

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

84th Legislative Day

Tuesday, April 3, 2012

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Prayer	By the chaplain, Rabbi Yossi Serebryanski, Chabad of South Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Guzman.	15
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Roll Call	Present--33	17
	Excused--2, Cadman, Mitchell.	18
	Present later--1, Mitchell.	19
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator White, reading of the Journal of Monday, April 2, 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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Business, Labor, & Technology	The Committee on <u>Business, Labor, and Technology</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	32
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**MEMBER 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.

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Business, Labor, & Technology	The Committee on <u>Business, Labor, and Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	46
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**MEMBER 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.

Business,
Labor, &
Technology

The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLORADO BANKING BOARD

for a term expiring July 1, 2015:

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

Business,
Labor, &
Technology

The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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.

Appro-
priations

After consideration on the merits, the Committee recommends that **HB12-1295** be referred to the Committee of the Whole with favorable recommendation.

Appro-
priations

After consideration on the merits, the Committee recommends that **SB12-144** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 17, strike "instruct and".

Page 5, line 22, strike "SHALL" and substitute "MAY".

Page 5, line 25, strike "SHALL" and substitute "MAY" and strike "THE" and substitute "A".

Page 6, line 5, strike "THE" and substitute "A".

Page 6, line 6, strike "SHALL:" and substitute "MAY:".

Page 7, line 4, strike "SHALL" and substitute "MAY".

Page 7, line 8, strike "WILL" and substitute "SHOULD".

Page 8, line 4, after "GROUP" insert "THAT IS CONVENED PURSUANT TO SUBSECTION (3) OF THIS SECTION".

Page 8, line 7, strike "THE KEY" and substitute "ANY KEY".

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Page 8, line 8, strike "EACH" and strike "PLAN" and substitute "PLANS DEVELOPED PURSUANT TO THIS SECTION".

Page 8, after line 9 insert:

"SECTION 3. No appropriation. The general assembly intends and determines that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out this act."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB12-005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 15, strike "instruct and".

Page 4, line 18, strike "SHALL" and substitute "MAY".

Page 4, strike line 21 and substitute "(3) IF THE OFFICE DEVELOPS A BUSINESS RETENTION AND EXPANSION PROGRAM PURSUANT TO THIS SECTION, THE OFFICE MAY:".

Page 4, line 22, strike "TO DEVELOP" and substitute "DEVELOP".

Page 5, line 22, strike "TO SERVE" and substitute "SERVE".

Page 5, line 25, strike "TO SUPPORT" and substitute "SUPPORT".

Page 6, line 1, strike "TO DEVELOP" and substitute "DEVELOP".

Page 6, line 5, strike "THE OFFICE" and substitute "IF THE OFFICE DEVELOPS A BUSINESS RETENTION AND EXPANSION PROGRAM PURSUANT TO THIS SECTION, THE OFFICE".

Page 6, line 12, strike "THE PROGRAM" and substitute "A BUSINESS RETENTION AND EXPANSION PROGRAM CREATED PURSUANT TO THIS SECTION, IF ANY,".

Page 6, after line 13 insert:

"SECTION 3. No appropriation. The general assembly intends and determines that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out this act."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1290** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1023** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1041** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1006** 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 **HB12-1063** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 7, after line 25 insert:

"SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Homelake military veterans cemetery fund created in section 26-12-205 (4) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2012, the sum of \$2,500, or so much thereof as may be necessary, for allocation to the Homelake state veterans nursing home for expenses related to the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**COLORADO.**" and substitute "**COLORADO, AND IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1019** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 23, strike lines 21 through 27.

Page 24, strike lines 1 through 9.

Renumber succeeding sections accordingly.

Page 24, line 17, strike "\$1,977,056." and substitute "\$1,945,348." and strike "\$1,938,360" and substitute "\$1,906,652".

Page 24, line 20, strike "pursuant to" and substitute "created in".

Page 24, strike lines 23 through 25 and substitute:

"(2) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for the fiscal year beginning July 1, 2012, the sum of \$8,629,442 and 117.8 FTE, or so much thereof as may be necessary, for allocation to the Colorado state patrol for ports of entry for the implementation of this act. Of said sum, \$8,419,232 is from the highway users tax fund pursuant to section".

Page 25, line 2, strike "(2)" and substitute "(3)".

Page 25, line 3, strike "safety," and substitute "safety for capital construction,".

Page 25, line 5, strike "capital construction,".

Page 25, line 11, strike "(3)" and substitute "(4)".

Page 25, line 17, strike "\$2,289,184" and substitute "\$2,636,427" and strike "\$2,250,488" and substitute "\$2,597,731".

Page 26, line 7, strike "42-4-201 (3) (a) (V)," and substitute "43-4-201 (3) (a) (V),".

Page 26, line 18, strike "state".

Page 26, line 22, strike "subsection" and substitute "paragraph".

Page 26, line 23, strike "section" and substitute "subsection".

