

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

1st Legislative Day

Wednesday, January 11, 2012

Prayer	By the chaplain, Rabbi Steven Foster, Congregation Temple Emanuel, Denver. By Terry Knight, Ute Mountain Utes.
Presentation of Colors	By American Legion Post 32 Honor Guard, Longmont; Craig Fischer, bugler, performing "To the Color".
Poetry Recitation	By Dennis Sindelir, American Legion Post 32 Honor Guard, reading "Old Glory".
Singing of National Anthem	By Phil Williams, American Legion Post 32 Honor Guard.
Pledge of Allegiance	By Dick Kounovsky, American Legion Post 32 Honor Guard.
Musical Presentation	By Bella Voce Performance Group - Silvercreek High School, performing "America the Beautiful", "Gift to be simple/God Bless America", and "Siyahamba".
Call to Order	By the President at 10:00 a.m.
Roll Call	Present--35.
Quorum	The President announced a quorum present.

LETTER OF RESIGNATION

October 11, 2011

Ms. Cindi Markwell
Secretary of the Senate
200 E. Colfax
Denver, CO 80203

Madam Secretary:

It has been a privilege to win two elected terms of office to serve the citizens of Senate District 22 and the State of Colorado. This unique honor has been further enhanced by the opportunity to serve as my party's Caucus Chair and Senate Minority Leader. It is without exaggeration that I can say the past five years have been among my most fulfilling. I have thoroughly enjoyed working to craft solutions for Colorado with my senate colleagues - so many of whom will be friends for life.

However, on the eve of an extended period of personal reflection concerning the road that lies ahead of my family and me, it has become apparent that I will be unable to devote the kind of quality attention necessary to serve the remaining three years of my senate term. In short, my constituents and my caucus deserve better than I will have to offer them. But more importantly for me, my beautiful children deserve the best I can give them.

It is therefore with a deep sense of loss and a heavy heart that I hereby resign my Senate

seat, effective October 21, 2011. I trust that this notice will be sufficient to give the Senate District 22 Vacancy Committee the necessary time to utilize its process to find my replacement. Moreover, it will give the Republican caucus and the Senate adequate time before the upcoming legislative session to make a smooth leadership transition.

My prayers go with Colorado's senators as they prepare for January 11th, 2012. The challenges facing our legislature and the State of Colorado are significant and will remain of great interest and concern to me. I intend to remain active and be involved in matters of public policy, albeit as a private citizen and member of the business community.

In closing, I would like to add that nothing in my senate service would have been possible without the loving support of my late wife, Kimberly. My colleagues that knew her can attest to her miraculous strength. Ironically, I was lifted by her perhaps more than she was by me, even as she faced unfathomably difficult days. I would also extend sincere thanks to my family, the wonderful senate Republican staff and my terrific employer, Intermountain Rural Electric Association. Without them I would have been unable to fulfill my duties over these past years.

God bless our great state.

Sincerely,

(signed)
Senator Mike Kopp
Minority Leader

COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Scott Gessler, Secretary of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Designation of Nomination by Vacancy Committee as filed in this office on the seventh day of November, 2011, by the Republican 22nd Senate District Vacancy Committee, designating the appointment of Timothy Neville to fill the vacancy in the office of the Colorado State Senate, District 22, caused by the resignation of the Honorable Mike Kopp.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this ninth day of November, 2011.

(signed)
Scott Gessler
Secretary of State

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Scott Gessler, Secretary of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Acceptance of Designation by Vacancy Committee as filed in this office on the fourth day of November, 2011, by Timothy Neville, accepting the appointment of the Republican 22nd Senate District Vacancy Committee, to fill the vacancy in the office of the Colorado State Senate, District 22, caused by the resignation of the Honorable Mike Kopp.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this ninth day of November, 2011.

(signed)
Scott Gessler
Secretary of State

(NOTE: On November 10, 2011, at 8:15 a.m., Tim Neville of Littleton was sworn in to the Sixty-eighth General Assembly as Senator for Senate District 22 to fill the vacancy created by the resignation of Senator Mike Kopp. Chief Justice Bender administered the oath of office in the Chamber of the Senate.)

Temporary
Rules

On motion of Senator Morse, and with the unanimous consent of the Senate, the rules of the Senate of the first regular session of the sixty-eighth General Assembly were made the temporary rules of the second regular session of the sixty-eighth General Assembly.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

On motion of Senator Morse, and with the unanimous consent of the Senate, the President appointed Senators Tochtrop, Williams, and Roberts as members of the committee to notify the House of Representatives that the Senate was organized and ready for business.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

On motion of Senator Morse, and with the unanimous consent of the Senate, the President appointed Senators Heath, Boyd, and Scheffel as members of the committee to notify the Governor that the Senate was organized and ready for business.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

Senate in recess. Senate reconvened.

Election of
Secretary

On motion of Senator Morse, Cindi Markwell was nominated to serve as Secretary of the Senate during the second regular session of the sixty-eighth General Assembly. The motion was adopted by a unanimous vote.

Oath of
Office

The President administered the oath of office to Cindi Markwell as Secretary of the Senate.

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING		1
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The following bills were read by title and referred to the committees indicated:		3
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SB12-001	by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract.	5
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SB12-002	by Senator(s) Steadman, Guzman; --Concerning authorization of civil unions.	11
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SB12-003	by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers.	16
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SB12-004	by Senator(s) Foster, Shaffer B.; also Representative(s) Miklosi--Concerning the creation of a procurement preference to be granted for materials manufactured in the United States.	21
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SB12-005	by Senator(s) Newell; also Representative(s) Massey--Concerning the creation of the Colorado business retention and expansion program.	26
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SB12-006	by Senator(s) Neville; also Representative(s) Holbert--Concerning the creation of efficiencies in the state regulatory system.	31
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SB12-007	by Senator(s) Hudak and Spence, Williams S.; also Representative(s) Hamner--Concerning the standardization of the procedural requirements for the issuance of special license plates.	36
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SB12-008	by Senator(s) Brophy, Giron, Hodge, Roberts, Schwartz; also Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson--Concerning postponement of the repeal of requirements to replace well depletions to the Denver basin aquifers.	41
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SB12-009	by Senator(s) Hodge, Brophy, Giron, Roberts, Schwartz; also Representative(s) Swerdfeger, Baumgardner, Sonnenberg, Vigil, Wilson--Concerning the consolidation of cash funds administered by the division of water resources.	47
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SB12-010	by Senator(s) Hodge; --Concerning the authority of the department of public safety to use gifts, grants, and donations for the purpose of funding the activities of the Colorado bureau of investigation.	53
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SB12-011	by Senator(s) Spence; also Representative(s) Summers--Concerning the differential response pilot program for child abuse or neglect cases of low or moderate risk.	59
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SB12-012	by Senator(s) King S., Guzman, Tochtrop; also Representative(s) Miklosi, Gardner D.--Concerning the department of revenue's audits of automobile emission inspection facilities.	64
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SB12-013	by Senator(s) Schwartz; also Representative(s) Jones--Concerning low-speed electric vehicles.	69
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SB12-014	by Senator(s) Bacon and Roberts, Morse; also Representative(s) Levy and Gardner B.-- Concerning the conformity of the schedule for disclosure of campaign finance information with the date of the primary election. Judiciary	1 2 3 4 5 6
SB12-015	by Senator(s) Giron and Johnston, Guzman, Steadman; --Concerning creating an optional category of tuition at state institutions of higher education. Education	7 8 9 10 11
SB12-016	by Senator(s) Lambert, Brophy, Cadman, Grantham, Harvey, King K., Lundberg, Neville; also Representative(s) DelGrosso, Gardner B., Joshi--Concerning the authority of employers in the local government division of the public employees' retirement association to make optional modifications to the contribution rates to the association. State, Veterans & Military Affairs	12 13 14 15 16 17 18
SB12-017	by Senator(s) King S.; --Concerning the adoption of water quality control rules regarding nutrients, and, in connection therewith, prohibiting the water quality control commission from adopting numeric criteria for a water control standard or control regulation regarding nitrogen or phosphorus. Agriculture, Natural Resources, and Energy	19 20 21 22 23 24 25
SB12-018	by Senator(s) Lundberg, Harvey, Neville; --Concerning the development of an alternative medical assistance program for the elderly. Health and Human Services	26 27 28 29 30
SB12-019	by Senator(s) Shaffer B.; also Representative(s) Kerr A.--Concerning suspension of payments to a member of the general assembly in the event that the general assembly fails to pass bills critical to financing government operations. State, Veterans & Military Affairs	31 32 33 34 35 36
SB12-020	by Senator(s) Aguilar, Steadman; also Representative(s) Summers--Concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event. Judiciary	37 38 39 40 41 42
SB12-021	by Senator(s) Nicholson; also Representative(s) Lee--Concerning the creation of a financial literacy pilot program for residents of counties. Local Government	43 44 45 46 47
SB12-022	by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas-- Concerning maintaining child care assistance for working families. Health and Human Services	48 49 50 51 52
SB12-023	by Senator(s) Boyd; --Concerning the program of all-inclusive care for the elderly, and, in connection therewith, addressing enrollment of persons who are eligible for the PACE program, addressing how the PACE program works with accountable care collaborative and similar integrative initiatives involving the medicaid population in Colorado, and removing PACE providers from licensing as a home care agency. Health and Human Services	53 54 55 56 57 58 59 60
SB12-024	by Senator(s) Harvey; --Concerning the obligations of a residential nonprofit corporation to its residential members, and, in connection therewith, clarifying open meeting provisions and limiting the conditions under which the corporation must refund moneys paid by a residential member. Local Government	61 62 63 64 65 66 67
SB12-025	by Senator(s) Neville, Grantham, Harvey, Lambert, Lundberg, Renfroe; also Representative(s) Baumgardner--Concerning the authority of a law-abiding person to carry a concealed handgun without a permit. State, Veterans & Military Affairs	68 69 70 71 72

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SB12-026	by Senator(s) Cadman; --Concerning a state agency rule that creates a state mandate on a local government.	2
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SB12-028	by Senator(s) Grantham; --Concerning aggravated juvenile offenders adjudicated for murder.	12
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SB12-029	by Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the enactment of Colorado Revised Statutes 2011 as the positive and statutory law of the state of Colorado.	17
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SB12-030	by Senator(s) Jahn; --Concerning administrative matters related to a foreclosure sale.	23
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SB12-032	by Senator(s) Brophy; --Concerning reforms to state-administered health care assistance programs by seeking federal authorization to allow the state greater flexibility in the management of the programs.	32
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SB12-033	by Senator(s) Guzman; also Representative(s) Massey--Concerning adding near fatalities to the responsibilities of the department of human services child fatality review team.	38
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SB12-034	by Senator(s) King S., Tochtrop; also Representative(s) Gardner D.--Concerning repeal of the rapid screen program to identify high-emitting motor vehicles.	43
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SB12-035	by Senator(s) Hodge; --Concerning limited liability for spaceflight activities.	48
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SB12-036	by Senator(s) Mitchell; --Concerning parental consent for the collection of information from students in schools.	52
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SB12-037	by Senator(s) King S., Aguilar; also Representative(s) Young--Concerning the ability to dispense a controlled substance based on an electronically transmitted prescription drug order.	57
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SB12-038	by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property.	63
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SB12-039	by Senator(s) Morse; --Concerning the attestation of a minor that the minor has not used illegal drugs or alcohol during the previous year as a condition of getting an instruction permit or minor driver's license.	69
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SB12-040	by Senator(s) Bacon, Harvey, Renfroe, Schwartz; also Representative(s) Vigil, Brown, Sonnenberg--Concerning the qualification of certain state higher education facilities for state controlled maintenance funding. Education	1 2 3 4 5 6 7
SB12-041	by Senator(s) Spence; also Representative(s) Priola--Concerning the continuous appropriation of the moneys in the commercial vehicle enterprise tax fund to the department of revenue for sales and use tax refunds. Finance	8 9 10 11 12 13
SB12-042	by Senator(s) Spence; also Representative(s) Summers--Concerning bringing certain statutory provisions related to child support into compliance with federal law. Judiciary	14 15 16 17 18
SB12-043	by Senator(s) King K.; also Representative(s) Stephens--Concerning clarification of the ages of children who may attend a children's resident camp. Education	19 20 21 22 23
SB12-044	by Senator(s) Guzman; also Representative(s) Pabon--Concerning failure to present valid evidence of mass transit fare payment. Transportation	24 25 26 27 28
SB12-045	by Senator(s) Hudak and King K., Bacon; also Representative(s) Massey and Fields, Holbert--Concerning granting associate degrees to students who transfer from a two-year institution. Education	29 30 31 32 33 34
SB12-046	by Senator(s) Newell and Hudak; also Representative(s) Nikkel and Levy, Szabo--Concerning disciplinary measures in public schools. Education	35 36 37 38 39
SB12-047	by Senator(s) King K. and Bacon; also Representative(s) Massey and Holbert--Concerning the use of assessment results for students enrolled in grades nine through twelve to assist students in graduating from high school without needing subsequent remedial educational services. Education	40 41 42 43 44 45 46
SB12-048	by Senator(s) Schwartz; also Representative(s) Coram--Concerning the creation of the "Colorado Cottage Foods Act" for locally produced home foods sold directly to consumers. Agriculture, Natural Resources, and Energy	47 48 49 50 51
SB12-049	by Senator(s) Roberts; also Representative(s) Coram, Baumgardner, Brown--Concerning financial responsibility requirements for motor carriers, and, in connection therewith, reducing the surety bond requirement for towing carriers and limiting its applicability to counties of relatively high population density. Transportation	52 53 54 55 56 57 58
SB12-050	by Senator(s) Renfroe, Grantham, Harvey, Lambert, Lundberg, Neville; also Representative(s) Baumgardner--Concerning the elimination of the use of automated vehicle identification systems for traffic law enforcement. Transportation	59 60 61 62 63 64 65

MESSAGE FROM THE HOUSE

The House has adopted and transmits herewith HJR12-1001.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1001 by Representative(s) Stephens, McNulty, Ferrandino; also Senator(s) Morse, Shaffer B., Cadman--Concerning a Joint Session of the House of Representatives and the Senate for the purpose of hearing a message from His Excellency, Governor John Hickenlooper, and appointing a committee to escort the Governor.

On motion of Senator Morse, the resolution was **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		

The President appointed Senators Guzman, Hudak, and White to serve on the committee to escort the Governor to the State of the State address.

COMMITTEE APPOINTMENTS

January 9, 2012

President Brandon Shaffer
200 East Colfax
Room 257

President Brandon Shaffer,

In accordance with Senate Rule 21(a) I am making the following adjustments to the Senate committees of reference for the Second Regular Session of the 68th General Assembly:

Senate Judiciary Committee -- Reduced in size from nine members to seven, four of whom shall be from the majority party. Additionally, Senator Newell is removed from the committee.

Senate Agriculture, Natural Resources, and Energy Committee -- Senators Jahn and Guzman are removed, Senator Tochtrop is added as the Vice-Chair, and Senator Carroll is added as a member.

Appropriations Committee - Reduced in size from ten members to nine, five of whom shall be from the majority party. Additionally, Senator Nicholson is removed from the committee.

Education Committee - Reduced in size from eight members to seven, four of whom shall be from the majority party. Additionally, Senator Nicholson is removed from the committee.

Health and Human Services Senate Committee -- Senator Carroll is removed and Senator Nicholson is added.

Transportation Committee -- Senator Tochtrop is removed and Senator Newell is added.

I am happy to answer any questions you may have. I am, as always

Sincerely yours,
(signed)
John P. Morse
Senate Majority Leader

cc: Senator Irene Aguilar
Senator Bob Bacon
Senator Morgan Carroll
Senator Joyce Foster
Senator Angela Giron
Senator Lucia Guzman
Senator Rollie Heath
Senator Mary Hodge
Senator Evie Hudak
Senator Cheri Jahn
Senator Mike Johnston
Senator Linda Newell
Senator Jeanne Nicholson
Senator Gail Schwartz
President Brandon Shaffer
Senator Pat Steadman
Senator Lois Tochtrop
Senator Suzanne Williams
Senate Minority Leader Bill Cadman
Cindi Markwell Senate Secretary
Mr. Dan Cartin, Director of the Office of Legislative Legal Services
Mike Mauer, Director of the Office of Legislative Council

October 17, 2011

The Honorable Brandon Shaffer
President of the Senate
State Capitol
Denver, CO

Dear Mr. President:

In accordance with C.R.S. 2-3-301, I recommend Senator Kevin Grantham be appointed to the Legislative Council Committee for the remainder of the 68th General Assembly.

Sincerely,
(signed)
Bill L. Cadman
Senate Minority Leader

cc: Representative Frank McNulty, Speaker of the House
Senator John Morse, Majority Leader
Representative Sal Pace, Minority Leader of the House
Senator Kevin Grantham
Cindi Markwell, Secretary of the Senate
Mike Mauer, Legislative Council
Dan Cartin, Office of Legislative Legal Services
Susan Liddle, Legislative Council

December 5, 2011

The Honorable Brandon Shaffer
President of the Senate
State Capitol
Denver, CO

Dear Mr. President:

I am pleased to appoint Senator Tim Neville to serve on State, Veterans, & Military Affairs and also Local Government & Energy for the Second Regular Session of the Sixty-eighth General Assembly. Senator Neville will be replacing me on these two Senate Committees of Reference.

Sincerely,
(signed)
Bill L. Cadman
Senate Minority Leader

cc: Representative Frank McNulty, Speaker of the House
Senator John Morse, Majority Leader

Representative Mark Ferrandino, Minority Leader of the House
Senator Tim Neville
Cindi Markwell, Secretary of the Senate
Mike Mauer, Legislative Council
Dan Cartin, Office of Legislative Legal Services
Susan Liddle, Legislative Council

January 9, 2012

The Honorable Brandon Shaffer
President of the Senate
State Capitol
Denver, CO

Dear Mr. President:

Due to the Senate Judiciary's reduction in size from nine members to seven, I was asked to reduce the Senate Minority from four members down to three members. Accordingly, Senator Mark Scheffel is removed from Senate Judiciary Committee for the Second Regular Session of the 68th General Assembly.

Sincerely,
(signed)
Bill L. Cadman
Senate Minority Leader

cc: Representative Frank McNulty, Speaker of the House
Senator John Morse, Majority Leader
Representative Mark Ferrandino, Minority Leader of the House
Senator Mark Scheffel
Senator Kevin Lundberg
Senator Steve King
Senator Ellen Roberts
Cindi Markwell, Secretary of the Senate
Mike Mauer, Legislative Council
Dan Cartin, Office of Legislative Legal Services
Susan Liddle, Legislative Council

On motion of Senator Morse, and with the unanimous consent of those elected to the Senate, the words of Senate President Brandon C. Shaffer and Minority Leader Bill Cadman were ordered spread upon the pages of the journal.

Senate in recess.

Remarks of President Shaffer:

Good morning and welcome to the second regular session of the 68th General Assembly of Colorado.

My first session started in January 2005. When I first stepped on the Senate floor I came through the center doors on my way to my desk, where Senator Aguilar is sitting now. I had a feeling at the time that I was embarking on an amazing adventure, but I had no idea how amazing it would actually be.

Several of you were new to the Senate at the same time. Senators Spence and Mitchell, on the Republican side; and Senators Williams, Tochtrop, and Bacon on the Democratic side. Over the past seven years, we've laughed and cried together; we've fought and cooperated; we've had victories and defeats; and, all-in-all we've done a pretty good job of governing and moving Colorado forward.

The reason I mention these things is to make a point for the rest of the Senators in the

room. In 2005, we came in with a class of 18 new Senators. Today, only the six of us remain.

Some of the others weren't able to stay because of term limits, others left for opportunities in the private sector, and yet others left for personal reasons, but the sheer magnitude of turnover should impress upon each of us that our time here is temporal.

The thing to constantly remember during this session and future ones is that the people of Colorado need and deserve our very best.

You may have two years to accomplish your goals, or eight, but my message to you is the same: time is too short to waste in partisan battles ... in petty politics ... in small skirmishes. At a time when so many Coloradans are out of work, or working harder for less, or struggling to give their kids the basic ingredients to succeed in life; it's our duty, our mission, to do everything in our power to revitalize the engine of Colorado's economy. We must create new jobs, and better jobs, for our fellow Coloradans.

And we must remember that the conversations we have this year ... the debates and disputes ... the collaborations and cooperations ... can't be about us. They can't be about politics and upcoming elections. Rather, they must be about the people of Colorado ... the people who elected us ... the people we represent.

It should surprise no one that there is one issue that's more important to Coloradans today than all others: that's strengthening our economy by putting people back to work.

Today, for too many Coloradans there is little opportunity to earn a productive living, and for some, despair has replaced the buoyancy of hope.

The responsibility for finding gainful employment lies not solely with the individual. Our public and private institutions must create the opportunities we need to thrive as individuals and succeed as a society.

The statistics sober even the most optimistic. Despite our best efforts, our rate of unemployment is 8 percent. In raw numbers that's approximately 216,000 Coloradans still out of work. It's better than last year's rate of 8.9 percent, but it's not good enough.

Unemployment has far reaching consequences. We live in a state with one-in-six children living in poverty, and one-in-five living in food insecurity.

Our institutions fail when we do not feed our children.

We risk our legacy. We risk our future.

In the words of Hubert Humphrey, the former United States Senator from Minnesota, "We will be judged by how we care for those who are in the dawn of life, our children, those in the twilight of life, our elderly, and those in the shadows of life, our sick, our needy and our disabled."

Today, more than any time in a generation, we must marshal our energies. We must provide Coloradans the opportunity to work. We must provide Coloradans jobs.

The task is formidable, and some say one state cannot affect a recession in a global economy.

I say they're wrong.

In the next 17 weeks we will introduce the 2012 Colorado Works Jobs Package. It will reduce regulation on small business, enhance the business climate for Colorado, and promote job creation throughout our state.

The Senate will work with the House of Representatives and the Governor to pass legislation to improve our business climate and to create opportunities to put people back to work.

This is a time for multiplication, not division. It's a time to identify, not as Republican or Democrat, but as Coloradans. And it's a time to act.

With this in mind, Senate Bill 1 is the "HIRE Colorado Act". It simply says we want the State of Colorado to hire Coloradans when contracting for services.

It's similar to a proposal that's been considered in the legislature before, and it's similar to provisions that have been adopted by 26 other states across our nation.

There are nay-sayers out there, and they’ve successfully stopped this proposal in years past, but this year is different. This is the year we look at every piece of legislation through the eyes of an unemployed Coloradan, and we ask, “Does it make sense?”

Hiring Coloradans to work on projects paid for by Colorado tax-dollars makes sense. It creates jobs, and it’s a smart use of government resources. Let’s all come together to support this legislation.

Hiring Coloradans is a step in the right direction, but we can do more. Over the last two years, our state government spent an estimated \$794.5 million beyond our borders. When possible, these funds should stay in Colorado. If there is a Colorado source for materials, it should be the first choice for those who hold state contracts.

To that end, we will introduce the “Buy Colorado and Buy American Act”. This initiative will reward companies doing business with our state for buying their raw products, wholesale goods, and manufactured goods from Colorado and American companies.

Finally, creating opportunities for our economy to thrive goes beyond how our state does business. We must also develop new industries, and bring new jobs to Colorado along with them.

One such endeavor is embodied in the Colorado Aerospace Jobs Act. There is a new Space Race developing in our world; a race among private companies to market aerospace technology. Our goal is to land those companies here in Colorado.

The Colorado Aerospace Jobs Act will help us do just that by clearing the way for the construction of a spaceport in Colorado. This is a perfect compliment to exciting developments already taking place in the aerospace industry on college campuses and in high-tech office parks around our state.

These are just a few of the exciting initiatives that will be introduced in our Senate in the coming days. There will be many, many more on both sides of the aisle. But in a time of so many challenges, our legislative process is as important as our legislative product.

A maxim now two thousand years old entered the American lexicon 150 years ago with our 16th President: A house divided against itself cannot stand.

There is no Republican or Democratic voice. There is no progressive or conservative voice. There is only one voice, and that’s the voice of the people of Colorado.

We are sent here to solve problems, to improve the quality of life for our neighbors, our friends and our fellow citizens. They did not send us here to argue about how to get the work done. They just sent us here to do the work.

As we apply ourselves through this session, let us be civil, let us be respectful and be of good cheer. Let us use our collective wisdom to provide common sense solutions for Colorado.

Now let the work begin.

Thank you.

Remarks of Minority Leader Cadman:

Thank you Mr. President, good morning Mr. Majority Leader, colleagues. Welcome special friends, guests, and families.

Please welcome my Wife Lisa. Welcome my predecessor, my mentor and my friend, Senator Ron May.

Welcome to our new Senator Tim Neville and his wife and family.

I would be remiss if I didn’t ask for a special acknowledgement of our former colleague senator Mike Kopp, who just a few months ago watched his beautiful wife Kim close her eyes in this world, knowing she would open them again in heaven.

Mike gracefully regretted he could not join us today…but he sends his best. I hope you will continue to keep him and their four children in your thoughts and prayers.

So here we are...now, only 119 days to go. A little less Pomp and Circumstance than the opening day of a new General Assembly. The second session doesn't get the same amount of focus or the same amount of press coverage. It was not an election year, so no major changes in our ranks.

We don't swear in again.

I don't think we elect new leadership....or do we Mr. President? Ok, just checking.

So those are some of the things we don't do....but what do we do here on opening day, 2012? We share our thoughts and hopes for a better tomorrow for our state and our country.

As legislators, as policy makers, I truly believe we share a similar desire to find common ground among us for the un-common challenges before us.

It is such a privilege to serve here, we are the Colorado Senate. Just saying this still gives me goose bumps – anyone else feel that way? Term limits, redistricting, and elections mean we are wholly unique at this place, in this time, a group of 35 individuals who will never serve together in this capacity again.

Somewhat nostalgic.

2012 is our chance to make our mark in this place in two significant areas, Policies and Principles.

As far as policies go, we will address countless issues, hundreds of bills. We will pass a budget, we always do. We will pass the school finance act, we always do.

What do we do with the rest of our time, our bills and our efforts? We must do everything we can to promote economic development and job growth in this state.

Colorado works when Coloradans are working.

Private sector jobs are the economic engines that fill private sector and public sector coffers. Colorado needs jobs, period!

Our Centennial State lost 128,000 jobs between 2008 and 2010 – 2011 brought some relief but we are still short 100,000 jobs from four years ago. We have 17 counties with unemployment rates of 19 ½ percent or higher.

Even the Governor's own "Colorado Outlook" for 2012-2013 forecasts only a 0.2% increase in General Fund revenues from individual and corporate taxes.

Unfortunately, over the last decade Colorado has fallen to 38th in the nation for private sector job creation while climbing to 6th for creating government jobs.

Empowering the private sector to create more jobs has been a consistent theme of opening day speeches here for years. From the leaders in both houses, and our governors, the rhetoric has been repeated, but the reality is that these lofty goals have proven to be elusive.

So we asked Colorado's business community to help us, we asked them to help us help them. Our colleagues traveled around the state to ask business owners what they needed to stay in business and to grow.

We met with executives and entrepreneurs, and we didn't care if they were an R or a D, -- we didn't even ask. We only cared that they were an "E" – for employer. WE GOT AN EARFUL. ACTUALLY, WE GOT MORE THAN AN EAR FULL.

Their requests were fairly simple – not necessarily easy – but they were simple. They wanted a consistent, stable business climate. They wanted reduced bureaucracy, lower fees, less red tape, and they wanted us to stop trying to "help" them with new mandates, requirements and programs that cost them money, or reduce their productivity.

One woman, a very successful IT entrepreneur, shared her concerns about specific legislation that has negatively impacted her company. She politely shared her impression of us with the following quote from C.S. Lewis:

"Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies..." Ouch, did I mention how polite she was as she said this with a smile?

OMNIPOTENT MORAL BUSIBODY...Does anybody here want to be THAT GUY? 1

We can help Colorado businesses by reducing or eliminating numerous statutes and 2
regulations and we have developed thoughtful, specific and reasonable proposals to do just 3
that. 4
5
6

Coloradans told us what they needed to be successful ...and our Policy Agenda reflects 7
their desires. Let me reiterate that our proposals aren't Republican ideas, and they are not 8
Democrat ideas...maybe that's why they are pretty good ideas. 9
10

Hopefully, we can spend the next four months working together on pretty good ideas to 11
turn our job growth rhetoric into Colorado's economic reality. 12
13

Now, what about the principles? 14
15

We each have an opportunity to leave behind a legacy that has nothing to do with what's 16
written in those red books. It won't be measured by how many laws we add or statutes we 17
change. 18
19

I think it will be measured by how we invest in each other and how we exhibit civility and 20
respect, not only for each other, but for the historic institution in which we are so 21
privileged to serve. 22
23

I know some of my greatest legislative victories here, both passing bills and stopping bills 24
have come down to something greater than the idea of the bill itself, greater than the bill 25
summary or the fiscal note, it has come down to the relationships established with 26
members on both sides of the aisle. 27
28

I've been doing this long enough that I can share stories about most of you in these seats, 29
and countless others we served with, but I will limit myself to just a few. 30
31

When I was a freshman in the house, Senator Gordon helped me get an amendment passed 32
that replicated an entire bill that I carried that had been killed. He was always willing to 33
offer assistance and share his knowledge, although we didn't agree on very many 34
issues...but that didn't stop him from sharing his time and his experience with me and 35
making me a better legislator. 36
37

Senator Tochtrop, how many times have we worked together to count to 33 in the house, 38
or 18 here. How many conversations have we had over the years from everything under the 39
sun. From baseball, to handguns, texas - holdem, to your new knees. You even helped me 40
find a yard sign vendor...for Republican signs! 41
42

Senator Carroll, we have worked together to protect civil rights on more than one 43
occasion, and in both chambers. 44
45

Senator Jahn....how about our times together in both chambers working to pass something 46
or stop something...and how about your tricky bill last year SB234 that worked us harder 47
than we worked it. Or how about something really personal, the night a few of us in the 48
house got the call about your son and got down on our knees and prayed for you and for 49
him. 50
51

Mr. President, with your help we finally saw the repeal of more than a dozen special 52
interest money grabs on taxpayer refunds...a bill I had tried to get passed while serving in 53
both the majority and the minority, in both houses too many times to count..., FINDING 54
SUCCESS WITH YOUR HELP, not just because it was a good idea, but I truly believe 55
because of our relationship. 56
57

This place is more than the bills, and we are more than how we vote or where we sit. We 58
are so much more than the D or the R next to our name. 59
60

When we take the time to invest in each other we'll get better results on the issues we care 61
about and the bills we carry. 62
63

I'm not suggesting that we are going to agree with each other all the time – or like each 64
other all the time, because we won't and we don't. If you haven't lost your temper here at 65
least once like I have, or felt your blood boil because of a fellow member, then it must be 66
your first day – Congratulations Senator Neville. 67
68

There is something that holds people together that is stronger than how they feel at any 69
given moment. Relationships – Relationships built on respect and civility and yes, trust. 70
71

When these break down, relationships are weakened and this institution becomes 72

vulnerable to the toxic effects of extreme partisanship.

As we begin a new session, we must deal with these effects in the aftermath of redistricting. A process that is supposed to be partisan-neutral has failed us, and even more important it has failed the people of Colorado.

Here are a few headlines a few weeks ago:

• A tale of decoy maps, gerrymandering and reapportionment Colorado Springs Gazette - Dec 5, 2011

• Casualties of reapportionment, GOP lawmakers step aside – Senator Keith King, Your loss to this institution will be felt far into the future. The honor you have shown for me personally leaves me deeply humbled. You are my colleague, my mentor and will always be my friend.

• Dems win political game of reapportionment The Colorado Statesman - Dec 2, 2011

Should reapportionment ever, ever be alluded to as a game – it should not, because this foundational tenet of our Democratic republic is too important to be considered as a game.

Wouldn't a better headline have been, "Coloradans Get new Constitutionally Sound Maps, Supported Unanimously by the Commission."

I think the failure of the redistricting process was greater than the loss of a vote -- our relationships failed and that's not the kind of legacy we should leave. That's not what we should be passing on to those who follow us here, regardless of which party is in the majority.

I hope we can find consensus to move in a better direction, so that 10 years from now redistricting will truly be non-partisan, and we can restore the integrity of the process and protect those who are tasked to complete it. To do this we must insulate this process from the extreme partisanship of political operatives on both sides.

IN THIS NEW YEAR, IN 2012 we must strive to heal the political wounds of 2011, and rebuild relationships, because we have a lot of work to do, and on any given day solutions to our significant challenges will require working across the aisle.

Our legacies will be so much more than the policies we pass, they will be the principles we establish and the way we teach our successors to treat each other when we leave.

We are the Colorado Senate. We are Colorado senators. And our words and deeds should always be reflective of this great honor.

Thank You!

Senate reconvened.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines:

Early introduction deadline for House bills:

The Monday, January 16 deadline (the 6th legislative day) for the introduction of the two remaining House bills requested prior to the December 1 bill request deadline is extended until Tuesday, January 17, 2012 (the 7th legislative day).

Last bill request deadline for the House and Senate:

The Monday, January 16 deadline (the 6th legislative day) for all remaining bill requests to the Office of Legislative Legal Services is extended until Tuesday, January 17, 2012 (the 7th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)	(signed)	1
Representative McNulty	Senator Shaffer	2
Speaker of the House of Representatives	President of the Senate	3
		4
(signed)	(signed)	5
Representative Stephens	Senator Morse	6
House Majority Leader	Senate Majority Leader	7
		8
(signed)	(signed)	9
Representative Ferrandino	Senator Cadman	10
House Minority Leader	Senate Minority Leader	11
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TRIBUTES

Honoring:

Thomas Xaysana -- By Senator Hudak.

Orion Multi Purpose Crew Vehicle -- By Senator Morse.

Arapahoe Community College -- By Senator Newell.

Manning and Company -- By Senator Newell.

Dr. Dale Retzer -- By Senator Newell.

The South Metro Denver Small Business Development Center and Marcia McGilley -- By Senator Newell.

Town Hall Arts Center -- By Senator Newell.

Narconon Colorado -- By Senator Lundberg.

The Town of Littleton -- By Senator Newell.

Elaine Ducoff -- By Senator Keith King.

Jim Woods -- By Senator Newell.

Kyle Piccola -- By Senator Shaffer.

Briant McKellips -- By Senator Kopp.

Scented Studio -- By Senator Aguilar.

Daniel Edward Patterson -- By Senator Hudak.

Sarah Hernandez -- By Senator Williams.

Ursula Running Bear -- By Senator Williams.

Crystal Loudhawk-Hedgpeth -- By Senator Williams.

Daniel Cordials -- By Senator Williams.

Amanda Skenadore -- By Senator Williams.

Zak Kaszubowski -- By Senator Kopp.

Quinten Tyler Nichols -- By Senator Shaffer.

Detective James "Jim" Hebenstreit -- By Senator Steve King.

Kristin Donley -- By Senator Brandon Shaffer.

Mary Zinn -- By Senator Linda Newell.

Christopher Anderson -- By Senator Brandon Shaffer.

Mapleton Public Schools Board of Education -- By Senator Lois Tochtrop.

Charlotte Ciano -- By Senator Lois Tochtrop.

Almost Home -- By Senator Hodge.

Boys and Girls Club, Robert Shopneck Branch -- By Senator Hodge.

Brighton Cares -- By Senator Hodge.

Brighton Shares the Harvest -- By Senator Hodge.

CASA -- By Senator Hodge.

Harmony Angels Foundation -- By Senator Hodge.

HeART of Brighton -- By Senator Hodge.

Legacy Foundation -- By Senator Hodge.

North Metro Community Services -- By Senator Hodge.

Pennock Counseling -- By Senator Hodge.

Rocky Mountain Bird Observatory -- By Senator Hodge.

United Power Round Up -- By Senator Hodge.

Warm Hearts, Warm Babies -- By Senator Hodge.

Hunger Free Colorado -- By Senator Hodge.

Platte Valley Medical Center -- By Senator Hodge.

Brighton Chamber of Commerce Nonprofit Council -- By Senator Hodge.

Eugene Darrow -- By Senator Newell.

Joseph M. Trujillo -- By Senator Newell.

Elwood Johnsen -- By Senator Newell.

Chandra S. Sookram -- By Senator Newell.

