

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

90th Legislative Day

Monday, April 9, 2012

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Prayer	By the chaplain, Pastor Garrett Struessel, Lutheran Church of the Resurrection, Lakewood.	11
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Call to Order	By the President at 10:00 a.m.	13
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Pledge	By Senator King S.	15
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Roll Call	Present--34	17
	Excused--1, King K.	18
	Present later--1, King K.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Giron, reading of the Journal of Thursday, April 5, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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SENATE SERVICES REPORT

Correctly Engrossed: SJR12-006 and 024.
Correctly Reengrossed: SB12-161.
Correctly Rerevised: HB12-1271 and 1295.
Correctly Enrolled: SB12-035; SJM12-001; SJR12-028.

INTRODUCTION OF BILLS -- FIRST READING

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

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HB12-1110	by Representative(s) Williams A.; also Senator(s) Carroll--Concerning the regulation of appraisal management companies, and, in connection therewith, making an appropriation.	45
	Business, Labor and Technology	46
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		49
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.	50
	Business, Labor and Technology	51
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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:

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.

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

YES	20	NO	14	EXCUSED	1	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	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	E	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, Carroll, Foster, Heath, Hodge, Hudak, Jahn, Morse, Newell, Nicholson, Schwartz, Shaffer B. and Williams S.

SB12-129 by Senator(s) Schwartz, Aguilar, Bacon, Grantham, Harvey, Heath, Hodge, Hudak, Johnston, King S., Lundberg, Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram--Concerning access to affordable broadband internet connectivity in noncompetitive rural areas.

Laid over until Monday, April 16, 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 Senate proceeded out of order for Consideration of Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Schwartz, the following Governor's appointments were confirmed by the following roll call votes. Upon the request of Senator Brophy, each member of the Oil and Gas Conservation Commission was confirmed separately.

MEMBERS OF THE
OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

for a term expiring July 1, 2015:

Tommy E. Holton of Fort Lupton, Colorado to fill the vacancy as occasioned by the resignation of Tresi B. Houpt of Glenwood Springs, Colorado, and to serve as a local government official and as a Republican, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	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.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

for a term expiring July 1, 2015:

Andrew Lawrence Spielman of Denver, Colorado to serve as a member with formal or substantial experience in environmental or wildlife protection and as a Democrat, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	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.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

for a term expiring July 1, 2015:

Thomas L. Compton of Hesperus, Colorado to serve as a member actively engaged in agricultural production and also a royalty owner, west of the Continental Divide and as a Republican, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	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.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

for a term expiring July 1, 2015:

Richard D. Alward of Grand Junction, Colorado to serve as a member with formal training or substantial experience in soil conservation or reclamation, west of the Continental Divide and as a Democrat, reappointed.

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	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.	E	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

for a term expiring July 1, 2015:

John H. Benton of Littleton, Colorado, to serve as a member with substantial experience in the oil and gas industry and with a college degree in petroleum geology or petroleum engineering, and as a Republican, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	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.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

for a term expiring July 1, 2015:

Winston Perry Pearce of Denver, Colorado, to serve as a member with substantial experience in the oil and gas industry and as a Democrat, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	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.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
SECURITIES BOARD

for terms expiring July 1, 2014:

Mashenka Lundberg of Golden, Colorado, who is licensed by the state supreme court to practice law in the state of Colorado and who is conversant in securities law, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	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.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
EXAMINING BOARD OF PLUMBERS**

for a term expiring July 1, 2015:

Bruce T. Schneider of Winter Park, Colorado to serve as a representative of general contractors and as an Unaffiliated, appointed.

for a term expiring July 1, 2013:

James Vernon of Fountain, Colorado, a Republican, and member or employee of a local government agency conducting plumbing inspections, and occasioned by the resignation of Janine K. Snyder of Fairplay, Colorado, appointed.

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		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
COLORADO BANKING BOARD**

for terms expiring July 1, 2015:

Donald R. Sall, Colorado Springs, Colorado, to serve as a representative of the public, appointed.

