER THE FIRST TWELVE MONTHS.

(5) AS PART OF THE PILOT PROGRAM, A COUNTY IS ENCOURAGED TO CREATE EFFECTIVE PUBLIC AND PRIVATE PARTNERSHIPS WITH NONPROFIT ORGANIZATIONS AND BUSINESSES TO FIND INNOVATIVE WAYS TO SUPPLEMENT ITS CHILD CARE ASSISTANCE PROGRAM FUNDS TO HELP PARENTS CONTINUE TO PAY FOR CHILD CARE, INCLUDING THE POSSIBILITY OF USING THE COLORADO CHILD CARE CONTRIBUTION CREDIT PURSUANT TO SECTION 39-22-121, C.R.S., TO LEVERAGE ADDITIONAL MONEYS TO PROVIDE A STIPEND TO ASSIST THE FAMILY THROUGH THE TIME PERIOD AFTER THE FAMILY'S INCOME MAKES THEM INELIGIBLE OR AT RISK OF BEING INELIGIBLE FOR CHILD CARE ASSISTANCE.

(6) A COUNTY MAY PARTICIPATE IN THE PILOT PROGRAM ON AND AFTER JULY 1, 2012, AND THROUGH JULY 1, 2016. A COUNTY SHALL OPERATE THE PILOT PROGRAM FOR AT LEAST TWO YEARS. A COUNTY MAY APPLY TO PARTICIPATE IN THE PILOT PROGRAM ON OR BEFORE JANUARY 1, 2014. EACH PARTICIPATING COUNTY SHALL COLLECT DATA ON THE PILOT PROGRAM AND SHALL WORK WITH THE STATE DEPARTMENT TO EVALUATE AND REPORT ON THE PILOT PROGRAM USING MEASURABLE OUTCOMES.

(7) THE STATE DEPARTMENT SHALL COMPILE THE DATA SUBMITTED BY THE COUNTIES PURSUANT TO SUBSECTION (6) OF THIS SECTION AND SUBMIT A REPORT ON THE PILOT PROGRAM WITH THE STATE DEPARTMENT'S FINDINGS AND RECOMMENDATIONS TO THE HOUSE HEALTH AND ENVIRONMENT COMMITTEE AND TO THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEES. THE STATE DEPARTMENT SHALL SUBMIT ITS REPORT ON OR BEFORE OCTOBER 1, 2015.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

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."

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MESSAGE FROM THE HOUSE

February 9, 2012

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1180, 1181, 1182, 1183, 1185, 1186, 1187, 1188, 1189, 1190, 1191,1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, 1203, 1058, 1018, 1031, 1077, 1096, 1073, 1008.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1184, amended as printed in House Journal, February 8, page 166. HB12-1200, amended as printed in House Journal, February 8, pages 167-168. HB12-1202, amended as printed in House Journal, February 8, page 171. HB12-1127, amended as printed in House Journal, February 8, page 184. HB12-1104, amended as printed in House Journal, February 8, page 185. HB12-1053, amended as printed in House Journal, February 8, pages 185-186. HB12-1100, amended as printed in House Journal, February 8, page 186. HB12-1032, amended as printed in House Journal, February 8, page 187. HB12-1177, amended as printed in House Journal, February 8, page 187.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB12-1090, amended as printed in House Journal, February 8, page 184, and amended on Third Reading as printed in House Journal, February 9.

MESSAGE FROM THE REVISOR OF STATUTES

February 9, 2012

We herewith transmit:

Without comment, HB12-1008, 1018, 1031, 1058, 1073, 1077, 1096, 1180, 1181, 1182, 1183, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, and 1203. Without comment, as amended, HB12-1032, 1053, 1090, 1100, 1104, 1127, 1177, 1184, 1200, and 1202.

THIRD READING OF BILLS -- FINAL PASSAGE --

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

SB12-030 by Senator(s) Jahn; also Representative(s) Liston--Concerning administrative matters related to a foreclosure sale.

Laid over until Monday, February 13, retaining its place on the calendar.