Essie M. Rutledge -- By Senator Newell.	1
Danny Phillip Dietz Jr. -- By Senator Newell.	2
Jeff Johnson -- By Senator Newell.	3
Joe Rice -- By Senator Newell.	4
Dean Casey -- By Senator Newell.	5
Frank Atwood -- By Senator Newell.	6
Tom Mulvey -- By Senator Newell.	7
Ray Koernig -- By Senator Newell.	8
Arvada Community Food Bank -- By Senator Hudak.	9
Developmental Disabilities Resource Center -- By Senator Hudak.	10
Metro Community Provider Network -- By Senator Hudak.	11
Ralston House -- By Senator Hudak.	12
Family Tree -- By Senator Hudak.	13
Carin Clinic -- By Senator Hudak.	14
Ginny's Kids International -- By Senator Hudak.	15
Children's Outreach Project -- By Senator Hudak.	16
Colorado Homeless Families -- By Senator Hudak.	17
Jefferson Center for Mental Health -- By Senator Hudak.	18
Bessie's Hope -- By Senator Hudak.	19
Conejos County -- By Senator Schwartz.	20
The Citizen Volunteers of the Colorado Wing of the Civil Air Patrol -- By Senator	21
Lambert and Representative John Soper.	22
Mary Sommerfeld -- By Senator Steve King.	23
Ginny Vidulich -- By Senator Shaffer.	24
The Greater Brighton Neighborhood Volunteers -- By Senator Hodge.	25
Rocky Top Middle School -- By Senator Tochtrop.	26
Jacque Kerr -- By Senator Tochtrop.	27
Eisenhower Elementary School -- By Senator Shaffer.	28
Eldorado K-8 School -- By Senator Shaffer.	29
Foothill Elementary School -- By Senator Shaffer.	30
Heatherwood Elementary School -- By Senator Shaffer.	31
Jamestown Elementary -- -- By Senator Shaffer.	32
Nevin Platt Middle School -- By Senator Shaffer.	33
Southern Hills Middle School -- By Senator Shaffer.	34
Summit Middle Charter School -- By Senator Shaffer.	35
Bear Creek Elementary School -- By Senator Shaffer.	36
Boulder Community School of Integrated Studies -- By Senator Shaffer.	37
Douglass Elementary School -- By Senator Shaffer.	38
High Peaks Elementary School -- By Senator Shaffer.	39
Horizon K-8 School -- By Senator Shaffer.	40
Monarch K-8 School -- By Senator Shaffer.	41
Superior Elementary School -- By Senator Shaffer.	42
Cameron G. Leavitt -- By Senator Steve King.	43
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On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Thursday, January 12, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

2nd Legislative Day Thursday, January 12, 2012

Prayer By the chaplain, Pastor Bob Kaylor, Tri-Lakes United Methodist Church, Monument.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--34
Excused--1, King K.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Wednesday, January 11, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-001 by Senator(s) Morse, Shaffer B., Cadman; also Representative(s) Massey, Vaad, Court, Williams A.--Concerning the officers and employees of the Second Regular Session of the Sixty-eighth General Assembly.

On motion of Senator Morse, the resolution was adopted by the following roll call vote:

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		

SR12-001 by Senator(s) Morse, Shaffer B., Cadman; --Concerning the appointment of Officers and Employees for the Senate convened in the Second Regular Session of the Sixty-eighth General Assembly.

On motion of Senator Morse, the resolution was adopted by the following roll call vote:

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		

Oath of Office

The President administered the oath of office to the employees of the Senate of the Second Regular Session of the 68th General Assembly.

SENATE SERVICES REPORT

Correctly Printed: SB12-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049 and 050.
Correctly Revised: HJR12-1001.

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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

3rd Legislative Day	Friday, January 13, 2012
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Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Grantham.
Roll Call	Present--33 Excused--2, King S, Mitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Aguilar, reading of the Journal of Thursday, January 12, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

January 13, 2012
The House has adopted and returns herewith SJR12-001.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR12-002 by Senator(s) Roberts, Giron, Schwartz; also Representative(s) Wilson, Baumgardner, Sonnenberg, Swerdfeger, Vigil--Concerning the adverse effects that the diversion of revenues has had on water infrastructure in Colorado.

Laid over one day under Senate Rule 30(b).

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-001; SR12-001.

INTRODUCTION OF BILLS -- FIRST READING

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

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

SB12-052	by Senator(s) Scheffel; also Representative(s) Priola--Concerning a property tax exemption for business personal property. Finance	1 2 3 4 5
SB12-053	by Senator(s) Neville; also Representative(s) Looper--Concerning the repeal of the "Colorado Health Benefit Exchange Act" if any part of the "Patient Protection and Affordable Care Act" as amended by the "Health Care and Education Reconciliation Act of 2010" is ruled unconstitutional. Health and Human Services	6 7 8 9 10 11 12
SB12-054	by Senator(s) Boyd; --Concerning protection for employees of licensed health care facilities who exercise their own judgment. Health and Human Services	13 14 15 16 17
SB12-055	by Senator(s) White, Aguilar, Giron, Guzman, Hudak, Newell, Nicholson, Spence, Steadman, Tochtrop, Williams S.; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund to appear on the state individual income tax return forms. Finance	18 19 20 21 22 23 24
SB12-056	by Senator(s) Carroll; also Representative(s) Holbert--Concerning judicial appointments in domestic relations cases involving children. Judiciary	25 26 27 28 29
SB12-057	by Senator(s) Williams S.; also Representative(s) Brown--Concerning indigenous language instruction. Education	30 31 32 33 34
SB12-058	by Senator(s) Heath; --Concerning the creation of the venture capital advisory board. Business, Labor and Technology	35 36 37 38
SB12-059	by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning commercial vehicle standards applied to certain vehicles under twenty-six thousand one pounds. Transportation	39 40 41 42 43
SB12-060	by Senator(s) Roberts; --Concerning improving medicaid fraud prosecution. Health and Human Services	44 45 46 47
SB12-061	by Senator(s) King K.; also Representative(s) Massey--Concerning procedures relating to the authorization of charter schools. Education	48 49 50 51 52
SB12-062	by Senator(s) Williams S.; also Representative(s) Looper--Concerning voting by military personnel. State, Veterans & Military Affairs	53 54 55 56 57
SB12-063	by Senator(s) Brophy; --Concerning the allocation of certain severance tax revenues to institutions of higher education located in rural regions impacted by the development of minerals subject to taxation. Finance	58 59 60 61 62 63
SB12-064	by Senator(s) Nicholson; also Representative(s) Massey--Concerning the Colorado children's trust fund. Health and Human Services	64 65 66 67 68
SB12-065	by Senator(s) Morse; --Concerning the development of a prior authorization form to be used by health benefit plans that cover prescription drug benefits. Health and Human Services	69 70 71 72

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

6th Legislative Day	Monday, January 16, 2012
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SENATE DID NOT CONVENE ON THIS DAY

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

7th Legislative DayTuesday, January 17, 2012

Prayer By the chaplain, Pastor Bob Kaylor, Tri-Lakes United Methodist Church, Monument.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Guzman.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Friday, January 13, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SJR12-003 by Senator(s) Schwartz, Brophy, Carroll, Giron, Grantham, Guzman, Harvey, Jahn, Tochtrop; also Representative(s) Sonnenberg, Vigil--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.
Agriculture, Natural Resources, and Energy

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

January 13, 2012

The President has signed: HJR12-1001.

SENATE SERVICES REPORT

Correctly Printed: SB12-051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068; SJR12-002.

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, January 17 was laid over until Wednesday, January 18, retaining its place on the calendar.

Consideration of Resolutions: SJR12-002.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, January 18, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

8th Legislative Day	Wednesday, January 18, 2012
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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Guzman.
Roll Call	Present--34 Excused--1, Williams S.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Neville, reading of the Journal of Wednesday, January 18, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-001 and SR12-001.

SENATE SERVICES REPORT

Correctly Printed: SJR12-003.
Correctly Enrolled: SJR12-001; SR12-001.

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 Wednesday, January 18 was laid over until Thursday, January 19, retaining its place on the calendar.

Consideration of Resolutions: SJR12-003

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, January 19, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

9th Legislative Day Thursday, January 19, 2012

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Guzman.

Roll Call Present--34
Excused--1, Williams S.
Present later--1, Williams S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Wednesday, January 18, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services After consideration on the merits, the Committee recommends that **SB12-033** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 11, line 6, strike the first "be" and substitute "be".

Health & Human Services After consideration on the merits, the Committee recommends that **SB12-011** be referred to the Committee of the Whole with favorable recommendation.

INTRODUCTION OF RESOLUTIONS

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

SJR12-004 by Senator(s) Johnston; also Representative(s) DelGrosso--Concerning the certification by the general assembly of its estimate of state general fund revenues for the 2012-13 fiscal year.
Finance

SJR12-005 by Senator(s) Schwartz; also Representative(s) Todd--Concerning the designation of January 30, 2012, as "Colorado 4-H Day".

Laid over until Monday, January 30, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB12-069

by Senator(s) Tochtrop; also Representative(s) Gardner B.--Concerning the statutory time limit for commencing certain civil actions.
Judiciary
- 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".
Judiciary
- SB12-071

by Senator(s) Giron; also Representative(s) Duran--Concerning a requirement to pursue available loan modification remedies before foreclosing on residential real property.
Judiciary
- SB12-072

by Senator(s) Lambert, Newell, Grantham, Scheffel, Cadman, Aguilar, King K., Lundberg, Neville, Renfroe; also Representative(s) Stephens, Holbert, Joshi, Looper, DelGrosso, Gerou--Concerning the Colorado mounted rangers.
Judiciary
- SB12-073

by Senator(s) Cadman; --Concerning adding consideration of legislative intent to the standards for rules of executive branch agencies.
Judiciary
- SB12-074

by Senator(s) Aguilar; also Representative(s) Gardner B.--Concerning services provided by a person designated by a person eligible for consumer-directed care services.
Judiciary
- SB12-075

by Senator(s) Steadman, Spence; also Representative(s) Massey--Concerning a financial cooperative organized exclusively for medical marijuana financial operations.
Finance
- SB12-076

by Senator(s) Grantham, Mitchell, Brophy, Lundberg, Cadman, Scheffel, King K., Neville, Renfroe, Roberts, White; --Concerning department of transportation rules governing prequalification of a contractor as a bidder for a department project, and, in connection therewith, prohibiting the department from promulgating or enforcing any rule that allows the department to rely on a contractor's lack of experience in successfully bidding for and completing department projects to disqualify the contractor from prequalification if the contractor has experience in successfully completing local street or bridge or county road or bridge projects or has other construction experience that would cause a reasonable person to believe that the contractor will be able to successfully complete the project.
Transportation
- SB12-077

by Senator(s) Jahn, Cadman, Johnston, Newell, Steadman, White, Williams S.; also Representative(s) Sonnenberg, Summers, Coram, Labuda, Nikkel, Swerdfeger, Szabo--Concerning the repeal of laws under which the Colorado department of public health and environment regulates certain activities associated with yellow grease.
Agriculture, Natural Resources, and Energy
- SB12-078

by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.
Health and Human Services

SB12-079	by Senator(s) King S., Cadman, Morse; also Representative(s) Stephens, Fields, Priola, Schafer S.--Concerning revisions to the safe2tell program relating to advances in communications technology. Local Government	1 2 3 4 5 6
SB12-080	by Senator(s) Mitchell; --Concerning notices of reported business fiscal impacts. State, Veterans & Military Affairs	7 8 9 10
SB12-081	by Senator(s) Grantham, Renfroe, Mitchell, Cadman, Scheffel, Brophy, King K., Lundberg, Neville, Roberts, White; --Concerning a prohibition on a local government requiring the installation of sprinklers in a single-family dwelling. Local Government	11 12 13 14 15 16
SB12-082	by Senator(s) Harvey; --Concerning the eligibility of a person to receive a retirement benefit from the public employees' retirement association upon reaching the same age required to receive a social security retirement benefit. Finance	17 18 19 20 21 22
SB12-083	by Senator(s) Scheffel; also Representative(s) DelGrosso--Concerning dynamic modeling to analyze the fiscal impact of proposed legislation. Finance	23 24 25 26 27
SB12-084	by Senator(s) Lambert; also Representative(s) Swalm--Concerning public employees' retirement association transparency. Finance	28 29 30 31 32
SB12-085	by Senator(s) Mitchell; --Concerning reductions in general fund expenditures. Health and Human Services	33 34 35 36
SB12-086	by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado. Finance	37 38 39 40 41
SB12-087	by Senator(s) Foster; --Concerning the period marking the commencement of the accrual of interest on the refund of property taxes erroneously collected. Local Government	42 43 44 45 46
SB12-088	by Senator(s) Harvey, Grantham, Renfroe; --Concerning the preemption of local regulation of oil and gas operations. Local Government	47 48 49 50 51
SB12-089	by Senator(s) Renfroe, Cadman, Grantham, Harvey, Lambert, Lundberg, Mitchell, Neville, Roberts, Scheffel, Spence; also Representative(s) Holbert, Sonnenberg--Concerning the repeal of the motorcycle operator safety training program. Transportation	52 53 54 55 56 57
SB12-090	by Senator(s) Foster, Aguilar, Bacon, Boyd, Carroll, Giron, Guzman, Heath, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Williams S.; also Representative(s) Court--Concerning restoring coverage for circumcision of males under medicaid. Health and Human Services	58 59 60 61 62 63
SB12-091	by Senator(s) Tochtrop; also Representative(s) Bradford--Concerning modifications to provisions governing the practice of nursing home administration, and, in connection therewith, modifying the criteria for nursing home administrators to qualify to serve on the board of examiners of nursing home administrators, modifying the experience requirements for persons applying to take the nursing home administrator licensure examination or to participate in the administrator-in-training program, and permitting a nursing home administrator who has passed a national examination and an examination in another state to sit for the Colorado licensure examination. Health and Human Services	64 65 66 67 68 69 70 71 72

SB12-092	by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak, King S., Tochtrop; --Concerning the use of a video display in a motor vehicle that is being operated on a roadway. Transportation	1 2 3 4 5
SB12-093	by Senator(s) Carroll, Boyd; also Representative(s) Duran--Concerning a requirement that a licensed hospital provide notice to patients of any service not provided by the hospital because of moral convictions based on religious beliefs. Health and Human Services	6 7 8 9 10 11
SB12-094	by Senator(s) Hodge, Carroll, Aguilar, Boyd, Giron, Guzman, Harvey, Hudak, Jahn, Mitchell, Neville, Newell, Nicholson, Schwartz, Steadman, Tochtrop, White; also Representative(s) Szabo, Acree, Balmer, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, DelGrosso, Ferrandino, Gardner B., Holbert, Hullinghorst, Jones, Joshi, Kerr J., Liston, Looper, Murray, Nikkel, Pabon, Priola, Ramirez, Scott, Swalm, Swerdfeger, Todd, Tyler, Waller, Williams A.--Concerning clarification of the definition of food used in state sales tax laws to ensure that the treatment for sales tax purposes of a food product sold for domestic home consumption by a grocery store, supermarket, or convenience store does not change solely because the store sells the food product or markets the food product for sale as a convenience food. Business, Labor and Technology	12 13 14 15 16 17 18 19 20 21 22 23 24
SB12-095	by Senator(s) Lundberg; --Concerning requirements for the valid transfer of title to a motor vehicle. Transportation	25 26 27 28 29
SB12-096	by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Levy, Becker, Gerou--Concerning the continuation of the office of information technology's authority to amend existing contracts for information technology resources. Business, Labor and Technology	30 31 32 33 34 35
SB12-097	by Senator(s) Hodge; --Concerning a simplified procedure for the adjudication of certain changes of the points of diversion of water rights. Agriculture, Natural Resources, and Energy	36 37 38 39 40
<hr/>		41 42
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 Thursday, January 19 was laid over until Friday, January 20, retaining its place on the calendar.		43 44 45 46
Consideration of Resolutions: SJR12-002.		47 48 49
<hr/>		50 51
On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, January 20, 2012.		52 53 54
Approved:		55 56 57 58
Brandon C. Shaffer President of the Senate		59 60 61
Attest:		62 63 64 65
Cindi L. Markwell Secretary of the Senate		66 67

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

10th Legislative Day	Friday, January 20, 2012
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Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Guzman.
Roll Call	Present--31 Excused--4, Aguilar, Johnston, Roberts, Williams S. Present later--2, Johnston, Williams S.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Neville, reading of the Journal of Thursday, January 19, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB12-069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096 and 097; SRJ12-004 and 005.

COMMITTEE OF REFERENCE REPORTS

Education	After consideration on the merits, the Committee recommends that SB12-043 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, January 20 was laid over until Monday, January 23, retaining its place on the calendar.

Consideration of Resolutions: SJR12-002.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, January 23, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

13th Legislative Day Monday, January 23, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Neville.

Roll Call Present--34
Absent--1, Schwartz.
Present later--1, Schwartz.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Friday, January 20, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB12-008** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SJR12-003** be referred to the Senate for final action.

Finance After consideration on the merits, the Committee recommends that **SJR12-004** be referred to the Senate for final action.

MESSAGE FROM THE HOUSE

January 23, 2012

The House has adopted and transmits herewith HJR12-1005, HJR12-1007, HJR12-1006, HJR12-1003, HJR-1008.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR12-1003 by Representative(s) Williams A., Todd, Ramirez, Looper; also Senator(s) Williams S., Newell, Nicholson, Foster, Heath, Spence, Renfroe--Concerning the designation of Interstate 70 across Colorado as a part of a nationwide system of "Tuskegee Airmen Memorial Trails".

Laid over one day under Senate Rule 30(e).

HJR12-1005 by Representative(s) Todd and Stephens; also Senator(s) Shaffer B.--Concerning recognition of Military, Veterans, and MIA/POW Appreciation Day.

Laid over one day under Senate Rule 30(e).

HJR12-1006 by Representative(s) Pace and Swerdfeger, Massey, Vigil; also Senator(s) Giron, Grantham--Concerning the U.S.S. Pueblo.

Laid over one day under Senate Rule 30(e).

HJR12-1007 by Representative(s) Barker and Ryden, Todd; also Senator(s) Neville--Concerning recognition of military personnel from Colorado who died during specific military conflicts, including those killed after September 11, 2001, during the War on Terrorism, including but not limited to those killed in Afghanistan and Iraq.

Laid over one day under Senate Rule 30(e).

HJR12-1008 by Representative(s) Nikkel and McCann, Conti, Lee; also Senator(s) Aguilar--Concerning recognition of military personnel from Colorado who have served in Operation New Dawn and Operation Enduring Freedom and honoring those who have died while serving their country in Iraq and Afghanistan.

Laid over one day under Senate Rule 30(e).

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, January 23 was laid over until Tuesday, January 24, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-033, SB12-011.
Consideration of Resolutions: SJR12-002.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, January 24, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

14th Legislative Day Tuesday, January 24, 2012

Prayer By the chaplain, Reverend Bo Sosa, Thrive Church, Federal Heights.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Neville.

Roll Call Present--30
Absent--3, Aguilar, Lundberg, Roberts.
Excused--2, Johnston, Newell.
Present later--5, Aguilar, Johnston, Lundberg, Newell, Roberts.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Monday, January 23, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB12-014** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB12-025** be postponed indefinitely.

MESSAGE FROM THE HOUSE

January 20, 2012

The House has adopted and transmits herewith HJR12-1002.

Senate in recess. Senate reconvened.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1002 by Representative(s) Baumgardner; also Senator(s) Nicholson, White--Concerning the recognition of the 100th anniversary of the Grand Winter Sports Carnival and celebrating a century of skiing in Colorado.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, Williams S. and Shaffer B.

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

SJR12-002 by Senator(s) Roberts, Giron, Schwartz; also Representative(s) Wilson, Baumgardner, Sonnenberg, Swerdfeger, Vigil--Concerning the adverse effects that the diversion of revenues has had on water infrastructure in Colorado.

On motion of Senator Roberts, the resolution was **adopted** by the following roll call vote:

YES	33	NO	2	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	N	Hodge	N	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Guzman and White.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Consideration of Resolutions 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		

SJR12-004 by Senator(s) Johnston; also Representative(s) DelGrosso--Concerning the certification by the general assembly of its estimate of state general fund revenues for the 2012-13 fiscal year.

On motion of Senator Johnston, the resolution was **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		

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Consideration of Special Orders -- Second Reading of Bills on the following roll call vote:

YES	34	NO	1	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	N	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 Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB12-014 was made Special Orders at 9:35 a.m.

Committee of the Whole The hour of 9:35 a.m. having arrived, Senator Williams moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Williams was called to the Chair to act as Chairman.

SPECIAL 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:

SB12-014 by Senator(s) Bacon and Roberts, Morse; also Representative(s) Levy and Gardner B.-- Concerning the conformity of the schedule for disclosure of campaign finance information with the date of the primary election.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Williams, 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: SB12-014.

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, January 24 was laid over until Wednesday, January 25, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-043.
General Orders -- Second Reading of Bills: SB12-033, SB12-011.
Consideration of Resolutions: HJR12-1003, HJR12-1005, HJR12-1006, HJR12-1007, HJR12-1008.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, January 25, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

15th Legislative DayWednesday, January 25, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Neville.

Roll Call Present--33
Excused--2, King K., Spence.
Present later--2, King K., Spence.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Tuesday, January 24, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

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.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-008 by Senator(s) Shaffer B. and Cadman; also Representative(s) Summers and Kagan, Ferrandino--Concerning the State of Colorado's support for locating a patent office in the Denver metro area.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

INTRODUCTION OF RESOLUTIONS

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

- SJR12-006

by Senator(s) Roberts; --Concerning a prohibition on mandates to state and local governments without adequate funding.
Business, Labor and Technology
- SJR12-007

by Senator(s) Giron; also Representative(s) Stephens--Concerning awareness of heart disease, and, in connection therewith, declaring February 2012 as "American Heart Month" and February 3, 2012, as "National Wear Red Day".

Laid over until Friday, February 3, 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 Third Reading of Bills -- Final Passage.

THIRD READING OF BILLS -- FINAL PASSAGE

- On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:
- SB12-014

by Senator(s) Bacon and Roberts, Morse; also Representative(s) Levy and Gardner B.-- Concerning the conformity of the schedule for disclosure of campaign finance information with the date of the primary election.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Cadman, Foster, Giron, Guzman, Hodge, Hudak, Newell, Scheffel, Steadman, Tochtrop, White and Williams S.

COMMITTEE OF REFERENCE REPORTS

- Trans-
portation
- After consideration on the merits, the Committee recommends that SB12-007 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Trans- portation	After consideration on the merits, the Committee recommends that SB12-012 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4
Judiciary	After consideration on the merits, the Committee recommends that SB12-029 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	5 6 7 8 9
Local Government	After consideration on the merits, the Committee recommends that SB12-024 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	10 11 12 13 14
Local Government	After consideration on the merits, the Committee recommends that SB12-030 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 5, strike lines 14 and 15 and substitute: " _____ PAYMENTS OF \$ _____ EACH". Page 8, line 19, strike "(3)" and substitute "(3); and add (4)". Page 8, line 21, strike " properties. " and substitute " properties - definition. " and strike "fifteen" and substitute " fifteen FOURTEEN". Page 8, line 26, strike "PRESENTED TO THE OCCUPANT OF". Page 8, line 27, strike "THE RESIDENTIAL PROPERTY OR". Page 9, line 1, strike " possible NOTICE IS GIVEN" and substitute "possible,". Page 9, line 2, strike "THROUGH POSTING,". Page 9, strike lines 5 through 7 and substitute "gate or similar impediment. IF A PERSON AT THE RESIDENCE IS IMPEDING POSTING AT THE RESIDENCE AT THE TIME OF THE ATTEMPTED POSTING, THE NOTICE MAY BE HANDED TO THAT PERSON TO SATISFY THIS POSTING REQUIREMENT. THE NOTICE REQUIRED BY THIS SUBSECTION (3) IS SUFFICIENT IF IT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION WITHOUT REGARD TO ANY REQUIREMENTS FOR SERVICE OF PROCESS IN A CIVIL ACTION REQUIRED BY COURT RULE. (4) AS USED IN THIS SECTION, "RESIDENTIAL PROPERTY" MEANS ANY REAL PROPERTY UPON WHICH A DWELLING, AS DEFINED IN SECTION 5-1-301 (18), C.R.S., IS CONSTRUCTED AND OCCUPIED". Page 14, line 17, strike "(1) and". Page 14, strike lines 18 through 26 and substitute: " 38-38-111. Treatment of excess proceeds. (3) UNLESS THE PROPERTY IS SOLD BY THE SHERIFF AND ALL THE PROCEEDS OF THE SALE ARE DEPOSITED INTO THE REGISTRY OF THE COURT, any unclaimed excess proceeds shall be transferred by the".	15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60
INTRODUCTION OF BILLS -- FIRST READING		61
The following bills were read by title and referred to the committees indicated:		62 63
SB12-098	by Senator(s) Williams S., Aguilar, Giron, Tochtrop; also Representative(s) Massey-- Concerning cardiopulmonary resuscitation training in public schools. Education	64 65 66 67 68 69

- SB12-099

by Senator(s) Spence; also Representative(s) Todd--Concerning expansion of access to services for juveniles at the academic model juvenile facility.
Health and Human Services

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- SB12-100

by Senator(s) Neville, Brophy, Harvey, Lambert, Lundberg, Renfro, Cadman, Grantham, King K., Mitchell, Scheffel; also Representative(s) Joshi, Baumgardner, Holbert, Looper, Szabo, Nikkel, Scott, Beezley, Coram, DelGrosso, Murray, Priola, Vaad--Concerning the prohibition of discrimination against employees based on labor union participation.
Business, Labor and Technology

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SENATE SERVICES REPORT

Correctly Engrossed: SB12-014; SJR12-002 and 004.
Correctly Revised: HJR12-1002.

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 Wednesday, January 25 was laid over until Thursday, January 26, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-043, SB12-008.
General Orders -- Second Reading of Bills: SB12-033, SB12-011.
Consideration of Resolutions: SJR12-003, HJR12-1003, HJR12-1005, HJR12-1006, HJR12-1007, HJR12-1008.

TRIBUTES

Honoring:

Will Colon -- By Senator Grantham.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, January 26, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

16th Legislative DayThursday, January 26, 2012

Prayer By the chaplain, Pastor Bob Kaylor, Tri-Lakes United Methodist Church, Monument.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Neville.

Roll Call Present--33
Excused--2, Boyd, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Wednesday, January 25, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-094** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services After consideration on the merits, the Committee recommends that **SB12-064** be referred to the Committee on Appropriations with favorable recommendation.

MESSAGE FROM THE HOUSE

January 25, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1015, 1050.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1033, amended as printed in House Journal, January 24, page 74.
HB12-1078, amended as printed in House Journal, January 24, page 74.

The House has adopted and transmits herewith HJR12-1004.

The House has adopted and returns herewith SJR12-008.

MESSAGE FROM THE REVISOR OF STATUTES

January 25, 2012

We herewith transmit:

Without comment, HB12-1015 and 1050.
Without comment, as amended, HB12-1033 and 1078.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-010 by Senator(s) Scheffel and Harvey; also Representative(s) McNulty and Murray, Holbert--
Concerning the tenth anniversary of the Partnership of Douglas County Governments.

On motion of Senator Scheffel, the resolution was **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	E	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR12-009 by Senator(s) Heath; also Representative(s) Summers and Miklosi--Concerning recognition
of career and technical education month.

Laid over one day under Senate Rule 30(b).

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

SJR12-003 by Senator(s) Schwartz, Brophy, Carroll, Giron, Grantham, Guzman, Harvey, Jahn,
Tochtrop; also Representative(s) Sonnenberg, Vigil--Concerning approval of water project
revolving fund eligibility lists administered by the Colorado water resources and power
development authority.

On motion of Senator Schwartz, the resolution was **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	E	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Newell

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SM12-001 by Senator(s) Hodge and Lundberg, Bacon; --Memorializing former Senator Frederic Edwin Anderson.

Laid over one day under Senate Rule 30(d).

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB12-101 by Senator(s) Nicholson; also Representative(s) Bradford--Concerning the authority of a local improvement district.
Local Government

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-008.

SENATE SERVICES REPORT

Correctly Printed: SB12-098, 099 and 100; SJR12-006, 007 and 008.
Correctly Engrossed: SJR12-008.
Correctly Reengrossed: SB12-014.

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 Thursday, January 26 was laid over until Friday, January 27, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-043, SB12-008.
General Orders -- Second Reading of Bills: SB12-033, SB12-011.
Consideration of Resolutions: HJR12-1003, HJR12-1005, HJR12-1006, HJR12-1007, HJR12-1008.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, January 27, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

17th Legislative Day Friday, January 27, 2012

Prayer By Senator Guzman.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Neville.

Roll Call Present--32
Excused--3, Boyd, Mitchell, Spence.
Present later--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Thursday, January 26, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB12-015** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, before line 5 insert:

"**SECTION 2.** In Colorado Revised Statutes, 23-1-104, **add** (1.5) as follows:

23-1-104. Financing the system of postsecondary education - report - repeal. (1.5) FOR FISCAL YEARS 2012-13 THROUGH 2015-16, CASH FUNDS RECEIVED BY AN INSTITUTION AS STANDARD-RATE TUITION PURSUANT TO SECTION 23-7-112 SHALL NOT BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY OR INCLUDED IN THE SINGLE LINE ITEM APPROPRIATION TO EACH GOVERNING BOARD PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. THE INSTITUTION SHALL REPORT STANDARD-RATE TUITION, CLASSIFIED AS SUCH PURSUANT TO SECTION 23-7-112, IN THE SAME MANNER THAT THE INSTITUTION REPORTS ALL OTHER TUITION RECEIPTS."

Renumber succeeding sections accordingly.

MESSAGE FROM THE HOUSE

January 26, 2012

The House has adopted and returns herewith SJR12-010.

SENATE SERVICES REPORT

Correctly Printed: SB12-101; SJR12-009 and 010; SM12-001.
Correctly Engrossed: SJR12-003 and 010.
Correctly Enrolled: SJR12-008.

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, January 27 was laid over until Monday, January 30, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-043, SB12-008, SB12-007, SB12-029, SB12-024.
General Orders -- Second Reading of Bills: SB12-033, SB12-011, SB12-030.
Consideration of Resolutions: SJR12-009, HJR12-1003, HJR12-1005, HJR12-1006, HJR12-1007, HJR12-1008.
Consideration of Memorials: SM12-001.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, January 30, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

20th Legislative Day	Monday, January 30, 2012
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Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Jahn.
Roll Call	Present--33 Excused--2, King S., Spence.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Grantham, reading of the Journal of Friday, January 27, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-009 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-048 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
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Amend printed bill, page 4, line 2, strike "C.R.S." and insert "C.R.S.,
UNLESS THE NONPROFIT ORGANIZATION ACTED UNREASONABLY.".

Page 4, line 12, strike "CONSUMERS."and insert "CONSUMERS, UNLESS THE
SCHOOL OR NONPROFIT ORGANIZATION ACTED UNREASONABLY.".

Page 5, line 2, strike "HOME" and insert "HOME, COMMERCIAL, PRIVATE,
OR PUBLIC".

Page 6, line 5, strike "VENUE."and insert "VENUE WHERE THE PRODUCT IS
SOLD DIRECTLY TO CONSUMERS.".

Page 6, line 7, strike "TWO THOUSAND FIVE HUNDRED" and insert "FIVE
THOUSAND".

Page 7, line 6, strike "RECEIVED."and insert "RECEIVED OR IF THE
PRODUCT IS SUSPECTED IN AN INJURY OR FOOD-BORNE ILLNESS
OUTBREAK.".

Page 7, line 9, strike "MUST" and insert "IS ENCOURAGED TO".

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.

Upon request of Senator Morse, **HJR12-1003, HJR12-1005, HJR12-1006, and HJR12-1008** were removed from the Consideration of Resolutions Calendar of Monday, January 30, 2012, and were placed on the Consideration of Resolutions - Consent Calendar of Monday, January 30, 2012.

CONSIDERATION OF RESOLUTIONS

HJR12-1007 by Representative(s) Barker and Ryden, Todd; also Senator(s) Neville--Concerning recognition of military personnel from Colorado who died during specific military conflicts, including those killed after September 11, 2001, during the War on Terrorism, including but not limited to those killed in Afghanistan and Iraq.

On motion of Senator Neville, 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	Y	Spence	E
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.	E	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, White, Williams S. and Shaffer B.

SJR12-005 by Senator(s) Schwartz; also Representative(s) Todd--Concerning the designation of January 30, 2012, as "Colorado 4-H Day".

On motion of Senator Schwartz, 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	Y	Spence	E
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.	E	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Steadman, Tochtrop, White, Williams S. and Shaffer B.

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

SB12-043 by Senator(s) King K.; also Representative(s) Stephens--Concerning clarification of the ages of children who may attend a children's resident camp.

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

SB12-008 by Senator(s) Brophy, Giron, Hodge, Roberts, Schwartz; also Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson--Concerning postponement of the repeal of requirements to replace well depletions to the Denver basin aquifers.

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

SB12-007 by Senator(s) Hudak and Spence, Williams S.; also Representative(s) Hamner--Concerning the standardization of the procedural requirements for the issuance of special license plates.

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

SB12-029 by Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the enactment of Colorado Revised Statutes 2011 as the positive and statutory law of the state of Colorado.

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

SB12-024 by Senator(s) Harvey; --Concerning the obligations of a residential nonprofit corporation to its residential members, and, in connection therewith, clarifying open meeting provisions and limiting the conditions under which the corporation must refund moneys paid by a residential member.

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

SB12-094 by Senator(s) Hodge, Carroll, Aguilar, Boyd, Giron, Guzman, Harvey, Hudak, Jahn, Mitchell, Neville, Newell, Nicholson, Schwartz, Steadman, Tochtrop, White; also Representative(s) Szabo, Acree, Balmer, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, DelGrosso, Ferrandino, Gardner B., Holbert, Hullinghorst, Jones, Joshi, Kerr J., Liston, Looper, Murray, Nikkel, Pabon, Priola, Ramirez, Scott, Swalm, Swerdfeger, Todd, Tyler, Waller, Williams A.--Concerning clarification of the definition of food used in state sales tax laws to ensure that the treatment for sales tax purposes of a food product sold for domestic home consumption by a grocery store, supermarket, or convenience store does not change solely because the store sells the food product or markets the food product for sale as a convenience food.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	E
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.	E	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-043, SB12-008, SB12-007, SB12-029, SB12-024, SB12-094.

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

SB12-033
by Senator(s) Guzman; also Representative(s) Massey--Concerning adding near fatalities to the responsibilities of the department of human services child fatality review team.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, January 19, page 31 and placed in members' bill files.)

As amended, laid over until Tuesday, January 31, retaining its place on the calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-011, SB12-030) of Monday, January 30 was laid over until Tuesday, January 31, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Bacon, the report of the Committee of the Whole was adopted on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	E
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.	E	Roberts	Y		

The Committee of the Whole took the following action:

Laid over until January 31: SB12-033, as amended, SB12-011, SB12-030.

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, January 30 was laid over until Tuesday, January 31, retaining its place on the calendar.

Consideration of Resolutions - Consent Calendar: HJR12-1003, HJR12-1005, HJR12-1006, HJR12-1008.
Consideration of Resolutions: SJR12-009.
Consideration of Memorials: SM12-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, January 31, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

21st Legislative Day Tuesday, January 31, 2012

Prayer By the chaplain, Rabbi Eliot Baskin, Jewish Family Services of Colorado, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--33
Absent--1, Giron.
Excused--1, King S.
Present later--1, Giron.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Grantham, reading of the Journal of Monday, January 30, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB12-066** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **SB11-028** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike line 3 and substitute "(b) and (8); and add (5) (a) (I) (D) as follows:".

Page 2, line 10, strike "ALL ADJUDICATED" and substitute "ANY CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., OR AGGRAVATED JUVENILE OFFENDER PETITION".

Page 2, line 11, strike "OFFENSES".

Page 2, line 14, strike "16 and 17," and substitute "16, and 17, AND 18,".

Page 2, line 17, strike "TWENTY-YEAR" and substitute "TEN-YEAR".

Page 3, line 4, strike "parties" and substitute "parties, APPOINT COUNSEL FOR THE JUVENILE,".

Page 3, line 4, after the period, add "THE COURT SHALL, AS PART OF THIS HEARING, RECONSIDER THE LENGTH OF THE REMAINING SENTENCE AND CONSIDER THE FACTORS AS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (8) HEREIN.".

Page 3, line 7, strike "PSYCHOLOGICAL EVALUATION" and substitute "MENTAL HEALTH EVALUATION".

