

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

115th Legislative Day Friday, May 4, 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 Nicholson. 16
- Roll Call Present--25 18
 Excused--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Scheffel, Steadman. 19
 Present later--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Scheffel, Steadman. 21
- Quorum The President announced a quorum present. 24
- Reading of Journal On motion of Senator Neville, reading of the Journal of Thursday, May 3, 2012, was dispensed with and the Journal was approved as corrected by the Secretary. 26

COMMITTEE OF REFERENCE REPORTS

- Local Government After consideration on the merits, the Committee recommends that **HB12-1319** be postponed indefinitely. 34
- Local Government The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 38

**MEMBERS OF THE
 COLORADO COMMISSION ON THE AGING**

for a term expiring July 1, 2015:

Sara Canfield of Fort Morgan, Colorado, to serve as a representative from the Fourth Congressional District and as a Republican, appointed.

SENATE SERVICES REPORT

- Correctly Engrossed: SB12-169; SJR12-039 and 043. 56
- Correctly Reengrossed: SB12-173. 57
- Correctly Revised: HB12-1237, 1238 and 1272. 58
- Correctly Rerevised: HB12-1036, 1043 and 1086. 59
- Correctly Enrolled: SB12-010, 128 and 145. 60

INTRODUCTION OF BILLS -- FIRST READING

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

- SB12-184** by Senator(s) Cadman, Tochtrop; --Concerning the registration of special mobile machinery fleets.
Transportation
- HB12-1119** by Representative(s) Coram; also Senator(s) Giron and King S.--Concerning violations of state requirements enforced by the department of public health and environment that pertain to construction-related discharges of storm water.
Health and Human Services

CONSIDERATION OF RESOLUTIONS

- HJR12-1022** by Representative(s) Baumgardner, Looper, Massey, Wilson; also Senator(s) Nicholson, White--Concerning naming a portion of the Fraser River the "Eisenhower Memorial Reach".

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-sponsor 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, Shaffer B., Spence, Steadman, Tochtrop and Williams S.

Call of the Senate. Call raised.

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:

- HB12-1272** by Representative(s) Duran and Ramirez, Fields, Tyler, Casso, Ferrandino, Hullinghorst, Miklosi, Singer, Solano, Soper, Vigil; also Senator(s) Newell--Concerning continuation of enhanced unemployment insurance benefits for unemployed individuals participating in approved training programs, and, in connection therewith, making an appropriation.

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

YES	21	NO	14	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	N	Spence	N
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.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsor added: Aguilar, Bacon, Boyd, Foster, Giron, Heath, Hodge, Schwartz, Tochtrop and Williams S.

SB12-169 by Senator(s) Tochtrop; also Representative(s) Sonnenberg--Concerning the administration of county powers to maintain the landscape.

Laid over until Monday, May 7, retaining its place on the calendar.

HB12-1238 by Representative(s) Massey and Hamner, Fields, Pabon, Priola, Casso, Gerou, Lee, Murray, Pace, Sonnenberg, Swerdfeger; also Senator(s) Johnston and Spence, Bacon, Giron, Jahn, Newell--Concerning literacy education for students enrolled in kindergarten through third grade, and, in connection therewith, creating the "Colorado Early Literacy Act" and making and reducing appropriations.

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, Boyd, Brophy, Cadman, Foster, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, King K., King S., Mitchell, Morse, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

HB12-1237 by Representative(s) Williams A.; also Senator(s) Harvey--Concerning the records kept by the unit owners' association of a common interest community.

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: Jahn, Newell and Steadman.

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

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

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

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

SB12-174 by Senator(s) Johnston; also Representative(s) Pabon--Concerning the creation of a pilot alternate property tax valuation protest and appeal procedure for the city and county of Denver.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, May 2, pages 1020-1023 and placed in members' bill files.)

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

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

On motion of Senator Mitchell, 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: SB12-174 as amended.

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

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB12-070 by Senator(s) Aguilar; also Representative(s) Wilson, Solano--Concerning residential landlords and tenants, and, in connection therewith, enacting the "Uniform Residential Landlord and Tenant Act".

Laid over until Monday, May 7, retaining its place on the calendar.

HB12-1160 by Representative(s) Baumgardner; also Senator(s) Schwartz--Concerning methane gas captured from active and inactive coal mines.

Laid over until Monday, May 7, retaining its place on the calendar.

SB12-106 by Senator(s) King K.; --Concerning education.

Laid over until Thursday, May 10, retaining its place on the calendar.

SB12-135 by Senator(s) Lundberg, Scheffel, Cadman, Harvey, King K., Lambert, Mitchell, White; also Representative(s) Murray--Concerning the development of an on-line program to which the secretary of state posts election returns by the evenings of specified election days, and, in connection therewith, making an appropriation.

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

Amend printed bill, page 2, line 11, strike "1-7-603" and substitute "1-7-602".

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

SB12-155 by Senator(s) Heath and White; also Representative(s) Court and Murray--Concerning procedures to protect transparency in elections while preserving the integrity of ballots in connection with a request for public inspection of ballots under the "Colorado Open Records Act".