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		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
STATE ELECTRICAL BOARD**

for terms expiring July 1, 2014:

Nancy Kay White of Lakewood, Colorado, to serve as a representative of the public at large, appointed;

John Thomas McCord III of Sadalia, Colorado, to serve as master electrician who is not an electrical contractor, appointed;

Scott W. Berg of Highlands Ranch, Colorado, to serve as a building official from a political subdivision of the state performing electrical inspections, reappointed;

Robin L. Kittel of Highlands Ranch, Colorado, to serve as a representative of private, municipal, or cooperative electric utilities rendering electric service to the ultimate public, reappointed;

Rory J. Berumen of Aurora, Colorado, to serve as a journeyman electrician who is not an electrical contractor, reappointed.

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		

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

HB12-1063 by Representative(s) Ramirez; also Senator(s) Schwartz--Concerning the state veterans nursing home at Homelake, Colorado, and in connection therewith, making an appropriation.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 22, page 549 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 3, page 645 and placed in members' bill files.)

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

HB12-1019 by Representative(s) Vaad, Barker, Looper, Ramirez, Scott, Tyler; also Senator(s) King S., Spence, Williams S.--Concerning the abolition of the motor carrier services division of the division of motor vehicles of the department of revenue, and, in connection therewith, transferring the powers, duties, and functions of the motor carrier services division relating to ports of entry to the Colorado state patrol of the department of public safety, transferring the powers, duties, and functions of the motor carrier services division relating to commercial driver's licenses and the international registration plan to the department of revenue, and making and reducing appropriations.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 3, pages 645-646 and placed in members' bill files.)

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

HB12-1126 by Representative(s) Gerou; also Senator(s) Roberts--Concerning on-site wastewater treatment systems, and, in connection therewith, making an appropriation.

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

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HB12-1105 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning wind energy property rights.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, April 4, pages 653-654 and placed in members' bill files.)

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

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

On motion of Senator Foster, 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: HB12-1063 as amended, HB12-1019 as amended, HB12-1126, HB12-1105 as amended.

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

SB12-068 by Senator(s) Guzman; also Representative(s) Massey--Concerning prohibiting the inclusion of industrially produced trans fats in foods made available to students by public schools, and, in connection therewith, making an appropriation.

Amendment No. 1, General Orders Amendment.

(Printed in Senate Journal, March 28, page 602 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Guzman.

Amend printed bill, page 3, line 19, strike "2012," and substitute "2013,".

Page 4, strike lines 6 and 7 and substitute "EXISTING UPON SCHOOL GROUNDS.".

Page 4, strike lines 9 through 11, and substitute "SECTION DOES NOT APPLY TO:

(a) ANY FOOD OR BEVERAGE THAT IS MADE AVAILABLE TO A STUDENT AS PART OF A MEAL PROGRAM OF THE UNITED STATES DEPARTMENT OF AGRICULTURE; OR

(b) ANY FOOD OR BEVERAGE THAT IS MADE AVAILABLE TO A STUDENT AS PART OF A FUNDRAISING EFFORT CONDUCTED BY ONE OR

MORE STUDENTS, TEACHERS, OR PARENTS."

Page 5, line 3, strike "2012," and substitute "2013,".

Page 5, strike lines 17 and 18 and substitute "EXISTING UPON SCHOOL GROUNDS."

Page 5, line 22, strike "AGRICULTURE." and substitute "AGRICULTURE OR AS PART OF A FUNDRAISING EFFORT CONDUCTED BY ONE OR MORE STUDENTS, TEACHERS, OR PARENTS."

Page 6, line 2, strike "7, 2012," and substitute "8, 2012,".

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

HB12-1017 by Representative(s) Swerdfeger and Pace; also Senator(s) Giron--Concerning the extension of the local access to health care pilot program operated under the authority of the board of county commissioners of Pueblo county.

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

HCR12-1001 by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.-- Submitting to the registered electors of the state of Colorado amendments to the Colorado constitution concerning the state personnel system, and, in connection therewith, expanding the veterans' preference; increasing the number of candidates eligible to be appointed to a position; adjusting the duration of allowable temporary employment; allowing the flexibility to remove a limited number of positions from the system; modifying the residency requirement; adjusting the terms of service for members of the state personnel board; and requiring merit-based appointments to be made through a comparative analysis process.