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,

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reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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- SB12-037** by Senator(s) King S., Aguilar; also Representative(s) Young--Concerning the ability to dispense a controlled substance based on an electronically transmitted prescription drug order.
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- Ordered engrossed and placed on the calendar for third reading and final passage.
- SB12-055** by Senator(s) White, Aguilar, Giron, Guzman, Hudak, Newell, Nicholson, Spence, Steadman, Tochtrop, Williams S.; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund to appear on the state individual income tax return forms.
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- Ordered engrossed and placed on the calendar for third reading and final passage.
- 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.
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- Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 6, page 94 and placed in members' bill files.)
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- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
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- SB12-031** by Senator(s) White; --Concerning federal mineral lease districts.
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- Ordered engrossed and placed on the calendar for third reading and final passage.
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- 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.
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- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 7, page 98 and placed in members' bill files.)
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- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
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- SB12-096** by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Levy, Becker, Gerou--Concerning the continuation of the office of information technology's authority to amend existing contracts for information technology resources.
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- Ordered engrossed and placed on the calendar for third reading and final passage.
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- SB12-012** by Senator(s) King S., Guzman, Tochtrop; also Representative(s) Miklosi, Gardner D.--Concerning the department of revenue's audits of automobile emission inspection facilities.
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- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 8, page 101 and placed in members' bill files.)
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- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
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- SB12-064** by Senator(s) Nicholson; also Representative(s) Massey--Concerning the Colorado children's trust fund.
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- Ordered engrossed and placed on the calendar for third reading and final passage.
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- SB12-111** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou--Concerning departmental reporting of full-time equivalent employees.
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- Ordered engrossed and placed on the calendar for third reading and final passage.
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SB12-112 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou--
Concerning the headnote definition of full-time equivalent employees used in the annual
general appropriation act.

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

SB12-113 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker, Levy--
Concerning the designation in the annual general appropriations act of the portion to be
redirected to the counties of the state's share of recoveries for public assistance paid for
family support obligations.

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

SB12-114 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Levy, Becker, Gerou--
Concerning the crediting of all disputed payments received by the state pursuant to the
tobacco litigation settlement agreement on or after July 1, 2008, to the state general fund.

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 Steadman, the report of the Committee of the Whole was **adopted**
on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	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: SB12-037, SB12-055, SB12-040 as amended, SB12-031,
SB12-074 as amended, SB12-096, SB12-012 as amended, SB12-064, SB12-111,
SB12-112, SB12-113, SB12-114.

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 bill,
reading at length having been dispensed with by unanimous consent, had been considered
and action taken thereon as follows:

SB12-015 by Senator(s) Giron and Johnston, Guzman, Steadman; also Representative(s) Duran--
Concerning creating an optional category of tuition at state institutions of higher education.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, January 27, page 51 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator King K.

Amend printed bill, page 5, after line 4, insert:
 "(8) EACH INSTITUTION THAT OFFERS THE STANDARD-RATE TUITION CLASSIFICATION SHALL REPORT ANNUALLY TO THE DEPARTMENT OF HIGHER EDUCATION THE STUDENT NUMBER FOR EACH STUDENT WHO RECEIVES THE STANDARD-RATE TUITION CLASSIFICATION PURSUANT TO THIS SECTION AND SHALL SPECIFY WHETHER THE STUDENT HAS FILED AN AFFIDAVIT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION. EACH INSTITUTION SHALL ANNUALLY UPDATE THE INFORMATION REQUIRED PURSUANT TO THIS SUBSECTION (8).".

As amended, ordered engrossed 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 (SB12-011, SB12-079, SB12-020, SB12-056, SB12-042, SB12-058, SB12-051, SB12-097, SB12-035, SB12-072, SB12-110, SB12-115) of Friday, February 10 was laid over until Monday, February 13, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-015 by Senator(s) Giron and Johnston, Guzman, Steadman; also Representative(s) Duran-- Concerning creating an optional category of tuition at state institutions of higher education.

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.011) to SB 12-015, did pass.

Amend printed bill, page 2, line 5, after "(1)" insert "(a)".

Page 3, line 2, strike "(a)" and substitute "(I)".

Page 3, line 7, strike "(b)" and substitute "(II)".

Page 3, after line 10 insert:

"(b) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1), AN INSTITUTION SHALL CLASSIFY A STUDENT AS A STANDARD-RATE STUDENT FOR TUITION PURPOSES IF THE STUDENT IS IN THE UNITED STATES ON A VALID FOREIGN STUDENT VISA OR IS A RESIDENT OF ANY STATE OF THE UNITES STATES AND IS LAWFULLY PRESENT IN THE UNITED STATES.".