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 15, page 493 and placed in members' bill files.)

Amendment No. 2(L.006), by Senators Heath and White.

Strike the State, Veterans, & Military Affairs Committee Report, dated March 14, 2012.

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

"SECTION 1. In Colorado Revised Statutes, **add** 24-72-205.5 as follows:

24-72-205.5. Public inspection of ballots - stay period - exception to stay for recounts - rules governing public inspection of ballots - legislative declaration - definitions. (1) (a) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS TO PERMIT THE INSPECTION OF BALLOTS UNDER THE CONDITIONS SPECIFIED IN THIS SECTION AND TO PROTECT THE INTEGRITY OF THE ELECTION PROCESS WHILE PROTECTING VOTER PRIVACY AND PRESERVING SECRECY IN VOTING IN ACCORDANCE WITH THE PROVISIONS OF SECTION 8 OF ARTICLE VII OF THE STATE CONSTITUTION.

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(b) IN ORDER TO FACILITATE AND ENSURE A CONSISTENT APPLICATION OF THE PROVISIONS OF THIS SECTION ACROSS THE STATE, THE MATTERS ADDRESSED IN THIS SECTION ARE MATTERS OF STATEWIDE CONCERN.

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

(a) "BALLOT" MEANS A BALLOT VOTED BY ANY ACCEPTABLE, APPLICABLE, OR LEGAL METHOD THAT IS IN THE CUSTODY OF AN ELECTION OFFICIAL. "BALLOT" INCLUDES ANY DIGITAL IMAGE OR ELECTRONIC REPRESENTATION OF VOTES CAST.

(b) "DESIGNATED ELECTION OFFICIAL" HAS THE SAME MEANING AS SET FORTH IN SECTION 1-1-104 (8), C.R.S.

(c) "INTERESTED PARTY" MEANS:

(I) ANY CANDIDATE WHO WAS IN AN ELECTION CONTEST THAT IS THE SUBJECT OF A RECOUNT OR THE POLITICAL PARTY OR POLITICAL ORGANIZATION AS DEFINED IN SECTION 1-1-104 (24), C.R.S., OF SUCH CANDIDATE;

(II) ANY PETITION REPRESENTATIVE IDENTIFIED PURSUANT TO SECTION 1-40-113 OR 31-11-106 (2), C.R.S., AS APPLICABLE, IN CONNECTION WITH A BALLOT ISSUE OR BALLOT QUESTION THAT IS THE SUBJECT OF THE RECOUNT;

(III) THE GOVERNING BODY THAT REFERRED A BALLOT QUESTION OR BALLOT ISSUE TO THE ELECTORATE THAT IS THE SUBJECT OF THE RECOUNT; OR

(IV) THE AGENT OF AN ISSUE COMMITTEE THAT IS REQUIRED TO REPORT CONTRIBUTIONS PURSUANT TO THE "FAIR CAMPAIGN PRACTICES ACT", ARTICLE 45 OF TITLE 1, C.R.S., THAT EITHER SUPPORTED OR OPPOSED A BALLOT QUESTION OR BALLOT ISSUE THAT IS THE SUBJECT OF THE RECOUNT.

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE DESIGNATED ELECTION OFFICIAL SHALL NOT FULFILL A REQUEST UNDER THIS PART 2 FOR THE PUBLIC INSPECTION OF BALLOTS DURING THE PERIOD COMMENCING WITH THE FORTY-FIFTH DAY PRECEDING ELECTION DAY AND CONCLUDING WITH THE DATE EITHER BY WHICH THE DESIGNATED ELECTION OFFICIAL IS REQUIRED TO CERTIFY AN OFFICIAL ABSTRACT OF VOTES CAST FOR THE APPLICABLE CANDIDATE CONTEST OR BALLOT ISSUE OR BALLOT QUESTION PURSUANT TO SECTION 1-10-102 OR 31-10-1205 (1), C.R.S., AS APPLICABLE, OR BY WHICH ANY RECOUNT CONDUCTED IN ACCORDANCE WITH ARTICLE 10.5 OF TITLE 1, C.R.S., OR SECTION 31-10-1207, C.R.S., IS COMPLETED, AS APPLICABLE, WHICHEVER DATE IS LATER. THE DENIAL OF PUBLIC INSPECTION OF BALLOTS AUTHORIZED PURSUANT TO THIS PARAGRAPH (a) SHALL ALSO APPLY TO ANY INTERNAL BATCH REPORTS GENERATED BY A DESIGNATED ELECTION OFFICIAL FOR THE SPECIFIC PURPOSE OF AUDITING BALLOTS RECEIVED IN THE COURSE OF CONDUCTING AN ELECTION.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DENIAL OF PUBLIC INSPECTION OF BALLOTS AUTHORIZED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL APPLY TO A RECOUNT THAT IS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 10.5 OF TITLE 1, C.R.S., OR SECTION 31-10-1207, C.R.S., AS APPLICABLE; EXCEPT THAT, DURING THE PERIOD DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), AN INTERESTED PARTY MAY INSPECT AND REQUEST COPIES OF BALLOTS IN CONNECTION WITH SUCH RECOUNT WITHOUT HAVING TO OBTAIN A COURT ORDER GRANTING SUCH INSPECTION. IN CONNECTION WITH AN INSPECTION BY AN INTERESTED PARTY AS AUTHORIZED BY THIS PARAGRAPH (b), AN INTERESTED PARTY MAY WITNESS THE HANDLING OF BALLOTS INVOLVED IN THE RECOUNT TO VERIFY THAT THE RECOUNT IS BEING CONDUCTED IN A FAIR, IMPARTIAL, AND UNIFORM MANNER SO AS TO DETERMINE THAT ALL BALLOTS THAT HAVE BEEN CAST ARE ACCURATELY INTERPRETED AND COUNTED; EXCEPT THAT AN INTERESTED PARTY IS NOT PERMITTED TO HANDLE THE ORIGINAL BALLOTS. EXCEPT AS SPECIFIED IN THIS PARAGRAPH (b), NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT AN INTERESTED PARTY FROM REQUESTING COPIES OF BALLOTS IN CONNECTION WITH A RECOUNT, TO AFFECT THE CONDUCT OF A RECOUNT, OR TO AFFECT THE RIGHTS OF AN INTERESTED PARTY IN CONNECTION WITH A RECOUNT.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE PUBLIC INSPECTION OF ELECTION RECORDS AS DEFINED IN SECTION 1-1-104 (11), C.R.S.; EXCEPT THAT, FOR PURPOSES OF THIS SECTION, ELECTION RECORDS SHALL NOT INCLUDE BALLOTS.