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

HB12-1146 by Representative(s) Nikkel, Todd, Massey, Beezley, Murray, Solano, Summers; also Senator(s) Giron--Concerning programs to allow students to enroll in postsecondary institutions to complete high school graduation requirements.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 30, page 624 and placed in members' bill files.)

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

SB12-160 by Senator(s) Hudak; also Representative(s) Duran--Concerning parent involvement in public education advisory committees.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 30, page 624 and placed in members' bill files.)

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

HB12-1290 by Representative(s) Brown; also Senator(s) Tochtrop--Concerning the voluntary contribution designation benefiting the Colorado for Healthy Landscapes fund that appears on the state individual income tax return forms.

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

HB12-1023 by Representative(s) Nikkel; also Senator(s) King S.--Concerning the creation of a fallen heroes license plate, and in connection therewith, making an appropriation.

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

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HB12-1006 by Representative(s) Todd, Barker, Murray, Ramirez, Soper, Summers, Waller; also Senator(s) Spence, Aguilar, Bacon, Brophy, Giron, Roberts--Concerning the voluntary contribution designation benefiting the American Red Cross Colorado disaster response, readiness, and preparedness fund that appears on the state individual income tax return forms.

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

SB12-168 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Levy-- Concerning a trigger related to general fund obligations created in Senate Bill 09-228.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, April 4, pages 654-655 and placed in members' bill files.)

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304) of Monday, April 9 was laid over until Tuesday, April 10 retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Foster, 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: SB12-068 as amended, SB12-160 as amended, SB12-168 as amended, HB12-1017, HCR12-1001, HB12-1146 as amended, HB12-1290, HB12-1023, HB12-1006.

Laid over until Tuesday, April 10: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304.

COMMITTEE OF REFERENCE REPORTS

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

MEMBERS OF THE
BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER

for a term to expire December 31, 2012:

John "Jack" P. Pogge of Greenwood Village, Colorado, to serve as an Unaffiliated, and occasioned by the resignation of Adele F. Phelan of Denver, Colorado, appointed;

for a term to expire December 31, 2015:

Walter Louis Isenberg of Denver, Colorado, to serve as a Democrat, appointed.

Education

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

MEMBER OF THE
HIGHER EDUCATION COMPETITIVE RESEARCH AUTHORITY BOARD OF DIRECTORS

for a term expiring August 21, 2011:

Joseph A. Garcia of Pueblo, Colorado, to fill the vacancy occasioned by the resignation of D. Rico Munn of Denver, Colorado, appointed.

for a term expiring August 21, 2015;

Joseph A. Garcia of Pueblo, Colorado, reappointed.

Education

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

MEMBERS OF THE
COLORADO COMMISSION ON HIGHER EDUCATION

for terms expiring July 1, 2015:

Patricia L. Pacey, Ph.D., of Boulder, Colorado, to serve as a representative of the Second Congressional District and as a Democrat, reappointed;

Larry B. Beckner of Grand Junction, Colorado, to serve as a member west of the Continental Divide, a representative of the Third Congressional District and as a Republican, reappointed;

Jeannette Autobee Garcia of Pueblo, Colorado, to serve as a representative of the Third Congressional District and as a Democrat, appointed;

Monte Moses, Ph.D. of Englewood, Colorado, to serve as a representative of the Sixth Congressional District and as a Republican, appointed;

Charles Hereford Percy of Arvada, Colorado, to serve as a representative of the Seventh Congressional District and as a Republican, reappointed.

Education

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE

for terms expiring December 31, 2015:

LeRoy J. Salazar of Manassa, Colorado, reappointed;

Valentin "Val" Vigil of Thornton, Colorado, appointed.

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

MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

effective January 1, 2012 for terms expiring December 31, 2015:

Vicki J. Cowart of Denver, Colorado to serve as a graduate and as a Democrat, reappointed;

James R. Spaanstra of Lakewood, Colorado to serve as a non-graduate and as a Democrat, reappointed.

Education After consideration on the merits, the Committee recommends that **SB12-106** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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

"SECTION 1. In Colorado Revised Statutes, 22-28-103, **add** (1.5) and (1.7) as follows:

22-28-103. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "CHARTER AUTHORIZER" MEANS A SCHOOL DISTRICT, THE STATE CHARTER SCHOOL INSTITUTE, OR THE BOARD OF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND ACTING IN THE CAPACITY OF AUTHORIZING A PUBLIC CHARTER SCHOOL.