Page 3, line 8, strike "PSYCHIATRIST" and substitute "APPROPRIATE

	MENTAL HEALTH PROFESSIONAL".	1
	Page 3, line 10, strike "PSYCHIATRIST" and substitute "APPROPRIATE MENTAL HEALTH PROFESSIONAL".	2
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	Page 3, after line 15 insert:	5
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	"(b) At the hearing upon the motion, the court may either transfer the custody of and jurisdiction over the juvenile to the department of corrections FOR PLACEMENT IN A CORRECTIONAL FACILITY, THE YOUTH OFFENDER SERVICE PROGRAM, OR A COMMUNITY CORRECTIONS PROGRAM; authorize early release of the juvenile pursuant to subsection (7) of this section; PLACE THE JUVENILE ON ADULT PAROLE FOR A PERIOD OF FIVE YEARS; or order that custody and jurisdiction over the juvenile shall remain with the department of human services; except that the custody of and jurisdiction over the juvenile by the department of human services shall terminate when the juvenile reaches twenty-one years of age.".	7
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	Page 3, line 19, strike "PSYCHOLOGICAL".	17
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	Page 3, line 20, strike "EXAMINATION," and substitute "MENTAL HEALTH EVALUATION,".	20
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	Page 3, line 21, after the second "OFFENDER," insert "THE OFFENDER'S BEHAVIOR IN CUSTODY, THE OFFENDER'S PROGRESS AND PARTICIPATION IN CLASSES, PROGRAMS, AND EDUCATIONAL IMPROVEMENT,".	23
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	Page 3, line 23, after "REHABILITATION," insert "THE PLACEMENT WHERE THE OFFENDER IS MOST LIKELY TO SUCCEED IN REINTEGRATING IN THE COMMUNITY,".	27
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB12-016 be postponed indefinitely.	32
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB12-010 be referred to the Committee of the Whole with favorable recommendation.	38
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB12-005 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	44
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	Amend printed bill, page 2, line 7, after "businesses," insert "including nonprofit businesses,".	48
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	Page 4, after line 6 insert:	51
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	"(b) "BUSINESS" MEANS ANY CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, SOLE PROPRIETORSHIP, TRUST, OR FOUNDATION, OR OTHER LEGAL ENTITY CARRYING ON A BUSINESS, WHETHER OR NOT OPERATED FOR PROFIT.".	53
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	Reletter succeeding paragraphs accordingly.	58
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	Page 5, line 27, strike the second "AND".	60
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	Page 6, line 4, strike "LEVEL." and substitute "LEVEL; AND".	62
		63
	Page 6, after line 4 insert:	64
		65
	"(e) TO IDENTIFY OBSTACLES AND IMPEDIMENTS TO BUSINESS RETENTION AND EXPANSION WITHIN THE RULES CURRENTLY	66
		67

ADMINISTERED BY STATE AGENCIES AND TO COORDINATE EFFORTS TO REMOVE OR MODIFY THOSE OBSTACLES AND IMPEDIMENTS IN ORDER TO IMPROVE COLORADO'S BUSINESS CLIMATE."

MESSAGE FROM THE HOUSE

January 30, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1028, 1010, 1022.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1001, amended as printed in House Journal, January 26, page 89. HB12-1054, amended as printed in House Journal, January 27, page 98.

The House has passed on Third Reading and returns herewith SB12-014.

The House has adopted and returns herewith SJR12-002, SJR12-005.

MESSAGE FROM THE REVISOR OF STATUTES

January 30, 2012

We herewith transmit:

Without comment, HB12-1010, 1022, and 1028.
Without comment, as amended, HB12-1001 and 1054.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR12-011 by Senator(s) Schwartz; also Representative(s) Sonnenberg--Concerning the recognition of Colorado Centennial Farms.

Laid over until February 2, retaining its place on the calendar.

HJR12-1004 by Representative(s) Massey and Kerr A., Todd, Summers, Kerr J., Beezley, Hamner, Holbert, Joshi, Murray, Peniston, Ramirez, Ryden, Schafer S., Solano; also Senator(s) Roberts and Johnston--Concerning teen suicide prevention in Colorado.

Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-102 by Senator(s) Brophy; --Concerning the repeal of the crime of criminal libel. Judiciary

SB12-103	by Senator(s) Bacon; --Concerning the allocation of at-risk funding for public schools. Education	1 2 3 4
SB12-104	by Senator(s) Steadman, Aguilar, Guzman, Morse, Newell, Renfroe, Roberts; also Representative(s) DelGrosso, Kerr A., Lee, Pabon, Vigil--Concerning consolidation of drug treatment funding into the correctional treatment fund. Judiciary	5 6 7 8 9 10
SB12-105	by Senator(s) Steadman, Carroll, Guzman; also Representative(s) Levy, Hullinghorst, Lee, Pabon--Concerning provisions that improve the reintegration opportunities for persons involved in the criminal justice system. Judiciary	11 12 13 14 15 16
SB12-106	by Senator(s) King K.; --Concerning education. Education	17 18 19 20
SB12-107	by Senator(s) Carroll; also Representative(s) Wilson--Concerning additional protections for water relating to hydraulic fracturing. Judiciary	21 22 23 24 25
SB12-108	by Senator(s) Nicholson; --Concerning providing oral health services to pregnant women who are enrolled in medicaid. Health and Human Services	26 27 28 29 30
SB12-109	by Senator(s) Johnston; also Representative(s) Coram--Concerning requirements governing the regular maintenance of voter registration lists. State, Veterans & Military Affairs	31 32 33 34 35
SB12-110	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Levy, Becker, Gerou-- Concerning a fund consisting of surcharges on insurance premiums to pay for costs associated with criminal prosecution of insurance fraud investigations, and, in connection therewith, making an appropriation. Appropriations	36 37 38 39 40 41 42
SB12-111	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou-- Concerning departmental reporting of full-time equivalent employees. Appropriations	43 44 45 46 47
SB12-112	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou-- Concerning the headnote definition of full-time equivalent employees used in the annual general appropriation act. Appropriations	48 49 50 51 52 53
SB12-113	by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker, Levy-- Concerning the designation in the annual general appropriations act of the portion to be redirected to the counties of the state's share of recoveries for public assistance paid for family support obligations. Appropriations	54 55 56 57 58 59 60
SB12-114	by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Levy, Becker, Gerou-- Concerning the crediting of all disputed payments received by the state pursuant to the tobacco litigation settlement agreement on or after July 1, 2008, to the state general fund. Appropriations	61 62 63 64 65 66 67

- SB12-115** by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy--
Concerning a requirement that the limited gaming control commission receive testimony
from authorized recipients of gaming tax revenue when considering changes in rules
governing the taxes on limited gaming activity.
Appropriations
- SB12-116** by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown,
Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection
therewith, establishing a misdemeanor penalty for possession of a cathinone.
Local Government
- SB12-117** by Senator(s) King S.; --Concerning the penalties for persons who drive while under the
influence of alcohol or drugs.
State, Veterans & Military Affairs
- SB12-118** by Senator(s) White, Jahn; also Representative(s) Acree--Concerning the repeal of the
requirement for a hotel and restaurant alcohol license that twenty-five percent of sales must
be from meals.
Local Government
- SB12-119** by Senator(s) Neville, Lambert, Harvey, Grantham, King K., Lundberg, Renfroe; also
Representative(s) Holbert--Concerning measures to increase the fiscal sustainability of the
public employees' retirement association.
Finance
- SB12-120** by Senator(s) Foster; also Representative(s) Massey and Fischer--Concerning the existing
ability of qualified interior designers to submit certain interior design construction
documents to local government officials in connection with an application for a building
permit.
Local Government
- SB12-121** by Senator(s) King K.; also Representative(s) Massey--Concerning charter schools.
Education
- SB12-122** by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn, Lundberg, Newell, Nicholson,
Roberts, Steadman; also Representative(s) DelGrosso--Concerning avoiding potential
conflicts of interest in the provision of services to a person on probation.
Judiciary
- SB12-123** by Senator(s) Renfroe, Brophy, Cadman, Grantham, Harvey, King K., King S., Lambert,
Lundberg, Mitchell, Neville, Roberts, Scheffel, Steadman, White; also Representative(s)
Brown--Concerning the secretary of state's on-line business filing system, and, in
connection therewith, authorizing enhancements to the system, the designation of
commercial registered agents, and changes to a reporting entity's anniversary month.
State, Veterans & Military Affairs
- SB12-124** by Senator(s) Harvey, Scheffel, Aguilar, Carroll, Foster, Giron, Jahn, Lambert, Newell,
Schwartz; --Concerning the elimination of the limit on the number of regional tourism
projects that the Colorado economic development commission may approve.
Local Government
- SB12-125** by Senator(s) Harvey, Cadman, Grantham, Brophy, King K., Lundberg, Neville, Renfroe;
also Representative(s) Holbert, Swalm, Sonnenberg, Szabo--Concerning crimes against an
unborn child.
Judiciary

SB12-126	by Senator(s) Renfroe, Brophy, Lundberg, Cadman, Grantham, Harvey, King K., King S., Lambert, Mitchell, Neville, Roberts, Scheffel, White; also Representative(s) Vaad, Holbert--Concerning motor vehicle emissions inspections. Transportation	1 2 3 4 5 6
SB12-127	by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs. Health and Human Services	7 8 9 10 11 12
SB12-128	by Senator(s) Roberts; also Representative(s) Summers--Concerning achieving efficiencies in the medicaid long-term care program through greater utilization of alternative care facilities. Health and Human Services	13 14 15 16 17 18
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. Agriculture, Natural Resources, and Energy	19 20 21 22 23 24 25
SB12-130	by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner, Peniston--Concerning governance of child development programs, and, in connection therewith, requiring a post-enactment review of the implementation of this act. Health and Human Services	26 27 28 29 30 31
SB12-131	by Senator(s) Guzman, Steadman; --Concerning the responsibilities of a fiduciary with regard to the estate of a person who may have executed a designated beneficiary agreement. Judiciary	32 33 34 35 36
SB12-132	by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits. Agriculture, Natural Resources, and Energy	37 38 39 40 41 42
SB12-133	by Senator(s) Schwartz, Aguilar, King S., Newell, White; --Concerning the diversion of electronic devices from landfills. Agriculture, Natural Resources, and Energy	43 44 45 46 47
SB12-134	by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; --Concerning financial assistance in Colorado hospitals. Health and Human Services	48 49 50 51 52
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. State, Veterans & Military Affairs	53 54 55 56 57 58 59
SB12-136	by Senator(s) Lambert, Renfroe, Cadman, Harvey, Scheffel, Lundberg, Neville; also Representative(s) Swalm, Holbert, Szabo, Kefalas, Kerr J., DelGrosso, Gerou, Looper--Concerning the compensation report of the state personnel system prepared by the state personnel director. Finance	60 61 62 63 64 65 66 67

SB12-137	by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins. Finance	1 2 3 4 5
SB12-138	by Senator(s) Lundberg, Renfroe, Harvey, Cadman, Lambert, Grantham, Scheffel, Mitchell, King K., Brophy, King S., Neville, Roberts; --Concerning the regulation of child care centers by the department of human services. Health and Human Services	6 7 8 9 10 11
SB12-139	by Senator(s) Boyd; --Concerning the "Colorado Job Support Act". Health and Human Services	12 13 14 15
SB12-140	by Senator(s) Grantham, Cadman, Scheffel, Harvey, King S., Lundberg, Neville, Renfroe, Roberts; --Concerning the adoption of generally accepted accounting principles by the government of the state. Finance	16 17 18 19 20 21
SB12-141	by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans. State, Veterans & Military Affairs	22 23 24 25 26
SB12-142	by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the creation of pilot projects to empower the state engineer to reduce augmentation requirements. Agriculture, Natural Resources, and Energy	27 28 29 30 31
SB12-143	by Senator(s) Carroll; also Representative(s) Pabon--Concerning the development of a local businesses database by the Colorado office of economic development. Business, Labor and Technology	32 33 34 35 36
SB12-144	by Senator(s) Heath and Scheffel; also Representative(s) Summers and Ryden, Kerr A.--Concerning efforts by the Colorado office of economic development to grow the state's key industries. Business, Labor and Technology	37 38 39 40 41 42
SB12-145	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy--Concerning a cap on the 2011-12 state fiscal year transfers to the state public school fund from public school land moneys. Education	43 44 45 46 47 48
SB12-146	by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action. State, Veterans & Military Affairs	49 50 51 52 53 54
HB12-1015	by Representative(s) Holbert; also Senator(s) Neville--Concerning the procedure for the review of a proposal to regulate an unregulated profession or occupation. Business, Labor and Technology	55 56 57 58 59
HB12-1033	by Representative(s) Swalm; also Senator(s) Newell--Concerning conditions on the authority of the director of the division of workers' compensation to impose administrative fines as a result of compliance audits finding instances of late reporting of injuries under the "Workers' Compensation Act of Colorado". Business, Labor and Technology	60 61 62 63 64 65 66 67

HB12-1050 by Representative(s) Wilson; also Senator(s) Nicholson--Concerning the voluntary contribution designation benefiting the nongame and endangered wildlife fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

Finance

HB12-1078 by Representative(s) Vigil, Baumgardner, Sonnenberg, Swerdfeger, Wilson; also Senator(s) Schwartz, Brophy, Giron, Hodge, Roberts--Concerning the exemption of drinking water treatment facilities from the requirement to obtain a certificate of designation.
Agriculture, Natural Resources, and Energy

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

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

SB12-043 by Senator(s) King K.; also Representative(s) Stephens--Concerning clarification of the ages of children who may attend a children's resident camp.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

Co-sponsors added: Boyd and Guzman.

SB12-008 by Senator(s) Brophy, Giron, Hodge, Roberts, Schwartz; also Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson--Concerning postponement of the repeal of requirements to replace well depletions to the Denver basin aquifers.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

Co-sponsor added: White

SB12-007 by Senator(s) Hudak and Spence, Williams S.; also Representative(s) Hamner--Concerning the standardization of the procedural requirements for the issuance of special license plates.

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

YES	33	NO	1	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	N	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.	E	Roberts	Y		

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

Co-sponsors added: Foster

SB12-029 by Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the enactment of Colorado Revised Statutes 2011 as the positive and statutory law of the state of Colorado.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

SB12-024 by Senator(s) Harvey; also Representative(s) Holbert--Concerning the obligations of a residential nonprofit corporation to its residential members, and, in connection therewith, clarifying open meeting provisions and limiting the conditions under which the corporation must refund moneys paid by a residential member.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

SB12-094 by Senator(s) Hodge, Carroll, Aguilar, Boyd, Giron, Guzman, Harvey, Hudak, Jahn, Mitchell, Neville, Newell, Nicholson, Schwartz, Steadman, Tochtrop, White; also Representative(s) Szabo, Acree, Balmer, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, DelGrosso, Ferrandino, Gardner B., Holbert, Hullinghorst, Jones, Joshi, Kerr J., Liston, Looper, Murray, Nikkel, Pabon, Priola, Ramirez, Scott, Swalm, Swerdfeger, Todd, Tyler, Waller, Williams A.--Concerning clarification of the definition of food used in state sales tax laws to ensure that the treatment for sales tax purposes of a food product sold for domestic home consumption by a grocery store, supermarket, or convenience store does not change solely because the store sells the food product or markets the food product for sale as a convenience food.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

Co-sponsors added: Cadman, Grantham, Heath, Johnston, King K., Lambert, Lundberg, Morse, Renfroe, Scheffel, Williams S. and Shaffer B.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-007, 008, 024, 029, 043 and 094; SJR12-005.
Correctly Revised: HJR12-1007.
Correctly Enrolled: SB12-014; SJR12-010.

RECONSIDERATION OF SB12-024

SB12-024 by Senator(s) Harvey; also Representative(s) Holbert--Concerning the obligations of a residential nonprofit corporation to its residential members, and, in connection therewith, clarifying open meeting provisions and limiting the conditions under which the corporation must refund moneys paid by a residential member.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage -- Consent Calendar, on SB12-024. The roll call was taken with the following result:

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR - cont'd

SB12-024 by Senator(s) Harvey; also Representative(s) Holbert--Concerning the obligations of a residential nonprofit corporation to its residential members, and, in connection therewith, clarifying open meeting provisions and limiting the conditions under which the corporation must refund moneys paid by a residential member.

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

YES	33	NO	1	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	N	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.	E	Roberts	Y		

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

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-014.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, January 30, 2012, at 1:38 p.m.:
SB12-014.

MESSAGE FROM THE GOVERNOR

January 30, 2012

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

S.B.12-014 – Concerning The Conformity Of The Schedule For Disclosure Of Campaign Finance Information With The Date Of The Primary Election.

Approved January 30, 2012 at 2:03 p.m.

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 Tuesday, January 31 was laid over until Wednesday, February 1, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-033, SB12-011, SB12-030, SB12-015.
Consideration of Resolutions - Consent Calendar: HJR12-1003, HJR12-1005, HJR12-1006, HJR12-1008.
Consideration of Resolutions: SJR12-009.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 1, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

22nd Legislative Day Wednesday, February 1, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--34
Absent--1, Mitchell.
Present later--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Grantham, reading of the Journal of Tuesday, January 31, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF RESOLUTIONS

The following resolutions was read by title:

SJR12-012 by Senator(s) Nicholson; also Representative(s) DelGrosso and Lee--Concerning recognition of community behavioral health providers in Colorado.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-147 by Senator(s) Aguilar; also Representative(s) Williams A.--Concerning the intent to prevent a person from voting in an election by intentionally communicating false information.
State, Veterans & Military Affairs

HB12-1001	by Representative(s) Murray and Gardner B., Labuda, Levy, Waller; also Senator(s) Johnston and Spence, Brophy, Carroll, Morse, Roberts, Schwartz--Concerning legislative review of rules of the state board of education to implement the statewide system to evaluate the effectiveness of licensed educators. Education
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HB12-1010 by Representative(s) Baumgardner, Sonnenberg, Swerdfeger, Vigil, Wilson; also Senator(s) Giron, Brophy, Hodge, Roberts, Schwartz--Concerning the reissuance of a lost share certificate of a mutual ditch company.

Agriculture, Natural Resources, and Energy

- HB12-1022

by Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz, Brophy, Giron, Hodge, Roberts--Concerning the amount of water that permitted mining operations that construct impermeable areas that eliminate preexisting natural evapotranspiration are required to replace.
Agriculture, Natural Resources, and Energy

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- HB12-1028

by Representative(s) Gerou; also Senator(s) Steadman--Concerning the continuation of energy-related assistance to low-income households from the operational account of the severance tax trust fund.
Health and Human Services

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- HB12-1054

by Representative(s) Fields, Summers; also Senator(s) Boyd--Concerning simplification of the procurement process for providers who have previously been approved to participate in health care programs administered by the department of health care policy and financing.
Health and Human Services

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CONSIDERATION OF RESOLUTIONS - CONSENT CALENDAR

- HJR12-1003

by Representative(s) Williams A., Todd, Ramirez, Looper; also Senator(s) Williams S., Newell, Nicholson, Foster, Heath, Spence, Renfroe--Concerning the designation of Interstate 70 across Colorado as a part of a nationwide system of "Tuskegee Airmen Memorial Trails".

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On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Giron, Grantham, Guzman, Harvey, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, White and Shaffer B.

- HJR12-1005

by Representative(s) Todd and Stephens; also Senator(s) Shaffer B.--Concerning recognition of Military, Veterans, and MIA/POW Appreciation Day.

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On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

HJR12-1006 by Representative(s) Pace and Swerdfeger, Massey, Vigil; also Senator(s) Giron, Grantham--Concerning the U.S.S. Pueblo.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

HJR12-1008 by Representative(s) Nikkel and McCann, Conti, Lee; also Senator(s) Aguilar--Concerning recognition of military personnel from Colorado who have served in Operation New Dawn and Operation Enduring Freedom and honoring those who have died while serving their country in Iraq and Afghanistan.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: 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, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-007, 008, 024, 029, 043 and 094; SJR12-005.
Correctly Revised: HJR12-1007.
Correctly Enrolled: SB12-014; SJR12-010.

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 Wednesday, February 1 was laid over until Thursday, February 2, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-009.
General Orders -- Second Reading of Bills: SB12-033 as amended, SB12-011, SB12-030, SB12-015, SB12-048.
Consideration of Resolutions: SJR12-009, HJR12-1004.

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Local Government

After consideration on the merits, the Committee recommends that **SB12-079** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

- Amend printed bill, page 4, line 3, strike "INFORMATION,".
- Page 4, line 4, after "INFORMATION" insert "ANONYMOUSLY REPORTED OR INFORMATION" and after "TO" insert "THE SOURCE OF THE MATERIALS.".
- Page 4, strike line 5.
- Page 4, line 20, strike "A METHOD" and substitute "METHODS".
- Page 4, line 23, strike "a method" and substitute "~~a method~~ METHODS".
- Page 5, line 2, strike "a method" and substitute "~~a method~~".
- Page 5, line 5, before "AND" insert "METHODS".
- Page 5, line 10, strike "A METHOD" and substitute "METHODS".
- Page 7, line 3, after the period add "AFTER THE TIME FOR APPEAL HAS EXPIRED, THE COURT SHALL RETURN THE MATERIALS TO THE SAFE2TELL PROGRAM.".
- Page 7, strike lines 4 through 8 and substitute:

"(d) ~~The court shall return to the safe-2-tell program all materials produced under this subsection (1) that are not disclosed to the defendant. The safe-2-tell program shall retain the materials until the conclusion of the criminal trial and the expiration of the time for all direct appeals in the case.~~"
- Page 7, line 18, after the period add "THE ATTORNEY GENERAL ACTING ON BEHALF OF THE SAFE2TELL PROGRAM SHALL HAVE STANDING IN ANY ACTION TO OPPOSE THE DISCLOSURE OF MATERIALS IN THE CUSTODY OF THE SAFE2TELL PROGRAM.".

Local Government

After consideration on the merits, the Committee recommends that **SB12-026** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

- Amend printed bill, page 2, line 12, strike "UNLESS:" and substitute "UNLESS THE AGENCY COMPLIES WITH THE REQUIREMENTS OF SECTION 29-1-304.5, C.R.S.".
- Page 2, strike line 13.
- Page 3, strike lines 1 through 8.
- Page 3, line 9, strike "FOR" and substitute "BEGINNING JANUARY 1, 2014, FOR".
- Page 3, strike line 10.
- Page 3, line 11, strike "THE SECRETARY OF STATE," and substitute

"MANDATE,".

Page 3, strike line 27.

Page 4, line 1, strike "RECEIVES THE INFORMATION." and substitute "AGENCY.".

Page 4, line 8, strike "AS".

Page 4, line 9, strike "SOON AS PRACTICABLE" and substitute "NO LATER THAN JANUARY 1, 2014,".

Page 4, after line 13 insert:

"(f) THE GENERAL ASSEMBLY SHALL APPROPRIATE ANY MONEYS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION (2.7) TO OFFICE OF STATE PLANNING AND BUDGETING IN THE ANNUAL GENERAL APPROPRIATION ACT FOR THE FISCAL YEAR 2013-14.".

Page 5, line 26, strike "7," and substitute "8,".

Trans- After consideration on the merits, the Committee recommends that **SB12-076** be
portation postponed indefinitely.

Trans- After consideration on the merits, the Committee recommends that **SB12-013** be amended
portation as follows, and as so amended, be referred to the Committee of the Whole with favorable
recommendation.

Amend printed bill, page 2, line 3, after "(1)" insert "(a)".

Page 2, line 5, strike "~~thirty-five~~ FORTY" and substitute "thirty-five".

Page 2, line 7, strike "~~thirty-five~~ FORTY" and substitute "thirty-five".

Page 2, line 9, strike "~~thirty-five~~ FORTY" and substitute "thirty-five".

Page 2, after line 9 insert:

"(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1), A LOW-SPEED ELECTRIC VEHICLE MAY BE OPERATED ON A STATE HIGHWAY THAT HAS A SPEED LIMIT EQUAL TO FORTY MILES PER HOUR OR CROSS A ROADWAY WITH A SPEED LIMIT EQUAL TO FORTY MILES PER HOUR TO CROSS AT-GRADE, IF:

(I) SUCH ROADWAY'S LANE WIDTH IS ELEVEN FEET OR GREATER;

(II) SUCH ROADWAY PROVIDES TWO OR MORE LANES IN EITHER DIRECTION; AND

(III) THE DEPARTMENT DETERMINES, IN CONSULTATION WITH LOCAL GOVERNMENT AND LAW ENFORCEMENT, UPON THE BASIS OF A TRAFFIC INVESTIGATION, SURVEY, APPROPRIATE DESIGN STANDARDS, OR PROJECTED VOLUMES, THAT THE OPERATION OF A LOW-SPEED ELECTRIC VEHICLE ON THE ROADWAY POSES NO SUBSTANTIAL SAFETY RISK OR HAZARD TO MOTORISTS, BICYCLISTS, PEDESTRIANS, OR OTHER PERSONS.

(c) THE DEPARTMENT MAY WAIVE THE NECESSITY OF A TRAFFIC INVESTIGATION OR SURVEY PURSUANT TO SECTION 42-4-1102 OR MAY CONDUCT A TRAFFIC INVESTIGATION OR SURVEY TO DETERMINE WHERE LOW-SPEED ELECTRIC VEHICLES CAN BE DRIVEN SAFELY ON STATE HIGHWAYS OR PORTIONS THEREOF. THE DEPARTMENT SHALL CONDUCT THIS TRAFFIC INVESTIGATION OR SURVEY USING EXISTING APPROPRIATIONS.".

Page 2, before line 10 insert:

"**SECTION 2.** In Colorado Revised Statutes, 42-4-111, **amend** (1) (bb) (II) as follows:

42-4-111. Powers of local authorities. (1) This article shall not be deemed to prevent local authorities, with respect to streets and

highways under their jurisdiction and within the reasonable exercise of the police power, except those streets and highways that are parts of the state highway system that are subject to section 43-2-135, C.R.S., from:

(bb) Authorizing and regulating the operation of golf cars on roadways by resolution or ordinance of the governing body, if the authorization or regulation is consistent with this title and does not authorize:

(II) Operation of a golf car by a person under ~~fourteen~~ SIXTEEN years of age; or".

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

February 1, 2012

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1159.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1055, amended as printed in House Journal, January 31, pages 115-116.

HB12-1013, amended as printed in House Journal, January 31, page 116.

HB12-1081, amended as printed in House Journal, January 31, page 116.

HB12-1027, amended as printed in House Journal, January 31, pages 117-118.

MESSAGE FROM THE REVISOR OF STATUTES

February 1, 2012

We herewith transmit:

Without comment, HB12-1159.

Without comment, as amended, HB12-1013, 1027, 1055, and 1081.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR12-013 by Senator(s) Steadman, Shaffer B., Bacon, Heath, Hodge, Hudak, Johnston, King K., Renfroe, Spence; also Representative(s) Massey--Concerning the designation of February 6 through 10, 2012, as "National School Counseling Week".

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

HB12-1013 by Representative(s) Fields and Holbert, Massey; also Senator(s) Hudak and King K., Bacon--Concerning intervention services for middle-grade students.

Education

- HB12-1027** by Representative(s) Bradford; also Senator(s) Spence--Concerning the sale of nonpotentially hazardous food produced in a home kitchen for sale directly to consumers for consumption off premises.
Agriculture, Natural Resources, and Energy
- HB12-1055** by Representative(s) Schafer S.; also Senator(s) White--Concerning the division of registrations in the department of regulatory agencies, and, in connection therewith, renaming the division as the division of professions and occupations, authorizing the executive director of the department to adopt rules pertaining to the administrative duties of the division, and requiring periodic review of the functions of the division.
Business, Labor and Technology
- HB12-1081** by Representative(s) Duran; also Senator(s) Steadman--Concerning the operations of the Auraria higher education center.
Education
- HB12-1159** by Representative(s) Brown, Barker, Baumgardner, Beezley, Conti, Court, Holbert, Murray, Ramirez, Vaad; also Senator(s) Nicholson, Cadman, Grantham, King K., Roberts--Concerning the election of a county commissioner in a county with a population of less than seventy thousand by the voters residing in the district from which the commissioner runs for election.
State, Veterans & Military Affairs

TRIBUTES

- Honoring:
- 21st Judicial District -- By Senator King S.
 - District Attorney's Office for the 21st Judicial District -- By Senator King S.
 - Grand Junction Police Department -- By Senator King S.
 - Mesa County Sheriff's Office -- By Senator King S.
 - Fruita Police Department -- By Senator King S.
 - Palisade Police Department -- By Senator King S.
 - Colorado State Patrol -- By Senator King S.
 - Dick Upton -- By Senator Grantham.
 - Don Moore -- By Senator Grantham.
 - Metro State College of Denver, Department of Aviation & Aerospace -- By Senator Guzman.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 2, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

23rd Legislative Day Thursday, February 2, 2012

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Grantham, the Journal of Wednesday, February 1, 2012, was partially read, the reading later having been dispensed with, and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB12-020** 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 11, strike "CRIMINAL".

Page 3, line 12, strike "EPISODE OR".

Page 4, line 17, strike "DISPENSING, OR" and substitute "OR DISPENSING".

Page 4, line 18, strike "SALE".

Page 5, line 11, strike "SALE,".

Page 5, strike line 15 and substitute "REMUNERATION;".

Judiciary After consideration on the merits, the Committee recommends that **SB12-073** be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that **SB12-056** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, 14-10-116, amend (1); and add (2.5) as follows:

14-10-116. Appointment in domestic relations cases - representation of child's best interests - legal representative of the child - disclosure. (1) The court may, upon the motion of either party or upon its own motion, appoint an attorney, in good standing and licensed to practice law in the state of Colorado, to serve as the legal

representative of the child, representing the best interests of the child in any domestic relations proceeding that involves allocation of parental responsibilities. In no instance may the same person serve as both the child's legal representative pursuant to this section and as the child and family investigator for the court pursuant to section 14-10-116.5. WITHIN TEN DAYS AFTER THE APPOINTMENT, THE APPOINTED PERSON SHALL COMPLY WITH THE DISCLOSURE PROVISIONS OF SUBSECTION (2.5) OF THIS SECTION.

(2.5) (a) WITHIN TEN DAYS AFTER HIS OR HER APPOINTMENT, THE APPOINTED PERSON SHALL DISCLOSE TO EACH PARTY, ATTORNEYS OF RECORD, AND THE COURT ANY FAMILIAL, FINANCIAL, OR SOCIAL RELATIONSHIP THAT THE APPOINTED PERSON HAS OR HAS HAD WITH THE CHILD, EITHER PARTY, THE ATTORNEYS OF RECORD, OR THE JUDGE AND, IF A RELATIONSHIP EXISTS, THE NATURE OF THE RELATIONSHIP.

(b) BASED ON THE DISCLOSURE REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2.5), THE COURT MAY, IN ITS DISCRETION, TERMINATE THE APPOINTMENT AND APPOINT A DIFFERENT PERSON IN THE PROCEEDINGS. A PARTY HAS TEN DAYS FROM THE DATE OF THE DISCLOSURE TO OBJECT TO THE APPOINTMENT BASED UPON INFORMATION CONTAINED IN THE DISCLOSURE.

SECTION 2. In Colorado Revised Statutes, 14-10-116.5, **amend** (1); and **add** (2.5) as follows:

14-10-116.5. Appointment in domestic relations cases - child and family investigator - disclosure. (1) The court may, upon the motion of either party or upon its own motion, appoint ~~an individual~~ A NEUTRAL THIRD PERSON to serve the court as a child and family investigator pursuant to subsection (2) of this section in a domestic relations proceeding that involves allocation of parental responsibilities. The court shall set forth the specific duties of the child and family investigator in a written order of appointment. The same person may not serve as both the legal representative of the child pursuant to section 14-10-116 and as the child and family investigator for the court pursuant to this section. WITHIN TEN DAYS AFTER THE APPOINTMENT, THE APPOINTED PERSON SHALL COMPLY WITH THE DISCLOSURE PROVISIONS OF SUBSECTION (2.5) OF THIS SECTION.

(2.5) (a) WITHIN TEN DAYS AFTER HIS OR HER APPOINTMENT, THE APPOINTED PERSON SHALL DISCLOSE TO EACH PARTY, ATTORNEYS OF RECORD, AND THE COURT ANY FAMILIAL, FINANCIAL, OR SOCIAL RELATIONSHIP THAT THE APPOINTED PERSON HAS OR HAS HAD WITH THE CHILD, EITHER PARTY, THE ATTORNEYS OF RECORD, OR THE JUDGE AND, IF A RELATIONSHIP EXISTS, THE NATURE OF THE RELATIONSHIP.

(b) BASED ON THE DISCLOSURE REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2.5), THE COURT MAY, IN ITS DISCRETION, TERMINATE THE APPOINTMENT AND APPOINT A DIFFERENT PERSON IN THE PROCEEDINGS. A PARTY HAS TEN DAYS FROM THE DATE OF THE DISCLOSURE TO OBJECT TO THE APPOINTMENT BASED UPON INFORMATION CONTAINED IN THE DISCLOSURE.

SECTION 3. In Colorado Revised Statutes, 14-10-127, **amend** (1) (a) (I) and (1) (a) (I.5) introductory portion; and **add** (1) (a) (I.3) and (1.2) as follows:

14-10-127. Evaluation and reports - disclosure. (1) (a) (I) In all proceedings concerning the allocation of parental responsibilities with respect to a child, the court ~~shall~~ MAY, upon motion of either party or upon its own motion, order the court probation department, any county or district social services department, or a licensed mental health professional qualified pursuant to subsection (4) of this section to perform an evaluation and file a written report concerning the disputed issues relating to the allocation of parental responsibilities for the child, unless such motion by either party is made for the purpose of delaying the proceedings. Any court or social services department personnel appointed by the court to do such evaluation shall be qualified pursuant to subsection (4) of this section. When a mental health professional performs the evaluation, the court shall appoint or approve the selection of the mental health professional. WITHIN TEN DAYS AFTER THE APPOINTMENT, THE EVALUATOR SHALL COMPLY WITH THE DISCLOSURE PROVISIONS OF SUBSECTION (1.2) OF THIS SECTION. The ~~moving party~~ COURT shall, at the time of the appointment of the evaluator, ORDER ONE

OR MORE OF THE PARTIES TO deposit a reasonable sum with the court to pay the cost of the evaluation. The court may order the reasonable charge for such evaluation and report to be assessed as costs between the parties AT THE TIME THE EVALUATION IS COMPLETED.

(I.3) IN DETERMINING WHETHER TO ORDER AN EVALUATION PURSUANT TO THIS SECTION, IN ADDITION TO ANY OTHER CONSIDERATIONS THAT THE COURT DEEMS RELEVANT, THE COURT SHALL CONSIDER:

(A) WHETHER AN INVESTIGATION BY A CHILD AND FAMILY INVESTIGATOR PURSUANT TO SECTION 14-10-116.5 WOULD BE SUFFICIENT OR APPROPRIATE GIVEN THE SCOPE OR NATURE OF THE DISPUTED ISSUES RELATING TO THE ALLOCATION OF PARENTAL RESPONSIBILITIES FOR THE CHILD;

(B) WHETHER AN EVALUATION PURSUANT TO THIS SECTION IS NECESSARY TO ASSIST THE COURT IN DETERMINING THE BEST INTERESTS OF THE CHILD; AND

(C) WHETHER INVOLVING THE CHILD IN AN EVALUATION PURSUANT TO THIS SECTION IS IN THE BEST INTERESTS OF THE CHILD.

(I.5) A party may request a supplemental evaluation to the evaluation ordered pursuant to subparagraph (I) of this paragraph (a). The court shall appoint another mental health professional to perform the supplemental evaluation at the initial expense of the moving party. THE PERSON APPOINTED TO PERFORM THE SUPPLEMENTAL EVALUATION SHALL COMPLY WITH THE DISCLOSURE PROVISIONS OF SUBSECTION (1.2) OF THIS SECTION. The court shall not order a supplemental evaluation if it determines that any of the following applies, based on motion and supporting affidavits:

(1.2) (a) WITHIN TEN DAYS AFTER HIS OR HER APPOINTMENT, THE EVALUATOR SHALL DISCLOSE TO EACH PARTY, ATTORNEYS OF RECORD, AND THE COURT ANY FAMILIAL, FINANCIAL, OR SOCIAL RELATIONSHIP THAT THE EVALUATOR HAS OR HAS HAD WITH THE CHILD, EITHER PARTY, THE ATTORNEYS OF RECORD, OR THE JUDGE AND, IF A RELATIONSHIP EXISTS, THE NATURE OF THE RELATIONSHIP.

(b) BASED ON THE DISCLOSURE REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.2), THE COURT MAY, IN ITS DISCRETION, TERMINATE THE APPOINTMENT AND APPOINT A DIFFERENT EVALUATOR IN THE PROCEEDINGS. A PARTY HAS TEN DAYS FROM THE DATE OF THE DISCLOSURE TO OBJECT TO THE APPOINTMENT BASED UPON INFORMATION CONTAINED IN THE DISCLOSURE.

SECTION 4. In Colorado Revised Statutes, 14-10-128.1, **amend** (1) and (2) (b); and **add** (2.5) as follows:

14-10-128.1. Appointment of parenting coordinator - disclosure. (1) Pursuant to the provisions of this section, at any time after the entry of an order concerning parental responsibilities and upon notice to the parties, the court may, on its own motion, a motion by either party, or an agreement of the parties, appoint a parenting coordinator as a neutral third party to assist in the resolution of disputes between the parties concerning parental responsibilities, including but not limited to implementation of the court-ordered parenting plan. The parenting coordinator shall be ~~an individual~~ A NEUTRAL PERSON with appropriate training and qualifications and a AN INDEPENDENT perspective acceptable to the court. WITHIN TEN DAYS AFTER THE APPOINTMENT, THE APPOINTED PERSON SHALL COMPLY WITH THE DISCLOSURE PROVISIONS OF SUBSECTION (2.5) OF THIS SECTION.

(2) (b) In addition to making the findings required pursuant to paragraph (a) of this subsection (2), prior to appointing a parenting coordinator, the court shall consider the effect of ~~any documented evidence of~~ A CLAIM BY ONE OF THE PARTIES OF domestic violence, AS DEFINED IN SECTION 14-10-124 (1.3) (a), BY THE OTHER PARTY on the parties' ability to engage in parent coordination.

(2.5) (a) WITHIN TEN DAYS AFTER HIS OR HER APPOINTMENT, THE APPOINTED PERSON SHALL DISCLOSE TO EACH PARTY, ATTORNEYS OF RECORD, AND THE COURT ANY FAMILIAL, FINANCIAL, OR SOCIAL RELATIONSHIP THAT THE APPOINTED PERSON HAS OR HAS HAD WITH THE CHILD, EITHER PARTY, THE ATTORNEYS OF RECORD, OR THE JUDGE AND, IF A RELATIONSHIP EXISTS, THE NATURE OF THE RELATIONSHIP.