(4) (a) IN ACCORDANCE WITH THE PROVISIONS OF SECTION

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24-72-203 (1) (a) AND IN ADDITION TO ANY OTHER REQUIREMENTS THAT ARE APPLICABLE TO A PERSON REQUESTING THE INSPECTION OF PUBLIC RECORDS UNDER THIS PART 2, PRIOR TO AND LATER THAN THE STAY PERIOD DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, BALLOTS SHALL BE AVAILABLE FOR INSPECTION BY THE PUBLIC IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 2.

(b) IN CONNECTION WITH THE PUBLIC INSPECTION OF THE BALLOTS TO WHICH THIS SECTION PERTAINS:

(I) THE ORIGINAL BALLOTS SHALL AT ALL TIMES REMAIN IN THE CUSTODY OF THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE. IN THE DISCRETION OF THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE, AND SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) AND THIS PART 2, THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE SHALL DETERMINE THE MANNER IN WHICH SUCH BALLOTS MAY BE VIEWED BY THE PUBLIC.

(II) THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE SHALL COVER OR REDACT, BASED UPON THE MOST PRACTICAL MEANS AVAILABLE, ANY MARKINGS OR MESSAGE ON A BALLOT THAT MAY IDENTIFY THE PARTICULAR ELECTOR WHO CAST THE BALLOT BEFORE THE BALLOT MAY BE MADE AVAILABLE FOR PUBLIC INSPECTION;

(III) TO PROTECT THE PRIVACY OF PARTICULAR ELECTORS, ANY BALLOTS CAST BY ELECTORS WITHIN GROUPS OF DISCRETE INDIVIDUALS WHO ARE MORE SUSCEPTIBLE OF BEING PERSONALLY IDENTIFIED, SUCH AS MILITARY AND OVERSEAS ELECTORS, SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION ONLY TO THE EXTENT SUCH BALLOTS MAY BE DUPLICATED WITHOUT IDENTIFYING ELECTOR INFORMATION. IN SO FAR AS SUCH BALLOTS ARE NOT ABLE TO BE DUPLICATED WITHOUT IDENTIFYING ELECTOR INFORMATION, THEY ARE NOT AVAILABLE FOR PUBLIC INSPECTION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO BALLOT, OR ANY PORTION THEREOF, MAY BE MADE AVAILABLE FOR INSPECTION WHERE THE BALLOT, OR ANY REQUESTED PORTION THEREOF, IS IDENTICAL IN PRINTED FORM, CONSIDERING A COMBINATION OF THE ELECTION CONTESTS AT ISSUE AND PRECINCT CODING, TO ONLY NINE OR FEWER BALLOTS, OR COMPARABLE PORTIONS THEREOF, AMONG ALL BALLOTS USED IN THE SAME ELECTION. HOWEVER, ANY SUCH BALLOT, OR ANY REQUESTED PORTION THEREOF, THAT IS IDENTICAL IN PRINTED FORM TO TEN OR MORE BALLOTS, OR COMPARABLE PORTIONS THEREOF, USED IN THE SAME ELECTION MAY BE INSPECTED.