(1.7) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE, OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO SECTION 22-80-102 (4) (b).

SECTION 2. In Colorado Revised Statutes, **add** 22-28-104.5 as follows:

22-28-104.5. Public charter school preschools.

(1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A CHARTER SCHOOL THAT IS PERMITTED BY ITS CHARTER AUTHORIZER TO OPERATE A KINDERGARTEN PROGRAM MAY PLAN, DEVELOP, AND OPERATE A PUBLIC PRESCHOOL PROGRAM THAT IS CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

(2) A CHARTER SCHOOL THAT OPERATES A PUBLIC PRESCHOOL PROGRAM WITH FUNDING RECEIVED PURSUANT TO THIS ARTICLE OR, CONSISTENT WITH SECTION 22-28-104 (5) (b), WITHOUT SUCH FUNDING, SHALL ENSURE THAT THE PUBLIC PRESCHOOL PROGRAM:

(a) ENROLLS STUDENTS CONSISTENT WITH SECTION 22-30.5-104 (3) TO ENSURE A DIVERSE STUDENT BODY;

(b) OPERATES IN A FACILITY APPROVED AND LICENSED FOR PRESCHOOL PURPOSES THAT IS THE SAME OR IN REASONABLE PROXIMITY TO THE FACILITY AT WHICH THE CHARTER SCHOOL OPERATES THE KINDERGARTEN PROGRAM, OR AT A LOCATION THAT IS APPROVED BY THE CHARTER AUTHORIZER; AND

(c) GUARANTEES A STUDENT'S CONTINUED ENROLLMENT FROM PRESCHOOL TO KINDERGARTEN TO THE EXTENT ALLOWED BY LAW.

SECTION 3. In Colorado Revised Statutes, 22-28-105, **amend** (1) (b) (III) (D) and (E); and **add** (1) (b) (III) (F) as follows:

22-28-105. District preschool program advisory council - duties. (1) (b) The appointed members of the district advisory council shall include, but shall not be limited to, the following:

(III) Representatives from the following:

(D) Publicly funded early childhood education agencies located in the school district; ~~and~~

(E) Privately funded child care centers located in the school ~~district~~ DISTRICT; AND

(F) A REPRESENTATIVE FROM A CHARTER SCHOOL LOCATED IN THE

DISTRICT THAT HAS A PRESCHOOL PROGRAM.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor."

Page 1, line 101, strike "EDUCATION." and substitute "CHARTER SCHOOL PRESCHOOL PROGRAMS."

Education

After consideration on the merits, the Committee recommends that **SB12-164** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 11, strike lines 14 through 17 and substitute:

~~"(b) The provisions of paragraph (a) of this subsection (1) shall not apply to a private college or university that, as of May 29, 2008, was authorized to do business in Colorado and that awarded degrees."~~

Page 11, line 18, strike "(d)" and substitute "(c)"

Page 12, strike lines 20 through 22 and substitute "INFORMATION RELATED TO AN ACTION BY THE INSTITUTION'S ACCREDITING BODY CONCERNING THE INSTITUTION'S ACCREDITATION STATUS, INCLUDING BUT NOT LIMITED TO REAFFIRMATION OR LOSS OF ACCREDITATION, APPROVAL OF A REQUEST FOR CHANGE, A CAMPUS EVALUATION VISIT, A FOCUSED VISIT, OR APPROVAL OF ADDITIONAL LOCATIONS. IN ADDITION, THE INSTITUTION SHALL IMMEDIATELY NOTIFY THE DEPARTMENT IF THE INSTITUTION'S ACCREDITING BODY IS NO LONGER"

Page 13, strike lines 9 through 12 and substitute "section 23-2-104.5. ~~The provisions of this subsection (4) shall not apply to a bible college or seminary that, as of May 29, 2008, was authorized to do business in Colorado and that awarded degrees."~~

Page 15, line 26, after "RECOMMEND" insert "THAT THE COMMISSION RENEW THE INSTITUTION'S AUTHORIZATION OR"

Page 16, line 11, strike "RECOMMENDATION AND PROVIDE" and substitute "RECOMMENDATION, AND THE DEPARTMENT AND THE COMMISSION SHALL PROCEED IN ACCORDANCE WITH THE PROVISIONS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT","

Page 16, strike lines 12 through 21.