(b) BASED ON THE DISCLOSURE REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2.5), THE COURT MAY, IN ITS

DISCRETION, TERMINATE THE APPOINTMENT AND APPOINT A DIFFERENT PERSON IN THE PROCEEDINGS. A PARTY HAS TEN DAYS FROM THE DATE OF THE DISCLOSURE TO OBJECT TO THE APPOINTMENT BASED UPON INFORMATION CONTAINED IN THE DISCLOSURE.

SECTION 5. In Colorado Revised Statutes, 14-10-128.3, **amend** (1); and **add** (4.5) as follows:

14-10-128.3. Appointment of decision-maker - disclosure.

(1) In addition to the appointment of a parenting coordinator pursuant to section 14-10-128.1 or an arbitrator pursuant to section 14-10-128.5, at any time after the entry of an order concerning parental responsibilities and upon written consent of both parties, the court may appoint a qualified domestic relations decision-maker and grant to the decision-maker binding authority to resolve disputes between the parties as to implementation or clarification of existing orders concerning the parties' minor or dependent children, including but not limited to disputes concerning parenting time, specific disputed parental decisions, and child support. A decision-maker shall have the authority to make binding determinations to implement or clarify the provisions of a pre-existing court order in a manner that is consistent with the substantive intent of the court order. The decision-maker appointed pursuant to the provisions of this section may be the same person as the parenting coordinator appointed pursuant to section 14-10-128.1. AT THE TIME OF THE APPOINTMENT, THE APPOINTED PERSON SHALL COMPLY WITH THE DISCLOSURE PROVISIONS OF SUBSECTION (4.5) OF THIS SECTION.

(4.5) (a) WITHIN TEN DAYS AFTER HIS OR HER APPOINTMENT, THE APPOINTED PERSON SHALL DISCLOSE TO EACH PARTY, ATTORNEYS OF RECORD, AND THE COURT ANY FAMILIAL, FINANCIAL, OR SOCIAL RELATIONSHIP THAT THE APPOINTED PERSON HAS OR HAS HAD WITH THE CHILD, EITHER PARTY, THE ATTORNEYS OF RECORD, OR THE JUDGE AND, IF A RELATIONSHIP EXISTS, THE NATURE OF THE RELATIONSHIP.

(b) BASED ON THE DISCLOSURE REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4.5), THE COURT MAY, IN ITS DISCRETION, TERMINATE THE APPOINTMENT AND APPOINT A DIFFERENT PERSON IN THE PROCEEDINGS. A PARTY HAS TEN DAYS FROM THE DATE OF THE DISCLOSURE TO OBJECT TO THE APPOINTMENT BASED UPON INFORMATION CONTAINED IN THE DISCLOSURE.

SECTION 6. Effective date - applicability. This act takes effect July 1, 2012, and applies to court appointments made on or after said date.

SECTION 7. 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."

Judiciary	After consideration on the merits, the Committee recommends that SB12-042 be referred to the Committee of the Whole with favorable recommendation.
Health & Human Services	After consideration on the merits, the Committee recommends that SB12-037 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Health & Human Services	After consideration on the merits, the Committee recommends that SB12-032 be postponed indefinitely.
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SJR12-006 be referred to the Senate for final action.
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB12-006 be referred to the Committee on <u>Finance</u> with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB12-058** be referred to the Committee of the Whole with favorable recommendation.

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

SJR12-011 by Senator(s) Schwartz; also Representative(s) Sonnenberg--Concerning the recognition of Colorado Centennial Farms.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

Senate in recess. Senate reconvened.

SJR12-012 by Senator(s) Nicholson; also Representative(s) DelGrosso and Lee--Concerning recognition of community behavioral health providers in Colorado.

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	Shaffer B.	Y
Brophy	Y	Hodge	Y	Morse	Y	Spence	Y
Cadman	Y	Hudak	Y	Neville	Y	Steadman	Y
Carroll	Y	Jahn	Y	Newell	Y	Tochtrop	Y
Foster	Y	Johnston	Y	Nicholson	Y	White	Y
Giron	Y	King K.	Y	Renfroe	Y	Williams S.	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

SENATE SERVICES REPORT

Correctly Printed: SB12-147; SJR12-012 and 013.
Correctly Revised: HJR12-003, 005, 006 and 008.
Correctly Enrolled: SJR12-002 and 005.

MESSAGE FROM THE HOUSE

February 2, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1002, amended as printed in House Journal, February 1, pages 127-128.

The House has adopted and transmits herewith HJR12-1009.

CONSIDERATION OF RESOLUTIONS - cont'd

HJR12-1009 by Representative(s) Massey; also Senator(s) Jahn--Concerning the benefits of homeownership.

On motion of Senator Jahn, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

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 Thursday, February 2 was laid over until Monday, February 6, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-009, SB12-066.
General Orders -- Second Reading of Bills: SB12-033 as amended, SB12-011, SB12-030, SB12-015, SB12-048, SB12-010.
Consideration of Resolutions: SJR12-009, HJR12-1004.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 6, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

24th Legislative Day	Friday, February 3, 2012
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SENATE CLOSED DUE TO INCLEMENT WEATHER

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

27th Legislative Day Monday, February 6, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Morse.

Roll Call Present--33
Absent--1, Johnston.
Excused--1, King S.
Present later--1, Johnston.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Thursday, February 2, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 2, 2012

The House has adopted and returns herewith SJR12-012, SJR12-011.

MESSAGE FROM THE REVISOR OF STATUTES

February 2, 2012

We herewith transmit:

Without comment, as amended, HB12-1002.

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

SJR12-009 by Senator(s) Heath; also Representative(s) Summers and Miklosi--Concerning recognition of career and technical education month.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Hodge, Hudak, Jahn, Johnston, King K., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

SJR12-013 by Senator(s) Steadman, Shaffer B., Bacon, Heath, Hodge, Hudak, Johnston, King K., Renfroe, Spence; also Representative(s) Massey--Concerning the designation of February 6 through 10, 2012, as "National School Counseling Week".

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Jahn, Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Roberts, Scheffel, Schwartz, Tochtrop, White and Williams S.

HJR12-1004 by Representative(s) Massey and Kerr A., Todd, Summers, Kerr J., Beezley, Hamner, Holbert, Joshi, Murray, Peniston, Ramirez, Ryden, Schafer S., Solano; also Senator(s) Roberts and Johnston--Concerning teen suicide prevention in Colorado.

A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on Education.

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:

SB12-009 by Senator(s) Hodge, Brophy, Giron, Roberts, Schwartz; also Representative(s) Swerdfeger, Baumgardner, Sonnenberg, Vigil, Wilson--Concerning the consolidation of cash funds administered by the division of water resources.

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

SB12-066 by Senator(s) Nicholson; also Representative(s) Gardner B.--Concerning expanding those persons eligible as guardians in the guardianship assistance program to include persons ascribed by the family as having a family-like relationship with the child.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-009, SB12-066.

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 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:

SB12-033 by Senator(s) Guzman; also Representative(s) Massey--Concerning adding near fatalities to the responsibilities of the department of human services child fatality review team.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, January 30, page 56 and placed in members' bill files.)

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

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

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

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

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, January 25, page 45 and placed in members' bill files.)

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

- SB12-015

by Senator(s) Giron and Johnston, Guzman, Steadman; also Representative(s) Duran--

Concerning creating an optional category of tuition at state institutions of higher education.

Laid over until February 7, retaining its place on the calendar.
- SB12-048

by Senator(s) Schwartz; also Representative(s) Coram--Concerning the creation of the

"Colorado Cottage Foods Act" for locally produced home foods sold directly to consumers.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.

(Printed in Senate Journal, January 30, page 53 and placed in members' bill files.)

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

SB12-010

by Senator(s) Hodge; --Concerning the authority of the department of public safety to use

gifts, grants, and donations for the purpose of funding the activities of the Colorado bureau

of investigation.

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

SB12-079

by Senator(s) King S., Cadman, Morse; also Representative(s) Stephens, Fields, Priola,

Schafer S.--Concerning revisions to the safe2tell program relating to advances in

communications technology.

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

SB12-013

by Senator(s) Schwartz; also Representative(s) Jones--Concerning low-speed electric

vehicles.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 1, pages 75-76 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

On motion of Senator Boyd, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-033 as amended, SB12-030 as amended, SB12-048 as amended, SB12-010, SB12-013 as amended.

Laid over until February 7: SB12-011, SB12-015, SB12-079.

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-011 and 012.
Correctly Revised: HJR12-1009.

COMMITTEE OF REFERENCE REPORTS

- Finance
- After consideration on the merits, the Committee recommends that **SB12-063** be postponed indefinitely.
- Finance
- After consideration on the merits, the Committee recommends that **SB12-055** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Finance
- After consideration on the merits, the Committee recommends that **SB12-041** be referred to the Committee on Appropriations with favorable recommendation.
- Education
- After consideration on the merits, the Committee recommends that **SB12-051** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Amend printed bill, page 2, line 15, strike "SECTION, WHICH POLICY," and substitute "SECTION, OTHER THAN CONTRACTS FOR INSTRUCTIONAL SERVICES. A POLICY ADOPTED PURSUANT TO THIS SUBSECTION (2),".
- Page 3, line 2, strike "INCLUDING AN".
- Page 3, line 3, strike "EDUCATIONAL SERVICE,".
- Page 3, line 19, strike "INCLUDING EDUCATIONAL SERVICE,".
- Page 4, line 8, strike "INCLUDING EDUCATIONAL".
- Page 4, line 9, strike "SERVICES,".
- Page 6, strike line 15, and substitute "EDUCATION PROVIDER SHALL POST:
(I) THE NAME OR TITLE OF AND CONTACT INFORMATION FOR AN EMPLOYEE OF THE LOCAL EDUCATION PROVIDER WHO IS AVAILABLE TO ANSWER QUESTIONS CONCERNING CONTRACTS THAT EXCEED \$100,000 ENTERED INTO BY THE LOCAL EDUCATION PROVIDER; OR
(II) A COPY OF EACH CONTRACT THAT EXCEEDS \$100,000 ENTERED".
- Page 6, line 16, strike "INCLUDING AN EDUCATIONAL SERVICE,".
- Page 6, line 18, strike "22-32-122. THE" and substitute "22-32-122; EXCEPT THAT THE LOCAL EDUCATION PROVIDER, PRIOR TO POSTING A CONTRACT, MAY REDACT FROM THE CONTRACT ANY INFORMATION FOR WHICH THE LOCAL EDUCATION PROVIDER MAY DENY INSPECTION UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S. IF A".
- Page 6, line 19, strike "SHALL POST EACH" and substitute "CHOOSES TO POST A CONTRACT, IT SHALL POST THE".
- Page 6, line 20, after the period, add "THE PROVISIONS OF THIS PARAGRAPH (d) DO NOT APPLY TO CONTRACTS FOR INSTRUCTIONAL SERVICES.".

Education	After consideration on the merits, the Committee recommends that SB12-040 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.	1
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	Amend printed bill, page 4, line 7, after "(a)" insert "(I)".	6
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	Page 4, line 8, strike "BEGINNING JANUARY 1, 2010,".	8
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	Page 4, line 9, strike "CONSTRUCTED" and substitute "CONSTRUCTED, OR AN AUXILIARY FACILITY REPURPOSED FOR USE AS AN ACADEMIC FACILITY,".	10
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	Page 4, line 18, strike "FIFTEEN-YEAR RULE ESTABLISHED" and substitute "ELIGIBILITY GUIDELINES DESCRIBED".	14
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	Page 4, strike lines 20 through 27.	17
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	Page 5, strike lines 1 through 4 and substitute:	19
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	"(II) FOR PURPOSES OF THIS PARAGRAPH (a), THE ELIGIBILITY FOR STATE CONTROLLED MAINTENANCE FUNDING COMMENCES ON THE DATE OF THE ACCEPTANCE OF THE CONSTRUCTION OR REPURPOSING OF THE FACILITY OR THE CLOSING DATE OF ANY ACQUISITION. THE DATE OF THE ACCEPTANCE OF CONSTRUCTION OR REPURPOSING SHALL BE DETERMINED BY THE OFFICE OF THE STATE ARCHITECT.".	21
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	Page 5, line 5, strike "(c)" and substitute "(b)".	28
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	Page 5, line 20, strike "PROMULGATED" and substitute "ESTABLISHED".	30
		31
	Page 5, line 21, strike "(c)" and substitute "(b)".	32
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	Page 6, strike lines 1 through 4 and substitute "INSTITUTION AS SET FORTH IN THIS TITLE. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO,"	34
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	Page 6, strike lines 15 through 24 and substitute:	37
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	" SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".	39
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-031 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	44
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-097 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50
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	Amend printed bill, page 2, strike lines 9 through 12 and substitute "ANY DITCH DIVERSION OR OTHER POINT OF DIVERSION FOR A DECREED SURFACE WATER RIGHT, POINT OF REPLACEMENT OR POINT OF DIVERSION BY EXCHANGE THAT IS PART OF AN EXISTING DECREED EXCHANGE, WELL OR WELL FIELD THAT IS DECREED TO OPERATE AS A SURFACE DIVERSION, OR POINT OF INFLOW FROM A TRIBUTARY SURFACE STREAM.".	55
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	Page 3, line 1, after "POINT" insert "TO A NEW SURFACE DIVERSION POINT".	62
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	Page 3, line 3, strike everything after "INFLOW".	64
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	Page 3, line 4, strike everything before "BETWEEN".	66
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	Page 3, line 7, after "BELOW" insert "OR WITHIN".	68
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	Page 3, line 8, strike "OR".	1
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	Page 3, line 9, strike everything before "LOCATION" and substitute "TO AN UPSTREAM".	3
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	Page 5, line 8, strike everything after the period.	6
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	Page 5, strike lines 9 through 12.	8
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	Page 5, line 19, strike "OR OTHER".	10
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	Page 5, line 20, strike "SIMILAR REQUIREMENTS".	12
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	Page 5, strike line 23 and substitute "1996)".	14
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-018 be postponed indefinitely.	17
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-053 be postponed indefinitely.	22
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-090 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	27
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-060 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	32
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	Amend printed bill, page 2, line 11, strike "DATA AND INFORMATION".	37
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	Page 2, line 19, after the semicolon, insert "AND".	39
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	Page 2. line 20, strike "FRAUD; AND" and substitute "FRAUD, EXCLUDING LAW ENFORCEMENT-SENSITIVE INFORMATION.".	41
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	Page 2, strike lines 21and 22.	44
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	Page 3, line 10, strike "DATA AND INFORMATION".	46
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	Page 3, line 17, after "CLAIMS;" insert "AND".	48
		49
	Page 3, line 18, strike "FRAUD; AND" and substitute "FRAUD, EXCLUDING LAW ENFORCEMENT-SENSITIVE INFORMATION.".	50
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	Page 3, strike lines 19 and 20.	53
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	MESSAGE FROM THE HOUSE	58
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	February 6, 2012	60
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	The House has adopted and returns herewith SJR12-009 and SJR12-013.	62
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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, February 6 was laid over until Tuesday, February 7, retaining its place on the calendar.

Consideration of Resolutions: SJR12-007.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 7, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

28th Legislative Day Tuesday, February 7, 2012

Prayer By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.

Call to Order By the President *pro tem* at 9:00 a.m.

Pledge By Senator Morse.

Roll Call Present--28
Excused--7, Aguilar, Harvey, Hudak, Johnston, King S., Mitchell, Shaffer B.
Present later--2, Aguilar, Johnston.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Monday, February 6, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB12-035** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 15, strike "THE" and substitute "ANY".

Page 4, line 16, after "DAMAGE," insert "INJURY," and after "THE" insert "SPACEFLIGHT".

Page 4, line 25, strike "INJURY," and substitute "LOSS," and after "DAMAGE," insert "INJURY,".

Page 5, line 14, strike "AN" and substitute "ANY LOSS, DAMAGE,".

Page 5, line 15, strike "TO" and substitute "TO," and before "PARTICIPANT" insert "SPACEFLIGHT".

Page 5, line 17, strike "INJURY" and substitute "LOSS, DAMAGE, INJURY,".

Page 5, line 18, strike "ACTIVITY." and substitute "ACTIVITY TO THE SPACEFLIGHT PARTICIPANT.".

Page 5, strike lines 20 through 23 and substitute "AMONG OTHERS, DEATH OR INJURY TO PERSON OR PROPERTY. I,".

Page 5, line 25, before "RISK" insert "INHERENT".

Page 6, line 9, strike "7," and substitute "8,".

Page 98	Senate Journal-28th Day-February 7, 2012	
Judiciary	After consideration on the merits, the Committee recommends that SB12-074 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.	1 2 3 4 5 6
	Amend printed bill, page 2, strike lines 2 through 10.	7
	Renumber succeeding sections accordingly.	8 9
	Page 2, line 16, strike "DESIGNATED BY" and substitute "A CAREGIVER TO".	10 11 12
	Page 3, line 1, strike "DESIGNATED BY" and substitute "A CAREGIVER TO".	13 14 15
Judiciary	After consideration on the merits, the Committee recommends that SB12-072 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	16 17 18 19
	Amend printed bill, strike everything below the enacting clause and substitute:	20 21 22
	"SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:	23 24
	(a) The Colorado mounted rangers, also known as the Colorado rangers, have served and protected the territory and the state of Colorado since 1861;	25 26 27
	(b) The Colorado rangers comprised the first law enforcement agency in the new territory of Colorado;	28 29
	(c) The Colorado rangers were called upon by the state's governors to protect the state during the mining strikes and the prohibition period;	30 31 32
	(d) In 1923, the Colorado rangers were disbanded, leaving Colorado without a statewide law enforcement organization until the Colorado state patrol was formed;	33 34 35
	(e) In 1941, by request of former Governor Teller Ammons, a volunteer group in Bailey, Colorado, formed the Colorado mounted rangers;	36 37 38
	(f) Today, the Colorado mounted rangers are available to assist the division of emergency management within the department of local affairs; may train with and assist the office of preparedness, security, and fire safety; may provide security in emergency situations such as airline disasters, search-and-rescue operations, and forest fires; and provide assistance to local, state, and federal authorities upon request;	39 40 41 42 43 44
	(g) The Colorado mounted rangers have assisted in natural disasters such as the Big Thompson flood, the Black Ridge fire, and the Hayman fire;	45 46 47
	(h) While conducting search-and-rescue efforts during the past seventy years, the Colorado mounted rangers have saved the lives of many lost and injured mountain climbers and bikers; and	48 49 50
	(i) During the past year, the Colorado mounted rangers volunteered more than fifty thousand hours of devoted service to the people of Colorado.	51 52 53
	(2) Therefore, the general assembly declares that the Colorado mounted rangers should be established as an all-volunteer, unpaid auxiliary unit for the purpose of lending assistance to emergency management, fire-fighting, emergency medical service, search-and-rescue agencies, and law enforcement agencies in the state.	54 55 56 57 58
	SECTION 2. In Colorado Revised Statutes, 24-32-2222, amend (1), (2) (a), (2) (b), (2) (c), and (2) (d); and add (5) as follows:	59 60 61
	24-32-2222. County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations. (1) Any county sheriff, the director of any local government, any local emergency planning committee, or any state agency may develop and enter into a memorandum of understanding with one or more volunteer organizations, INCLUDING BUT NOT LIMITED TO THE COLORADO MOUNTED RANGERS, to assist the county sheriff, local government, local emergency planning committee, or state agency in	62 63 64 65 66 67 68 69

providing services ~~in the event of a disaster~~ AS REQUIRED.

(2) A memorandum of understanding between a county sheriff, a local government, a local emergency planning committee, or a state agency and a volunteer organization may include the following information:

(a) The circumstances under which the county sheriff, local government, local emergency planning committee, or state agency may request the services of the volunteer organization; ~~in a disaster~~;

(b) The circumstances under which the volunteer organization may accept or refuse the request for assistance by the county sheriff, local government, local emergency planning committee, or state agency; ~~in a disaster~~;

(c) The party that will be responsible for any costs incurred by the volunteer organization in the course of assisting the county sheriff, local government, local emergency planning committee, or state agency; ~~in a disaster~~;

(d) The specific training or certification required for volunteers who are members of the volunteer organization to be authorized to assist the county sheriff, local government, local emergency planning committee, or state agency; ~~in a disaster~~;

(5) A MEMBER OF THE COLORADO MOUNTED RANGERS AND ANY OTHER VOLUNTEER ORGANIZATION LENDING ASSISTANCE TO A COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL EMERGENCY PLANNING COMMITTEE, OR STATE AGENCY PURSUANT TO THIS SECTION IS AN AUTHORIZED VOLUNTEER FOR THE PURPOSES OF ARTICLE 10 OF THIS TITLE.

SECTION 3. 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."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-062** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 2, line 10, strike "**amend** (1)".

Page 2, strike line 11 and substitute "**repeal** (5) as follows:".

Page 2, strike lines 14 through 21.

Page 3, strike lines 1 through 20.

Page 4, strike lines 12 through 20.

Renumber succeeding section accordingly.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB12-096** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB12-1002 by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the rules of state agencies applicable to applications for permits.
Business, Labor and Technology

SENATE SERVICES REPORT

Correctly Engrossed: SB12-009, 010, 013, 030, 033, 048 and 066;
SJR12-009 and 013.

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, February 7 was laid over
until Wednesday, February 8, retaining its place on the calendar.

Third Reading of Bills -- Final Passage -- Consent Calendar: SB12-009, SB12-066.
Third Reading of Bills -- Final Passage: SB12-033, SB12-030, SB12-048, SB12-010,
SB12-013.
General Orders -- Second Reading of Bills -- Consent Calendar: SB12-037.
General Orders -- Second Reading of Bills: SB12-011, SB12-015, SB12-079,
SB12-020, SB12-056, SB12-042, SB12-058.
Consideration of Resolutions: SJR12-006, SJR12-007.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Wednesday, February
8, 2012.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

29th Legislative Day

Wednesday, February 8, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator King S.

Roll Call	Present--34 Excused--1, White. Present later--1, White.
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Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Guzman, reading of the Journal of Tuesday, February 7, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.
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COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **SB12-012** 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, page 3, after line 27, insert:

"**SECTION 2. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.".

Renumber succeeding sections accordingly.

Appropriations After consideration on the merits, the Committee recommends that **SB12-064** 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 **SB12-110** 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 24, strike "referrals," and substitute "FULL-TIME EMPLOYEES DEDICATED TO INSURANCE FRAUD, referrals, OPEN INVESTIGATIONS.".

Page 3, line 27, after the period add "IN THE REPORT, THE ATTORNEY GENERAL SHALL MAKE HIS OR HER BEST EFFORT TO DELINEATE BETWEEN THE TYPES OF CASES PROSECUTED BY LINE OF INSURANCE.".

Page 7, line 25, strike "\$203.512" and substitute "\$196.677".

Page 8, line 1, strike "\$180,648" and substitute "\$168,096".

Page 8, line 3, strike "\$22,864" and substitute "\$28,581".

Appropriations	After consideration on the merits, the Committee recommends that SB12-111 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	1 2 3 4 5 6
Appropriations	After consideration on the merits, the Committee recommends that SB12-112 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	7 8 9 10
Appropriations	After consideration on the merits, the Committee recommends that SB12-113 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	11 12 13 14 15 16
Appropriations	After consideration on the merits, the Committee recommends that SB12-114 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	17 18 19 20
Appropriations	After consideration on the merits, the Committee recommends that SB12-115 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	21 22 23 24 25 26
	Amend printed bill, page 2, strike lines 8 through 10 and substitute:	27
	"CONSIDER THE IMPACT ON RECIPIENTS OF EXTENDED LIMITED GAMING TAX PROCEEDS.".	28 29 30 31
	Page 1, line 102, strike "RECEIVE TESTIMONY FROM" and substitute "TAKE INTO ACCOUNT THE IMPACT ON ALL".	32 33 34 35
		36
	INTRODUCTION OF BILLS -- FIRST READING	37 38
	The following bill was read by title and referred to the committee indicated:	39 40
SB12-148	by Senator(s) Guzman, Newell, Nicholson, King S.; also Representative(s) Duran, Hamner, Hullinghorst, Kerr A., Massey, Scott, Summers, Todd--Concerning changing the name of Metropolitan state college of Denver to Metropolitan state university of Denver. Education	41 42 43 44 45 46 47
		48 49 50
	THIRD READING OF BILLS -- FINAL PASSAGE -- CONSENT CALENDAR	51 52 53
	On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:	54 55 56 57
SB12-009	by Senator(s) Hodge, Brophy, Giron, Roberts, Schwartz; also Representative(s) Swerdfeger, Baumgardner, Sonnenberg, Vigil, Wilson--Concerning the consolidation of cash funds administered by the division of water resources.	58 59 60 61
	The question being "Shall the bill pass?", the roll call was taken with the following result:	62 63 64 65

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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB12-066 by Senator(s) Nicholson; also Representative(s) Gardner B.--Concerning expanding those persons eligible as guardians in the guardianship assistance program to include persons ascribed by the family as having a family-like relationship with the child.

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

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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Giron, Heath, Hodge, Hudak, Jahn, Morse, Newell, Steadman, Tochtrop, Williams S. and Shaffer B.

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:

SB12-033 by Senator(s) Guzman; also Representative(s) Massey--Concerning adding near fatalities to the responsibilities of the department of human services child fatality review team.

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

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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Heath, Hodge, Hudak, Jahn, Johnston, King S., Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Roberts, Schwartz, Spence, Steadman, Tochtrop, Williams S. and Shaffer B.

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

Laid over until February 9, retaining its place on the calendar.

SB12-048 by Senator(s) Schwartz; also Representative(s) Coram--Concerning the creation of the "Colorado Cottage Foods Act" for locally produced home foods sold directly to consumers.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Foster, Giron, Grantham, Guzman, Heath, Jahn, Johnston, King S., Newell, Roberts, White and Williams S.

SB12-010 by Senator(s) Hodge; also Representative(s) Ferrandino--Concerning the authority of the department of public safety to use gifts, grants, and donations for the purpose of funding the activities of the Colorado bureau of investigation.

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

YES	24	NO	11	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	Y
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.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Boyd, King S. and Morse.

SB12-013 by Senator(s) Schwartz; also Representative(s) Jones--Concerning low-speed electric vehicles.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Cadman, Foster, Guzman, King S., Lundberg, White and Williams S.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-009, 010, 013, 030, 033, 048 and 066; SJR12-009 and 013.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-002, 005, 009, 010, 011, 012 and 013.

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 Wednesday, February 8 was laid over until Thursday, February 9, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-037, SB12-055, SB12-040, SB12-031.
General Orders -- Second Reading of Bills: SB12-011, SB12-015, SB12-079, SB12-020, SB12-056, SB12-042, SB12-058, SB12-051, SB12-097.
Consideration of Resolutions: SJR12-006, SJR12-007.

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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

30th Legislative Day Thursday, February 9, 2012

Prayer By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator King S.

Roll Call Present--34
Excused--1, Boyd.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Wednesday, February 8, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB12-122** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 4, after "(2)" insert "(a)".

Page 2, line 8, strike "AN AGENCY," and substitute "A PRIVATE PROBATION SUPERVISION PROVIDER".

Page 2, line 9, strike "CORPORATION, OR PERSON".

Page 2, line 10, strike "NOT:" and substitute "NOT HAVE A FINANCIAL INTEREST IN AN ENTITY THAT PROVIDES".

Page 2, strike lines 11 through 14.

Page 2, after line 17 insert:

(b) FOR PURPOSES OF THIS SUBSECTION (2), "PRIVATE PROBATION SUPERVISION PROVIDER" MEANS A NONGOVERNMENTAL AGENCY, CORPORATION, OR PERSON THAT HAS AN AGREEMENT WITH A PROBATION DEPARTMENT TO PROVIDE CONTRACT, PROBATION, OR CASE MANAGEMENT SERVICES, AND DOES NOT INCLUDE COMMUNITY CORRECTIONS, MENTAL HEALTH CENTERS, OR DIVERSION SERVICES PROVIDERS."

Judiciary After consideration on the merits, the Committee recommends that **SB12-131** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB12-125** be postponed indefinitely.

Education	After consideration on the merits, the Committee recommends that SB12-145 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
Education	After consideration on the merits, the Committee recommends that HB12-1001 be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9
Education	After consideration on the merits, the Committee recommends that SB12-061 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13 14
	Amend printed bill, page 4, line 12, strike "WHICH INVOLVEMENT" and substitute "THAT".	15 16 17
	Page 6, strike lines 12 through 14 and substitute:	18 19
	"(s) IF THE PROPOSED CHARTER SCHOOL INTENDS TO CONTRACT WITH AN EDUCATION MANAGEMENT PROVIDER:	20 21
	(I) A SUMMARY OF THE PERFORMANCE DATA FOR ALL OF THE SCHOOLS THE EDUCATION MANAGEMENT PROVIDER IS MANAGING AT THE TIME OF THE APPLICATION OR HAS MANAGED PREVIOUSLY, INCLUDING DOCUMENTATION OF ACADEMIC ACHIEVEMENT AND SCHOOL MANAGEMENT SUCCESS;	22 23 24 25 26
	(II) AN EXPLANATION OF AND EVIDENCE DEMONSTRATING THE EDUCATION MANAGEMENT PROVIDER'S CAPACITY FOR SUCCESSFUL EXPANSION WHILE MAINTAINING QUALITY IN THE SCHOOLS IT IS MANAGING;	27 28 29 30
	(III) AN EXPLANATION OF ANY EXISTING OR POTENTIAL CONFLICTS OF INTEREST BETWEEN THE GOVERNING BOARD OF THE PROPOSED CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER; AND	31 32 33
	(IV) A COPY OF THE ACTUAL OR PROPOSED PERFORMANCE CONTRACT BETWEEN THE GOVERNING BOARD FOR THE PROPOSED CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER THAT SPECIFIES, AT A MINIMUM, THE FOLLOWING MATERIAL TERMS:	34 35 36 37
	(A) PERFORMANCE EVALUATION MEASURES;	38
	(B) THE METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT THAT THE GOVERNING BOARD WILL APPLY;	39 40
	(C) THE COMPENSATION STRUCTURE AND ALL FEES THAT THE PROPOSED CHARTER SCHOOL WILL PAY TO THE EDUCATION MANAGEMENT PROVIDER; AND	41 42 43
	(D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION."	44 45 46
	Page 7, strike lines 20 through 27 and substitute:	47 48
	"(c) If such board finds the charter school application is incomplete, the board shall request the necessary information from the charter applicant and give the charter applicant reasonable opportunity to provide additional information to the local board of education for review. The charter school application shall be reviewed by the district accountability committee prior to consideration by the local board of education. WITHIN FIFTEEN DAYS AFTER RECEIVING A CHARTER SCHOOL APPLICATION, THE SCHOOL DISTRICT SHALL DETERMINE WHETHER THE APPLICATION SATISFIES THE REQUIREMENTS SPECIFIED IN SECTION 22-30.5-106(1) AND IS THEREFORE COMPLETE. IF THE APPLICATION IS NOT COMPLETE, THE SCHOOL DISTRICT SHALL NOTIFY THE CHARTER APPLICANT WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE INFORMATION REQUIRED TO COMPLETE THE CHARTER APPLICATION. THE CHARTER APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT RECEIVES THE NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE LOCAL BOARD OF EDUCATION FOR REVIEW. THE LOCAL BOARD OF EDUCATION IS NOT REQUIRED TO TAKE ACTION ON THE CHARTER APPLICATION IF THE CHARTER APPLICANT DOES NOT PROVIDE THE REQUIRED INFORMATION WITHIN THE FIFTEEN-DAY PERIOD. THE SCHOOL DISTRICT MAY REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PERIOD AND PROVIDE REASONABLE TIME FOR THE CHARTER APPLICANT TO RESPOND. THE	49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

SCHOOL DISTRICT MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY ADDITIONAL INFORMATION THE CHARTER APPLICANT PROVIDES THAT THE SCHOOL DISTRICT DOES NOT REQUEST. THE DISTRICT ACCOUNTABILITY COMMITTEE SHALL REVIEW THE COMPLETE CHARTER SCHOOL APPLICATION AT LEAST FIFTEEN DAYS, IF POSSIBLE, BEFORE THE LOCAL BOARD OF EDUCATION TAKES ACTION ON THE APPLICATION."

Page 8, strike lines 1 through 4.

Page 8, line 23, strike "FIVE" and substitute "FOUR".

Page 8, strike lines 26 and 27 and substitute:

"(b) DURING THE TERM OF A CHARTER, THE SCHOOL DISTRICT SHALL ANNUALLY REVIEW THE CHARTER SCHOOL'S PERFORMANCE. AT A MINIMUM, THE REVIEW INCLUDES THE CHARTER SCHOOL'S PROGRESS IN MEETING THE OBJECTIVES IDENTIFIED IN THE PLAN THE CHARTER SCHOOL IS REQUIRED TO IMPLEMENT PURSUANT TO SECTION 22-11-210 AND THE RESULTS OF THE CHARTER SCHOOL'S MOST RECENT ANNUAL FINANCIAL AUDIT. THE SCHOOL DISTRICT SHALL PROVIDE TO THE CHARTER SCHOOL WRITTEN FEEDBACK FROM THE REVIEW AND SHALL INCLUDE THE RESULTS OF THE CHARTER SCHOOL'S ANNUAL REVIEW IN THE BODY OF EVIDENCE THAT THE LOCAL BOARD OF EDUCATION TAKES INTO ACCOUNT IN DECIDING WHETHER TO RENEW OR REVOKE THE CHARTER AND THAT SUPPORTS THE RENEGOTIATION OF THE CHARTER CONTRACT."

Page 9, strike lines 1 through 8.

Page 9, line 9, strike "LOCAL BOARD OF EDUCATION" and substitute "SCHOOL DISTRICT".

Page 10, line 18, strike "reasonable" and substitute "reasonable SIGNIFICANT".

Page 11, line 12, strike "FOURTH" and substitute "THIRD".

Page 11, line 17, strike "THIRTY" and substitute "FIFTEEN".

Page 11, line 18, strike "DECIDES" and substitute "WILL CONSIDER".

Page 11, line 19, strike "STAFF OF THE".

Page 12, strike lines 3 through 6 and substitute "PURSUANT TO SECTION 22-30.5-108.

(6) EACH SCHOOL DISTRICT SHALL ADOPT PROCEDURES FOR CLOSING A CHARTER SCHOOL".

Page 12, line 8, strike "POLICY" and substitute "PROCEDURES".

Page 12, strike lines 9 through 12 and substitute:

"(a) WHEN PRACTICABLE AND IN THE BEST INTEREST OF THE STUDENTS OF THE CHARTER SCHOOL, THE CHARTER SCHOOL CONTINUES TO OPERATE THROUGH THE END OF THE SCHOOL YEAR. IF THE SCHOOL DISTRICT DETERMINES IT IS NECESSARY TO CLOSE THE CHARTER SCHOOL PRIOR TO THE END OF THE SCHOOL YEAR, THE SCHOOL DISTRICT SHALL WORK WITH THE CHARTER SCHOOL TO DETERMINE AN EARLIER CLOSURE DATE."

Page 12, strike lines 17 through 19 and substitute:

"(c) THE CHARTER SCHOOL MEETS ITS FINANCIAL, LEGAL, AND REPORTING OBLIGATIONS DURING THE PERIOD THAT THE CHARTER SCHOOL IS CONCLUDING OPERATIONS."

Page 14, line 10, strike "WHICH INVOLVEMENT" and substitute "THAT".

Page 16, strike lines 14 through 17 and substitute:

- "(s) IF THE PROPOSED INSTITUTE CHARTER SCHOOL INTENDS TO CONTRACT WITH AN EDUCATION MANAGEMENT PROVIDER:
(I) A SUMMARY OF THE PERFORMANCE DATA FOR ALL OF THE SCHOOLS THE EDUCATION MANAGEMENT PROVIDER IS MANAGING AT THE TIME OF THE APPLICATION OR HAS MANAGED PREVIOUSLY, INCLUDING DOCUMENTATION OF ACADEMIC ACHIEVEMENT AND SCHOOL MANAGEMENT SUCCESS;
(II) AN EXPLANATION OF AND EVIDENCE DEMONSTRATING THE EDUCATION MANAGEMENT PROVIDER'S CAPACITY FOR SUCCESSFUL EXPANSION WHILE MAINTAINING QUALITY IN THE SCHOOLS IT IS MANAGING;
(III) AN EXPLANATION OF ANY EXISTING OR POTENTIAL CONFLICTS OF INTEREST BETWEEN THE GOVERNING BOARD OF THE PROPOSED INSTITUTE CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER; AND
(IV) A COPY OF THE ACTUAL OR PROPOSED PERFORMANCE CONTRACT BETWEEN THE GOVERNING BOARD FOR THE PROPOSED INSTITUTE CHARTER SCHOOL AND THE EDUCATION MANAGEMENT PROVIDER THAT SPECIFIES, AT A MINIMUM, THE FOLLOWING MATERIAL TERMS:
(A) PERFORMANCE EVALUATION MEASURES;
(B) THE METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT THAT THE GOVERNING BOARD WILL APPLY;
(C) THE COMPENSATION STRUCTURE AND ALL FEES THAT THE PROPOSED INSTITUTE CHARTER SCHOOL WILL PAY TO THE EDUCATION MANAGEMENT PROVIDER; AND
(D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION."