(IV) TO PROTECT THE PRIVACY OF PARTICULAR ELECTORS, BALLOTS MADE AVAILABLE FOR INSPECTION MAY BE PRESENTED IN RANDOM ORDER SELECTED BY THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE;

(V) FOR THE PURPOSE OF MINIMIZING THE COSTS OF MAKING BALLOTS AVAILABLE FOR PUBLIC INSPECTION, THE PERSON SEEKING THE INSPECTION MAY INDICATE THE CANDIDATE CONTEST, BALLOT ISSUE, OR BALLOT QUESTION FOR WHICH THE PERSON SEEKS TO INSPECT THE BALLOTS; AND

(VI) ANY ACTUAL COSTS INCURRED BY THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL IN MAKING THE BALLOTS AVAILABLE FOR INSPECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION MAY BE CHARGED TO THE PERSON REQUESTING INSPECTION OF THE BALLOTS. IF THE DESIGNATED ELECTION OFFICIAL SELECTS A PERSON OTHER THAN AN EMPLOYEE OF HIS OR HER OFFICE TO CONDUCT THE DUTIES REQUIRED BY THIS SECTION, THE ACTUAL COSTS TO BE CHARGED THE PERSON SEEKING INSPECTION SHALL NOT EXCEED THE ACTUAL COSTS THAT WOULD HAVE BEEN INCURRED IF THE WORK INVOLVED IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION WAS COMPLETED BY AN EMPLOYEE OF THE DESIGNATED ELECTION OFFICIAL.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NOTHING IN THIS SECTION AFFECTS EITHER THE RIGHTS OF A WATCHER SET FORTH IN THE PROVISIONS OF TITLES 1 AND 31, C.R.S., OR THE OPERATION OF A CANVASS BOARD IN ACCORDANCE WITH THE PROVISIONS OF ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

SECTION 2. Applicability. The provisions of this act apply to requests for inspection of ballots submitted on or after the effective date of this act.

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

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

HB12-1329 by Representative(s) Scott and Pabon, Sonnenberg, Looper, Barker, Nikkel, Liston, Kerr J., Stephens, Vaad; also Senator(s) Nicholson--Concerning the county treasurer becoming the public trustee in certain counties where the public trustee is currently appointed by the governor.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, May 2, page 1024 and placed in members' bill files.)

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

SB12-105 by Senator(s) Steadman, Carroll, Guzman; also Representative(s) Levy, Hulinghorst, Lee, Pabon--Concerning provisions that improve the reintegration opportunities for persons involved in the criminal justice system.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 14, pages 147-149 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, February 17, page 201 and placed in members' bill files.)

Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, May 2, pages 1026-1029 and placed in members' bill files.)

Amendment No. 4(L.006), by Senator Steadman.

Amend the Appropriations Committee Report, dated May 2, 2012, page 1, strike line 9 and substitute:

"Page 2 of the committee report, strike lines 30 and 31.

Page 3 of the committee report, strike lines 1 through 4 and substitute:

"Page 12 of the bill, strike lines 26 and 27.

Page 13 of the bill, strike lines 1 through 4 and substitute:

"(9) IF THE COURT ISSUES AN ORDER OF REHABILITATIVE RELIEF, IT SHALL SEND A COPY OF THE ORDER OF REHABILITATIVE RELIEF THROUGH THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO THE COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF INVESTIGATION SHALL INCLUDE A NOTE IN THE APPLICANT'S RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF REHABILITATIVE RELIEF WAS ISSUED."."

Page 1 of the Appropriations committee report, strike lines 10 through 13.

Page 5 of the Appropriations committee report, line 10, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Amend the Judiciary Committee Report, dated February 13, 2012, page 2 of the committee report, line 19, strike "A".

Page 2 of the Judiciary committee report, line 20, strike "CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 3 of the Judiciary committee report, line 21, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 3 of the Judiciary committee report, line 33, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Amend printed bill, page 6 of the bill, line 3, strike "A CERTIFICATE OF

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REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF". 1

Page 8 of the bill, strike lines 6 and 7. 2
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Page 9 of the bill, line 2, strike "**Certificate of rehabilitation.**" and 4
substitute "**Order of rehabilitative relief.**". 5
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Page 9 of the bill, line 3, strike "A CERTIFICATE OF REHABILITATION" and 8
substitute "AN ORDER OF REHABILITATIVE RELIEF". 9
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Page 9 of the bill, line 10, strike "A". 11
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Page 9 of the bill, line 11, strike "CERTIFICATE OF REHABILITATION" and 13
substitute "AN ORDER OF REHABILITATIVE RELIEF". 14
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Page 9 of the bill, line 18, strike "A". 16
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Page 9 of the bill, line 19, strike "CERTIFICATE OF REHABILITATION" and 18
substitute "AN ORDER OF REHABILITATIVE RELIEF". 19
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Page 10 of the bill, line 4, strike "A CERTIFICATE OF REHABILITATION" and 21
substitute "AN ORDER OF REHABILITATIVE RELIEF". 22
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Page 10 of the bill, line 14, strike "A CERTIFICATE OF REHABILITATION" 24
and substitute "AN ORDER OF REHABILITATIVE RELIEF". 25
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Page 10 of the bill, line 21, strike "CONVICTION." and substitute 27
"CONVICTION; AND". 28
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Page 10 of the bill, line 22, strike "A CERTIFICATE". 30
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Page 10 of the bill, line 23, strike "OF REHABILITATION" and substitute 32
"AN ORDER OF REHABILITATIVE RELIEF". 33
34

