

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

34th Legislative Day

Monday, February 13, 2012

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Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.	11
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Call to Order	By the President at 10:00 a.m.	13
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Pledge	By Senator Lambert.	16
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Roll Call	Present--34	18
	Absent--1, Tochtrop.	19
	Present later--1, Tochtrop.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Jahn, reading of the Journal of Friday, February 10, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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Appropriations	After consideration on the merits, the Committee recommends that HB12-1180 be referred to the Committee of the Whole with favorable recommendation.	33
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1181 be referred to the Committee of the Whole with favorable recommendation.	37
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1182 be referred to the Committee of the Whole with favorable recommendation.	41
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1183 be referred to the Committee of the Whole with favorable recommendation.	45
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1184 be referred to the Committee of the Whole with favorable recommendation.	49
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1185 be referred to the Committee of the Whole with favorable recommendation.	53
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1186 be referred to the Committee of the Whole with favorable recommendation.	57
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1187 be referred to the Committee of the Whole with favorable recommendation.	61
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1188 be referred to the Committee of the Whole with favorable recommendation.	65
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1189 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
Appropriations	After consideration on the merits, the Committee recommends that HB12-1190 be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9
Appropriations	After consideration on the merits, the Committee recommends that HB12-1191 be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13
Appropriations	After consideration on the merits, the Committee recommends that HB12-1192 be referred to the Committee of the Whole with favorable recommendation.	14 15 16 17
Appropriations	After consideration on the merits, the Committee recommends that HB12-1193 be referred to the Committee of the Whole with favorable recommendation.	18 19 20 21
Appropriations	After consideration on the merits, the Committee recommends that HB12-1194 be referred to the Committee of the Whole with favorable recommendation.	22 23 24 25
Appropriations	After consideration on the merits, the Committee recommends that HB12-1195 be referred to the Committee of the Whole with favorable recommendation.	26 27 28 29
Appropriations	After consideration on the merits, the Committee recommends that HB12-1196 be referred to the Committee of the Whole with favorable recommendation.	30 31 32 33
Appropriations	After consideration on the merits, the Committee recommends that HB12-1197 be referred to the Committee of the Whole with favorable recommendation.	34 35 36 37
Appropriations	After consideration on the merits, the Committee recommends that HB12-1198 be referred to the Committee of the Whole with favorable recommendation.	38 39 40 41
Appropriations	After consideration on the merits, the Committee recommends that HB12-1199 be referred to the Committee of the Whole with favorable recommendation.	42 43 44 45
Appropriations	After consideration on the merits, the Committee recommends that HB12-1200 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	46 47 48 49 50
	Amend reengrossed bill, page 32, line 13, in the ITEM & SUBTOTAL column strike " 2,000,000 " and substitute "2,000,000" and in the CAPITAL CONSTRUCTION FUND column strike " 2,000,000 " and substitute "2,000,000".	51 52 53 54 55
	Page 32, strike line 14.	56 57
	Page 33, line 5, in the TOTAL column strike " 3,018,104 " and substitute "3,018,104".	58 59 60
	Page 33, strike line 6.	61 62
	Page 34, line 2, in the TOTAL column strike " \$6,665,417 " and substitute "\$6,665,417" and in the CAPITAL CONSTRUCTION FUND column strike " \$3,018,104 " and substitute "\$3,018,104".	63 64 65 66
	Page 34, strike line 3.	67 68
	Page 37, line 12, in the CAPITAL CONSTRUCTION FUND column	69

strike "~~\$48,891,749~~" and substitute "\$48,891,749".

Page 37, line 13, in the TOTAL column strike "\$189,211,430" and substitute "\$188,760,046" and in the CAPITAL CONSTRUCTION FUND column strike "\$49,343,133".

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1201** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1202** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 10, in the TOTAL column strike "~~3,517,360,117~~" and substitute "3,523,622,209", in the GENERAL FUND column strike "986,596,227(M)" and substitute "985,981,237(M)", in the CASH FUNDS column strike "~~510,742,466~~" and substitute "513,383,953^b", and in the FEDERAL FUNDS column strike "~~1,732,744,299~~" and substitute "1,736,979,894".

Page 5, line 11, in the TOTAL column strike "3,517,937,433" and substitute "3,524,199,525", in CASH FUNDS column strike "511,031,124^b" and substitute "513,672,611^b", and in the FEDERAL FUNDS column strike "1,733,032,957" and substitute "1,737,268,552".