Page 17, strike lines 16 through 21 and substitute "certified letter. ~~If the institute finds the institute charter school application is incomplete, the institute shall request the necessary information from the applicant.~~ WITHIN FIFTEEN DAYS AFTER RECEIVING AN INSTITUTE CHARTER SCHOOL APPLICATION, THE INSTITUTE SHALL DETERMINE WHETHER THE APPLICATION SATISFIES THE REQUIREMENTS SPECIFIED IN SECTION 22-30.5-509(1) AND IS THEREFORE COMPLETE. IF THE APPLICATION IS NOT COMPLETE, THE INSTITUTE SHALL NOTIFY THE APPLICANT WITHIN THE FIFTEEN-DAY PERIOD AND PROVIDE A LIST OF THE INFORMATION REQUIRED TO COMPLETE THE INSTITUTE CHARTER APPLICATION. THE APPLICANT HAS FIFTEEN DAYS AFTER THE DATE IT RECEIVES THE NOTICE TO PROVIDE THE REQUIRED INFORMATION TO THE INSTITUTE FOR REVIEW. THE INSTITUTE IS NOT REQUIRED TO TAKE ACTION ON THE INSTITUTE CHARTER APPLICATION IF THE APPLICANT DOES NOT PROVIDE THE REQUIRED INFORMATION WITHIN THE FIFTEEN-DAY PERIOD. THE INSTITUTE MAY REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PERIOD AND PROVIDE REASONABLE TIME FOR THE APPLICANT TO RESPOND. THE INSTITUTE MAY, BUT IS NOT REQUIRED TO, ACCEPT ANY ADDITIONAL INFORMATION THE APPLICANT PROVIDES THAT THE INSTITUTE DOES NOT REQUEST."

Page 18, line 10, strike "FOR A PERIOD OF five" and substitute "five FOR A PERIOD OF FOUR".

Page 18, strike lines 18 through 27 and substitute:

- "(2) ~~An institute charter school shall submit an annual report to the institute on the institute charter school's progress in achieving the goals, objectives, pupil performance standards, content standards, targets for the measures used to determine the levels of attainment of the performance indicators, and other terms of the pending charter contract. The institute shall consider, during the review of a renewal application, the annual reports submitted by the institute charter school during the term of the pending charter contract.~~ DURING THE TERM OF A CHARTER CONTRACT, THE INSTITUTE SHALL ANNUALLY REVIEW THE INSTITUTE CHARTER SCHOOL'S PERFORMANCE. AT A MINIMUM, THE REVIEW INCLUDES THE INSTITUTE CHARTER SCHOOL'S PROGRESS IN MEETING THE OBJECTIVES IDENTIFIED IN THE PLAN THE INSTITUTE CHARTER SCHOOL IS REQUIRED TO IMPLEMENT PURSUANT TO SECTION 22-11-210 AND THE RESULTS OF THE INSTITUTE CHARTER SCHOOL'S MOST RECENT ANNUAL FINANCIAL AUDIT.

THE INSTITUTE SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL WRITTEN FEEDBACK FROM THE REVIEW AND SHALL INCLUDE THE RESULTS OF THE INSTITUTE CHARTER SCHOOL'S ANNUAL REVIEW IN THE BODY OF EVIDENCE THAT THE INSTITUTE BOARD TAKES INTO ACCOUNT IN DECIDING WHETHER TO RENEW OR REVOKE THE CHARTER CONTRACT AND THAT SUPPORTS THE RENEGOTIATION OF THE CHARTER CONTRACT."

Page 19, strike line 1.

Page 19, line 2, strike "BOARD".

Page 19, line 15, strike "reasonable" and substitute "reasonable SIGNIFICANT".

Page 20, line 17, strike "FOURTH" and substitute "THIRD".

Page 20, line 19, strike "THIRTY" and substitute "FIFTEEN".

Page 20, line 20, strike "DECIDES" and substitute "WILL CONSIDER".

Page 21, line 25, strike "A POLICY THAT ESTABLISHES".

Page 22, line 1, strike "POLICY" and substitute "PROCEDURES".

Page 22, strike lines 2 through 5 and substitute:

"(a) WHEN PRACTICABLE AND IN THE BEST INTEREST OF THE STUDENTS OF THE INSTITUTE CHARTER SCHOOL, THE INSTITUTE CHARTER SCHOOL CONTINUES TO OPERATE THROUGH THE END OF THE SCHOOL YEAR. IF THE INSTITUTE DETERMINES IT IS NECESSARY TO CLOSE THE INSTITUTE CHARTER SCHOOL PRIOR TO THE END OF THE SCHOOL YEAR, THE INSTITUTE SHALL WORK WITH THE INSTITUTE CHARTER SCHOOL TO DETERMINE AN EARLIER CLOSURE DATE."

Page 22, strike lines 11 through 13 and substitute:

"(c) THE INSTITUTE CHARTER SCHOOL MEETS ITS FINANCIAL, LEGAL, AND REPORTING OBLIGATIONS DURING THE PERIOD THAT THE INSTITUTE CHARTER SCHOOL IS CONCLUDING OPERATIONS."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-146** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

The House has adopted and transmits herewith HJR12-1010.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR12-1010 by Representative(s) Todd and Massey; also Senator(s) Newell and White--Concerning recognition of the film, television, and video gaming industry in Colorado.

Laid over one day under Senate Rule 30(e).

SENATE SERVICES REPORT

Correctly Printed: SB12-148.
Correctly Reengrossed: SB12-009, 010, 013, 033, 048 and 066.

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 Thursday, February 9 was laid over until Friday, February 10, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB12-030.
General Orders -- Second Reading of Bills -- Consent Calendar: SB12-037, SB12-055, SB12-040, SB12-031, SB12-074, SB12-096.
General Orders -- Second Reading of Bills: SB12-011, SB12-015, SB12-079, SB12-020, SB12-056, SB12-042, SB12-058, SB12-051, SB12-097, SB12-035, SB12-072.
Consideration of Resolutions: SJR12-006, SJR12-007.

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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

31st Legislative Day Friday, February 10, 2012

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator King S.

Roll Call Present--32
Absent--1, Heath.
Excused--2, Boyd, Renfroe.
Present later--2, Heath, Renfroe.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Thursday, February 9, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services After consideration on the merits, the Committee recommends that **SB12-099** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **SB12-091** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike line 3 and substitute "(1) (a) introductory portion, (I) (a) (I), and (1) (a) (III) as follows:".

Page 3, line 6, strike "article. and shall be from the" and substitute "article, and AT LEAST ONE OF WHOM shall be from the".

Page 3, strike line 9 and substitute:

"(B) nonprofit facility administration.".

Page 3, after line 11 insert:

"(III) Three members shall be representative of the public at large; except that upon the expiration of the term of office of the one member of the board representing the public whose term expires on July 1, 2011, the board shall consist of two members representative of the public at large. AT LEAST ONE PUBLIC MEMBER MUST BE A CURRENT OR FORMER RESIDENT OF A NURSING HOME FACILITY OR A FAMILY MEMBER OF A CURRENT OR FORMER NURSING HOME FACILITY RESIDENT.".

Page 4, line 18, strike "TWO YEARS;" and substitute "ONE YEAR;".

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB12-017** be postponed indefinitely.

Local Government

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

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Education

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

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

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

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

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

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

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

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

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

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

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

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

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

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PURSUANT TO THIS SECTION.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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

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

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

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

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

Renumber succeeding sections accordingly.

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

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

Page 2, after line 13 insert:

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

Page 3, after line 11 insert:

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

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

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

Renumber succeeding sections accordingly.

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

Page 3, after line 21 insert:

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

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

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

	"activities; EXCEPT THAT THE REQUIREMENT OF WRITTEN CONSENT DOES NOT APPLY TO A STUDENT'S PARTICIPATION IN AN ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-407 OR 22-7-409 OR PART 10 OF ARTICLE 7 OF THIS TITLE."	1 2 3 4 5 6
Finance	After consideration on the merits, the Committee recommends that SB12-082 be postponed indefinitely.	7 8 9
Finance	After consideration on the merits, the Committee recommends that SB12-006 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	10 11 12 13
Finance	After consideration on the merits, the Committee recommends that SB12-086 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	14 15 16 17
Finance	After consideration on the merits, the Committee recommends that SB12-119 be postponed indefinitely.	18 19 20 21
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-132 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend printed bill, page 2, line 20, strike "application." and substitute "application; EXCEPT THAT THE TWELVE-MONTH DEADLINE DOES NOT APPLY TO AN APPLICATION FOR RENEWAL OF A PERMIT." Page 3, line 10, after "(7)" insert "and (8)". Page 3, line 13, strike "OR COMMISSION". Page 3, line 15, strike "COMPLETE." and substitute "COMPLETE; EXCEPT THAT NOTHING IN THIS SUBSECTION (7) APPLIES TO AN APPLICATION FOR RENEWAL OF A PERMIT." and strike "OR". Page 3, line 16, strike everything before "TO". Page 3, after line 18 insert: "(8) (a) IF THE DIVISION EXPERIENCES A BACKLOG IN PROCESSING WATER QUALITY PERMIT APPLICATIONS CAUSED BY AN OCCASIONAL NEED THAT IS SEASONAL, IRREGULAR, OR FLUCTUATING IN NATURE, AND THE DEPARTMENT DETERMINES OR REASONABLY EXPECTS THAT, AS A RESULT, PERMITS WOULD NOT BE ISSUED WITHIN STATUTORY TIME FRAMES, THE DIVISION MAY MAKE AVAILABLE TO AN APPLICANT THE OPTION TO HAVE THE APPLICANT'S PERMIT APPLICATION REVIEWED FOR ACCEPTANCE AS DEMONSTRATING COMPLIANCE BY A CONTRACT CONSULTANT SELECTED BY THE DIVISION IN LIEU OF THE REVIEW BEING CONDUCTED BY DIVISION STAFF. (b) THE DIVISION SHALL SELECT AND CONTRACT WITH NONGOVERNMENTAL ENGINEERS TO PERFORM PERMIT APPLICATION REVIEWS FOR APPLICANTS WHO CHOOSE CONTRACT CONSULTANT REVIEW OF THEIR PERMIT APPLICATION. THE DIVISION IS NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., IN SELECTING AND CONTRACTING WITH THE CONSULTANTS. THE DIVISION SHALL REVIEW AND EXCLUDE FROM CONSIDERATION AS A CONTRACT CONSULTANT ANY CONTRACTORS WITH A CONFLICT OF INTEREST REGARDING SUCH PERMIT APPLICATIONS. APPLICANTS THAT CHOOSE CONSULTANT REVIEW OF THEIR APPLICATION ARE RESPONSIBLE FOR BOTH THE CONSULTANT'S COSTS ASSOCIATED WITH THE REVIEW AS WELL AS THE DIVISION'S COSTS ASSOCIATED WITH THE REVIEW AND DETERMINATION OF THE PERMIT APPLICATION, TO BE PAID TO THE DIVISION. THE DIVISION SHALL TRANSFER THE MONEY TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE WATER QUALITY CONTROL FUND CREATED IN SECTION 25-8-502 (1) (c). (c) THE DIVISION SHALL USE THE RESULTS OF THE REVIEW CONDUCTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (8) FOR PURPOSES OF THE DIVISION'S PERMIT APPLICATION ANALYSIS."	22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1078** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, line 24, after "OR" insert "OTHER".

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

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

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

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

Page 4, strike line 4.

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

Page 4, after line 6 insert:

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

Health &
Human
Services

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

MESSAGE FROM THE HOUSE

February 9, 2012

Mr. President:

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

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

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

MESSAGE FROM THE REVISOR OF STATUTES

February 9, 2012

We herewith transmit:

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

THIRD READING OF BILLS -- FINAL PASSAGE --

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

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

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

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

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

The Committee of the Whole having risen, the Chairman reported that the following bills,

	reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:	1 2 3 4
SB12-037	by Senator(s) King S., Aguilar; also Representative(s) Young--Concerning the ability to dispense a controlled substance based on an electronically transmitted prescription drug order. Ordered engrossed and placed on the calendar for third reading and final passage.	5 6 7 8 9 10
SB12-055	by Senator(s) White, Aguilar, Giron, Guzman, Hudak, Newell, Nicholson, Spence, Steadman, Tochtrop, Williams S.; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund to appear on the state individual income tax return forms. Ordered engrossed and placed on the calendar for third reading and final passage.	11 12 13 14 15 16 17 18
SB12-040	by Senator(s) Bacon, Harvey, Renfroe, Schwartz; also Representative(s) Vigil, Brown, Sonnenberg--Concerning the qualification of certain state higher education facilities for state controlled maintenance funding. <u>Amendment No. 1, Education Committee Amendment.</u> (Printed in Senate Journal, February 6, page 94 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for third reading and final passage.	19 20 21 22 23 24 25 26 27 28 29
SB12-031	by Senator(s) White; --Concerning federal mineral lease districts. Ordered engrossed and placed on the calendar for third reading and final passage.	30 31 32 33 34
SB12-074	by Senator(s) Aguilar; also Representative(s) Gardner B.--Concerning services provided by a person designated by a person eligible for consumer-directed care services. <u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, February 7, page 98 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for third reading and final passage.	35 36 37 38 39 40 41 42 43 44
SB12-096	by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Levy, Becker, Gerou--Concerning the continuation of the office of information technology's authority to amend existing contracts for information technology resources. Ordered engrossed and placed on the calendar for third reading and final passage.	45 46 47 48 49 50 51
SB12-012	by Senator(s) King S., Guzman, Tochtrop; also Representative(s) Miklosi, Gardner D.--Concerning the department of revenue's audits of automobile emission inspection facilities. <u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, February 8, page 101 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for third reading and final passage.	52 53 54 55 56 57 58 59 60
SB12-064	by Senator(s) Nicholson; also Representative(s) Massey--Concerning the Colorado children's trust fund. Ordered engrossed and placed on the calendar for third reading and final passage.	61 62 63 64 65 66
SB12-111	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou--Concerning departmental reporting of full-time equivalent employees. Ordered engrossed and placed on the calendar for third reading and final passage.	67 68 69 70 71 72

SB12-112 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou--
Concerning the headnote definition of full-time equivalent employees used in the annual
general appropriation act.

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

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

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

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

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

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

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

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

The Committee of the Whole took the following action:

Passed on second reading: SB12-037, SB12-055, SB12-040 as amended, SB12-031,
SB12-074 as amended, SB12-096, SB12-012 as amended, SB12-064, SB12-111,
SB12-112, SB12-113, SB12-114.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

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

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, January 27, page 51 and placed in members' bill files.)

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

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

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-011, SB12-079, SB12-020, SB12-056, SB12-042, SB12-058, SB12-051, SB12-097, SB12-035, SB12-072, SB12-110, SB12-115) of Friday, February 10 was laid over until Monday, February 13, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

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

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

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

Page 3, after line 10 insert:

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

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

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

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

Amend printed bill, page 5, strike lines 5 through 16.
Renumber succeeding section accordingly.

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

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on second reading: SB12-015 as amended.
Laid over until February 13: SB12-011, SB12-079, SB12-020, SB12-056, SB12-042, SB12-058, SB12-051, SB12-097, SB12-035, SB12-072, SB12-110, SB12-115.

MESSAGE FROM THE HOUSE

February 10, 2012

The House has adopted and transmits herewith HJR12-1011.

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

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

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1011

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

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

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

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Co-sponsors added: Aguilar, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman,
Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Mitchell, Morse, Neville,
Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop,
White, Williams S. and Shaffer B.

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MESSAGE FROM THE REVISOR OF STATUTES

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February 10, 2012

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We herewith transmit:

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

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INTRODUCTION OF BILLS -- FIRST READING

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

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HB12-1180

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

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HB12-1181

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

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HB12-1182

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

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HB12-1183

by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the offices of the governor, lieutenant governor,
and state planning and budgeting.
Appropriations

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

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

34th Legislative Day Monday, February 13, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Lambert.

Roll Call Present--34
Absent--1, Tochtrop.
Present later--1, Tochtrop.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Friday, February 10, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB12-1180** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1181** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1182** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1183** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1184** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1185** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1186** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1187** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1188** be referred to the Committee of the Whole with favorable recommendation.

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

	strike " \$48,891,749 " and substitute "\$48,891,749".	1
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	Page 37, line 13, in the TOTAL column strike "\$189,211,430" and	3
	substitute "\$188,760,046" and in the CAPITAL CONSTRUCTION	4
	FUND column strike "\$49,343,133".	5
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1201 be referred	8
	to the Committee of the Whole with favorable recommendation.	9
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1202 be	12
	amended as follows, and as so amended, be referred to the Committee of the Whole with	13
	favorable recommendation.	14
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	Amend reengrossed bill, page 5, line 10, in the TOTAL column strike	16
	" 3,517,360,117 " and substitute " 3,523,622,209 ", in the GENERAL	17
	FUND column strike "986,596,227(M)" and substitute "985,981,237(M)",	18
	in the CASH FUNDS column strike " 510,742,466 " and substitute	19
	" 513,383,953 ", and in the FEDERAL FUNDS column strike	20
	" 1,732,744,299 " and substitute " 1,736,979,894 ".	21
		22
	Page 5, line 11, in the TOTAL column strike "3,517,937,433" and	23
	substitute "3,524,199,525", in CASH FUNDS column strike	24
	"511,031,124 ^b " and substitute "513,672,611 ^b ", and in the FEDERAL	25
	FUNDS column strike "1,733,032,957" and substitute "1,737,268,552".	26
		27
	Page 7, line 3, in the TOTAL column strike " \$5,088,359,133 " and	28
	substitute " \$5,078,724,985 ", in the GENERAL FUND column strike	29
	"\$1,472,269,060" and substitute "\$1,471,654,070", in the CASH FUNDS	30
	column strike " \$799,659,065 " and substitute " \$794,352,432 ", and in the	31
	FEDERAL FUNDS column strike " \$2,526,142,573 " and substitute	32
	" \$2,522,430,048 ".	33
		34
	Page 7, line 4, in the TOTAL column strike "\$5,088,936,449" and	35
	substitute "\$5,079,302,301", in the CASH FUNDS column strike	36
	"\$799,947,723" and substitute "\$794,641,090", and in the FEDERAL	37
	FUNDS column strike "\$2,526,431,231" and substitute "\$2,522,718,706".	38
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	Page 1, line 105, strike " PROGRAM. " and substitute " PROGRAM, AND, IN	40
	CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS. ".	41
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1203 be referred	44
	to the Committee of the Whole with favorable recommendation.	45
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	THIRD READING OF BILLS -- FINAL PASSAGE --	50
	CONSENT CALENDAR	51
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	On third reading, the titles of the following bills were publicly read, the reading at length	53
	having been dispensed with by unanimous consent:	54
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SB12-037	by Senator(s) King S., Aguilar; also Representative(s) Young--Concerning the ability to	57
	dispense a controlled substance based on an electronically transmitted prescription drug	58
	order.	59
		60
	The question being "Shall the bill pass?", the roll call was taken with the following result:	61
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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

SB12-055 by Senator(s) White, Aguilar, Giron, Guzman, Hudak, Newell, Nicholson, Spence, Steadman, Tochtrop, Williams S.; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund to appear on the state individual income tax return forms.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

SB12-074 by Senator(s) Aguilar; also Representative(s) Gardner B.--Concerning services provided by a person designated by a person eligible for consumer-directed care services.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

SB12-096 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Levy, Becker, Gerou--
Concerning the continuation of the office of information technology's authority to amend
existing contracts for information technology resources.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB12-012 by Senator(s) King S., Guzman, Tochtrop; also Representative(s) Miklosi, Gardner D.--
Concerning the department of revenue's audits of automobile emission inspection facilities.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Williams S.

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB12-112 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou--
Concerning the headnote definition of full-time equivalent employees used in the annual general appropriation act.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

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

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

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

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

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

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

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

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

Renumber succeeding sections accordingly.

Page 14, strike lines 21 through 27.

Strike page 15.

Page 16, strike lines 1 through 6 and substitute:

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

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

SB12-040 by Senator(s) Bacon, Harvey, Renfroe, Schwartz; also Representative(s) Vigil, Brown, Sonnenberg--Concerning the qualification of certain state higher education facilities for state controlled maintenance funding.

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

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

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

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

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

Renumber succeeding sections accordingly.

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Newell

MESSAGE FROM THE HOUSE

February 13, 2012

The House has adopted and transmits herewith HJR12-1012.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

MESSAGE FROM THE HOUSE

February 13, 2012

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

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

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

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

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

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

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

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

Strike page 4 and substitute:

"SECTION 2. In Colorado Revised Statutes, 36-1-116, amend
(1) (a) (II) (B) and (1) (c) as follows:
**36-1-116. Disposition of rentals, royalties, and timber sale
proceeds.** (1) (a) (II) (B) For the ~~2008-09 state fiscal year through the~~
2012-13 state fiscal year, all proceeds received by the state for the sale of
timber on public school lands, rental payments for the use and occupation
of the surface of said lands, and rentals or lease payments for sand,
gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or
other minerals on said lands other than proceeds, rentals, and payments
allocated to the state land board trust administration fund pursuant to
section 36-1-145 (3) or credited to the public school capital construction
assistance fund created in section 22-43.7-104 (1), C.R.S., pursuant to
section 22-43.7-104 (2) (b) (I), C.R.S., shall be transferred to the state
public school fund created in section 22-54-114, C.R.S.
(c) (I) FOR THE 2011-12 STATE FISCAL YEAR, THE FIRST
TWENTY-ONE MILLION DOLLARS OF ROYALTIES AND OTHER PAYMENTS FOR
THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC
SCHOOL LANDS IN EXCESS OF THE MONEYS CREDITED TO THE STATE LAND
BOARD TRUST ADMINISTRATION FUND PURSUANT TO SECTION 36-1-145 (3),
CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE
FUND CREATED IN SECTION 22-43.7-104 (1), C.R.S., PURSUANT TO SECTION
22-43.7-104 (2) (b) (I), C.R.S., AND CREDITED AS SPECIFIED IN
SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE
TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION
22-54-114, C.R.S. ANY AMOUNT OF ROYALTIES AND OTHER PAYMENTS
FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON PUBLIC
SCHOOL LANDS IN EXCESS OF THE AMOUNTS DESCRIBED IN THIS
SUBPARAGRAPH (I) SHALL BE CREDITED TO THE PERMANENT SCHOOL FUND
AND SHALL BECOME PART OF THE PRINCIPAL OF THE PERMANENT SCHOOL
FUND.
(II) For the ~~2008-09 state fiscal year through the~~ 2012-13 state
fiscal year, royalties and other payments for the depletion or extraction of
a natural resource on public school lands not allocated to the state land
board trust administration fund pursuant to section 36-1-145 (3), not
credited to the public school capital construction assistance fund created
in section 22-43.7-104 (1), C.R.S., pursuant to section 22-43.7-104 (2) (b)
(I), C.R.S., and not credited as specified in subparagraph (II) of paragraph
(b) of this subsection (1) shall be transferred to the state public school
fund created in section 22-54-114, C.R.S."

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

SB12-011 by Senator(s) Spence; also Representative(s) Summers--Concerning the differential
response pilot program for child abuse or neglect cases of low or moderate risk.
Laid over until Tuesday, February 14, retaining its place on the calendar.

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

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 1, page 74 and placed in members' bill files.)

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

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

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 2, page 79 and placed in members' bill files.)

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

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

"Page 4, strike lines 17 through 21.

Reletter succeeding paragraphs accordingly.

Page 5, strike lines 10 through 15.

Reletter succeeding paragraphs accordingly.

Page 6, strike lines 23 through 27.

Page 7, strike lines 1 through 8.

Renumber succeeding bill sections accordingly."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB12-072	by Senator(s) Lambert, Newell, Grantham, Scheffel, Cadman, Aguilar, King K., Lundberg, Neville, Renfroe; also Representative(s) Stephens, Holbert, Joshi, Looper, DelGrosso, Gerou--Concerning the Colorado mounted rangers.	1 2 3 4
	Laid over until Tuesday, February 14, retaining its place on the calendar.	5 6 7
SB12-110	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Levy, Becker, Gerou--Concerning a fund consisting of surcharges on insurance premiums to pay for costs associated with criminal prosecution of insurance fraud investigations, and, in connection therewith, making an appropriation.	8 9 10 11 12
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, February 8, page 102 and placed in members' bill files.)	13 14 15
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	16 17 18
SB12-115	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy--Concerning a requirement that the limited gaming control commission take into account the impact on all authorized recipients of gaming tax revenue when considering changes in rules governing the taxes on limited gaming activity.	19 20 21 22 23
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, February 9, page 107 and placed in members' bill files.)	24 25 26
	<u>Amendment No. 2(L.002), by Senator Steadman.</u>	27 28 29
	Amend the Appropriations Committee Report, dated February 3, 2012, page 1, line 2, strike "EXTENDED".	30 31 32
	Page 1, line 3, strike "PROCEEDS." and substitute "PROCEEDS, INCLUDING THOSE FROM EXTENDED LIMITED GAMING.".	33 34 35 36
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	37 38 39 40
SB12-122	by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn, Lundberg, Newell, Nicholson, Roberts, Steadman; also Representative(s) DelGrosso--Concerning avoiding potential conflicts of interest in the provision of services to a person on probation.	41 42 43 44
	Laid over until February 14, retaining its place on the calendar.	45 46 47
	<hr/>	48
	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-131, SB12-061, SB12-146) of Monday, February 13 was laid over until Tuesday, February 14, retaining its place on the calendar.	49 50 51 52 53
	<hr/>	54 55 56
	ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE	57
	On motion of Senator Schwartz, the report of the Committee of the Whole was adopted on the following roll call vote:	58 59 60 61 62

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

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

SENATE SERVICES REPORT

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

MESSAGE FROM THE REVISOR OF STATUTES

February 13, 2012

We herewith transmit:

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

INTRODUCTION OF BILLS -- FIRST READING

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

- HB12-1008

by Representative(s) Acree; also Senator(s) Jahn--Concerning additional methods for providing input to executive branch agencies about proposed rules, and, in connection therewith, directing agencies to establish representative groups to evaluate and comment on proposed rules, requiring agencies to notify the general assembly of any rule-making that results in increases in fees or fines, and requiring agencies to submit departmental regulatory agendas to the general assembly.
Finance
- HB12-1018

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

HB12-1031	by Representative(s) Peniston, Labuda, Duran, Ramirez, Schafer S.; also Senator(s) Tochtrop, King S., Morse--Concerning the authority of the board of the fire and police pension association to make amendments to plans for the administration of benefits. Finance	1
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HB12-1032	by Representative(s) Hamner; also Senator(s) Nicholson--Concerning continuation of forestry-related programs, and, in connection therewith, making an appropriation. Agriculture, Natural Resources, and Energy	7
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HB12-1053	by Representative(s) Gardner B.; also Senator(s) Giron--Concerning the victims' rights act. Judiciary	13
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HB12-1058	by Representative(s) Joshi; also Senator(s) Nicholson--Concerning the requirement that the department of public health and environment provide infant eye prophylaxis. Health and Human Services	17
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HB12-1073	by Representative(s) Brown; also Senator(s) Roberts--Concerning the transfer of a judgeship from the first judicial district to the sixth judicial district. Judiciary	23
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HB12-1077	by Representative(s) Gardner B., Barker, Duran, Labuda, Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, King S., White--Concerning modifications to the investment confidentiality provisions related to police officers' and firefighters' pension plans. Finance	28
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HB12-1090	by Representative(s) Pace; also Senator(s) Newell--Concerning the annual date for establishing the total pupil enrollment of each public school. Education	34
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HB12-1096	by Representative(s) Kerr A., Acree, Beezley, Conti, DelGrosso, Hullinghorst, Joshi, Kagan, Kefalas, Labuda, McCann, Pabon, Swalm, Swerdfeger; also Senator(s) Brophy--Concerning an extension of the period for which the voluntary contribution designation line benefiting the Make-A-Wish Foundation of Colorado fund appears on state individual income tax return forms. Finance	38
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HB12-1100	by Representative(s) Summers; also Senator(s) Aguilar--Concerning the admissibility in criminal proceedings of the results of a prenatal screening for illegal substances. Judiciary	46
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HB12-1104	by Representative(s) Swerdfeger, Acree, Conti, Hullinghorst, Kagan, Kefalas, Pabon, Swalm; also Senator(s) Giron--Concerning a change to the voluntary contribution designation benefiting the Colorado breast and women's reproductive cancers fund, and, in connection therewith, changing the name of the fund to the Colorado cancer fund and expanding the purpose of the fund to include furtherance of the Colorado Cancer Coalition's work on behalf of the cancer community. Health and Human Services	51
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HB12-1127	by Representative(s) Liston, Priola, Holbert, Swalm, Swerdfeger, Szabo; also Senator(s) Williams S.--Concerning elimination of an increase in the unemployment insurance premium rate for new employers. Business, Labor and Technology	60
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HB12-1177	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--	1
	Concerning a grant program to provide home care allowance benefits to certain eligible	2
	individuals, and, in connection therewith, making and reducing appropriations.	3
	Health and Human Services	4
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	On motion of Senator Morse, and with a majority of those elected to the Senate having	9
	voted in the affirmative, the balance of the calendar of Monday, February 13 was laid over	10
	until Tuesday, February 14, retaining its place on the calendar.	11
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	Consideration of Resolutions: SJR12-006, SJR12-007, HJR12-1010.	13
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	On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 14,	18
	2012.	19
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	Approved:	21
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	Brandon C. Shaffer	25
	President of the Senate	26
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	Attest:	28
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	Cindi L. Markwell	32
	Secretary of the Senate	33

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

35th Legislative Day Tuesday, February 14, 2012

Prayer By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Lambert.

Roll Call Present--33
Excused--2, Mitchell, Scheffel.
Present later--2, Mitchell, Scheffel.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Monday, February 13, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB12-135** be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB12-123** be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB12-080** be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that **SB12-003** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 27, strike "HAS ACCESS TO MONEY".

Page 5, strike line 1 and substitute "IS WITH A BANK OR IS OTHERWISE IN THE FINANCIAL SERVICES SECTOR OR IF THE PERSON'S CONSUMER CREDIT INFORMATION IS OTHERWISE REQUIRED BY A DEFENSE OR SECURITY CONTRACT, INCLUDING CONTRACTS WITH THE FEDERAL DEPARTMENT OF DEFENSE."

Judiciary After consideration on the merits, the Committee recommends that **SB12-105** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 5, line 22, strike "OR".	1
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Page 5, line 25, strike "16-24-106." and substitute "16-24-106;".	3
	4
Page 5, after line 25 insert:	5
"(d) INVALIDATING OR CHANGING THE REQUIREMENTS IMPOSED BY	6
THE "COLORADO SEX OFFENDER REGISTRATION ACT", ARTICLE 22 OF THIS	7
TITLE, OR ANY ASSOCIATED REGULATIONS; OR	8
(e) A CHALLENGE TO THE CONDITIONS OF PROBATION IMPOSED	9
PURSUANT TO SECTION 18-1.3-204, C.R.S., OR THE CONDITIONS OF PAROLE	10
IMPOSED PURSUANT TO ARTICLE 17, C.R.S.".	11
	12
Page 6, after line 4 insert:	13
"(4) A COURT'S DECISION DENYING OR GRANTING RELIEF	14
PURSUANT TO SECTIONS 16-24-107 AND 16-24-108 IS NOT PART OF THE	15
DEFENDANT'S CRIMINAL CASE AND MAY NOT BE APPEALED.".	16
	17
Page 7, strike lines 16 through 18.	18
	19
Reletter succeeding paragraph accordingly.	20
	21
Page 8, line 16, strike "(3)" and substitute "(3) (a)".	22
	23
Page 8, after line 22 insert:	24
"(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ORDER	25
OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL	26
CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF	27
EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR	28
EMPLOYMENT WITH THE JUDICIAL DEPARTMENT.".	29
	30
Page 8, line 25, strike "COLORADO INTEGRATED CRIMINAL" and substitute	31
"COLORADO CRIME INFORMATION CENTER, ".	32
	33
Page 8, line 26, strike "JUSTICE INFORMATION SYSTEM, ".	34
	35
Page 8, line 27, strike "CRIMINAL" and substitute "COLORADO CRIME	36
INFORMATION CENTER.".	37
	38
Page 9, strike line 1.	39
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Page 9, after line 1 insert:	41
"(5) THE COURT MAY REVOKE AN ORDER OF COLLATERAL RELIEF	42
UPON CLEAR AND CONVINCING EVIDENCE OF A SUBSEQUENT CRIMINAL	43
CONVICTION OR PROOF THAT THE HOLDER OF THE JUDGMENT HAS BECOME	44
A PRESENT RISK TO PUBLIC SAFETY. ANY BARS, PROHIBITIONS, SANCTIONS,	45
AND DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF	46
THE DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL	47
PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER.".	48
	49
Page 9, line 10, strike "(2)" and substitute "(2) (a)".	50
	51
Page 9, after line 17 insert:	52
"(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A	53
CERTIFICATE OF REHABILITATION CANNOT RELIEVE ANY COLLATERAL	54
CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF	55
EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR	56
EMPLOYMENT WITH THE JUDICIAL DEPARTMENT.".	57
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Page 11, line 9, strike "THAT RESULTED IN" and substitute "THAT	59
INCLUDES AN ELEMENT THAT REQUIRES A VICTIM TO SUFFER"	60
	61
Page 11, line 10, strike "INJURY OF ANOTHER;" and substitute "INJURY;".	62
	63
Page 12, line 6, strike "APPLICATION." and substitute "APPLICATION AND	64
MAY HEAR ARGUMENT FROM THE PETITIONER AND THE DISTRICT	65
ATTORNEY.".	66
	67
Page 13, line 1, strike "COLORADO INTEGRATED CRIMINAL" and substitute	68
"COLORADO CRIME INFORMATION CENTER, ".	69
	70
Page 13, line 2, strike "JUSTICE INFORMATION SYSTEM, ".	71
	72

Page 13, line 3, strike "CRIMINAL" and substitute "COLORADO CRIME INFORMATION CENTER."

Page 13, strike line 4.

Page 13, strike lines 10 through 19.

Renumber succeeding sections accordingly.

Page 15, line 22, strike "**convictions**" and substitute "**convictions.**"

Page 15, strike line 23.

Page 16, after line 20 insert:
"(III) A PETITION TO SEAL RECORDS PURSUANT TO THIS SECTION MAY ONLY BE FILED ONCE DURING A TWELVE MONTH PERIOD. THE COURT SHALL IMMEDIATELY DISMISS A SECOND OR SUBSEQUENT PETITION FILED WITHIN TWELVE MONTHS OF ANOTHER PETITION."

Renumber succeeding subparagraph accordingly.

Page 22, after line 24 insert:
"**SECTION 5.** In Colorado Revised Statutes, 8-2-201, **add** (3) as follows:
8-2-201. Damages - fellow servant rule abolished - limitation on admission of criminal history. (3) IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING ALLEGING NEGLIGENCE OR OTHER FAULT, AN ORDER OF COLLATERAL RELIEF OR A CERTIFICATE OF REHABILITATION ISSUED UNDER ARTICLE 24 OF TITLE 16 MAY BE INTRODUCED AS EVIDENCE OF A PERSON'S DUE CARE IN HIRING, RETAINING, LICENSING, LEASING TO, ADMITTING TO A SCHOOL OR PROGRAM, OR OTHERWISE TRANSACTING BUSINESS OR ENGAGING IN ACTIVITY WITH THE INDIVIDUAL TO WHOM THE ORDER OR CERTIFICATE WAS ISSUED, IF THE PERSON KNEW OF THE ORDER OR CERTIFICATE AT THE TIME OF THE ALLEGED NEGLIGENCE OR OTHER FAULT.
SECTION 6. In Colorado Revised Statutes, 24-5-101, **add** (3) as follows:
24-5-101. Effect of criminal conviction on employment rights. (3) WHENEVER A STATE OR LOCAL AGENCY IS REQUIRED TO MAKE A FINDING DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN ORDER OF COLLATERAL RELIEF OR A CERTIFICATE OF REHABILITATION ISSUED UNDER ARTICLE 24 OF TITLE 16, IF ISSUED TO A PERSON SEEKING EMPLOYMENT AND APPLICABLE TO THE TYPE OF EMPLOYMENT SOUGHT, SHALL CREATE A PRESUMPTION THAT THE PERSON IS OF GOOD MORAL CHARACTER AS IT RELATES TO THE EMPLOYMENT SOUGHT.
SECTION 7. In Colorado Revised Statutes, 24-72-308, **amend** (1) (a) (I) and (1) (a) (III) introductory portion as follows:
24-72-308. Sealing of arrest and criminal records other than convictions. (1) (a) (I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), any person in interest may petition the district court of the district in which any arrest and criminal records information pertaining to said person in interest is located for the sealing of all of said records, except basic identification information, if the records are a record of official actions involving a criminal offense for which said person in interest was not charged AND THE STATUTE OF LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS RUN, in any case which was completely dismissed, or in any case in which said person in interest was acquitted.
(III) A person in interest may petition the district court of the district in which any arrest and criminal records information pertaining to said person in interest is located for the sealing of all of said records, except basic identification information, if the records are a record of official actions involving ~~a criminal offense that was not charged or a case that was dismissed due to a plea agreement in a separate case, and if:~~"

Renumber succeeding section accordingly.