Page 11 of the bill, line 7, strike "A CERTIFICATE OF REHABILITATION" and 35
substitute "AN ORDER OF REHABILITATIVE RELIEF". 36
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Page 11 of the bill, line 17, strike "A". 38
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Page 11 of the bill, line 18, strike "CERTIFICATE OF REHABILITATION" and 40
substitute "AN ORDER OF REHABILITATIVE RELIEF". 41
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Page 11 of the bill, line 20, strike "A". 43
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Page 11 of the bill, line 21, strike "CERTIFICATE OF REHABILITATION" and 45
substitute "AN ORDER OF REHABILITATIVE RELIEF". 46
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Page 12 of the bill, line 7, strike "A". 48
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Page 12 of the bill, line 8, strike "CERTIFICATE OF REHABILITATION" and 50
substitute "AN ORDER OF REHABILITATIVE RELIEF". 51
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Page 12 of the bill, line 9, strike "CERTIFICATE OF REHABILITATION" and 53
substitute "ORDER OF REHABILITATIVE RELIEF". 54
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Page 12 of the bill, line 14, strike "A CERTIFICATE OF" and substitute "AN 56
ORDER OF REHABILITATIVE RELIEF,". 57
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Page 12 of the bill, line 15, strike "REHABILITATION,". 59
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Page 12 of the bill, line 19, strike "A CERTIFICATE OF REHABILITATION" 61
and substitute "AN ORDER OF REHABILITATIVE RELIEF". 62
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Page 12 of the bill, line 27, strike "CERTIFICATE OF REHABILITATION" and 64
substitute "ORDER OF REHABILITATIVE RELIEF". 65
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Page 13 of the bill, line 3, strike "CERTIFICATE OF REHABILITATION" and 67
substitute "ORDER OF REHABILITATIVE RELIEF". 68
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Page 13 of the bill, line 6, strike "CERTIFICATE OF REHABILITATION" and 70
substitute "ORDER OF REHABILITATIVE RELIEF". 71
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Amendment No. 5(L.009), by Senator Steadman.

Amend the printed bill, page 4, line 2, strike "SENTENCED AFTER A CRIMINAL CONVICTION, OR".

Page 4 of the bill, line 6, strike "ENTERING PLEA AGREEMENTS,".

Page 4, line 7, strike "SUPERVISION," and substitute "SUPERVISION".

Amend the Judiciary Committee Report, dated February 13, 2012, page 1, line 13, strike "APPEALED." and substitute "APPEALED AS PART OF THE CRIMINAL CASE.".

Page 1 of the Judiciary Committee Report, strike line 16 and substitute:

"Page 8 of the bill, strike lines 16 through 22."

Page 1 of the Judiciary Committee Report, line 18, strike "(b)" and substitute "(3)".

Page 2 of the judiciary committee report, line 2, strike "DEPARTMENT." and substitute "DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE STATE OF COLORADO."

Page 2 of the Judiciary Committee Report, strike line 17 and substitute:

"Page 9 of the bill, strike lines 10 through 17.".

Page 2 of the Judiciary Committee Report, line 19, strike "(b)" and substitute "(2)".

Page 2 of the Judiciary Committee Report, line 23, strike "DEPARTMENT." and substitute "DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE STATE OF COLORADO."

Page 2 of the Judiciary Committee Report, strike lines 24 through 26 and substitute the following:

"Page 10 of the bill, strike lines 22 through 27."

Page 11 of the bill, strike lines 1 through 6.

Page 11 of the bill, line 7, strike "(b)" and substitute "(5)".

Reletter succeeding paragraphs accordingly.

Page 11 of the bill, line 9, strike "THAT RESULTED IN" and substitute "THAT INCLUDED AN ELEMENT THAT REQUIRES A VICTIM TO SUFFER".

Page 11 of the bill, strike line 10, and substitute "PERMANENT DISABILITY;".

Page 11 of the bill, strike lines 11 through 14 and substitute:

"(II) HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S.; OR".

Renumber succeeding subparagraphs accordingly."

Amend the Appropriations Committee Report, dated May 2, 2012, page 2, line 6, strike "CLEMENCY." and substitute "CLEMENCY OR THE DISCHARGE OF THE SENTENCE, WHICH IS LATER.".

Page 3 of the Appropriations Committee Report, line 1, strike "ENTITY." and substitute "ENTITY, AND THE LICENSING ENTITY IS GOVERNED BY SECTION 24-5-101, FOR PURPOSES OF GRANTING OR DENYING LICENSURE OR PLACING ANY CONDITIONS ON LICENSURE.".

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Page 3 of the Appropriations Committee Report, line 25, strike the second "SENTENCING,".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.
(For further action, see amendments to the report of the Committee of the Whole.)