Page 7, line 3, in the TOTAL column strike "~~\$5,088,359,133~~" and substitute "\$5,078,724,985", in the GENERAL FUND column strike "\$1,472,269,060" and substitute "\$1,471,654,070", in the CASH FUNDS column strike "~~\$799,659,065~~" and substitute "\$794,352,432", and in the FEDERAL FUNDS column strike "~~\$2,526,142,573~~" and substitute "\$2,522,430,048".

Page 7, line 4, in the TOTAL column strike "\$5,088,936,449" and substitute "\$5,079,302,301", in the CASH FUNDS column strike "\$799,947,723" and substitute "\$794,641,090", and in the FEDERAL FUNDS column strike "\$2,526,431,231" and substitute "\$2,522,718,706".

Page 1, line 105, strike "**PROGRAM.**" and substitute "**PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**".

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1203** be referred to the Committee of the Whole with favorable recommendation.

**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:

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.

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.

Co-sponsors added: Boyd, Carroll, Foster, Jahn, Newell, Nicholson, Spence, White.

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.

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

YES	29	NO	6	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	N	Spence	Y
Brophy	Y	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	Y	King S.	Y	Roberts	Y		

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

SB12-031 by Senator(s) White; also Representative(s) Bradford--Concerning federal mineral lease districts.

Laid over until Monday, February 20, retaining its place on the calendar.

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.

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: Boyd, Carroll, Foster, Giron, Guzman, Heath, Jahn, Morse, Newell, Nicholson, Spence, Steadman, White and Williams S.

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.

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**.

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.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
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	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-sponsor added: Williams S.

SB12-064 by Senator(s) Nicholson; also Representative(s) Massey--Concerning the Colorado
children's trust fund.

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: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hudak, Morse, Newell, Spence, Steadman, Tochtrop and Williams S.

SB12-111 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou--
Concerning departmental reporting of full-time equivalent employees.

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.

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.

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.

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.

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.

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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.

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:

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

A majority of those elected to the Senate having voted in the affirmative, Senator Jahn was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.003), by Senators Jahn and Neville.

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

"SECTION 1. In Colorado Revised Statutes, **amend** 38-13-108.2 as follows:

38-13-108.2. Property held by courts and public agencies.

(1) EXCEPT AS SET FORTH IN SUBSECTION (2) OF THIS SECTION, intangible property held for the owner by a court, state or other government, governmental subdivision or agency, public corporation, or public authority which remains unclaimed by the owner for more than one year after becoming payable or distributable is presumed abandoned.

(2) UNCLAIMED EXCESS PROCEEDS FROM A PROPERTY SOLD FOLLOWING THE FORECLOSURE OF A DEED OF TRUST OR OTHER LIEN THAT ARE TRANSFERRED TO A COUNTY TREASURER WHICH REMAIN UNCLAIMED FOR FIVE YEARS FROM THE DATE OF SALE ARE PRESUMED ABANDONED."

Renumber succeeding sections accordingly.

Page 14, strike lines 21 through 27.

Strike page 15.

Page 16, strike lines 1 through 6 and substitute:

"SECTION 9. In Colorado Revised Statutes, 38-38-111, **amend** (3); and **add** (2.5) and (5) as follows:

38-38-111. Treatment of excess proceeds - definition.

(2.5) (a) A PUBLIC TRUSTEE SHALL INCLUDE THE FOLLOWING STATEMENT ON THE PUBLIC TRUSTEE'S WEB SITE:

NOTICE TO AN OWNER IN FORECLOSURE: IF YOUR PROPERTY GOES TO FORECLOSURE AUCTION SALE AND

IS PURCHASED FOR MORE THAN THE TOTAL OWED TO THE LENDER AND TO ALL OTHER LIEN HOLDERS, PLEASE CONTACT THE PUBLIC TRUSTEE'S OFFICE AFTER THE SALE BECAUSE YOU MAY HAVE FUNDS DUE TO YOU.