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

YES	13	NO	20	EXCUSED	2	ABSENT	0
Aguilar	N	Guzman	N	Lambert	E	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	E	Heath	N	Mitchell	Y	Spence	Y
Brophy	N	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 12-015 did pass.

Amend printed bill, page 5, strike lines 5 through 16.

Renumber succeeding section accordingly.

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

YES	14	NO	19	EXCUSED	2	ABSENT	0
Aguilar	N	Guzman	N	Lambert	E	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	E	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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	20	NO	13	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	E	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	E	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

The Committee of the Whole took the following action:

Passed on second reading: SB12-015 as amended.

Laid over until February 13: SB12-011, SB12-079, SB12-020, SB12-056, SB12-042, SB12-058, SB12-051, SB12-097, SB12-035, SB12-072, SB12-110, SB12-115.

MESSAGE FROM THE HOUSE

February 10, 2012

The House has adopted and transmits herewith HJR12-1011.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1047, 1024.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1061, amended as printed in House Journal, February 9, page 214.
 HB12-1034, amended as printed in House Journal, February 9, page 214.
 HB12-1071, amended as printed in House Journal, February 9, page 214.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1011 by Representative(s) Nikkel, Fischer, Kefalas; also Senator(s) Bacon, Lundberg--
Concerning recognition of and appreciation for 142 years of education, research, and
service by the Colorado state university system.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	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: Aguilar, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman,
Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Mitchell, Morse, Neville,
Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop,
White, Williams S. and Shaffer B.

MESSAGE FROM THE REVISOR OF STATUTES

February 10, 2012

We herewith transmit:

Without comment, HB12-1024 and 1047.
Without comment, as amended, HB12-1034, 1061, and 1071.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB12-1180** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of agriculture.
Appropriations
- HB12-1181** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of corrections.
Appropriations
- HB12-1182** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of education.
Appropriations
- HB12-1183** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the offices of the governor, lieutenant governor,
and state planning and budgeting.
Appropriations

HB12-1184	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of health care policy and financing. Appropriations	1 2 3 4 5 6
HB12-1185	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of higher education. Appropriations	7 8 9 10 11
HB12-1186	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of human services. Appropriations	12 13 14 15 16
HB12-1187	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the judicial department. Appropriations	17 18 19 20 21
HB12-1188	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of labor and employment. Appropriations	22 23 24 25 26
HB12-1189	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of law. Appropriations	27 28 29 30 31
HB12-1190	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning supplemental appropriation to the department of local affairs. Appropriations	32 33 34 35 36
HB12-1191	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of military and veterans affairs. Appropriations	37 38 39 40 41
HB12-1192	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of natural resources. Appropriations	42 43 44 45 46
HB12-1193	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of personnel and administration. Appropriations	47 48 49 50 51
HB12-1194	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of public health and environment. Appropriations	52 53 54 55 56 57
HB12-1195	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of public safety. Appropriations	58 59 60 61 62
HB12-1196	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of regulatory agencies. Appropriations	63 64 65 66 67
HB12-1197	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of revenue. Appropriations	68 69 70 71 72

- HB12-1198** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of state.
Appropriations

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- HB12-1199** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of the treasury.
Appropriations

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- HB12-1200** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning funding for capital construction, and making supplemental appropriations in
connection therewith.
Appropriations

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- HB12-1201** by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--
Concerning adjustments in the amount of total program funding for public schools for the
2011-12 budget year, and, in connection therewith, making and reducing appropriations.
Appropriations

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- HB12-1202** by Representative(s) Levy, Becker, Gerou; also Senator(s) Lambert, Hodge, Steadman--
Concerning authorization for the appropriation of tobacco education program fund moneys
to the department of health care policy and financing in order to obtain federal matching
funds for the Colorado quitline program.
Appropriations

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- HB12-1203** by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--
Concerning the reenactment of the statutes that authorize grants from the primary care fund
for comprehensive primary care services.
Appropriations

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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 balance of the calendar of Friday, February 10 was laid over
until Monday, February 13, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-007, HJR12-1010.

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On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 13, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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