HB12-1223 by Representative(s) Levy, Becker, Gerou; also Senator(s) Steadman, Hodge, Lambert--Concerning earned time for inmates, and, in connection therewith, making and reducing appropriations.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, May 1, page 947 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 2, pages 1029-1030 and placed in members' bill files.)

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

SB12-171 by Senator(s) Shaffer B. and Brophy; also Representative(s) Becker--Concerning the creation of the Colorado conservation and recreation fund, and, in connection therewith, creating the Colorado conservation license plate and making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, May 2, pages 1030-1031 and placed in members' bill files.)

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

SB12-182 by Senator(s) Bacon and Mitchell, Heath, Johnston, Shaffer B., Cadman, Harvey; also Representative(s) Massey, Ramirez--Concerning benefit corporations, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, May 2, page 1031 and placed in members' bill files.)

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

HB12-1314 by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning an exception to the requirement to file an oil and gas severance tax return for a person who has less than a certain amount withheld, and, in connection therewith, making an appropriation.

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

HB12-1084 by Representative(s) Fields and Conti; also Senator(s) Jahn and King S.--Concerning increasing the punishment for leaving the scene of a traffic accident that resulted in serious bodily injury to any person.

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

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

Senate in recess. Senate reconvened.

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Committee of the Whole reconvened.

HB12-1267 by Representative(s) Coram; also Senator(s) Heath--Concerning the simplification of certain preelection procedures in order to reduce the cost of administering elections, and, in connection therewith, making an appropriation.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 10, pages 689-691 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 18, pages 769-770 and placed in members' bill files.)

Amendment No. 3(L.019), by Senator Johnston.

Amend the State, Veterans & Military Affairs Committee report, dated April 9, 2012, page 1, line 5, strike "**status.**" and substitute "**status - repeal. (1)**".

Page 1 of the report, after line 9 insert:

"(2) (a) BY AUGUST 1, 2012, THE SECRETARY OF STATE SHALL UPDATE THE STATEWIDE VOTER REGISTRATION DATABASE TO REFLECT THE ELIMINATION OF "INACTIVE - FAILED TO VOTE" VOTER STATUS PURSUANT TO SUBSECTION (1) OF THIS SECTION AND, AS APPROPRIATE, RESTORE PERMANENT MAIL-IN VOTER STATUS TO THOSE ELECTORS WHO HAD PREVIOUSLY SELECTED SUCH STATUS BUT HAD SUBSEQUENTLY BEEN MARKED AS "INACTIVE - FAILED TO VOTE".

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2013."

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

SB12-178 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning the removal of enhanced credits for purchase of in-state eligible energy resources from the renewable energy standard.

Laid over until Tuesday, May 15, 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 was laid over until Monday, May 7, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-105 by Senator(s) Steadman, Carroll, Guzman; also Representative(s) Levy, Hulinghorst, Lee, Pabon--Concerning provisions that improve the reintegration opportunities for persons involved in the criminal justice system.

Senator Steadman moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 12-105 did pass.

Amend printed bill, page 5, strike line 18 and substitute "STATES."

Amend the Appropriations Committee Report, dated May 2, 2012, page 1, strike lines 4 and 5.

Page 5, strike lines 9 through 11.

Amend the Steadman floor amendment (SB105_L.006), page 1, strike lines 16 through 18.

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Page 2, strike lines 9 through 11.

Page 2, strike lines 21 through 23.

Page 3, strike lines 16 through 19.

Amend the Steadman floor amendment (SB105_L.009), page 1, line 13, strike the first "DEPARTMENT," and substitute "BRANCH,".

Page 1, line 22, strike the first "DEPARTMENT," and substitute "BRANCH,".

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 **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		

HB12-1267 by Representative(s) Coram; also Senator(s) Heath--Concerning the simplification of certain preelection procedures in order to reduce the cost of administering elections.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.026) to HB 12-1267, did pass.

Amend reengrossed bill, page 5, after line 9 insert:

"SECTION 6. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) The foundation of our political system is best served by elections that reflect the highest degree of integrity;

(b) It is of utmost importance to the continued health of our republic that citizens function as active voters in the political process;

(c) A form of photographic identification is the best and most widely accepted manner by which to verify an elector's actual identity;

(d) In the case of *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008), the United States supreme court upheld an Indiana law that required photographic identification for voting, finding that any burden placed on voters by this requirement is limited and offset by the legitimate state interest in protecting the integrity and reliability of the electoral process by deterring voter fraud and protecting voter confidence in elections; and

(e) By law, access to state-issued photographic identification is available to senior citizens and low-income citizens.