(b) IN ORDER TO PAY THE OWNER OF THE PROPERTY AS REQUIRED PURSUANT TO SUBSECTION (2) OF THIS SECTION, A PUBLIC TRUSTEE SHALL SEND A NOTICE TO THE OWNER. IF THE AMOUNT OF EXCESS PROCEEDS IS GREATER THAN TWENTY-FIVE DOLLARS, THE PUBLIC TRUSTEE SHALL MAKE REASONABLE EFFORTS TO IDENTIFY THE OWNER'S CURRENT ADDRESS. THE PUBLIC TRUSTEE SHALL MAIL THE OWNER A NOTICE REGARDING THE EXCESS PROCEEDS TO THE BEST AVAILABLE ADDRESS AT LEAST TWO WEEKS PRIOR TO THE TIME THE PUBLIC TRUSTEE TRANSFERS THE UNCLAIMED EXCESS PROCEEDS TO THE COUNTY TREASURER PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, BUT NO LATER THAN THIRTY DAYS AFTER THE EXPIRATION OF ALL REDEMPTION PERIODS AS PROVIDED IN SECTION 38-38-302.

(3) (a) UNLESS THE PROPERTY IS SOLD BY THE SHERIFF AND ALL THE PROCEEDS OF THE SALE ARE DEPOSITED INTO THE REGISTRY OF THE COURT, any unclaimed excess proceeds shall be transferred by the officer to the county treasurer within ~~ninety~~ FORTY-FIVE calendar days after the expiration of all redemption periods as provided in section 38-38-302 and held in escrow for five years from the date of sale. The county TREASURER shall be answerable for the funds without interest at any time within the five-year period to such persons as shall be legally entitled to the funds. Any interest earned on the escrowed funds shall be paid to the county at least annually. ~~Any funds~~ UNCLAIMED EXCESS PROCEEDS THAT ARE LESS THAN TWENTY-FIVE DOLLARS AND THAT ARE not claimed within five years from the date of sale shall be paid by the county treasurer to the general fund of the county. After the lapse of five years from the date of sale, no claim therefor having been made and established by any person entitled thereto, ~~said~~ SUCH moneys PAID TO THE GENERAL FUND OF THE COUNTY shall become the property of the county. ~~and~~ UNCLAIMED EXCESS PROCEEDS THAT ARE EQUAL TO OR GREATER THAN TWENTY-FIVE DOLLARS AND THAT ARE NOT CLAIMED WITHIN FIVE YEARS FROM THE DATE OF THE SALE SHALL BE PRESUMED TO BE UNCLAIMED PROPERTY FOR PURPOSES OF THE "UNCLAIMED PROPERTY ACT". AFTER THE UNCLAIMED EXCESS PROCEEDS ARE TRANSFERRED TO THE ADMINISTRATOR IN ACCORDANCE WITH SUCH ACT OR TO THE GENERAL FUND OF THE COUNTY, the county treasurer and officer shall be discharged from any further liability or responsibility for the moneys. ~~except that,~~

(b) If the ~~moneys~~ UNCLAIMED EXCESS PROCEEDS exceed five hundred dollars and have not been claimed by any person entitled thereto within sixty calendar days from the expiration of all redemption periods as provided by section 38-38-302, the county treasurer SHALL:

(I) MAKE DILIGENT INQUIRY TO DETERMINE THE CURRENT ADDRESS OF THE OWNER;

(II) PRIOR TO THE PUBLICATION REQUIRED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (b), MAIL TO THE OWNER A NOTICE REGARDING THE UNCLAIMED EXCESS PROCEEDS AT THE BEST AVAILABLE ADDRESS FOR THE OWNER;

(III) Within ninety calendar days from the expiration of all redemption periods, ~~shall~~ commence publication of a notice for four weeks, which means publication once each week for five successive weeks in some newspaper of general circulation in the county where the subject property is located. The notice shall contain the name of the ~~record~~ owner, ~~as of the recording of the notice of election and demand or lis pendens~~, the owner's address as given in the recorded instrument evidencing the owner's interest, and the legal description and street address, if any, of the property sold at the sale and shall state that excess proceeds were realized from the sale and that, unless the funds are claimed by the ~~record~~ owner ~~as of the recording of the notice of election and demand or lis pendens~~ or other person entitled thereto within five years from the date of sale, the funds shall ~~become the property of the county in the manner provided in this subsection (3)~~ BE TRANSFERRED TO THE STATE TREASURER AS PART OF THE "UNCLAIMED PROPERTY ACT". The county treasurer shall also mail a copy of the notice to the ~~record~~ owner ~~as of the recording of the notice of election and demand or lis pendens~~ at the BEST AVAILABLE address. ~~provided in the recorded instrument evidencing his or her interest and at the property address.~~

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(d) The fees and costs of publication and mailing REQUIRED PURSUANT TO THIS SUBSECTION (3) shall be paid from the moneys escrowed by the county treasurer.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "OWNER" MEANS THE RECORD OWNER OF THE PROPERTY AS OF THE RECORDING OF THE NOTICE OF ELECTION AND DEMAND OR LIS PENDENS."