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- Page 26, line 24, strike "subsection" and substitute "paragraph". 1
- Page 26, line 25, strike "section." and substitute "subsection.". 2
- Page 27, line 2, strike "\$136,659." and substitute "\$127,789.". 3
- Page 27, line 18, strike "42-4-201 (3) (a) (V)," and substitute "43-4-201 (3) (a) (V),". 4
- Page 28, line 5, strike "subsection (o) of this section." and substitute "paragraph (o) of this subsection.". 5
- Page 28, line 9, strike "\$207,087" and substitute "\$207,882". 6
- Page 29, line 5, strike "\$7,470,440" and substitute "\$7,407,914" and strike "\$7,260,230" and substitute "\$7,197,704". 7
- Page 29, line 18, strike "state". 8
- Page 29, line 20, strike "(4)" and substitute "(5)". 9
- Page 29, line 27, strike "pursuant to section 43-4-201 (3) (a) (III) (C)," and substitute "created in section 43-4-201 (1) (a),". 10
- Page 30, line 2, strike "2012;" and substitute "2012.". 11
- Page 30, strike line 3. 12
- Page 1, line 107, strike "SAFETY AND" and substitute "SAFETY,". 13
- Page 1, line 111, strike "IN CONNECTION THEREWITH,". 14

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1126** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

SENATE SERVICES REPORT

Correctly Reengrossed: SB12-158.
Correctly Revised: HB12-1228, 1318 and 1323.
Correctly Enrolled: SJR12-026 and 027.

MESSAGE FROM THE HOUSE

April 2, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1324.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1261, amended as printed in House Journal, March 29, page 846.

The House has passed on Third Reading and returns herewith SB12-067.

MESSAGE FROM THE REVISOR OF STATUTES

April 2, 2012

We herewith transmit:

Without comment, HB12-1324.
Without comment, as amended, HB12-1261.

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

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

HB12-1228 by Representative(s) DelGrosso, McCann; also Senator(s) Steadman--Concerning criminal background checks for neighborhood youth organizations seeking to obtain a license.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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, White and Williams S.

HB12-1323 by Representative(s) Coram; also Senator(s) Roberts--Concerning the associate county judge for Montrose county.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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: King S. and Schwartz.

HB12-1318 by Representative(s) Brown, Sonnenberg, Vigil; also Senator(s) Schwartz, Bacon, Renfro-- Concerning the development of guidelines regarding the eligibility of controlled maintenance funding for state facilities.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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	Renfro	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: Nicholson and Roberts.

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 Resolutions.

CONSIDERATION OF RESOLUTIONS

HJR12-1016 by Representative(s) Gerou, Becker, Levy, Barker, Brown, Coram, Ferrandino, Hamner, Holbert, Joshi, Kerr A., Kerr J., Massey, McNulty, Murray, Pace, Peniston, Priola, Schafer S., Solano, Stephens, Summers, Swerdfeger, Todd; also Senator(s) Hodge, Lambert, Steadman, Brophy, Cadman, Grantham, Roberts--Concerning support for federal legislation (S. 484 and H.R. 3040) to reimburse Colorado for costs of federal mandates associated with the Fort Lewis College Native American Tuition Waiver Program.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsor added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Harvey, Heath, Hudak, Jahn, Johnston, King K., King S., Lundberg, Morse, Neville, Newell, Nicholson, Renfro, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop, White and Williams S.

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 Bacon, the following Governor's appointments were confirmed by a roll call vote:

**MEMBER OF THE
CHARTER SCHOOL INSTITUTE BOARD**

for a term expiring July 1, 2012:

Donahue Cassius Quashie of Colorado Springs, Colorado, as a representative of a parent of a student who is, or who has been, enrolled in an institute charter school, and occasioned by the resignation of John G. Schlichting of Greenwood Village, Colorado, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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 Bacon, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
BOARD OF TRUSTEES FOR COLORADO MESA UNIVERSITY**

for a term to expire December 31, 2013:

Robert Glenn Wilson of Grand Junction, Colorado, a Republican and resident of Mesa County and occasioned by the resignation of Jerome Gonzales of Grand Junction, a Democrat, appointed.

for terms expiring December 31, 2015:

Joan D. Ringel of Denver, Colorado, an Unaffiliated, appointed;

Paula Herzmark of Cherry Hills Village, a Democrat, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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 Bacon, the following Governor's appointments were confirmed by a roll call vote:

**MEMBER OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE**

for a term expiring December 31, 2015:

Steven Ray Short of Durango, Colorado to serve as a Republican, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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 Boyd, the following Governor's appointments were confirmed by a roll call vote:

**MEMBER OF THE
HAZARDOUS WASTE COMMISSION**

for terms expiring August 1, 2014:

Roger L. Freeman of Denver, Colorado, to serve as a representative of the academic community and as a Democrat, reappointed;

Aleksandr "Alek" M. Orloff of Denver, Colorado, to serve as a public member and as an Unaffiliated, reappointed;

John Harrison Kehoe of Centennial, Colorado, to serve as a representative of the regulated community and as an Unaffiliated, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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 Boyd, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
COVERCOLORADO BOARD OF DIRECTORS**

for terms expiring July 1, 2015:

Gary S. Carlson of Castle Rock, Colorado, representing individuals who are currently insured under the program, reappointed;

Carrie S. Etherton of Denver, Colorado, an individual who is currently insured or who has been insured under the program, appointed.

for a term expiring July 1, 2013:

Christopher Jon Miller of Denver, Colorado, a representative of an insurance carrier, and occasioned by the resignation of John W. Martie of Littleton, Colorado, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	E	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		

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-022, 034, 055, 057, 059, 095, 102, 148 and 152.

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 Tuesday, April 3 was laid over until Wednesday, April 4, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB12-160, SB12-161.
- General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, SB12-068, HB12-1271, HB12-1160, SCR12-001, HB12-1017, HB12-1237, HB12-1304, HCR12-1001, HB12-1146.
- Consideration of Resolutions: SJR12-006, SJR12-024, HJR12-1004.
- Consideration of Memorials: SM12-003.
- Consideration of Governor's Appointments:
 - Members of the Oil and Gas Conservation Commission of the State of Colorado.
- Conference Committees to Report: SB12-020.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 3, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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