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- Judiciary
- After consideration on the merits, the Committee recommends that **SB12-069** be postponed indefinitely.
- Business, Labor, & Technology
- After consideration on the merits, the Committee recommends that **SB12-144** be referred to the Committee on Appropriations with favorable recommendation.

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:

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

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Hudak, Jahn, Schwartz, White and Williams S.

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

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, King K., Lambert, Newell, Roberts, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

RECONSIDERATION OF SB12-145

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

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-145.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

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

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Giron, Guzman, Hudak, Newell and Williams S.

RECONSIDERATION OF HB12-1001

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

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1001.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Guzman, Heath, King K., Lambert, Newell, White and Williams S.

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

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	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	Y		

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

Co-sponsors added: Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Mitchell, Morse, Newell, Roberts, Schwartz, Spence, Tochtrop, White and Williams S.

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

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Guzman, Hudak, Newell, Roberts, Tochtrop, White and Williams S.

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

Laid over until Wednesday, February 15, retaining its place on the calendar.

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Carroll, Guzman, Newell and Schwartz.

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Cadman, Giron, Guzman, Heath, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Roberts, Scheffel, Schwartz, Spence, Tochtrop, White, Williams S. and Shaffer B.

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

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	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.	N	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

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

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**.

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

SJR12-007 by Senator(s) Giron; also Representative(s) Stephens--Concerning awareness of heart disease, and, in connection therewith, declaring February 2012 as "American Heart Month" and February 3, 2012, as "National Wear Red Day".

On motion of Senator Giron, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1180, HB12-1182, HB12-1183, HB12-1184, HB12-1185, HB12-1186, HB12-1187, HB12-1188, HB12-1189, HB12-1190, HB12-1191, HB12-1192, HB12-1193, HB12-1194, HB12-1195, HB12-1196, HB12-1197, HB12-1199, HB12-1200, HB12-1201, HB12-1202, and HB12-1203 were made Special Orders at 9:27 a.m.

Committee of the Whole The hour of 9:27 a.m. having arrived, Senator Nicholson moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Nicholson was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1180 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of agriculture.

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

HB12-1182	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of education.	1
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	Ordered revised and placed on the calendar for third reading and final passage.	4
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HB12-1183	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.	7
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	Ordered revised and placed on the calendar for third reading and final passage.	10
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HB12-1184	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of health care policy and financing.	13
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	Ordered revised and placed on the calendar for third reading and final passage.	16
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HB12-1185	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of higher education.	19
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	Ordered revised and placed on the calendar for third reading and final passage.	22
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HB12-1186	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of human services.	25
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	Ordered revised and placed on the calendar for third reading and final passage.	28
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HB12-1187	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the judicial department.	31
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	Ordered revised and placed on the calendar for third reading and final passage.	34
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HB12-1188	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of labor and employment.	37
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	Ordered revised and placed on the calendar for third reading and final passage.	40
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HB12-1189	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of law.	43
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	Ordered revised and placed on the calendar for third reading and final passage.	46
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HB12-1190	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning supplemental appropriation to the department of local affairs.	49
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	Ordered revised and placed on the calendar for third reading and final passage.	52
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HB12-1191	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of military and veterans affairs.	55
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	Ordered revised and placed on the calendar for third reading and final passage.	58
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HB12-1192	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of natural resources.	61
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	Ordered revised and placed on the calendar for third reading and final passage.	64
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- HB12-1193** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of personnel and administration.
Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1194** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of public health and
environment.
Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1195** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of public safety.
Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1196** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of regulatory agencies.
Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1197** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of revenue.
Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1199** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of the treasury.
Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1200** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning funding for capital construction, and making supplemental appropriations in
connection therewith.
Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 13, pages 130-131 and placed in members' bill files.)
As amended, ordered revised and placed on the calendar for third reading and final
passage.
- HB12-1201** by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--
Concerning adjustments in the amount of total program funding for public schools for the
2011-12 budget year, and, in connection therewith, making and reducing appropriations.
Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1202** by Representative(s) Levy, Becker, Gerou; also Senator(s) Lambert, Hodge, Steadman--
Concerning authorization for the appropriation of tobacco education program fund moneys
to the department of health care policy and financing in order to obtain federal matching
funds for the Colorado quitline program, and, in connection therewith, making and reducing
appropriations.
Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 13, page 131 and placed in members' bill files.)
As amended, ordered revised and placed on the calendar for third reading and final
passage.

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

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Nicholson, 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	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1180, HB12-1182, HB12-1183, HB12-1184, HB12-1185, HB12-1186, HB12-1187, HB12-1188, HB12-1189, HB12-1190, HB12-1191, HB12-1192, HB12-1193, HB12-1194, HB12-1195, HB12-1196, HB12-1197, HB12-1199, HB12-1200 as amended, HB12-1201, HB12-1202 as amended, and HB12-1203.

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-149 by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in which the board of a defined benefit plan or system created by a local government may modify retirement benefit provisions of the plan or system.

Finance

HB12-1024 by Representative(s) Szabo; also Senator(s) Spence--Concerning a requirement that the ballot title of a statewide measure be written in plain language.
State, Veterans & Military Affairs

HB12-1034 by Representative(s) Looper, Fischer, Hamner, Jones, Ramirez, Tyler, Vaad, Young; also Senator(s) Spence, Hudak, King S., Williams S.--Concerning continuing the processors and end users fund that encourages recycling of waste tires.

Transportation

HB12-1047 by Representative(s) Kefalas, Gardner B.; also Senator(s) Newell--Concerning the waiver of non-safety licensing standards for kinship foster care.
Health and Human Services

HB12-1061 by Representative(s) Kagan; also Senator(s) Newell--Concerning requiring a report of the correlation between the educational credentials issued and the state's workforce needs.
Business, Labor and Technology

- HB12-1071** by Representative(s) Liston; also Senator(s) Jahn--Concerning portable electronics insurance.
Business, Labor and Technology
- HB12-1088** by Representative(s) Holbert and Becker, Baumgardner, Sonnenberg, McKinley, Scott, Balmer, Looper, Liston, Coram, Stephens, Acree, Barker, Beezley, Brown, Joshi, McNulty, Priola, Ramirez, Swalm; also Senator(s) Grantham--Concerning the use of deadly physical force against a person who makes an illegal entry into a place of business.
State, Veterans & Military Affairs
- HB12-1089** by Representative(s) Court; also Senator(s) Steadman--Concerning the specific wording related to a statewide ballot title.
State, Veterans & Military Affairs
- HB12-1147** by Representative(s) Williams A., Court, Fields, Hunninghorst, Kerr A., McCann, Schafer S., Solano, Todd, Wilson, Brown, Casso, Fischer, Hamner, Kagan, Labuda, Miklosi, Pabon, Ryden, Szabo, Tyler, Vigil, Young; also Senator(s) Foster, Guzman, Johnston, Spence, Tochtrop--Concerning the designation of the western tiger salamander as the state amphibian.
Agriculture, Natural Resources, and Energy
- HB12-1158** by Representative(s) Baumgardner, Scott, Brown, Joshi; also Senator(s) Giron and Grantham--Concerning the regulation of producers of materials that may be used in commercial livestock feed, and, in connection therewith, repealing the "Colorado Inedible Meat Rendering and Processing Act of 1967" and relocating some of its provisions to the "Colorado Feed Law".
Agriculture, Natural Resources, and Energy
- HB12-1212** by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the designation of an on-line education program as a multi-district program if the program is authorized by a board of cooperative services.
Education

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

- SJR12-014** by Senator(s) Aguilar, Steadman, Boyd, Foster, Guzman, Johnston, Mitchell, Nicholson, Roberts, Spence, White; also Representative(s) Gardner B., Swalm, Szabo, Jones, Kefalas, Kerr A., Todd--Concerning Colorado's community health centers.

Laid over one day under Senate Rule 30(b).

SENATE SERVICES REPORT

Correctly Engrossed: SB12-020, 035, 042, 058, 079, 097, 110, 115 and 145.

Correctly Reengrossed: SB12-012, 030, 037, 040, 055, 064, 074, 096, 111, 112, 113 and 114.

Correctly Revised: HB12-1001; HJR12-1012.

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, February 14 was laid over
until Wednesday, February 15, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1078,
SB12-067.
General Orders -- Second Reading of Bills: SB12-011, SB12-051, SB12-072,
SB12-122, SB12-131, SB12-061, SB12-146, SB12-099, SB12-045, SB12-036,
SB12-022.
Consideration of Resolutions: SJR12-006, HJR12-1010.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February
15, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

36th Legislative Day

Wednesday, February 15, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By LeAnne Miller, Fort Collins.

Roll Call Present--34
Excused--1, White.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Tuesday, February 14, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-038** 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 3, strike "CUSTOMERS" and substitute "PROPERTY OWNERS".

Page 3, line 6, strike "CONSUMERS" and substitute "PROPERTY OWNERS".

Page 3, line 12, strike "A" and substitute "AN INSURANCE".

Page 3, line 13, strike "CUSTOMER'S" and substitute "PROPERTY OWNER'S".

Page 3, after line 17 insert:

"(1) "PROPERTY OWNER" MEANS THE OWNER OF RESIDENTIAL PROPERTY OR THE OWNER'S LEGAL REPRESENTATIVE."

Page 3, line 18, strike "(1)" and substitute "(2) (a)".

Page 3, line 19, strike "(a)" and substitute "(I)".

Page 3, line 20, strike "(b)" and substitute "(II)".

Page 3, after line 22 insert:

"(b) "RESIDENTIAL PROPERTY" DOES NOT INCLUDE:
(I) A MULTIPLE ATTACHED SINGLE-FAMILY DWELLING
CONTROLLED BY A HOMEOWNERS' ASSOCIATION; OR
(II) NEW CONSTRUCTION.".

Page 3, line 23, strike "(2)" and substitute "(3)".

Renumber succeeding subsection accordingly.

Page 4, line 10, strike "AND REGULATIONS" and substitute "REGULATIONS."

AND ROOFING INDUSTRY STANDARDS FOR WORKMANLIKE PERFORMANCE".

Page 4, line 19, strike "CLIENT," and substitute "PROPERTY OWNER,".

Page 4, line 20, strike "CLIENT," and substitute "PROPERTY OWNER,".

Page 4, line 24, before "COSTS" insert "APPROXIMATE" and strike "SERVICES;" and substitute "SERVICES BASED ON DAMAGES KNOWN AT THE TIME THE CONTRACT IS ENTERED;".

Page 5, line 7, strike "CLIENT" and substitute "PROPERTY OWNER".

Page 5, line 10, strike "CLIENT MAY CANCEL" and substitute "PROPERTY OWNER MAY RESCIND".

Page 5, line 12, strike "CLIENT" and substitute "PROPERTY OWNER".

Page 5, line 13, strike "OR" and substitute "AND".

Page 5, line 18, before "CLAIM" insert "INSURANCE".

Page 5, after line 19 insert:

"(2) IN ADDITION TO THE CONTRACT TERMS REQUIRED IN SUBSECTION (1) OF THIS SECTION, A ROOFING CONTRACTOR SHALL INCLUDE, ON THE FACE OF THE CONTRACT, IN BOLD-FACED TYPE, A STATEMENT INDICATING THAT THE ROOFING CONTRACTOR SHALL HOLD IN TRUST ANY PAYMENT FROM THE PROPERTY OWNER UNTIL THE ROOFING CONTRACTOR HAS DELIVERED ROOFING MATERIALS AT THE RESIDENTIAL PROPERTY SITE OR HAS PERFORMED A MAJORITY OF THE ROOFING WORK ON THE RESIDENTIAL PROPERTY.".

Page 5, line 21, strike "**cancel**" and substitute "**rescind**".

Page 5, line 22, strike "PERSON" and substitute "PROPERTY OWNER".

Page 5, line 23, strike "PERSON'S" and substitute "PROPERTY OWNER'S".

Page 5, line 26, strike "CANCEL" and substitute "RESCIND".

Page 5, line 27, strike "PERSON" and substitute "PROPERTY OWNER".

Page 6, line 3, strike "PERSON" and substitute "PROPERTY OWNER".

Page 6, line 4, strike "CANCELLATION" and substitute "RESCISSION".

Page 6, line 7, strike "PERSON" and substitute "PROPERTY OWNER" and strike "CANCELLATION" and substitute "RESCISSION".

Page 6, line 15, strike "CANCELLATION" and substitute "RESCISSION".

Page 6, line 17, strike "PERSON" and substitute "PROPERTY OWNER".

Page 6, line 18, strike "PERSON" and substitute "PROPERTY OWNER".

Page 6, line 22, strike "PERSON" and substitute "PROPERTY OWNER".

Page 6, line 23, strike "PROPERTY," and substitute "PROPERTY IN A WORKMANLIKE MANNER CONSISTENT WITH STANDARD ROOFING INDUSTRY PRACTICES,".

Page 6, after line 26 insert:

"(4) NOTHING IN THIS SECTION ABROGATES THE ROOFING CONTRACTOR'S RIGHT TO PURSUE COMMON LAW REMEDIES FOR THE REASONABLE VALUE OF ROOFING MATERIALS ORDERED AND ACTUALLY INSTALLED ON THE RESIDENTIAL PROPERTY PURSUANT TO A CONTRACT

FOR ROOFING WORK BEFORE THE PROPERTY OWNER RESCINDED THE CONTRACT, AS LONG AS THE ROOFING CONTRACTOR PERFORMED THE ROOFING SERVICES CONSISTENT WITH ROOFING INDUSTRY STANDARDS FOR WORKMANLIKE PERFORMANCE OF ROOFING SERVICES.

(5) NOTHING IN THIS SECTION ABROGATES A PROPERTY AND CASUALTY INSURER'S DUTIES, RESPONSIBILITIES, OR LIABILITY UNDER SECTIONS 10-3-1115 AND 10-3-1116, C.R.S."

Page 7, line 2, strike "OR" and substitute "AND".

Page 7, line 10, strike "INSURED" and substitute "PROPERTY OWNER".

Page 7, line 14, strike "PERSON" and substitute "PROPERTY OWNER WHOSE RESIDENTIAL PROPERTY IS" and strike "OR" and substitute "AND".

Page 7, line 18, strike "INSURED" and substitute "PROPERTY OWNER".

Page 7, line 24, after "ADJUSTER." add "NOTHING IN THIS SUBSECTION (3) PRECLUDES A ROOFING CONTRACTOR FROM DISCUSSING, ON BEHALF OF THE PROPERTY OWNER, THE SCOPE OF REPAIRS WITH A PROPERTY AND CASUALTY INSURER WHEN THE ROOFING CONTRACTOR HAS A VALID CONTRACT WITH THE PROPERTY OWNER OF THE RESIDENTIAL PROPERTY ON WHICH THE ROOFING CONTRACTOR HAS CONTRACTED TO PERFORM ROOFING WORK."

Finance After consideration on the merits, the Committee recommends that **SB12-075** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB12-084** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB12-136** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB12-137** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB12-104** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 2, line 15, strike "Each fiscal year, the" and substitute "~~Each fiscal year, The~~".

Page 2, line 17, strike "the savings generated by" and substitute "~~the savings generated by~~ AT LEAST THIRTEEN MILLION SIX HUNDRED FORTY-NINE THOUSAND ONE HUNDRED FORTY-NINE DOLLARS IN FISCAL YEAR 2012-13, AT LEAST SIXTEEN MILLION FIVE HUNDRED SEVENTY-SIX THOUSAND FIVE HUNDRED EIGHTY-ONE DOLLARS IN FISCAL YEAR 2013-14, AND AT LEAST SIXTEEN MILLION EIGHT HUNDRED TWENTY-FIVE THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS IN FISCAL YEAR 2014-15 AND EACH YEAR THEREAFTER GENERATED FROM ESTIMATED SAVINGS FROM".

Page 2, line 18, strike "The appropriation shall be made" and substitute "~~The appropriation shall be made~~".

Page 2, strike line 19 and substitute "~~after consideration of the division of criminal justice's annual report~~".

Page 3, strike line 1 and substitute "~~required pursuant to section 24-33.5-503 (1) (u), C.R.S.~~".

	Page 4, line 25, after "DESIGNEE;" insert "AND".	1
		2
	Page 4, line 27, strike "DESIGNEE; AND" and substitute "DESIGNEE."	3
		4
	Page 5, strike lines 1 and 2.	5
	Page 6, strike lines 3 through 11 and substitute:	6
		7
	"(f) THE BOARD SHALL DETERMINE THE SCOPE, METHOD, AND	8
	FREQUENCY OF THE DATA COLLECTION AND THE PARTIES RESPONSIBLE FOR	9
	DATA COLLECTION, ANALYSIS, AND REPORTING. THE DATA SHALL BE	10
	ORGANIZED BY".	11
		12
	Page 8, after line 10 insert:	13
		14
	"(f) A REPRESENTATIVE OF A DRUG COURT OR SIMILAR	15
	PROBLEM-SOLVING COURT IF SUCH A COURT EXISTS IN THE JUDICIAL	16
	DISTRICT CHOSEN BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT;"	17
		18
	Reletter succeeding paragraphs accordingly.	19
		20
	Page 12, after line 14 insert:	21
		22
	"SECTION 4. In Colorado Revised Statutes, repeal 24-33.5-503	23
	(1) (u)".	24
		25
	Renumber succeeding section accordingly.	26
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Judiciary	After consideration on the merits, the Committee recommends that SB12-102 be referred	29
	to the Committee of the Whole with favorable recommendation.	30
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Judiciary	After consideration on the merits, the Committee recommends that SB12-027 be amended	33
	as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with	34
	favorable recommendation.	35
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	Amend printed bill, page 2, line 3, strike "portion, (8) (d), and (11) (a);"	38
	and substitute "portion".	39
		40
	Page 3, strike lines 15 through 27.	41
		42
	Strike page 4.	43
		44
	Page 5, strike lines 1 through 22.	45
		46
	Page 5, line 23, strike "(e) (I)" and substitute "(8) (e)".	47
		48
	Page 6, strike lines 2 through 27 and substitute "ON LEGAL SERVICES	49
	SHALL NOTIFY IN WRITING THE PRIME SPONSORS AND COSPONSORS OF THE	50
	ENACTED LEGISLATION AND THE MEMBERS OF THE COMMITTEES OF	51
	REFERENCE IN THE SENATE AND HOUSE OF REPRESENTATIVES FOR THAT	52
	ENACTED LEGISLATION THAT A RULE HAS BEEN ADOPTED AS A RESULT OF	53
	THE LEGISLATION."	54
		55
	Strike page 7.	56
		57
	Page 8, strike lines 1 through 14.	58
		59
	Page 1, line 101, strike "AN ADDITIONAL REVIEW" and substitute	60
	"NOTICE TO CERTAIN MEMBERS OF THE GENERAL ASSEMBLY".	61
		62
	Page 1, strike line 103 and substitute "AS A RESULT OF AN ENACTED	63
	LEGISLATIVE MEASURE."	64
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Finance	After consideration on the merits, the Committee recommends that SB12-062 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1
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	Strike the State, Veterans, and Military Affairs report, dated February 6, 2012.	5
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	Amend printed bill, page 3, strike lines 2 through 20 and substitute:	8
		9
	"(4) There is hereby created in the state treasury the internet-based voting pilot program fund to provide for the direct and indirect costs associated with implementing this article. The fund shall consist of CONSISTS OF ANY MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND AND ANY gifts, grants, and donations to the fund from private or public sources for the purposes of this article. All private and public funds received through gifts, grants, and donations shall be transmitted to the state treasurer, who shall credit the same to the fund. Moneys in the fund shall be subject to annual appropriation by the general assembly to the department of state for the purposes specified in this article. Any unexpended and unencumbered moneys remaining in the fund at the end of any fiscal year shall remain in the fund and shall not be transferred to the general fund or any other fund."	10
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	Page 4, strike lines 12 through 20.	24
		25
	Renumber succeeding section accordingly.	26
Trans- portation		27
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	After consideration on the merits, the Committee recommends that SB12-126 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	29
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	Amend printed bill, page 2, line 11, strike "EIGHTH" and substitute "SIXTH".	33
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		35
	Page 2, line 23, strike "EIGHTH" and substitute "SIXTH".	36
Trans- portation		37
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	Page 3, strike lines 1 through 9 and substitute:	39
		40
	"takes effect August 8, 2013; 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 the ninety-day period after final adjournment of the general assembly, 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 August 8, 2013."	41
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Trans- portation		47
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	After consideration on the merits, the Committee recommends that SB12-092 be referred to the Committee of the Whole with favorable recommendation.	49
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Trans- portation		51
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	After consideration on the merits, the Committee recommends that SB12-044 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	53
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	Amend printed bill, page 2, line 17, after the period, add "NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FINES FOR A VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL BE RETAINED BY THE CLERK OF THE COURT IN THE CITY AND COUNTY OF DENVER UPON RECEIPT BY THE CLERK FOR A VIOLATION OCCURRING WITHIN THAT JURISDICTION, OR TRANSMITTED TO THE STATE JUDICIAL DEPARTMENT IF THE FINE IS RECEIPTED BY THE CLERK OF THE COURT OF ANY OTHER COUNTY."	57
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	Page 2, line 20, after the period, add "THE EMPLOYING PUBLIC TRANSPORTATION ENTITY SHALL DETERMINE THE REQUIREMENTS FOR	66
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EMPLOYMENT AS A FARE INSPECTOR."

Page 2, strike lines 21 through 27.

Page 3, strike lines 1 through 4.

Reletter succeeding paragraph accordingly.

Page 7, after line 1, insert:

"**SECTION 6.** In Colorado Revised Statutes, add 24-72-308.8 as follows:

24-72-308.8. Sealing of criminal conviction records information for offenses involving theft of public transportation services. (1) IF A PERSON WAS CONVICTED OF THEFT OF PUBLIC TRANSPORTATION SERVICES BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S., AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, AND THE PERSON HAS COMPLETED THE SENTENCE, INCLUDING PAYMENT OF THE FINE AND SURCHARGE, FOR THE CONVICTION AS OF THE EFFECTIVE DATE OF THIS SECTION, THE COURT THAT ENTERED THE CONVICTION SHALL SEAL THE CONVICTION BY JANUARY 1, 2013.

(2) A PERSON DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT WANTS HIS OR HER CONVICTION SEALED PRIOR TO JANUARY 1, 2013, MAY PETITION THE COURT IN WHICH THE CONVICTION WAS ENTERED FOR AN ORDER SEALING THE RECORD OF THE CONVICTION. THE PERSON SHALL PROVIDE ALL INFORMATION AS REQUIRED BY THE COURT IN THE PETITION. UPON RECEIPT OF THE PETITION THE COURT SHALL VERIFY THAT THE PERSON HAS COMPLETED HIS OR HER SENTENCE, INCLUDING PAYMENT OF THE FINE AND SURCHARGE, AND IF THE SENTENCE HAS BEEN COMPLETED, THE COURT SHALL ENTER AN ORDER SEALING THE CONVICTION.

(3) A PERSON CONVICTED OF THEFT OF PUBLIC TRANSPORTATION SERVICES BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S., AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, WHO DID NOT COMPLETE THE SENTENCE FOR THE CONVICTION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY PETITION THE COURT IN WHICH THE CONVICTION WAS ENTERED FOR AN ORDER SEALING THE RECORD OF THE CONVICTION AFTER HE OR SHE COMPLETES THE SENTENCE, INCLUDING PAYMENT OF THE FINE AND SURCHARGE, FOR THE CONVICTION. THE PERSON SHALL PROVIDE ALL INFORMATION AS REQUIRED BY THE COURT IN THE PETITION. UPON RECEIPT OF THE PETITION, THE COURT SHALL VERIFY THAT THE PERSON HAS COMPLETED HIS OR HER SENTENCE AND IF THE SENTENCE HAS BEEN COMPLETED, THE COURT SHALL ENTER AN ORDER SEALING THE CONVICTION.

(4) UPON THE ENTRY OF AN ORDER TO SEAL CONVICTION RECORDS PURSUANT TO THIS SECTION, THE DEFENDANT AND ALL CRIMINAL JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE MATTER, THAT PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT TO THE DEFENDANT. INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT. EMPLOYERS, STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED CONVICTION RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN SEALED, INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE SEALED CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS NOT BEEN CRIMINALLY CONVICTED. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE COLORADO STATE BOARD OF LAW EXAMINERS MAY MAKE FURTHER INQUIRIES INTO THE FACT OF A CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT DOES NOT HAVE A RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER A QUESTION CONCERNING SEALED CONVICTION RECORDS THAT HAVE COME TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER MEANS."

Trans-
portation

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Page 7, strike lines 2 through 11 and substitute:

"SECTION 7. 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."

After consideration on the merits, the Committee recommends that **SB12-059** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, 42-4-235, **add** (2) (b) (IV) as follows:

42-4-235. Minimum standards for commercial vehicles - rules - repeal. (2) (b) Notwithstanding paragraph (a) of this subsection (2):

(IV) THIS SECTION DOES NOT APPLY TO A MOTOR VEHICLE OR MOTOR VEHICLE AND TRAILER COMBINATION:

(A) WITH A GROSS VEHICLE WEIGHT, GROSS VEHICLE WEIGHT RATING, OR GROSS COMBINATION RATING OF LESS THAN TWENTY-SIX THOUSAND ONE POUNDS;

(B) NOT OPERATED IN INTERSTATE COMMERCE;

(C) NOT TRANSPORTING HAZARDOUS MATERIALS REQUIRING PLACARDING;

(D) NOT TRANSPORTING EITHER SIXTEEN OR MORE PASSENGERS INCLUDING THE DRIVER OR EIGHT OR MORE PASSENGERS FOR COMPENSATION; AND

(E) THE MOTOR VEHICLE OR COMBINATION IS BEING USED SOLELY FOR AGRICULTURAL PURPOSES.

SECTION 2. Act subject to petition - effective date - applicability. (1) 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 7, 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.

(2) The provisions of this act apply to offenses committed on or after the applicable effective date of this act."

After consideration on the merits, the Committee recommends that **SB12-001** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, after line 26 insert:

"(6) IF THE PROCUREMENT OFFICER DETERMINES THAT COMPLIANCE WITH THIS SECTION WILL CAUSE DENIAL OF FEDERAL MONEYS OR PRECLUDE THE ABILITY TO ACCESS FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE OR WILL OTHERWISE BE INCONSISTENT WITH FEDERAL LAW, THIS SECTION SHALL BE SUSPENDED, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW."

Page 6, strike lines 15 through 17.

Reletter succeeding paragraphs accordingly.

Page 7, line 22, after "RESIDENTS;" add "AND".

Page 7, line 25, strike "ONE" and substitute "TWO".

Page 8, strike line 2 and substitute "CONTRACT."

Page 8, strike lines 3 through 8.

Page 9, after line 1 insert:

"(6) IF THE PROCUREMENT OFFICER DETERMINES THAT COMPLIANCE WITH THIS SECTION WILL CAUSE DENIAL OF FEDERAL MONEYS OR PRECLUDE THE ABILITY TO ACCESS FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE OR WILL OTHERWISE BE INCONSISTENT WITH FEDERAL LAW, THIS SECTION SHALL BE SUSPENDED, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW."

Page 12, after line 7 insert:

"(7) IF THE PROCUREMENT OFFICER DETERMINES THAT COMPLIANCE WITH THIS SECTION WILL CAUSE DENIAL OF FEDERAL MONEYS OR PRECLUDE THE ABILITY TO ACCESS FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE OR WILL OTHERWISE BE INCONSISTENT WITH FEDERAL LAW, THIS SECTION SHALL BE SUSPENDED, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW."

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After consideration on the merits, the Committee recommends that **SB12-004** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 19, strike "ONE MILLION" and substitute "TWO HUNDRED FIFTY THOUSAND".

Page 4, line 4, strike "ONE MILLION" and substitute "TWO HUNDRED FIFTY THOUSAND".

Page 5, line 4, strike "FIVE" and substitute "FIFTEEN".

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After consideration on the merits, the Committee recommends that **SB12-021** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"**SECTION 1.** In Colorado Revised Statutes, **add** part 34 to article 32 of title 24 as follows:

PART 34
FINANCIAL LITERACY PILOT PROGRAM
24-32-3401. Financial literacy pilot program - legislative declaration. (1) THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THE FINANCIAL LITERACY PILOT PROGRAM IS TO INCREASE THE ABILITY OF PARTICIPANTS IN THE PILOT PROGRAM TO MANAGE THEIR PERSONAL FINANCES BY PROVIDING ACCESS TO CLASSES ON FINANCIAL LITERACY. THE GOALS OF THE PILOT PROGRAM ARE TO:
(a) PROVIDE ACCESS TO FINANCIAL EDUCATION AND RESOURCES SO THAT PARTICIPANTS CAN OBTAIN PERSONAL FINANCIAL KNOWLEDGE AND SKILLS THAT THEY CAN EMPLOY AT VARIOUS LIFE STAGES AND FOR PARTICULAR LIFE EVENTS TO MAKE INFORMED FINANCIAL DECISIONS;
(b) DECREASE THE NUMBER OF PERSONS IN THE STATE WHO ARE EVICTED, LOSE THEIR HOMES DUE TO FORECLOSURE, OR LOSE THEIR TRANSPORTATION DUE TO REPOSSESSION OF A MOTOR VEHICLE;
(c) DECREASE THE NUMBER OF PERSONS IN THE STATE WHO RELY ON COLORADO WORKS OR OTHER FORMS OF PUBLIC ASSISTANCE; AND
(d) INCREASE THE NUMBER OF PERSONS IN THE STATE WHO ARE FINANCIALLY SELF-SUFFICIENT.

24-32-3402. Definitions. AS USED IN THIS PART 34, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMUNITY PARTNER" MEANS A NONPROFIT ORGANIZATION THAT PARTNERS WITH A COUNTY TO PROVIDE VOLUNTEERS OR FINANCIAL RESOURCES OR BOTH TO ASSIST A COUNTY IN OPERATING A FINANCIAL LITERACY PILOT PROGRAM IN THE COUNTY.

(2) "CSU EXTENSION SERVICE" MEANS THE COLORADO STATE UNIVERSITY COOPERATIVE EXTENSION SERVICE AS PROVIDED FOR IN PART 7 OF ARTICLE 31 OF TITLE 23, C.R.S.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-1-125.

(4) "FINANCIAL LITERACY" MEANS KNOWLEDGE OF PERSONAL FINANCES THAT IS SUFFICIENT TO ENABLE A PERSON TO CREATE AND MAINTAIN A HOUSEHOLD BUDGET, MANAGE PERSONAL DEBT, SAVE TO MEET HIS OR HER FINANCIAL GOALS, UNDERSTAND CONSUMER CREDIT AND FINANCE, KNOW THE IMPORTANCE OF SEEKING INFORMATION AND ASKING QUESTIONS BEFORE ENTERING INTO FINANCIAL TRANSACTIONS, AND UNDERSTAND AND SELECT FROM AMONG SHORT-TERM AND LONG-TERM INVESTMENT OPTIONS.

(5) "PILOT PROGRAM" MEANS THE FINANCIAL LITERACY PILOT PROGRAM CREATED IN SECTION 24-32-3404.

(6) "PARTICIPANT" MEANS A PERSON WHO ATTENDS FINANCIAL LITERACY CLASSES OFFERED IN HIS OR HER COUNTY OF RESIDENCE BY A COUNTY SELECTED TO PARTICIPATE IN THE FINANCIAL LITERACY PILOT PROGRAM.

24-32-3403. Department of local affairs - oversight and administration. AS OUTLINED IN SECTION 24-32-3404, THE DEPARTMENT OF LOCAL AFFAIRS SHALL OVERSEE AND ADMINISTER THE FINANCIAL LITERACY PILOT PROGRAM AND SHALL AWARD GRANTS TO COUNTIES SELECTED TO PARTICIPATE IN THE PILOT PROGRAM.

24-32-3404. Financial literacy pilot program - fund - notice of funding through gifts, grants, and donations. (1) THE CSU EXTENSION SERVICE SHALL DESIGN A FINANCIAL LITERACY PILOT PROGRAM TO TEST THE EFFICACY OF TWO TEACHING METHODS OF PROVIDING FINANCIAL LITERACY CLASSES TO PARTICIPANTS, USING THE CURRICULUM DESCRIBED IN SUBSECTION (5) OF THIS SECTION, AS FOLLOWS:

(a) UNDER ONE METHOD, THE CSU EXTENSION SERVICE TEACHES THE FINANCIAL LITERACY CLASSES TO PARTICIPANTS; AND

(b) UNDER THE OTHER METHOD, THE CSU EXTENSION SERVICE TRAINS STAFF FROM A COUNTY OR VOLUNTEERS FROM A COMMUNITY PARTNER WORKING WITH A COUNTY TO TEACH FINANCIAL LITERACY CLASSES TO PARTICIPANTS. IN THE METHOD DESCRIBED IN THIS PARAGRAPH (b), THE CSU EXTENSION SERVICE EMPHASIZES HOW TO WORK EFFECTIVELY AND SENSITIVELY WITH LOW-INCOME POPULATIONS. THE TRAINING MAY ALSO INCLUDE HOW TO DELIVER FINANCIAL LITERACY INSTRUCTION TO AN INDIVIDUAL PARTICIPANT OR TO GROUPS IN A CLASSROOM SETTING.

(2) ON OR BEFORE OCTOBER 1, 2012, THE DEPARTMENT SHALL DEVELOP AND ANNOUNCE THE REQUIREMENTS FOR THE PILOT PROGRAM, THE APPLICATION PROCESS, AND THE CRITERIA FOR SELECTING COUNTIES TO PARTICIPATE IN THE PILOT PROGRAM. IN DEVELOPING THE CRITERIA FOR THE PILOT PROGRAM, THE DEPARTMENT SHALL INCLUDE A REQUIREMENT THAT PARTICIPATION BY PARTICIPANTS IS VOLUNTARY. BASED ON THE CRITERIA FOR THE PILOT PROGRAM AND THE STRENGTH OF THE APPLICATION, THE DEPARTMENT SHALL SELECT NO MORE THAN FOUR COUNTIES TO PARTICIPATE IN THE PILOT PROGRAM. ONE OF THE COUNTIES SHALL HAVE A POPULATION OF LESS THAN TWENTY-FIVE THOUSAND, ONE OF THE COUNTIES SHALL HAVE A POPULATION OF MORE THAN TWENTY-FIVE THOUSAND BUT LESS THAN ONE HUNDRED THOUSAND, AND TWO OF THE COUNTIES SHALL HAVE A POPULATION OF MORE THAN ONE HUNDRED THOUSAND. THE PILOT PROGRAM SHALL COMMENCE ON OR AFTER JANUARY 1, 2013, AND END ON DECEMBER 31, 2015.

(3) THE DEPARTMENT, IN CONSULTATION WITH THE CSU EXTENSION SERVICE, SHALL ESTABLISH FEES FOR FINANCIAL LITERACY CLASSES. THE FEES PAID BY PARTICIPANTS SHALL BE REASONABLE AND ESTABLISHED ON A SLIDING SCALE BASED ON INCOME OR ABILITY TO PAY, INCLUDING THE WAIVER OF FEES BASED ON HARDSHIP. ANY FEES PAID BY

PARTICIPANTS SHALL BE PAID TO THE DEPARTMENT, WHICH SHALL TRANSMIT THE FEES TO THE STATE TREASURER TO BE CREDITED TO THE FINANCIAL LITERACY PILOT PROGRAM FUND CREATED IN SUBSECTION (6) OF THIS SECTION. THE DEPARTMENT AND CSU EXTENSION SERVICE SHALL ALSO SET A FEE THAT THE COUNTIES SHALL PAY TO COVER THE DIRECT COSTS TO THE CSU EXTENSION SERVICE OF TEACHING CLASSES TO PARTICIPANTS AND OF TRAINING STAFF AND VOLUNTEERS TO TEACH FINANCIAL LITERACY CLASSES. THE COUNTY SHALL PAY THOSE FEES TO THE DEPARTMENT, WHICH SHALL TRANSMIT THE FEES TO THE STATE TREASURER TO BE CREDITED TO THE FINANCIAL LITERACY PILOT PROGRAM FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

(4) (a) ON OR BEFORE NOVEMBER 1, 2012, A COUNTY MAY APPLY TO THE DEPARTMENT TO PARTICIPATE IN THE PILOT PROGRAM. THE APPLYING COUNTY DETERMINES THE APPROPRIATE COUNTY AGENCY TO ADMINISTER THE PILOT PROGRAM IN THAT COUNTY, WHICH AGENCY MAY INCLUDE THE COUNTY LIBRARY, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE COUNTY DEPARTMENT OF PUBLIC HEALTH, ANOTHER COUNTY AGENCY, OR A COMMUNITY PARTNER. EACH APPLICATION SHALL SPECIFY, AT A MINIMUM:

- (I) WHICH OF THE TWO TEACHING METHODS DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT THE COUNTY INTENDS TO USE;
- (II) HOW THE COUNTY WOULD NOTIFY ITS RESIDENTS OF THE FINANCIAL LITERACY CLASSES, INCLUDING RADIO AND NEWSPAPER ANNOUNCEMENTS, PRESS RELEASES, POSTERS, AND BROCHURES;
- (III) THE NUMBER OF PARTICIPANTS THE COUNTY EXPECTS TO SERVE;
- (IV) THE AGENCY THAT WILL ADMINISTER THE PROGRAM IN THE COUNTY AND WHETHER THE COUNTY IS PARTNERING WITH A COMMUNITY PARTNER;
- (V) WHETHER THE COUNTY WOULD PROVIDE COUNTY FUNDS FOR THE PILOT PROGRAM, AND, IF SO, THE PROJECTED AMOUNT;
- (VI) THE PROJECTED BUDGET FOR THE PILOT PROGRAM; AND
- (VII) ANY OTHER INFORMATION THE CSU EXTENSION SERVICE OR THE DEPARTMENT DEEMS NECESSARY TO THE APPLICATION.