The amendment was passed on 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 was passed.

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Hudak, Johnston, King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Schwartz, Steadman, Tochtrop, White and William S.

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.

Laid over until Monday, February 20, retaining its place on the calendar.

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.

A majority of those elected to the Senate having voted in the affirmative, Senator Bacon was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.003), by Senator Bacon.

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

"SECTION 1. In Colorado Revised Statutes, 23-1-102, amend (2) as follows:

23-1-102. Commission established - terms of office. (2) There is hereby established a central policy and coordinating board for higher education in the state of Colorado, to be known as the Colorado commission on higher education, referred to in this article as the "commission". The duties and powers delegated to the commission by this article shall apply to all state-supported institutions of higher education, including, but not limited to, all postsecondary institutions in the state supported in whole or part by state funds, and including junior colleges and community colleges, extension programs of the state-supported universities and colleges, local district colleges, and area vocational schools, THE AURARIA HIGHER EDUCATION CENTER ESTABLISHED IN ARTICLE 70 OF THIS TITLE, and specifically the regents of the university of Colorado and the institutions it governs. The governing boards and institutions of the public system of higher education in Colorado, including the university of Colorado, are obligated to conform to the policies set by the commission within the authorities delegated to it in this article."

Renumber succeeding sections accordingly.

The amendment was passed on 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 was passed.

Co-sponsor added: Newell

MESSAGE FROM THE HOUSE

February 13, 2012

The House has adopted and transmits herewith HJR12-1012.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1012 by Representative(s) Acree; also Senator(s) Nicholson--Concerning the designation of February 13, 2012, as "One Voice Against Cancer Day", and, in connection therewith, honoring cancer patients, survivors, and their families and remembering those people who have been lost to cancer.

On motion of Senator Nicholson, the resolution 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: Aguilar, 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, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

MESSAGE FROM THE HOUSE

February 13, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1088, 1089, 1158, 1212.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1147, amended as printed in House Journal, February 9, page 227.

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

HB12-1001 by Representative(s) Murray and Gardner B., Labuda, Levy, Waller; also Senator(s) Johnston and Spence, Brophy, Carroll, Morse, Roberts, Schwartz--Concerning legislative review of rules of the state board of education to implement the statewide system to evaluate the effectiveness of licensed educators.

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

SB12-145 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy--Concerning a cap on the 2011-12 state fiscal year transfers to the state public school fund from public school land moneys.

Amendment No. 1(L.001), by Senator Steadman.

Amend printed bill, page 3, strike lines 12 through 27.

Strike page 4 and substitute:

"SECTION 2. In Colorado Revised Statutes, 36-1-116, amend (1) (a) (II) (B) and (1) (c) as follows:

36-1-116. Disposition of rentals, royalties, and timber sale proceeds. (1) (a) (II) (B) For the 2008-09 state fiscal year through the 2012-13 state fiscal year, all proceeds received by the state for the sale of timber on public school lands, rental payments for the use and occupation of the surface of said lands, and rentals or lease payments for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals on said lands other than proceeds, rentals, and payments allocated to the state land board trust administration fund pursuant to section 36-1-145 (3) or credited to the public school capital construction assistance fund created in section 22-43.7-104 (1), C.R.S., pursuant to section 22-43.7-104 (2) (b) (I), C.R.S., shall be transferred to the state public school fund created in section 22-54-114, C.R.S.

(c) (I) FOR THE 2011-12 STATE FISCAL YEAR, THE FIRST TWENTY-ONE MILLION DOLLARS OF ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC SCHOOL LANDS IN EXCESS OF THE MONEYS CREDITED TO THE STATE LAND BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3), CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 (1), C.R.S., PURSUANT TO SECTION 22-43.7-104 (2) (b) (I), C.R.S., AND CREDITED AS SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114, C.R.S. ANY AMOUNT OF ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC SCHOOL LANDS IN EXCESS OF THE AMOUNTS DESCRIBED IN THIS SUBPARAGRAPH (I) SHALL BE CREDITED TO THE PERMANENT SCHOOL FUND AND SHALL BECOME PART OF THE PRINCIPAL OF THE PERMANENT SCHOOL FUND.