Page 17, line 1, after "MORE" insert "OF"

Page 17, line 2, after "(2)" insert "OR (3)"

Page 17, line 26, after "(2)" insert "OR (3)"

Page 17, line 27, strike "SECTION." and substitute "SECTION, AND THE DEPARTMENT AND THE COMMISSION SHALL PROCEED IN ACCORDANCE WITH THE PROVISIONS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S."

Page 19, strike lines 10 through 27.

Page 21, line 12, strike "THAT THE INSTITUTION"

Page 21, strike lines 13 and 14 and substitute "THAT VIOLATES SECTION

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23-2-104 (4);".

Health &
Human
Services

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:

MEMBERS OF THE
COLORADO CHILDREN'S TRUST FUND BOARD

for a term expiring November 7, 2013:

Mark Christopher Tilden of Boulder, Colorado, to serve as a member with knowledge of child abuse prevention, appointed;

for terms expiring November 7, 2014:

Lori A. Moriarty of Golden, Colorado, to serve as a representative with knowledge of child abuse prevention, reappointed.

Health &
Human
Services

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

MEMBER OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2014:

Elizabeth Sweeney of Lakewood, Colorado, to serve as a Democrat from Congressional District 7, and occasioned by the resignation of Frederick Calovich of Arvada, Colorado, appointed.

Health &
Human
Services

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

MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for terms expiring May 15, 2015:

Ann M. King of Denver, Colorado, a member of a statewide organization of hospitals, reappointed.

Health &
Human
Services

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:

MEMBERS OF THE
STATE BOARD OF HUMAN SERVICES

for terms expiring March 1, 2015:

Stephen W. Johnson of Fort Collins, Colorado to serve as a county commissioner, appointed;

David A. Ervin of Colorado Springs, Colorado to serve as a public member, appointed;

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Youlon D. Savage of Denver, Colorado to serve as a public member, reappointed; 1
 Dave Long of New Raymer, Colorado to serve as a county commissioner, reappointed; 2
 Samuel Pace of Crestone, Colorado to serve as a county commissioner, reappointed; 3
 for a term to expire March 1, 2013: 4
 Catherine Anne Silburn of Lakewood, Colorado to serve as a public member and 5
 occasioned by the resignation of Karen M. Studen of Pueblo, Colorado, appointed. 6
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Health & Human Services

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: 12
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MEMBERS OF THE
COLORADO HEALTH FACILITIES AUTHORITY
BOARD OF DIRECTORS

for a term expiring June 30, 2013: 16
 Ann C. Kiley of Denver, Colorado, reappointed; 17
 for a term expiring June 30, 2015, appointed; 18
 John L. Vigil of Pueblo, Colorado, appointed. 19
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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated: 31
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SCR12-002 by Senator(s) Williams S. and King S., Aguilar, Bacon, Carroll, Heath, Nicholson, Shaffer B., Spence; also Representative(s) Ramirez and Todd, Labuda, Miklosi, Sonnenberg, Soper, Swalm--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning assisting veterans by authorizing state-supervised lottery games to benefit the state veterans assistance grant program in order to provide services to United States veterans in Colorado. 37
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INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated: 50
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SB12-169 by Senator(s) Tochtrop; --Concerning the administration of county powers to maintain the landscape. 55
 Agriculture, Natural Resources, and Energy 56
 57
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 59

HB12-1043 by Representative(s) Conti; also Senator(s) King K.--Concerning concurrent enrollment for students who may complete high school graduation requirements before the end of twelfth grade. 60
 Education 61
 Appropriations 62
 63
 64
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SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1295.

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, April 9 was laid over until Tuesday, April 10, retaining its place on the calendar.

- Consideration of Resolutions: HJR12-1004.
- Consideration of Memorials: SM12-003.
- Conference Committees to Report: SB12-020.
- Requests for Conference Committee: HB12-1002, HB12-1053, HB12-1168.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 10, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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