(b) THE COUNTY MAY APPLY WITH A COMMUNITY PARTNER. IF THE COUNTY APPLIES WITH A COMMUNITY PARTNER, THE COUNTY SHALL INDICATE THE ROLE OF THE COMMUNITY PARTNER AND WHETHER THE COMMUNITY PARTNER IS PROVIDING ADDITIONAL FUNDING TO SUPPORT THE COSTS OF THE PILOT PROGRAM IN THAT COUNTY.

(5) (a) THE CSU EXTENSION SERVICE SHALL DESIGN THE CURRICULUM FOR THE FINANCIAL LITERACY CLASSES BASED UPON CURRICULUM THE SERVICE HAS ALREADY DEVELOPED THAT EMPHASIZES THE FIVE CORE COMPETENCIES THAT HELP CONSUMERS TO MAKE INFORMED DECISIONS ABOUT THEIR PERSONAL FINANCES: EARNING, SPENDING, SAVING AND INVESTING, BORROWING, AND PROTECTING AGAINST RISK. THE CSU EXTENSION SERVICE WILL DETERMINE THE FREQUENCY AND DURATION OF THE CLASSES AND HOW TO MEASURE THE PARTICIPANTS' IMPROVED KNOWLEDGE AND APPLICATION OF THE INSTRUCTION TO THEIR LIVES. THE CSU EXTENSION SERVICE SHALL ALSO DESIGN THE FINANCIAL LITERACY CURRICULUM TO TEACH A PARTICIPANT, AT A MINIMUM, TO:

- (I) ASSESS HIS OR HER EARNING CAPABILITIES AND INCOME, INCLUDING INCREASED EARNING POTENTIAL;
- (II) ASSESS HIS OR HER CURRENT SPENDING PRACTICES OR ASSESS THE SPENDING PRACTICES OF HIS OR HER HOUSEHOLD;
- (III) DEVELOP A BUDGET, INCLUDING HOW TO DETERMINE HOW MUCH OF THE HOUSEHOLD'S INCOME CAN BE SPENT ON RENT OR HOUSING, GROCERIES, CHILD CARE, TRANSPORTATION, INCIDENTALS, OR OTHER ITEMS;
- (IV) FIND WAYS TO SAVE MONEY AND TO DETERMINE HOW MUCH TO SAVE;
- (V) UNDERSTAND CONSUMER CREDIT AND FINANCE, INCLUDING HOW TO UNDERSTAND AND OBTAIN A CONSUMER CREDIT REPORT, HOW TO AVOID PITFALLS AND RISKS FROM DIFFERENT FINANCIAL CREDIT PRODUCTS, AND WHERE TO OBTAIN HELP AND INFORMATION ON CONSUMER CREDIT AND FINANCE;
- (VI) MANAGE PERSONAL DEBT AND EVALUATE CREDIT OPTIONS;

AND

(VII) UNDERSTAND AND EVALUATE PERSONAL INVESTMENT OPTIONS.

(b) THE CLASS INSTRUCTOR SHALL PREPARE A REPORT AND SUBMIT IT TO THE CSU EXTENSION SERVICE, INCLUDING THE NAME OF THE PARTICIPATING COUNTY, THE NUMBER OF PARTICIPANTS, AND AN EVALUATION TOOL COMPLETED BY EACH PARTICIPANT INDICATING THE PARTICIPANT'S KNOWLEDGE OF HIS OR HER CREDIT SCORE AND THAT THE PARTICIPANT PREPARED A WRITTEN FINANCIAL PLAN FOR THE PERSONAL USE OF THE PARTICIPANT AND NOT SHARED WITH THE EVALUATOR.

(6) (a) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF AWARDING GRANTS TO COUNTIES SELECTED TO PARTICIPATE IN THE PILOT PROGRAM; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 34 OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FINANCIAL LITERACY PILOT PROGRAM FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF MONEYS RECEIVED FROM GIFTS, GRANTS, AND DONATIONS, FEES COLLECTED FROM PARTICIPANTS WHO ATTEND FINANCIAL LITERACY CLASSES AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, FEES PAID BY COUNTIES FOR TRAINING CLASSES AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, AND ANY MONEYS THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT TO MAKE GRANTS AND TO THE CSU EXTENSION SERVICE FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 34.

(b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART 34 AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2016, TO THE GENERAL FUND.

(c) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN THE DEPARTMENT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE PILOT PROGRAM AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3).

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2016.

(7) (a) SUBJECT TO AVAILABLE APPROPRIATIONS FROM THE FUND CREATED IN SUBSECTION (8) OF THIS SECTION, THE DEPARTMENT SHALL AWARD A GRANT TO EACH OF THE COUNTIES SELECTED TO PARTICIPATE IN THE PILOT PROGRAM. THE PURPOSE OF THE GRANT IS TO COVER THE COSTS OF ADMINISTERING THE PILOT PROGRAM IN A SELECTED COUNTY. NOTHING IN THIS SECTION PRECLUDES A COUNTY OR A COMMUNITY PARTNER FROM PROVIDING ADDITIONAL FUNDS TO SUPPORT THE PILOT PROGRAM.

(b) AS A CONDITION OF ACCEPTING A GRANT, EACH COUNTY SHALL AGREE TO PARTICIPATE IN ANY SURVEYS FROM AND SUBMIT ANY DATA OR EVALUATIONS REQUESTED BY THE CSU EXTENSION SERVICE.

(8) (a) THE CSU EXTENSION SERVICE SHALL CONTRACT WITH AN OUTSIDE EVALUATION SPECIALIST TO EVALUATE THE RESULTS OF THE PILOT PROGRAM. THE EVALUATION SPECIALIST SHALL SUBMIT A REPORT TO THE DEPARTMENT AND TO THE FINANCE COMMITTEES AND LOCAL GOVERNMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE FEBRUARY 1, 2015.

(b) THE REPORT SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8) SHALL INCLUDE:

- (I) THE NUMBER OF COUNTIES THAT PARTICIPATED IN THE PILOT PROGRAM;
- (II) THE NUMBER OF PARTICIPANTS THAT PARTICIPATED IN AND COMPLETED FINANCIAL LITERACY CLASSES;
- (III) EVALUATION MEASURES SUCH AS THE NUMBER OF PARTICIPANTS WHO KNOW THEIR ACTUAL CREDIT SCORES, THE NUMBER OF PARTICIPANTS WHO KNOW HOW TO DEVELOP BUDGETS AND FINANCIAL PLANS, WHETHER PARTICIPANTS HAVE BECOME MORE SELF-SUFFICIENT OR FINANCIALLY KNOWLEDGEABLE THROUGH PARTICIPATING IN THE FINANCIAL LITERACY CLASSES, AND WHETHER THE GOALS STATED IN SECTION 24-32-3401 WERE MET;
- (IV) A COMPARISON OF THE TWO TEACHING METHODS DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND A CONSIDERATION OF WHETHER ONE METHOD WAS MORE EFFECTIVE THAN THE OTHER; AND
- (V) RECOMMENDATIONS FOR FUTURE FINANCIAL LITERACY TRAINING.

24-32-3405. Repeal of part. THIS PART 34 IS REPEALED, EFFECTIVE JULY 1, 2016, UNLESS EXTENDED BY THE GENERAL ASSEMBLY ACTING BY BILL.

SECTION 2. In Colorado Revised Statutes, 23-31-704, **add** (5) as follows:

23-31-704. Organization - cooperative relationships - repeal.
(5) (a) THE SERVICE SHALL COOPERATE WITH THE DEPARTMENT OF LOCAL AFFAIRS AND WITH ANY PARTICIPATING COUNTIES TO CARRY OUT THE PURPOSES OF THE FINANCIAL LITERACY PILOT PROGRAM CREATED IN PART 34 OF ARTICLE 32 OF TITLE 24, C.R.S., AND TO CARRY OUT DUTIES ASSIGNED TO THE SERVICE IN SECTION 24-32-3404, C.R.S.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2016, UNLESS PART 34 OF ARTICLE 32 OF TITLE 24, C.R.S., IS EXTENDED BY THE GENERAL ASSEMBLY ACTING BY BILL.

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."

MESSAGE FROM THE REVISOR OF STATUTES

February 14, 2012

We herewith transmit:

Without comment, HB12-1079.
Without comment, as amended, HB12-1070, 1072, and 1086.

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:

SB12-058 by Senator(s) Heath; --Concerning the creation of the venture capital advisory board.
Laid over until Thursday, February 16, retaining its place on the calendar.

HB12-1180 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of agriculture.

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

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	E
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**.

HB12-1182 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of education.

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

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	E
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**.

HB12-1183 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

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

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	E
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**.

HB12-1184 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of health care policy and financing.

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

YES	32	NO	2	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	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

HB12-1185 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of higher education.

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

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	E
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: Brophy

HB12-1186 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of human services.

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

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	E
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

HB12-1187 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the judicial department.

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

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	E
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**.

HB12-1188 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of labor and employment.

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

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	E
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**.

HB12-1189 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of law.

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

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	E
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**.

HB12-1190 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning supplemental appropriation to the department of local affairs.

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

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	E
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**.

HB12-1191 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of military and veterans affairs.

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

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	E
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**.

HB12-1192 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of natural resources.

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

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	E
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**.

HB12-1193 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of personnel and administration.

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

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	E
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**.

HB12-1194 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of public health and environment.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

HB12-1195 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of public safety.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB12-1196 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of regulatory agencies.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

HB12-1197 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of revenue. Appropriations

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

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

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

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

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	E
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**.

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

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

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	E
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.

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

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

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	E
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: Cadman

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

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

YES	23	NO	11	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	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	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

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

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

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	E
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

MESSAGE FROM THE HOUSE

February 14, 2012

The House has adopted and returns herewith SJR12-007.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1079.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1070, amended as printed in House Journal, February 13, page 240.
HB12-1072, amended as printed in House Journal, February 13, page 240.
HB12-1086, amended as printed in House Journal, February 13, page 240.

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

SJR12-014 by Senator(s) Aguilar, Steadman, Boyd, Foster, Guzman, Johnston, Mitchell, Nicholson, Roberts, Spence, White; also Representative(s) Gardner B., Swalm, Szabo, Jones, Kefalas, Kerr A., Todd--Concerning Colorado's community health centers.

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

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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Bacon, Brophy, Cadman, Carroll, Giron, Grantham, Harvey, Heath, Hodge, Hudak, Jahn, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Renfroe, Scheffel, Schwartz, Tochtrop, Williams S. and Shaffer B.

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

HB12-1078 by Representative(s) Vigil, Baumgardner, Sonnenberg, Swerdfeger, Wilson; also Senator(s) Schwartz, Brophy, Giron, Hodge, Roberts--Concerning the exemption of drinking water treatment facilities from the requirement to obtain a certificate of designation.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, February 10, page 117 and placed in members' bill files.)

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

SB12-067 by Senator(s) Hudak, Bacon, Johnston, King K., Spence; also Representative(s) Holbert--Concerning requirements pertaining to the corporate status of charter schools.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 10, page 115 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 Tochtrop, the report of the Committee of the Whole was **adopted** on the following roll call vote:

The Committee of the Whole took the following action:

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	E
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		

Passed on second reading: SB11-067 as amended, HB12-1078 as amended.

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

- SB12-011

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

Laid over until Thursday, February 16, retaining its place on the calendar.
- SB12-051

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

Laid over until Thursday, February 16, retaining its place on the calendar.
- SB12-072

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

Laid over until Thursday, February 16, retaining its place on the calendar.
- SB12-122

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

Laid over until Thursday, February 16, retaining its place on the calendar.
- SB12-131

by Senator(s) Guzman, Steadman; --Concerning the responsibilities of a fiduciary with regard to the estate of a person who may have executed a designated beneficiary agreement.

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

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SB12-061	by Senator(s) King K.; also Representative(s) Massey--Concerning procedures relating to the authorization of charter schools.	2
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	<u>Amendment No. 1, Education Committee Amendment.</u>	5
	(Printed in Senate Journal, February 9, pages 108-111 and placed in members' bill files.)	6
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	8
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	(For further action, see amendments to the report of the Committee of the Whole.)	12
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SB12-146	by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action.	15
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	Ordered engrossed and placed on the calendar for third reading and final passage.	19
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SB12-099	by Senator(s) Spence; also Representative(s) Todd--Concerning expansion of access to services for juveniles at the academic model juvenile facility.	22
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	Laid over until Thursday, February 16, retaining its place on the calendar.	25
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SB12-045	by Senator(s) Hudak and King K., Bacon; also Representative(s) Massey and Fields, Holbert--Concerning granting associate degrees to students who transfer from a two-year institution.	28
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	<u>Amendment No. 1, Education Committee Amendment.</u>	32
	(Printed in Senate Journal, February 10, pages 114-115 and placed in members' bill files.)	33
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	35
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SB12-036	by Senator(s) Mitchell; --Concerning parental consent for the collection of information from students in schools.	39
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	<u>Amendment No. 1, Education Committee Amendment.</u>	42
	(Printed in Senate Journal, February 10, page 116 and placed in members' bill files.)	43
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	45
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	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-022, HB12-1181, HB12-1198) of Wednesday, February 15 was laid over until Thursday, February 16, retaining its place on the calendar.	51
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	AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE	58
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SB12-061	by Senator(s) King K.; also Representative(s) Massey--Concerning procedures relating to the authorization of charter schools.	60
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	Senator King K. moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 12-061 did pass.	63
		64
		65
	Amend printed bill, page 14, line 25, strike "22-30.5-104 (3)" and substitute "22-30.5-517 (3)".	66
		67

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	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	E
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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tochtrop, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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	E
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: SB12-131, SB12-061 as amended, SB12-146, SB12-045 as amended, SB12-036 as amended.
Laid over until February 16: SB12-011, SB12-051, SB11-072, SB12-122, SB12-099, SB12-022, HB12-1181, SB12-1198.

SENATE SERVICES REPORT

Correctly Printed: SB12-149; SJR12-014.
Correctly Engrossed: SJR12-007.
Correctly Reengrossed: SB12-020, 035, 042, 079, 097, 110, 115 and 145.
Correctly Revised: HB12-1180, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1199, 1200, 1201, 1202 and 1203.
Correctly Rerevised: HB12-1001.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1001.

MESSAGE FROM THE HOUSE

February 15, 2012

The House has adopted and transmits herewith HJR12-1013.

CONSIDERATION OF RESOLUTIONS

HJR12-1013 by Representative(s) Gardner B.; also Senator(s) Newell--Concerning Awareness Day for Individuals with Developmental Disabilities.

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

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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, Williams S. and Shaffer B.

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 Wednesday, February 15 was laid over until Thursday, February 16, retaining its place on the calendar.

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

TRIBUTES

Honoring:

Galen Mansor Elisha, Eagle Scout -- by Senator Hudak.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 16, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

37th Legislative Day Thursday, February 16, 2012

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Lambert.

Roll Call Present--33
Excused--2, Renfroe, White.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Wednesday, February 15, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB12-002** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 17, line 4, strike "ADJUSTED GROSS" and substitute "TAXABLE".

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-143** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 14, before "**legislative**" insert "**local business database fund - creation -**".

Page 3, line 27, after "(a)" insert "(I)".

Page 4, after line 2 insert:

"(II) IN ORDER TO REDUCE THE COSTS OF IMPLEMENTING THIS SECTION, TO THE EXTENT POSSIBLE, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL INTEGRATE THE DATABASE OF LOCAL BUSINESSES INTO ANY EXISTING DATABASES OR PROJECTS ADMINISTERED BY THE OFFICE AND OTHERWISE INCORPORATE, UTILIZE, OR APPLY EXISTING INFORMATION TECHNOLOGY AND OTHER RESOURCES TO THE DEVELOPMENT AND MAINTENANCE OF THE DATABASE OF LOCAL BUSINESSES."

Page 4, after line 20 insert:

"(6) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL ALSO DEVELOP DOWNLOADABLE MOBILE APPLICATION SOFTWARE THAT A PERSON MAY UTILIZE TO ACCESS THE CONTENTS OF THE DATABASE CREATED IN SUBSECTION (3) OF THIS SECTION."

Page 4, line 21, strike "(6)" and substitute "(7)".

	Page 4, after line 25 insert:	1
		2
	"(8) ALL FEES COLLECTED PURSUANT TO PARAGRAPH (a) OF	3
	SUBSECTION (4) OF THIS SECTION, ALL GIFTS, GRANTS, AND DONATIONS	4
	RECEIVED PURSUANT TO SUBSECTION (7) OF THIS SECTION, AND ANY	5
	OTHER MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE	6
	PURPOSES OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE	7
	TREASURER, WHO SHALL CREDIT THE SAME TO THE LOCAL BUSINESS	8
	DATABASE FUND, WHICH FUND IS HEREBY CREATED. ALL MONEYS	9
	CREDITED TO THE FUND AND ALL INTEREST EARNED ON THE INVESTMENT	10
	OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE	11
	TRANSFERRED OR CREDITED TO ANY OTHER FUND. THE GENERAL	12
	ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS FROM THE FUND TO THE	13
	COLORADO OFFICE OF ECONOMIC DEVELOPMENT FOR DIRECT AND	14
	INDIRECT EXPENSES INCURRED IN CARRYING OUT THE PURPOSES OF THIS	15
	SECTION.".	16
		17
Business,	After consideration on the merits, the Committee recommends that SB12-100 be	18
Labor, &	postponed indefinitely.	19
Technology		20
		21
		22
		23
Agriculture,	After consideration on the merits, the Committee recommends that SB12-133 be amended	24
Natural	as follows, and as so amended, be referred to the Committee of the Whole with favorable	25
Resources, &	recommendation.	26
Energy		27
		28
	Amend printed bill, page 3, strike lines 5 and 6 and substitute	29
	"COMPONENT PART OF A MOTOR VEHICLE, INCLUDING".	30
		31
	Page 5, line 22, strike everything after "BY".	32
		33
	Page 5, line 23, strike everything before "A" and substitute "JULY 1,	34
	2013,".	35
		36
	Page 6, line 8, strike "STANDARD." and substitute "STANDARD; EXCEPT	37
	THAT THIS CERTIFICATION REQUIREMENT DOES NOT APPLY TO PROCESSING	38
	FOR REUSE CONDUCTED BY THE DIVISION OF CORRECTIONAL INDUSTRIES	39
	CREATED IN SECTION 17-24-104, C.R.S.".	40
		41
	Page 7, after line 15 insert:	42
		43
	" 25-17-307. Charitable donations of electronic devices. (1) A	44
	CHARITABLE ORGANIZATION, AS DEFINED IN SECTION 6-16-103 (1), C.R.S.,	45
	MAY:	46
	(a) REFUSE TO ACCEPT A DONATION OF AN ELECTRONIC DEVICE;	47
	AND	48
	(b) ESTABLISH A SURCHARGE FOR ACCEPTANCE OF A DONATION OF	49
	AN ELECTRONIC DEVICE.".	50
		51
	Renumber succeeding C.R.S. section accordingly.	52
		53
	Page 7, strike lines 18 through 27 and substitute:	54
		55
	" SECTION 2. Act subject to petition - effective date -	56
	applicability. (1) This act takes effect at 12:01 a.m. on the day following	57
	the expiration of the ninety-day period after final adjournment of the	58
	general assembly (August 8, 2012, if adjournment sine die is on May 9,	59
	2012); except that, if a referendum petition is filed pursuant to section 1	60
	(3) of article V of the state constitution against this act or an item, section,	61
	or part of this act within such period, then the act, item, section, or part	62
	will not take effect unless approved by the people at the general election	63
	to be held in November 2012 and, in such case, will take effect on the	64
	date of the official declaration of the vote thereon by the governor.".	65
		66
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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-141** be referred to the Committee of the Whole with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-147** be referred to the Committee of the Whole with favorable recommendation.

Education

After consideration on the merits, the Committee recommends that **SB12-057** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 5 through 22 and substitute:

"- rules. (15) **Native American language and culture instruction authorization.** (a) THE DEPARTMENT MAY ISSUE A NATIVE AMERICAN LANGUAGE AND CULTURE INSTRUCTION AUTHORIZATION TO AN INDIVIDUAL UNDER THE FOLLOWING CIRCUMSTANCES:

(I) IF THE INDIVIDUAL QUALIFIES FOR AN ADJUNCT INSTRUCTOR AUTHORIZATION PURSUANT TO SUBSECTION (2) OF THIS SECTION IN THE AREA OF NATIVE LANGUAGES; OR

(II) IF AN INDIVIDUAL CANNOT BE IDENTIFIED WHO MEETS THE CRITERIA OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE EMPLOYING SCHOOL DISTRICT MAY ALLOW AN INDIVIDUAL TO APPLY TO THE DEPARTMENT FOR APPROVAL OF A NATIVE AMERICAN LANGUAGE AND CULTURE INSTRUCTION AUTHORIZATION IF THE INDIVIDUAL HAS DEMONSTRATED EXPERTISE IN A NATIVE AMERICAN LANGUAGE OF A FEDERALLY RECOGNIZED TRIBE. THE NATIVE AMERICAN LANGUAGE AND CULTURE INSTRUCTION AUTHORIZATION SHALL ALLOW THE INDIVIDUAL TO TEACH THE NATIVE AMERICAN LANGUAGE IN WHICH HE OR SHE HAS DEMONSTRATED EXPERTISE FOR THE EMPLOYING SCHOOL DISTRICT. AN INDIVIDUAL AUTHORIZED PURSUANT TO THIS SUBPARAGRAPH (II) SHALL WORK IN PARTNERSHIP WITH A LICENSED TEACHER WHO CURRENTLY TEACHES WORLD LANGUAGES FOR THE EMPLOYING SCHOOL DISTRICT. THE APPROVAL PROCESS FOR THE NATIVE AMERICAN LANGUAGE AND CULTURE INSTRUCTION AUTHORIZATION SHALL BE ESTABLISHED BY RULE OF THE STATE BOARD AND SHALL INCLUDE, AT A MINIMUM:

(A) A METHOD TO ESTABLISH AND DOCUMENT THE EXPERTISE OF THE APPLICANT IN THE NATIVE AMERICAN LANGUAGE OF A FEDERALLY RECOGNIZED TRIBE;

(B) THE IDENTIFICATION OF THE PARTNERING LICENSED TEACHER;

(C) A REQUIREMENT THAT THE APPLICANT MEET ANY OBJECTIVE STANDARDS FOR LANGUAGE PROFICIENCY ESTABLISHED BY THE STATE BOARD;

(D) A PROHIBITION ON THE APPLICANT FROM TEACHING ANY SUBJECT OTHER THAN THE NATIVE AMERICAN LANGUAGE FOR WHICH HE OR SHE HAS DEMONSTRATED EXPERTISE; AND

(E) A RENEWAL PROCESS FOR THE AUTHORIZATION.

(b) A NATIVE AMERICAN LANGUAGE AND CULTURE AUTHORIZATION ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) IS".

Page 3, after line 3 insert:

"(c) ALL LAWS AND RULES, INCLUDING BUT NOT LIMITED TO SECTION 22-9-106 AND ANY RULES PROMULGATED THEREUNDER RELATED TO EDUCATOR EVALUATION AND EFFECTIVENESS, SHALL APPLY TO THE INDIVIDUAL HOLDING AN AUTHORIZATION PURSUANT TO THIS SUBSECTION (15).".

Page 3, line 6, strike "**Indigenous language**" and substitute "**Native American language and culture**".

	Page 3, line 8, after "EDUCATION" insert "OR WORLD LANGUAGE".	1
		2
	Page 3, line 9, strike "INDIGENOUS" and substitute "NATIVE AMERICAN".	3
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	Page 3, line 10, strike "AN INDIGENOUS" and substitute "A NATIVE AMERICAN".	5
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	Page 1, line 101, strike "INDIGENOUS" and substitute "NATIVE AMERICAN".	8
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Education	After consideration on the merits, the Committee recommends that SB12-047 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	11
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	Amend printed bill, page 6, line 12, strike "SHALL" and substitute "MAY".	16
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	Page 6, line 13, strike "ALL".	18
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		20
	Page 6, line 14, strike "DISTRICT, INCLUDING CHARTER SCHOOLS," and substitute "DISTRICT".	21
		22
		23
	Page 6, strike lines 17 through 21 and substitute "SECTION 23-1-113, C.R.S.".	24
		25
		26
	Page 6, line 22, strike "EDUCATION.".	27
		28
	Page 7, strike lines 1 through 3 and substitute "ENROLLED IN THOSE GRADES.".	29
		30
		31
	Page 7, line 4, strike "EACH" and substitute "IF A SCHOOL DISTRICT CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH".	32
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		34
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	Page 7, after line 25, insert:	36
		37
	" SECTION 4. In Colorado Revised Statutes, add 22-30.5-117 as follows:	38
		39
	22-30.5-117. Basic skills placement or assessment tests - intervention plans. (1) EACH CHARTER SCHOOL THAT INCLUDES ANY OF GRADES NINE THROUGH TWELVE MAY ADMINISTER TO STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.	40
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	(2) IF A CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO	53
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THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE CHARTER SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE."

Renumber succeeding sections accordingly.

Page 8, line 25, strike "SHALL" and substitute "MAY".

Page 8, line 26, strike "ALL".

Page 9, strike lines 2 through 6 and substitute "C.R.S. THE".

Page 9, line 13, strike everything after the period.

Page 9, strike lines 14 and 15.

Page 9, line 16, strike "EACH" and substitute "IF AN INSTITUTE CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH".

Page 11, line 20, strike the first "THE" and substitute "FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT CHOOSE TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, THE".

Page 13, after line 18, insert:

"SECTION 10. In Colorado Revised Statutes, 22-2-112, **add** (4) as follows:

22-2-112. Commissioner - duties. (4) (a) THE COMMISSIONER SHALL ENSURE THAT THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS, ANNUALLY ALLOCATES MONEYS TO SCHOOL DISTRICTS, DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS TO REIMBURSE THEM FOR THE COSTS OF ADMINISTERING BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS PURSUANT TO SECTIONS 22-32-109.5, 22-30.5-117, AND 22-30.5-524, RESPECTIVELY, TO STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE. THE DEPARTMENT SHALL ALLOCATE MONEYS TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE THE STUDENT IS ENROLLED IN GRADES NINE THROUGH TWELVE.

(b) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ADMINISTERING BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS TO STUDENTS IN GRADES NINE THROUGH TWELVE IS AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND IS A COMPONENT OF ACCOUNTABILITY REPORTING AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 11. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$1,000,000, or so much thereof as may be necessary, for the implementation of section 22-2-112 (4), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1, line 104, strike "SERVICES." and substitute "SERVICES, AND, IN CONNECTION, THEREWITH, MAKING AN APPROPRIATION."

MESSAGE FROM THE HOUSE

February 15, 2012

Mr. President:

The House has adopted and returns herewith SJR12-014 and SJR12-003

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1009, amended as printed in House Journal, February 8, pages 186-187, also amended as printed in House Journal, February 14, page 250. HB12-1120, amended as printed in House Journal, February 14, page 250. HB12-1221, amended as printed in House Journal, February 14, pages 250-251. HB12-1301, amended as printed in House Journal, February 14, page 251. HB12-1074, amended as printed in House Journal, February 14, page 251.

MESSAGE FROM THE REVISOR OF STATUTES

February 15, 2012

We herewith transmit:

Without comment, as amended, HB12-1009, 1074, 1120, 1221, and 1301.

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:

HB12-1078 by Representative(s) Vigil, Baumgardner, Sonnenberg, Swerdfeger, Wilson; also Senator(s) Schwartz, Brophy, Giron, Hodge, Roberts--Concerning the exemption of drinking water treatment facilities from the requirement to obtain a certificate of designation.

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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	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

SB12-067 by Senator(s) Hudak, Bacon, Johnston, King K., Spence; also Representative(s) Holbert--
Concerning requirements pertaining to the corporate status of charter schools.

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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	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.

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:

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

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

SB12-131 by Senator(s) Guzman, Steadman; --Concerning the responsibilities of a fiduciary with regard to the estate of a person who may have executed a designated beneficiary agreement.

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

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Giron, Newell, Roberts, Tochtrop and Williams S.

SB12-061 by Senator(s) King K.; also Representative(s) Massey--Concerning procedures relating to the authorization of charter schools.

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

Third Reading Amendment No. 1(L.009), by Senator King K.

Amend engrossed bill, page 16, line 12, strike "22-30.5-517 (3)" and substitute "22-30.5-507 (3)".

The amendment was passed on 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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: King S., Lambert, Roberts and Spence.

SB12-146 by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action.

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

YES	32	NO	1	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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Harvey, Heath, Morse, Neville, Newell, Nicholson, Schwartz, Steadman, Williams S. and Shaffer B.

SB12-045 by Senator(s) Hudak and King K., Bacon; also Representative(s) Massey and Fields, Holbert--Concerning granting associate degrees to students who transfer from a two-year institution.

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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Jahn, Johnston, Lambert, Lundberg, Morse, Neville, Newell, Scheffel, Schwartz, Spence, Steadman, Tochtrop, Williams S. and Shaffer B.

SB12-036 by Senator(s) Mitchell; --Concerning parental consent for the collection of information from students in schools.

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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Cadman, Foster, Grantham, Harvey, Jahn, King S., Lambert, Neville and Scheffel.

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 Memorials.

CONSIDERATION OF MEMORIALS

SM12-001 by Senator(s) Hodge and Lundberg, Bacon; --Memorializing former Senator Frederic Edwin Anderson.

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

Amend printed memorial, page 1, line 12, strike "20," and substitute "22,".

Page 3, line 2, strike "third" and substitute "fourth".

Page 3, line 3, strike "Legislators," and substitute "Legislatures,".

Page 3, line 31, strike "Anderson" and substitute "Dib".

The amendment was passed on 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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Lundberg, the memorial, as amended, was read at length.

Senate in recess. Senate reconvened.

On motion of Senator Hodge the memorial, as amended, was 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	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hudak, Jahn, Johnston, King K., King S., Lambert, Mitchell, Morse, Neville, Newell, Nicholson, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, Williams S. and Shaffer B.

Senate in recess. Senate reconvened.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-036, 045, 061, 067, 131 and 146; SJR12-014.
Correctly Revised: HB12-1078; HJR12-1013.
Correctly Rerevised: HB12-1180, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1199, 1200, 1201, 1202 and 1203.

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 Thursday, February 16 was laid over until Friday, February 17, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-011, SB12-051, SB12-072, SB12-122, SB12-099, SB12-022, HB12-1181, HB12-1198, SB12-003.
Consideration of Resolutions: SJR12-006, HJR12-1010.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, February 17, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

38th Legislative Day Friday, February 17, 2012

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Lambert.

Roll Call Present--33
Excused--2, Renfroe, White.
Present later--1, Renfroe.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Thursday, February 16, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

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

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

YES	22	NO	11	EXCUSED	2	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	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	E	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Bacon, Carroll, Foster, Guzman, Hudak, Morse, Newell, Nicholson, Schwartz, Williams S. and Shaffer B.

RECONSIDERATION OF SB12-146

SB12-146 by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-146.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

SB12-146 by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action.

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

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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Harvey, Heath, Johnston, Morse, Neville, Newell, Nicholson, Schwartz, Steadman, Williams S. and Shaffer B.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB12-098** be postponed indefinitely.

Trans- After consideration on the merits, the Committee recommends that **SB12-034** be referred portation to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB12-002** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB12-052** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB12-140** be postponed indefinitely.

Finance	After consideration on the merits, the Committee recommends that SB12-104 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4
Finance	After consideration on the merits, the Committee recommends that SB12-105 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	5 6 7 8 9
	Amend the Senate Judiciary Committee Report, dated February 13, 2012, page 1, line 6, strike the second "OR".	10 11 12
	Page 1, line 9, strike "C.R.S." and substitute "C.R.S.; OR".	13 14
	Page 1, after line 9, insert:	15 16
	"(f) REQUIRING AN EMPLOYER TO HIRE AN INDIVIDUAL WHO HAS RECEIVED AN ORDER OF COLLATERAL RELIEF ISSUED PURSUANT TO SECTION 16-24-107, OR A CERTIFICATE OF REHABILITATION ISSUED PURSUANT TO SECTION 16-24-108.".	17 18 19 20 21 22
Local Government	After consideration on the merits, the Committee recommends that SB12-081 be postponed indefinitely.	23 24 25 26
Local Government	After consideration on the merits, the Committee recommends that SB12-087 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	27 28 29 30 31
Local Government	After consideration on the merits, the Committee recommends that SB12-088 be postponed indefinitely.	32 33 34 35
Local Government	After consideration on the merits, the Committee recommends that SB12-120 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36 37 38 39 40
	Amend printed bill, page 2, line 4, strike "qualified".	41 42
	Page 2, line 5, strike "construction".	43 44
	Page 2, line 9, strike "construction" and strike "qualified".	45 46
	Page 2, line 12, strike "construction".	47 48
	Page 2, line 13, strike "qualified".	49 50
	Page 3, strike lines 3 through 9.	51 52
	Reletter succeeding paragraphs accordingly.	53 54
	Page 3, line 10, strike "construction".	55 56
	Page 3, line 11, strike "qualified".	57 58
	Page 3, line 18, strike "construction".	59 60
	Page 3, line 27, strike " qualified ".	61 62
	Page 4, line 1, strike ""QUALIFIED".	63 64
	Page 4, line 2, strike "INTERIOR" and substitute ""INTERIOR".	65 66
	Page 4, line 8, strike "CONSTRUCTION".	67 68
	Page 5, line 10, strike "A QUALIFIED" and substitute "AN".	69

	Page 5, line 11, strike "CONSTRUCTION".	1
		2
	Page 5, line 18, strike "CONSTRUCTION".	3
		4
	Page 5, line 19, after "ACCEPT" insert "FOR REVIEW".	5
		6
	Page 5, line 21, strike "QUALIFIED INTERIOR" and substitute "INTERIOR".	7
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	Page 6, line 3, strike "QUALIFIED".	9
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	Page 6, line 7, strike "QUALIFIED".	11
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	Page 6, line 8, strike "QUALIFIED".	13
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	Page 6, line 23, strike "CONSTRUCTION".	15
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	Page 7, line 1, strike "CONSTRUCTION".	17
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	Page 7, line 25, strike "qualified".	19
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	Page 7, line 27, strike ""QUALIFIED INTERIOR" and substitute ""INTERIOR".	21
		22
	Page 8, line 7, strike "CONSTRUCTION".	23
		24
	Page 9, line 7, strike "A QUALIFIED" and substitute "AN".	25
		26
	Page 9, line 8, strike "CONSTRUCTION".	27
		28
	Page 9, line 15, strike "CONSTRUCTION".	29
		30
	Page 9, line 16, after "ACCEPT" insert "FOR REVIEW".	31
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	Page 9, line 19, strike "QUALIFIED INTERIOR" and substitute "INTERIOR".	33
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	Page 10, line 1, strike "QUALIFIED".	35
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	Page 10, line 5, strike "QUALIFIED".	37
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	Page 10, line 6, strike "QUALIFIED".	39
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	Page 10, line 21, strike "CONSTRUCTION".	41
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	Page 10, line 26, strike "CONSTRUCTION".	43
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Local Government	After consideration on the merits, the Committee recommends that SB12-124 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	46
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-138 be postponed indefinitely.	50
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-054 be postponed indefinitely.	55
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-093 be referred to the Committee of the Whole with favorable recommendation.	60
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-077 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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Committee of the Whole On motion of Senator Guzman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Guzman 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:

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

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 6, pages 93-94 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Hudak.

Amend the Education Committee Report, dated February 2, 2012, page 1, strike lines 9 through 16.