SECTION 7. In Colorado Revised Statutes, 1-1-104, **amend** (19.5) (a) as follows:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(19.5) (a) "Identification" means:

(I) A valid Colorado driver's license;

(II) A valid identification card issued by the department of revenue in accordance with ~~the requirements of part 3 of article 2 of title 42, C.R.S.;~~

(III) A valid United States passport;

(IV) A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;

(V) A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;

(VI) A valid United States military identification card with a

photograph of the eligible elector;

~~(VII) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector;~~

~~(VIII) A valid medicare or medicaid card issued by the United States health care financing administration THAT HAS BEEN ISSUED TO AN ELIGIBLE ELECTOR WHO IS A RESIDENT OF A STATE-LICENSED FACILITY; OR~~

~~(IX) A certified copy of a birth certificate for the elector issued in the United States;~~

~~(X) Certified documentation of naturalization; or~~

~~(XI) A valid student identification card with a photograph of the eligible elector issued by an institution of higher education in Colorado, as defined in section 23-3.1-102 (5), C.R.S. ESTABLISHED AND EXISTING BY LAW AS AN AGENCY OF THE STATE OF COLORADO."~~

Renumber succeeding sections 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 **lost** on the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	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 Boyd, 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: SB12-135 as amended, SB12-155 as amended, SB12-105 as amended, SB12-171 as amended, SB12-182 as amended, HB12-1329 as amended, HB12-1223 as amended, HB12-1314, HB12-1084, HB12-1267 as amended.
Laid over until Thursday, May 10: SB12-106.
Laid over until Tuesday, May 15: SB12-178.

COMMITTEE OF REFERENCE REPORTS

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Finance	After consideration on the merits, the Committee recommends that HB12-1327 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	5
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Finance	After consideration on the merits, the Committee recommends that HB12-1300 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	9
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Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	13
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Education	After consideration on the merits, the Committee recommends that SB12-103 be postponed indefinitely.	24
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Education	After consideration on the merits, the Committee recommends that HB12-1214 be referred to the Committee of the Whole with favorable recommendation.	28
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Education	After consideration on the merits, the Committee recommends that HB12-1155 be referred to the Committee of the Whole with favorable recommendation.	32
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Education	After consideration on the merits, the Committee recommends that HB12-1306 be postponed indefinitely.	36
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Legislative Council	After consideration on the merits, the Committee recommends that HB12-1099 be referred to the Committee on <u>Finance</u> with favorable recommendation.	40
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Legislative Council	After consideration on the merits, the Committee recommends that HB12-1218 be postponed indefinitely.	44
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Appropriations	After consideration on the merits, the Committee recommends that SB12-157 be postponed indefinitely.	48
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Appropriations	After consideration on the merits, the Committee recommends that SB12-083 be referred to the Committee of the Whole with favorable recommendation.	52
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Appropriations	After consideration on the merits, the Committee recommends that SB12-183 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	56
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	Amend the Senate Health and Human Services Committee Report, dated May 2, 2012, page 2, line 13, strike "SEEK AND RECEIVE" and substitute "ACCEPT AND EXPEND".	61
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	Page 2, line 20, after the period add "THE COMMISSION SHALL DEPOSIT ALL FUNDING IT RECEIVES PURSUANT TO THIS PARAGRAPH (c) INTO THE HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112 (1) (a), C.R.S.".	65
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Page 2, after line 21 insert:

"SECTION 3. In Colorado Revised Statutes, 40-8.7-112, add (1) (f) as follows:

40-8.7-112. Department of human services low-income energy assistance fund - creation - energy outreach Colorado low-income energy assistance fund - creation - governor's energy office low-income energy assistance fund - creation - definitions.

(1) (f) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, THE DEPARTMENT OF HUMAN SERVICES MAY ACCEPT AND EXPEND PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS FOR DEPOSIT INTO THE FUND FOR PURPOSES OF THE ASSESSMENT AND REVIEW REQUIRED BY SECTION 40-8.5-103.5 (5)."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1281** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend Health and Human Services Committee Report, dated April 27, 2012, page 1, line 19, strike "SHALL" and substitute "MAY".

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1143** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1273** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1315** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 53, line 4, strike "necessary," and substitute "necessary. Said sum is subject to the "(I)" notation as defined in the general appropriations act and is".

Page 53, strike lines 14 through 21.

Renumber succeeding sections accordingly.

Page 53, line 27, strike "\$1,560,491" and substitute "\$2,160,491".

Page 54, line 1, strike "necessary," and substitute "necessary. Said sum is subject to the "(I)" notation as defined in the general appropriations act and is".

Page 54, line 8, strike "disbursement; and" and substitute "disbursement;".

Page 54, line 10, strike "disbursement." and substitute "disbursement; and".

Page 54, after line 10 insert:

"(g) \$600,000 for Colorado energy office, weatherization."

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1311** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1334** be referred to the Committee of the Whole with favorable recommendation.