(II) For the 2008-09 state fiscal year through the 2012-13 state fiscal year, royalties and other payments for the depletion or extraction of a natural resource on public school lands not allocated to the state land board trust administration fund pursuant to section 36-1-145 (3), not credited to the public school capital construction assistance fund created in section 22-43.7-104 (1), C.R.S., pursuant to section 22-43.7-104 (2) (b) (I), C.R.S., and not credited as specified in subparagraph (II) of paragraph (b) of this subsection (1) shall be transferred to the state public school fund created in section 22-54-114, C.R.S."

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

SB12-011 by Senator(s) Spence; also Representative(s) Summers--Concerning the differential response pilot program for child abuse or neglect cases of low or moderate risk.

Laid over until Tuesday, February 14, retaining its place on the calendar.

SB12-079 by Senator(s) King S., Cadman, Morse; also Representative(s) Stephens, Fields, Priola, Schafer S.--Concerning revisions to the safe2tell program relating to advances in communications technology.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, February 1, page 74 and placed in members' bill files.)

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

SB12-020 by Senator(s) Aguilar, Steadman; also Representative(s) Summers--Concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 2, page 79 and placed in members' bill files.)

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Amendment No. 2(L.006), by Senator Aguilar.

Amend the Senate Judiciary Committee Report, dated February 1, 2012,
page 1, strike lines 3 through 6 and substitute:

"Page 4, strike lines 17 through 21.

Reletter succeeding paragraphs accordingly.

Page 5, strike lines 10 through 15.

Reletter succeeding paragraphs accordingly.

Page 6, strike lines 23 through 27.

Page 7, strike lines 1 through 8.

Renumber succeeding bill sections accordingly."

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

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

Laid over until February 17, retaining its place on the calendar.

SB12-042 by Senator(s) Spence; also Representative(s) Summers--Concerning bringing certain statutory provisions related to child support into compliance with federal law.

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

SB12-058 by Senator(s) Heath; --Concerning the creation of the venture capital advisory board.

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

SB12-051 by Senator(s) Bacon; also Representative(s) Massey--Concerning requirements for contracts executed by local education providers.

Laid over until Tuesday, February 14, retaining its place on the calendar.

SB12-097 by Senator(s) Hodge; also Representative(s) Sonnenberg--Concerning a simplified procedure for the adjudication of certain changes of the points of diversion of water rights.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, February 6, pages 94-95 and placed in members' bill files.)

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

SB12-035 by Senator(s) Hodge; also Representative(s) Gardner B.--Concerning limited liability for spaceflight activities.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 7, page 97 and placed in members' bill files.)

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

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SB12-072 by Senator(s) Lambert, Newell, Grantham, Scheffel, Cadman, Aguilar, King K., Lundberg, Neville, Renfroe; also Representative(s) Stephens, Holbert, Joshi, Looper, DelGrosso, Gerou--Concerning the Colorado mounted rangers.

Laid over until Tuesday, February 14, retaining its place on the calendar.

SB12-110 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Levy, Becker, Gerou-- Concerning a fund consisting of surcharges on insurance premiums to pay for costs associated with criminal prosecution of insurance fraud investigations, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 8, page 102 and placed in members' bill files.)

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

SB12-115 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy-- Concerning a requirement that the limited gaming control commission take into account the impact on all authorized recipients of gaming tax revenue when considering changes in rules governing the taxes on limited gaming activity.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 9, page 107 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Steadman.

Amend the Appropriations Committee Report, dated February 3, 2012, page 1, line 2, strike "EXTENDED".

Page 1, line 3, strike "PROCEEDS." and substitute "PROCEEDS, INCLUDING THOSE FROM EXTENDED LIMITED GAMING.".

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

SB12-122 by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn, Lundberg, Newell, Nicholson, Roberts, Steadman; also Representative(s) DelGrosso--Concerning avoiding potential conflicts of interest in the provision of services to a person on probation.

Laid over until February 14, retaining its place on the calendar.

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 (SB12-131, SB12-061, SB12-146) of Monday, February 13 was laid over until Tuesday, February 14, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Schwartz, the report of the Committee of the Whole was **adopted** on 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 Committee of the Whole took the following action:

Passed on second reading: SB12-145 as amended, SB12-079 as amended, SB12-020 as amended, SB12-042, SB12-058, SB12-097 as amended, SB12-035 as amended, SB12-110 as amended, SB12-115 as amended, HB12-1001.
 Laid over until February 14: SB12-011, SB12-051, SB12-072, SB12-122, SB12-131, SB12-061, SB12-146.
 Laid over until February 17: SB12-056.