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Appropriations	After consideration on the merits, the Committee recommends that HB12-1268 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.	3
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	Amend reengrossed bill, page 5, line 19, strike "JUNE 30," and substitute "JULY 1,".	9
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	Page 5, after line 25 insert:	12
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	"SECTION 4. In Colorado Revised Statutes, amend 25-27-107.5 as follows:	14
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	25-27-107.5. Assisted living residence cash fund created.	16
	(1) The fees collected pursuant to section 25-27-107, plus any civil penalty collected pursuant to section 25-27-103 (1) (b), shall be transmitted to the state treasurer, who shall credit the same to the assisted living residence cash fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of the department in performing its duties under this article. NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, at the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.	17
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	(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, ON JULY 1, 2013, ANY MONEYS REMAINING IN THE FUND FROM FEES COLLECTED BY THE DEPARTMENT FOR ASSISTED LIVING RESIDENCE BUILDING AND STRUCTURE CODE PLAN REVIEWS AND INSPECTIONS ARE TRANSFERRED TO THE HEALTH FACILITY CONSTRUCTION AND INSPECTION CASH FUND CREATED IN SECTION 24-33.5-1207.8, C.R.S."	27
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	Renumber succeeding sections accordingly.	34
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	Page 18, strike lines 13 through 17.	36
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	Page 19, line 3, strike "section 4" and substitute "section 5".	38
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1310 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 HB12-1110 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 HB12-1326 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 HB12-1286 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 HB12-1038 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 HB12-1042 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 HB12-1353 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	65
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Appropriations After consideration on the merits, the Committee recommends that **HB12-1330** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1037** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1045** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

MESSAGE FROM THE HOUSE

May 4, 2012

The House has adopted and transmits herewith HJR12-1021, and amended as printed in House Journal, May 4.

The House has postponed indefinitely SB12-090, 144. The bills are returned herewith.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Friday, May 4, 2012 at 9:12 a.m.:
SB12-012, 041, 060, 121, 123, 150 and 168.

MESSAGE FROM THE GOVERNOR

May 4, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

We are returning to the Colorado Senate SB12-124 "Concerning the Elimination of the limit of the Number of Regional Tourism Projects that the Colorado Economic Development Commission may Approve."

I vetoed this bill as 8:20 a.m. today, and this letter sets forth my reasons for doing so.

We share the General Assembly's desire to encourage tourism in Colorado, but Senate Bill 12-124 does not accomplish this goal effectively or efficiently.

Under the current Regional Tourism Act (RTA), the Colorado Economic Development Commission (EDC) can approve up to two projects annually for the next three years with a cap of \$50 million in financing. SB 12-124 expanded the EDC's authority to grant up to six projects in any year. This expansion alters the stated purpose of the RTA statute approved by the General Assembly in 2009.

The General Assembly stated then that the purpose of the RTA is to provide State support for projects that will "attract significant investment and revenue from outside the state of Colorado." C.R.S. § 24-46-302(a) & (d). The statute contemplates only viable projects that are so "unique and extraordinary" that they will drive economic development and

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tourism. Indeed, any RTA project should bring new tourists from out of state that would not otherwise visit Colorado, or the state's existing venues. The RTA does not contemplate, however, projects that are likely to serve only the interests of a particular community. For the reasons below, maintaining the current limit of two per year will protect the original intent of the statute.

First, the RTA statute requires the state to make a 30-year commitment. By limiting the award to two projects per year, the State will be in a better position to carefully select the recipients and closely monitor the awards. This will help ensure the state sales tax increment revenue is used appropriately, and that the EDC is awarding projects that will in fact drive tourism and economic development. Second, we want to ensure that the RTA process remains competitive, resulting in the most "unique" and "extraordinary" projects being approved. Finally, increasing the award to up to six projects in this legislative session, simply because there are six applications currently pending before the EDC, adds undue pressure to the process.

Importantly, the EDC can still award six projects over the course of the next three years. Allowing only two projects per year, however, will provide more accountability.

We appreciate and share the General Assembly's intent to stimulate tourism in the state. Tourism is essential to Colorado and we are committed to supporting this vital economic driver. We will continue to work with the General Assembly to develop policies to bolster tourism in Colorado. In the case of SB12-124, we believe increasing the cap decreases the competitiveness of the RTA program, ultimately outweighing any benefit to awarding more projects at this time.

Accordingly, I have vetoed this bill.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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, May 4 was laid over until Monday, May 7, retaining its place on the calendar.

Consideration of Resolutions: SJR12-034, SJR12-037, SJR12-038, SR12-003.

Consideration of House Amendments to Senate Bills: SB12-036.

Consideration of Governor's Appointments:

Members of the Colorado Tourism Board of Directors.

Member of the Waste Tire Advisory Committee.

Members of the Colorado Traumatic Brain Injury Trust Fund Board.

Member of the Colorado Children's Trust Fund Board.

Member of the CoverColorado Board of Directors.

Members of the Board of Trustees of Metropolitan State College of Denver.

Members of the Colorado Educational and Cultural Facilities Authority Board of Directors

Members of the CollegeInvest Board of Directors.

Members of the State Board for for Community Colleges and Occupational Education.

Members of the Board of Trustees for Western State College of Colorado.

Member of the Colorado Tourism Office Board of Directors.

Members of the Colorado Banking Board.

Commissioner of Insurance.

Member of the Renewable Energy Authority Board of Directors.

Members of the Transportation Commission.

Member of the Waste Tire Advisory Committee

Consideration of Conference Committee Reports: SB12-030.

Conference Committees to Report: HB12-1053, HB12-1168.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, May 7, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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