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SENATE SERVICES REPORT

Correctly Engrossed: SB12-012, 015, 031, 037, 040, 055, 064, 074, 096, 111, 112, 113 and 114.
 Correctly Revised: HJR12-1011.

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MESSAGE FROM THE REVISOR OF STATUTES

February 13, 2012

We herewith transmit:

Without comment, HB12-1088, 1089, 1158, and 1212.
 Without comment, as amended, HB12-1147.

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INTRODUCTION OF BILLS -- FIRST READING

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

- HB12-1008** by Representative(s) Acree; also Senator(s) Jahn--Concerning additional methods for providing input to executive branch agencies about proposed rules, and, in connection therewith, directing agencies to establish representative groups to evaluate and comment on proposed rules, requiring agencies to notify the general assembly of any rule-making that results in increases in fees or fines, and requiring agencies to submit departmental regulatory agendas to the general assembly.
 Finance

- HB12-1018** by Representative(s) Labuda, Barker, Duran, Gardner B., Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, Morse, King S., White--Concerning modifications to available affiliation by social security employers with the fire and police pension association.
 Finance

- HB12-1031** by Representative(s) Peniston, Labuda, Duran, Ramirez, Schafer S.; also Senator(s) Tochtrop, King S., Morse--Concerning the authority of the board of the fire and police pension association to make amendments to plans for the administration of benefits.
Finance 1
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- HB12-1032** by Representative(s) Hamner; also Senator(s) Nicholson--Concerning continuation of forestry-related programs, and, in connection therewith, making an appropriation.
Agriculture, Natural Resources, and Energy 7
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- HB12-1053** by Representative(s) Gardner B.; also Senator(s) Giron--Concerning the victims' rights act.
Judiciary 13
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- HB12-1058** by Representative(s) Joshi; also Senator(s) Nicholson--Concerning the requirement that the department of public health and environment provide infant eye prophylaxis.
Health and Human Services 17
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- HB12-1073** by Representative(s) Brown; also Senator(s) Roberts--Concerning the transfer of a judgeship from the first judicial district to the sixth judicial district.
Judiciary 22
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- HB12-1077** by Representative(s) Gardner B., Barker, Duran, Labuda, Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, King S., White--Concerning modifications to the investment confidentiality provisions related to police officers' and firefighters' pension plans.
Finance 27
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- HB12-1090** by Representative(s) Pace; also Senator(s) Newell--Concerning the annual date for establishing the total pupil enrollment of each public school.
Education 34
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- HB12-1096** by Representative(s) Kerr A., Acree, Beezley, Conti, DelGrosso, Hullinghorst, Joshi, Kagan, Kefalas, Labuda, McCann, Pabon, Swalm, Swerdfeger; also Senator(s) Brophy--Concerning an extension of the period for which the voluntary contribution designation line benefiting the Make-A-Wish Foundation of Colorado fund appears on state individual income tax return forms.
Finance 39
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- HB12-1100** by Representative(s) Summers; also Senator(s) Aguilar--Concerning the admissibility in criminal proceedings of the results of a prenatal screening for illegal substances.
Judiciary 47
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- HB12-1104** by Representative(s) Swerdfeger, Acree, Conti, Hullinghorst, Kagan, Kefalas, Pabon, Swalm; also Senator(s) Giron--Concerning a change to the voluntary contribution designation benefiting the Colorado breast and women's reproductive cancers fund, and, in connection therewith, changing the name of the fund to the Colorado cancer fund and expanding the purpose of the fund to include furtherance of the Colorado Cancer Coalition's work on behalf of the cancer community.
Health and Human Services 52
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- HB12-1127** by Representative(s) Liston, Priola, Holbert, Swalm, Swerdfeger, Szabo; also Senator(s) Williams S.--Concerning elimination of an increase in the unemployment insurance premium rate for new employers.
Business, Labor and Technology 61
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HB12-1177 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
 Concerning a grant program to provide home care allowance benefits to certain eligible
 individuals, and, in connection therewith, making and reducing appropriations.
 Health and Human Services

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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 Monday, February 13 was laid over
 until Tuesday, February 14, retaining its place on the calendar.

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

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 14,
 2012.

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Approved:

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Brandon C. Shaffer
 President of the Senate

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Attest:

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Cindi L. Markwell
 Secretary of the Senate

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