Page 2 of the committee report, strike lines 1 through 11 and substitute:

"Page 6 of the printed bill, strike lines 13 through 20 and substitute:

"22-44-304. Financial reporting - on-line access to information. (1) (d) (I) ADDITIONALLY, COMMENCING SEPTEMBER 1, 2012, EACH LOCAL EDUCATION PROVIDER SHALL POST:

(A) A LIST OF THE ACTIVE CONTRACTS ENTERED INTO BY THE LOCAL EDUCATION PROVIDER FOR SERVICES, ACTIVITIES, OR UNDERTAKINGS, INCLUDING BUT NOT LIMITED TO CONTRACTS ENTERED INTO PURSUANT TO SECTION 22-32-122, THAT INDIVIDUALLY EXCEED ONE HUNDRED THOUSAND DOLLARS, WITH A BRIEF EXPLANATION OF THE SUBJECT MATTER OF EACH CONTRACT AND THE NAMES OR TITLES OF AND CONTACT INFORMATION FOR ONE OR MORE EMPLOYEES OF THE LOCAL EDUCATION PROVIDER WHO ARE AVAILABLE TO ANSWER QUESTIONS CONCERNING THE CONTRACTS; OR

(B) A COPY OF EACH ACTIVE CONTRACT ENTERED INTO BY THE LOCAL EDUCATION PROVIDER FOR A SERVICE, ACTIVITY, OR UNDERTAKING, INCLUDING BUT NOT LIMITED TO A CONTRACT ENTERED INTO PURSUANT TO SECTION 22-32-122, THAT INDIVIDUALLY EXCEEDS ONE HUNDRED THOUSAND DOLLARS.

(II) IF THE LOCAL EDUCATION PROVIDER CHOOSES TO POST A CONTRACT, IT SHALL POST THE CONTRACT IN A DOWNLOADABLE FORMAT FOR FREE PUBLIC ACCESS, BUT THE LOCAL EDUCATION PROVIDER MAY REDACT FROM THE CONTRACT ANY INFORMATION FOR WHICH THE LOCAL EDUCATION PROVIDER MAY DENY INSPECTION UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

(III) THE PROVISIONS OF THIS PARAGRAPH (d) DO NOT APPLY TO CONTRACTS FOR INSTRUCTIONAL SERVICES."."

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.)

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

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 7, pages 98-99 and placed in members' bill files.)

Page 204
Senate Journal-38th Day-February 17, 2012

Amendment No. 2(L.004), by Senator Lambert.

Amend the Senate Judiciary Report, dated February 6, 2012, page 3, strike lines 8 through 17 and substitute:

"SECTION 3. In Colorado Revised Statutes, 24-32-2222, add (6) as follows:

24-32-2222. County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations. (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-103, THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS CREATED IN SECTION 24-1-128.5, THE DIVISION OF EMERGENCY MANAGEMENT CREATED BY PART 21 OF THIS ARTICLE, THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY CREATED IN SECTION 24-33.5-1603, AND A COUNTY SHERIFF, POLICE CHIEF, TOWN MARSHAL, OR ANY OTHER LAW ENFORCEMENT ORGANIZATION CERTIFIED PURSUANT TO THE PROVISIONS OF ARTICLE 2.5 OF TITLE 16, C.R.S., WHO ENTERS INTO A MEMORANDUM OF UNDERSTANDING PURSUANT TO THIS SECTION WITH THE COLORADO MOUNTED RANGERS OR A MEMBER OF THE COLORADO MOUNTED RANGERS IS SOLELY RESPONSIBLE FOR, AND IN DIRECT CONTROL OF, THE PERFORMANCE OF ANY COLORADO MOUNTED RANGER, INCLUDING INCURRING ANY AND ALL LIABILITIES FOR MISCONDUCT, AND IS RESPONSIBLE FOR ADDRESSING ANY MISCONDUCT AS IF THE COLORADO MOUNTED RANGER WAS A FULL-TIME EMPLOYEE OF THE ORGANIZATION.

SECTION 4. In Colorado Revised Statutes, 24-32-2222, add (6) as follows:

24-32-2222. County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations. (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-103, THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS CREATED IN SECTION 24-1-128.5, THE DIVISION OF EMERGENCY MANAGEMENT CREATED BY PART 21 OF THIS ARTICLE, THE DIVISION OF HOMELAND SECURITY CREATED IN SECTION 24-33.5-1603, AND A COUNTY SHERIFF, POLICE CHIEF, TOWN MARSHAL, OR ANY OTHER LAW ENFORCEMENT ORGANIZATION CERTIFIED PURSUANT TO THE PROVISIONS OF ARTICLE 2.5 OF TITLE 16, C.R.S., WHO ENTERS INTO A MEMORANDUM OF UNDERSTANDING PURSUANT TO THIS SECTION WITH THE COLORADO MOUNTED RANGERS OR A MEMBER OF THE COLORADO MOUNTED RANGERS IS SOLELY RESPONSIBLE FOR, AND IN DIRECT CONTROL OF, THE PERFORMANCE OF ANY COLORADO MOUNTED RANGER, INCLUDING INCURRING ANY AND ALL LIABILITIES FOR MISCONDUCT, AND IS RESPONSIBLE FOR ADDRESSING ANY MISCONDUCT AS IF THE COLORADO MOUNTED RANGER WAS A FULL-TIME EMPLOYEE OF THE ORGANIZATION.

SECTION 5. Act subject to petition - effective date. (1) 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.

(2) Section 3 of this act takes effect only if House Bill 12-1283 does not become law.

(3) Section 4 of this act takes effect only if House Bill 12-1283 becomes law."

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

- SB12-122** by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn, Lundberg, Newell, Nicholson, Roberts, Steadman; also Representative(s) DelGrosso--Concerning avoiding potential conflicts of interest in the provision of services to a person on probation.
Laid over until Monday, February 20, retaining its place on the calendar.
- SB12-099** by Senator(s) Spence; also Representative(s) Todd--Concerning expansion of access to services for juveniles at the academic model juvenile facility.
Laid over until Monday, February 20, retaining its place on the calendar.
- SB12-022** by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas--Concerning maintaining child care assistance for working families.
Laid over until Monday, February 20, retaining its place on the calendar.
- HB12-1181** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.
Laid over until Monday, February 20, retaining its place on the calendar.
- HB12-1198** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of state.
Laid over until Monday, February 20, retaining its place on the calendar.
- SB12-003** by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers.
Laid over until Monday, February 20, retaining its place on the calendar.
- SB12-056** by Senator(s) Carroll; also Representative(s) Holbert--Concerning judicial appointments in domestic relations cases involving children.
Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 2, pages 79-82 and placed in members' bill files.)
As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB12-038** by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property.
Laid over until Monday, February 20, retaining its place on the calendar.
- SB12-137** by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.
Laid over until Monday, February 20, retaining its place on the calendar.
- SB12-102** by Senator(s) Brophy; --Concerning the repeal of the crime of criminal libel.
Ordered engrossed and placed on the calendar for third reading and final passage.

SB12-062	by Senator(s) Williams S.; also Representative(s) Looper--Concerning procedures that facilitate voting by military personnel.	1
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	<u>Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.</u>	4
	(Printed in Senate Journal, February 7, page 99 and placed in members' bill files.)	5
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	<u>Amendment No. 2, Finance Committee Amendment.</u>	7
	(Printed in Senate Journal, February 15, page 165 and placed in members' bill files.)	8
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	<u>Amendment No. 3(L.008), by Senator Williams S.</u>	10
		11
	Amend printed bill, page 3, line 27, strike " ballot. " and substitute " ballot	12
	- definition. ".	13
		14
	Page 4, line 1, after "(7)" insert "(a)".	15
		16
	Page 4, line 2, after "VOTER" insert "IN A HOSTILE FIRE ZONE".	17
		18
	Page 4, line 9, after "VOTER" insert "IN A HOSTILE FIRE ZONE".	19
		20
	Page 4, after line 11 insert:	21
		22
	"(b) AS USED IN THIS SUBSECTION (7), "COVERED VOTER IN A	23
	HOSTILE FIRE ZONE" MEANS A COVERED VOTER, AS THAT TERM IS DEFINED	24
	IN SECTION 1-8.3-102 (2) (a), WHO IS LOCATED IN AN AREA THAT IS	25
	DESIGNATED AS HOSTILE FIRE ZONE BY THE UNITED STATES SECRETARY	26
	OF DEFENSE AT THE TIME HE OR SHE MAKES THE REQUEST FOR A BALLOT."	27
		28
	Page 1, line 101, before " VOTING " insert " PROCEDURES THAT	29
	FACILITATE ".	30
		31
		32
	As amended, ordered engrossed and placed on the calendar for third reading and final	33
	passage.	34
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SB12-092	by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak, King S., Tochtrop; --Concerning the use	37
	of a video display in a motor vehicle that is being operated on a roadway.	38
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	Laid over until Monday, February 20, retaining its place on the calendar.	40
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SB12-011	by Senator(s) Spence; also Representative(s) Summers--Concerning the differential	43
	response pilot program for child abuse or neglect cases of low or moderate risk.	44
		45
	<u>Amendment No. 1(L.001), by Senator Spence.</u>	46
		47
	Amend printed bill, page 2, strike lines 15 through 18 and substitute	48
	"county departments"."	49
		50
	<u>Amendment No. 2(L.002), by Senator Newell.</u>	51
		52
	Amend printed bill, page 2, line 3, strike "(a)" and substitute "(a), (6)".	53
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	Page 2, after line 18 insert:	55
		56
	"(6) The state board may SHALL promulgate rules TO DEFINE AND	57
	IMPLEMENT DIFFERENTIAL RESPONSE AND for the administration of the	58
	pilot program."	59
		60
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	As amended, ordered engrossed and placed on the calendar for third reading and final	62
	passage.	63
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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following Harvey floor amendment, (L.006) to SB 12-051, did pass.

Amend printed bill, page 3, strike lines 15 through 21 and substitute "SELECTING THE CONTRACTOR THAT PROVIDES THE BEST VALUE, REGARDLESS OF WHETHER THE CONTRACTOR SUBMITS THE LOWEST BID; AND".

Call of the Senate. Call raised.

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

YES	14	NO	20	EXCUSED	1	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	E
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 Guzman, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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	E
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: SB12-051 as amended, SB12-072 as amended, SB12-056 as amended, SB12-102, SB12-062 as amended, SB12-011 as amended.
Laid over until February 20: SB12-122, SB12-099, SB12-022, HB12-1181, HB12-1198, SB12-003, SB12-038, SB12-137, SB12-092.

SENATE SERVICES REPORT

Correctly Engrossed: SM12-001.
Correctly Reengrossed: SB12-036, 045, 061, 067, 131 and 146.
Correctly Rerevised: HB12-1078.

On motion of Senator Morse, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the calendar of Friday, February 17 was laid over
until Monday, February 20, retaining its place on the calendar.

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

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 20,
2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

41st Legislative Day	Monday, February 20, 2012
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Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Nicholson.
Roll Call	Present--35
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator White, reading of the Journal of Friday, February 17, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF BILLS -- FIRST READING

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

HB12-1009	by Representative(s) Gerou; also Senator(s) Lambert--Concerning a report related to the federal moneys received by the executive branch. State, Veterans & Military Affairs
HB12-1074	by Representative(s) Kerr J., Miklosi; also Senator(s) King S., Tochtrop--Concerning access to data to assist the courts in overseeing persons appointed to manage the affairs of persons under disability. Judiciary
HB12-1120	by Representative(s) Swerdfeger, Brown, Duran, Liston, Massey, Pabon, Pace, Williams A.; also Senator(s) Tochtrop--Concerning the creation of the division of unemployment insurance in the department of labor and employment to administer the unemployment insurance program. Business, Labor and Technology
HB12-1221	by Representative(s) Liston, Kerr J., Balmer, Miklosi, Summers, Swalm, Williams A.; also Senator(s) Tochtrop, Boyd, Morse--Concerning billing for anatomic pathology services. Business, Labor and Technology
HB12-1301	by Representative(s) McNulty, Ferrandino; also Senator(s) Morse, Shaffer B., Cadman--Concerning payment of expenses of the legislative department. Appropriations

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

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

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

Laid over until Monday, February 27, retaining its place on the calendar.

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:

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

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	Y	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.	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-sponsors added: Aguilar, Boyd, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Nicholson and Tochtrop.

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Carroll, Guzman, Heath, Hodge, King S., Roberts, Schwartz, Spence, Tochtrop and White.

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Newell, Steadman and Tochtrop.

SB12-102 by Senator(s) Brophy; also Representative(s) Nikkel--Concerning the repeal of the crime of criminal libel.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Cadman, Carroll, Giron, Grantham, Guzman, Jahn, King K., King S., Mitchell, Neville, Roberts, Scheffel, Spence, Steadman, White, Williams S. and Shaffer B.

SB12-062 by Senator(s) Williams S.; also Representative(s) Looper--Concerning procedures that facilitate voting by military personnel.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Jahn, Newell, Schwartz and Tochtrop.

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Grantham, Guzman, Heath, Jahn, Johnston, King K., King S., Lambert, Mitchell, Morse, Neville, Roberts, Schwartz, Tochtrop, White and Williams S.

RECONSIDERATION OF SB12-051

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

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-051.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

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

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

YES	20	NO	15	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	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Nicholson, Tochtrop and Williams S.

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

Laid over until Monday, February 27, retaining its place on the calendar.

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 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:

SB12-003 by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers.

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

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.)

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 (SB12-122, SB12-099, SB12-022, HB12-1181, HB12-1198, SB12-038, SB12-137, SB12-092, SB12-133, SB12-141, SB12-147, SB12-057) of Monday, February 20 was laid over until Tuesday, February 21, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-003 by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers.

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 12-003 did pass.

Amend printed bill, page 5, after line 26 insert:

"(7) THIS SECTION IS REPEALED, EFFECTIVE UPON THE DATE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT NOTIFIES THE REVISOR OF STATUTES THAT UNEMPLOYMENT IN THIS STATE HAS FALLEN BELOW SIX PERCENT."

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

YES	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	23	NO	12	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	Y
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	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-003 as amended.
Laid over until February 21: SB12-122, SB12-099, SB12-022, HB12-1181, HB12-1198, SB12-038, SB12-137, SB12-092, SB12-133, SB12-141, SB12-147, SB12-057.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that **SB12-068** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 19, strike "2012," and substitute "2013," and strike "SHALL" and substitute "OF A SCHOOL DISTRICT WITH A TOTAL PUPIL ENROLLMENT OF ONE

THOUSAND OR MORE STUDENTS SHALL NOT, AND A PUBLIC SCHOOL OF A SCHOOL DISTRICT WITH A TOTAL PUPIL ENROLLMENT OF FEWER THAN ONE THOUSAND STUDENTS IS ENCOURAGED NOT TO:".

Page 3, strike line 20.

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;
(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;
OR
(c) A SCHOOL OF A SCHOOL DISTRICT THAT DOES NOT HAVE A COORDINATED, DISTRICT-WIDE FOOD SERVICE FOR THE PROVISION OF FOOD TO STUDENTS AND IN WHICH SCHOOL LESS THAN ONE THOUSAND STUDENTS ARE ENROLLED.".

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,".

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR12-015 by Senator(s) Boyd and Roberts; also Representative(s) Bradford and Hamner--Concerning celebration of the 100th anniversary of Girl Scouts, and, in connection therewith, designating 2012 as the "Year of the Girl" in the state of Colorado.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-150 by Senator(s) Schwartz, Bacon, Renfroe; also Representative(s) Sonnenberg, Brown, Vigil-- Concerning the state treasurer's authority to manage state public financing.
Finance

SB12-151 by Senator(s) Tochtrop; --Concerning the authority of the parks and wildlife board to set fees for the use of park and outdoor recreation facilities and programs.
Agriculture, Natural Resources, and Energy

MESSAGE FROM THE HOUSE

February 20, 2012

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1064, 1207, 1139, 1231, 1233.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1124, amended as printed in House Journal, February 17, page 290.
HB12-1117, amended as printed in House Journal, February 17, page 290.
HB12-1157, amended as printed in House Journal, February 17, page 290.
HB12-1097, amended as printed in House Journal, February 17, page 291.
HB12-1276, amended as printed in House Journal, February 17, page 291.

The House has passed on Third Reading and returns herewith SB12-008.

The House has voted to concur in the Senate amendments to HB12-1200, 1202 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

February 20, 2012

We herewith transmit:

Without comment, HB12-1064, 1139, 1207, 1231, and 1233.
Without comment, as amended, HB12-1117, 1097, 1124, 1157, and 1276.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-011, 051, 056, 062, 072 and 102.
Correctly Reengrossed: SB12-058.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, February 20 was laid over until Tuesday, February 21, retaining its place on the calendar.

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

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 21, 2012.	1
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Approved:	4
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Brandon C. Shaffer	8
President of the Senate	9
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Attest:	11
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Cindi L. Markwell	16
Secretary of the Senate	17

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

42nd Legislative Day Tuesday, February 21, 2012

Prayer By the chaplain, Pastor Robert Schlipp, The Worship Center of Brighton.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--34
Excused--1, Mitchell.
Present later--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator White, reading of the Journal of Monday, February 20, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

SB12-003 by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers.

Persuant to Senate Rule 9 (b), Senator Harvey moved for the previous question by asking 'Shall the main question be now put?'. The motion was 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		

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

Third Reading Amendment No. 1(L.009), by Senator Harvey.

- Amend engrossed bill, page 4, strike lines 26 and 27.
- Page 5, strike lines 1 and 2 and substitute "REQUIRED BY A DEFENSE".
- Page 5, line 5, strike "SUBSTANTIALY".
- Page 5, line 6, strike "JOB-RELATED," and substitute "SOUGHT TO BE USED IN ACCORDANCE WITH THIS SECTION,".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	20	NO	15	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	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hudak, Johnston, Morse, Nicholson, Shaffer B., Steadman, Tochtrop and Williams S.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **HB12-1055** 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, page 1, strike lines 104 to 106 and substitute "OCCUPATIONS AND REQUIRING".

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1100** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1073** 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 Printed: SB12-150 and 151; SJR12-015.
Correctly Engrossed: SB12-003.
Correctly Reengrossed: SB12-011, 051, 056, 062, 072 and 102.
Correctly Enrolled: SJR12-003, 007 and 014; SM12-001.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HJR12-1002, 1003, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013; SJR12-003, 007 and 014; SM12-001.

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, February 21 was laid over until Wednesday, February 22, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-087, SB12-077.
General Orders -- Second Reading of Bills: SB12-122, SB12-099, SB12-022, HB12-1181, HB12-1198, SB12-038, SB12-137, SB12-092, SB12-133, SB12-141, SB12-147, SB12-057, SB12-034, SB12-120, SB12-093.
Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1010.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 22, 2012.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

43rd Legislative Day

Wednesday, February 22, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--32
 Excused--3, Harvey, Schwartz, Steadman.
 Present later--3, Harvey, Schwartz, Steadman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator White, reading of the Journal of Tuesday, February 21, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Transportation	After consideration on the merits, the Committee recommends that SB12-049 be postponed indefinitely.
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Transportation	After consideration on the merits, the Committee recommends that SB12-089 be postponed indefinitely.
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Transportation	After consideration on the merits, the Committee recommends that SB12-050 be postponed indefinitely.
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Finance	After consideration on the merits, the Committee recommends that HB12-1050 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
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Finance	After consideration on the merits, the Committee recommends that HB12-1096 be referred to the Committee of the Whole with favorable recommendation.
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MESSAGE FROM THE HOUSE

February 21, 2012

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1178, 1229.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1270, amended as printed in House Journal, February 20, page 317.
HB12-1289, amended as printed in House Journal, February 20, page 317.

MESSAGE FROM THE REVISOR OF STATUTES

February 21, 2012

We herewith transmit:

Without comment, HB12-1178 and 1229.
Without comment, as amended, HB12-1270 and 1289.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR12-016 by Senator(s) Morse; also Representative(s) Stephens--Concerning modifications to Joint Rule 23 (a) (1) of the Senate and the House of Representatives.

Laid over one day under Senate Rule 30(b).

SJR12-017 by Senator(s) Williams S. and Spence, Giron, White; also Representative(s) Conti and Labuda, Acree, Looper, Williams A.--Concerning the recognition of National Women's History Month, and, in connection therewith, designating March as Colorado Women's History Month.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-152 by Senator(s) Cadman, Morse, Shaffer B.; also Representative(s) Ferrandino, McNulty, Stephens--Concerning changes to the procedures for filing reports with the general assembly under the "Information Coordination Act".
State, Veterans & Military Affairs

HB12-1064 by Representative(s) Stephens; also Senator(s) King S.--Concerning the prohibition of limitations concerning firearms during an official state of emergency.
State, Veterans & Military Affairs

HB12-1070 by Representative(s) Peniston; also Senator(s) Hodge--Concerning the modification of statutory provisions governing the ethical conduct of persons involved in government for the purpose of harmonizing such provisions with section 3 (5) of article XXIX of the state constitution.
State, Veterans & Military Affairs

HB12-1072 by Representative(s) Massey and Fields, Holbert; also Senator(s) Bacon and King K., Hudak--Concerning credit for prior learning in higher education.
Education

HB12-1079 by Representative(s) Barker; also Senator(s) King S.--Concerning designation of certain positions in the department of public safety.
Judiciary

- HB12-1086** by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.
Legal Services
- HB12-1097** by Representative(s) Summers; also Senator(s) Jahn--Concerning civil penalties for retail food establishments.
Health and Human Services
- HB12-1117** by Representative(s) Balmer; also Senator(s) Nicholson--Concerning the ability of a local government to permit, in its discretion, the collection of charitable solicitations from motorists on a certain number of days per calendar year.
Local Government
- HB12-1139** by Representative(s) Levy, Fields, Barker, Court, Kagan, Massey, McCann, McKinley, Nikkel, Solano, Young; also Senator(s) Guzman--Concerning pretrial detention of children prosecuted as adults.
Judiciary
- HB12-1157** by Representative(s) Vigil; also Senator(s) Guzman--Concerning the court hearing on a petition for the organization of a special district.
Local Government
- HB12-1231** by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.
Judiciary
- HB12-1233** by Representative(s) Labuda, Barker, Casso, Gardner B., Pabon; also Senator(s) Carroll--Concerning the ability of a court to enter a decree of legal separation in certain circumstances without the appearance of the parties.
Judiciary
- HB12-1276** by Representative(s) Duran, Summers, Fields, McCann, Casso, Hullinghorst, Massey, Swerdfeger, Vigil; also Senator(s) Newell--Concerning child care licensure waivers for materials related to a child care center's curriculum.
Health and Human Services

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 General Orders -- Second Reading of Bills.

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

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

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 9, page 107 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Williams S.

Amend Judiciary Committee Report, dated February 8, 2012, page 1, line 13, before "MENTAL" insert "COMMUNITY".

Page 1, line 14, strike "PROVIDERS." and substitute "PROVIDERS."

Page 1, after line 14, insert the following:
"(c) NOTHING IN THIS SUBSECTION (2) SHALL BE INTERPRETED TO PREVENT A PROBATION DEPARTMENT FROM CONTRACTING FOR SUBSTANCE ABUSE TREATMENT."

As amended, laid over until Thursday, February 23, retaining its place on the calendar.

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

Committee of the Whole in recess. Committee of the Whole reconvened.

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

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

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:

SB12-099 by Senator(s) Spence; also Representative(s) Todd--Concerning expansion of access to services for juveniles at the academic model juvenile facility.

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

Amend printed bill, page 2, line 10, strike "SERVICES OR WHO ARE IN NEED OF OUT-OF-HOME" and substitute "SERVICES."

Page 2, line 11, strike "PLACEMENT."

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

SB12-022 by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas--Concerning maintaining child care assistance for working families.

Laid over until Thursday, February 23, retaining its place on the calendar.

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.

Laid over until Thursday, February 23, retaining its place on the calendar.

- HB12-1198** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of state.
Laid over until Thursday, February 23, retaining its place on the calendar.
- SB12-038** by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect
consumers who engage a roofing contractor to perform roofing services on residential
property.
Laid over until Thursday, February 23, retaining its place on the calendar.
- SB12-137** by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper,
McKinley--Concerning the payment of debts in precious metal coins.
Laid over until Thursday, February 23, retaining its place on the calendar.
- SB12-092** by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak, King S., Tochtrop; --Concerning the use
of a video display in a motor vehicle that is being operated on a roadway.
Amendment No. 1(L.004), by Senator Jahn.
Amend printed bill, page 2, line 14, strike "ENTERTAINMENT" and
substitute "ENTERTAINMENT, INCLUDING INTERNET BROWSING, SOCIAL
MEDIA, AND EMAIL,".
As amended, ordered engrossed and placed on the calendar for third reading and final
passage.
- SB12-133** by Senator(s) Schwartz, Aguilar, King S., Newell, White; --Concerning the diversion of
electronic devices from landfills.
Laid over until Monday, February 27, retaining its place on the calendar.
- SB12-141** by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military
personnel in qualifying for home mortgage loans.
Laid over until Thursday, February 23, retaining its place on the calendar.
- SB12-147** by Senator(s) Aguilar; also Representative(s) Williams A.--Concerning the intent to prevent
a person from voting in an election by intentionally communicating false information.
Ordered engrossed and placed on the calendar for third reading and final passage.
- SB12-057** by Senator(s) Williams S.; also Representative(s) Brown--Concerning indigenous language
instruction.
Laid over until Thursday, February 23, retaining its place on the calendar.
- SB12-034** by Senator(s) King S., Tochtrop; also Representative(s) Miklosi--Concerning repeal of the
rapid screen program to identify high-emitting motor vehicles.
Laid over until Thursday, February 23, retaining its place on the calendar.
- SB12-120** by Senator(s) Foster; also Representative(s) Massey and Fischer--Concerning the existing
ability of qualified interior designers to submit certain interior design construction
documents to local government officials in connection with an application for a building
permit.
Laid over until Friday, February 24, retaining its place on the calendar.

SB12-093by Senator(s) Carroll, Boyd; also Representative(s) Duran--Concerning a requirement that a licensed hospital provide notice to patients of any service not provided by the hospital because of moral convictions based on religious beliefs.

Laid over until Friday, February 24, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Giron, 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: SB12-099 as amended, SB12-092 as amended, SB12-147.
Laid over until February 23: SB12-122 as amended, SB12-022, HB12-1181, HB12-1198, SB12-038, SB12-137, SB12-141, SB12-057, SB12-034.
Laid over until February 24: SB12-120, SB12-093.
Laid over until February 27: SB12-133.

MESSAGE FROM THE HOUSE

February 22, 2012

Mr. President:

TheHouse has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1247, 1249.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1094, amended as printed in House Journal,February 21, pages 317-318.
HB12-1151, amended as printed in House Journal,February 21, page 328.
HB12-1065, amended as printed in House Journal,February 21, page 328.
HB12-1012, amended as printed in House Journal,February 21, page 329.
HB12-1246, amended as printed in House Journal,February 21, page 329.
HB12-1248, amended as printed in House Journal,February 21, page 330.
HB12-1217, amended as printed in House Journal,February 21, page 330.
HB12-1029, amended as printed in House Journal,February 21, page 330.
HB12-1085, amended as printed in House Journal,February 21, page 331.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-094, amended as printed in House Journal, February 21, page 329.

MESSAGE FROM THE REVISOR OF STATUTES

February 22, 2012

We herewith transmit:

Without comment, as amended, HB12-1012, 1029, 1065, 1085, 1094, 1151, 1217, 1246, and 1248.
Without comment, as amended, SB12-094.
With comment, HB12-1247 and 1249.

SENATE SERVICES REPORT

Correctly Reengrossed: SB12-003.

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 Wednesday, February 22 was laid over until Thursday, February 23, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-087, SB12-077.
Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1010.

TRIBUTES

Honoring:

Brian Sokas -- by Senator Harvey.
Matthew Davis -- by Senator Scheffel.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 23, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

44th Legislative Day Thursday, February 23, 2012

Prayer By Senator Linda Newell.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator White, reading of the Journal of Wednesday, February 22, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1033** be referred to the Committee on Appropriations with favorable recommendation.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1015** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1002** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 2, after "OCCUPATION." add
""PERMIT" DOES NOT INCLUDE A WATER WELL PERMIT ISSUED BY THE
STATE ENGINEER PURSUANT TO TITLE 37, C.R.S.".

Page 3, line 16, strike "EXISTING, UNREVISED RULES" and substitute
"RULES IN EFFECT ON THE DATE OF APPLICATION".

Education After consideration on the merits, the Committee recommends that **SB12-121** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 10, strike lines 7 through 21 and substitute:

"22-30.5-104. Charter school - requirements - authority.
(11) (a) If a charter school chooses to apply, ALONE OR WITH A CONSORTIUM OF CHARTER SCHOOLS, for a grant through a nonformulaic, competitive grant program created by a federal or state statute or program, the charter school OR CONSORTIUM OF CHARTER SCHOOLS, pursuant to the provisions of section 22-30.5-503 (3.5), may request that the state charter school institute act as a local education agency and fiscal agent for the charter school OR CONSORTIUM OF CHARTER SCHOOLS for

Page 232	Senate Journal-44th Day-February 23, 2012	
	purposes of the grant MANAGEMENT AND LIABILITY. The charter school OR CONSORTIUM OF CHARTER SCHOOLS shall pay the fee, if any, imposed by the state charter school institute board as provided in section 22-30.5-503 (3.5).".	1 2 3 4 5
	Page 10, strike lines 24 through 27 and substitute:	6 7
	"22-30.5-503. State charter school institute - establishment - rules. (3.5) (a) The state charter school institute may act as the local education agency and fiscal agent FOR PURPOSES OF GRANT MANAGEMENT AND LIABILITY for a district charter school, or an institute charter school, OR A CONSORTIUM OF CHARTER SCHOOLS that chooses to apply for a grant through a nonformulaic, competitive grant program created by a federal or state statute or program; except that the provisions of this subsection (3.5) shall not apply to an application for:	8 9 10 11 12 13 14 15
	(I) A grant program created in the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, or in its implementing regulations.	16 17 18
	(II) (Deleted by amendment, L. 2011, (HB11-1089), ch. 55, p. 147, § 1, effective March 25, 2011.)	19 20
	(b) In acting as a local education agency and fiscal agent FOR PURPOSES OF GRANT MANAGEMENT AND LIABILITY pursuant to this subsection (3.5), the institute shall treat district charter schools and institute charter schools equally.	21 22 23 24
	(c) The institute board, by rule, may establish a fee that a district charter school, or an institute charter school, OR A CONSORTIUM OF CHARTER SCHOOLS shall pay if it requests that the institute act as the local education agency and fiscal agent FOR PURPOSES OF GRANT MANAGEMENT AND LIABILITY for the charter school OR CONSORTIUM OF CHARTER SCHOOLS pursuant to this subsection (3.5). The amount of the fee shall not exceed the direct costs incurred by the institute in implementing the provisions of this subsection (3.5). Any amount received by the institute from fees paid pursuant to this subsection (3.5) is continuously appropriated to the institute for the costs incurred in implementing this subsection (3.5). The institute board shall adopt rules as necessary to implement the provisions of this subsection (3.5).	25 26 27 28 29 30 31 32 33 34 35 36
	(d) The state board shall promulgate rules to establish processes, guidelines, and eligibility for a single school or consortium of schools to apply for grants and programs pursuant to this section.".	37 38 39 40
	Strike page 11.	41 42
	Page 12, strike lines 1 through 14.	43 44
	Renumber succeeding sections accordingly.	45 46
	Page 12, strike lines 25 through 27.	47 48
	Page 13, strike lines 1 through 11.	49 50
	Renumber succeeding sections accordingly.	51 52
	Page 14, strike lines 10 through 27.	53 54
	Page 15, strike lines 1 through 13.	55 56
	Renumber succeeding sections accordingly.	57 58 59
Education	After consideration on the merits, the Committee recommends that HB12-1212 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.	60 61 62 63 64
	Amend printed bill, page 2, after line 11, insert: "SECTION 2. In Colorado Revised Statutes, 22-30.7-102, amend (13) as follows:	65 66 67

22-30.7-102. Definitions. As used in this article, unless the context otherwise requires:

(13) "Single-district ON-LINE program" OR "SINGLE-DISTRICT ON-LINE SCHOOL" means an on-line program OR ON-LINE SCHOOL that serves only students who reside within a single school district. ~~or, in the case of a program authorized by one or more districts or a board of cooperative services, an on-line program that serves only students who reside within the authorizing districts or within the member districts of the authorizing board of cooperative services."~~

Renumber succeeding sections accordingly.

Page 2, strike line 20 and substitute:

"SECTION 4. Effective date. (1) This act takes effect July 1, 2012.

(2) Section 1 of this act takes effect only if House Bill 12-1240 does not become law.

(3) Section 2 of this act takes effect only if House Bill 12-1240 becomes law."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-109** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 8, line 17, strike "GENERAL, MUNICIPAL, PRIMARY," and substitute "GENERAL AND".

Page 9, strike lines 7 and 8 and substitute:

"COUNTY IN THE STATE SINCE THE LAST ELECTION, THE ELECTOR'S RECORD ON THE REGISTRATION LIST MAINTAINED BY THE COUNTY WILL BE MARKED "INACTIVE - RETURNED MAIL". IN SUCH CIRCUMSTANCES, THE COUNTY CLERK AND RECORDER SHALL SEND".

Page 9, strike lines 19 and 20 and substitute:

"OF COLORADO SINCE THE LAST ELECTION, THE ELECTOR'S RECORD ON THE REGISTRATION".

Page 11, line 19, strike "MUNICIPAL,".

Page 12, line 9, after "ELECTION," insert "THE ELECTOR'S RECORD ON THE REGISTRATION LIST MAINTAINED BY THE COUNTY WILL BE MARKED "INACTIVE - RETURNED MAIL". IN SUCH CIRCUMSTANCES,".

Page 13, strike lines 3 through 16.

Renumber succeeding sections accordingly.

Local
Government

After consideration on the merits, the Committee recommends that **SB12-116** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 5, strike ""CATHINONE"" and substitute ""CATHINONES"".

Page 2, strike line 10 and substitute "FOLLOWING SUBSTANCES AND ANY ANALOGS, SALTS, ISOMERS, OR SALTS OF ISOMERS".

Page 2, line 11, strike "ISOMER".

Page 2, strike lines 12 through 25 and substitute:

"(I) ALPHA-PHTHALIMIDOPROPIOPHENONE;

- (II) N, N-DIMETHYLCATHINONE (METAMFEPRAMONE);

(III) N-ETHYLCATHINONE (ETHCATHINONE);

(IV) ALPHA-PYRROLIDINOPROPIOPHENONE (α-PPP);

(V) 2-METHYLAMINO-1-PHENYLBUTAN-1-ONE (BUPHEDRONE);

(VI) ALPHA-PYRROLIDINOBUTIOPHENONE (α-PBP);

(VII) ALPHA-PYRROLIDINOVALEROPHENONE (α-PVP, PVP);

(VIII) 4-METHYLMETHCATHINONE (4-MMC, MEPHEDRONE);

(IX) 4'-METHYL-ALPHA-PYRROLIDINOPROPIOPHENONE (MPPP);

(X) 4'-METHYL-ALPHA-PYRROLIDINOBUTIOPHENONE (MPBP);

(XI) 4'-METHYL-ALPHA-PYRROLIDINOHEXIOPHENONE (MPHP);

(XII) 4-METHOXYMETHCATHINONE (PMMC, METHEDRONE, BK-PMMA);

(XIII) 4'-METHOXY-ALPHA-PYRROLIDINOPROPIOPHENONE (MOPPP);

(XIV) FLUOROMETHCATHINONE (4-FMC, FLEPHEDRONE, 3-FMC);".

Page 3, strike lines 1 through 15 and substitute:

- (XV) 3,4-METHYLENEDIOXYMETHCATHINONE (METHYLONE, BK-MDMA);

(XVI) 3,4-METHYLENEDIOXYETHCATHINONE (ETHYLONE, BK-MDEA);

(XVII) 3',4'-METHYLENEDIOXY-ALPHA-PYRROLIDINOPROPIOPHENONE (MDPPP);

(XVIII) 2-METHYLAMINO-1-(3,4- METHYLENEDIOXYPHENYL)-1-BUTANONE (BUTYLONE, BK-MDBD);

(XIX) 3',4'-METHYLENEDIOXY-ALPHA-PYRROLIDINOBUTIOPHENONE (MDPBP);

(XX) 2-METHYLAMINO-1-(3,4-METHYLENEDIOXYPHENYL)-1-CPENTANONE (BK-MBDP);

(XXI) 3,4-METHYLENEDIOXYPYROVALERONE (MDPV);

(XXII) NAPHTHYLPYROVALERONE (NAPHYRONE);

(XXIII) 2-(METHYLAMINO)-1-PHENYL-1-PENTANONE PENTEDRONE); AND

(XXIV) N-METHYLETHCATHINONE (4-MEC).

(b) "CATHINONES" DOES NOT INCLUDE DIETHYLPROPRION OR".

Page 3, line 19, strike "A CATHINONE." and substitute "ANY CATHINONES."

Page 4, strike line 3 and substitute "CATHINONES."

Page 4, line 11, strike "CATHINONE;" and substitute "CATHINONES;"

Page 4, line 15, strike "CATHINONE." and substitute "CATHINONES."

Page 4, line 27, strike "CATHINONE" and substitute "CATHINONES"

Page 5, line 4, strike "CATHINONE" and substitute "CATHINONES"

Page 5, line 12, strike "A CATHINONE," and substitute "ANY CATHINONES,"

Page 5, line 25, strike "A CATHINONE," and substitute "ANY CATHINONES,"

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB12-1207

by Representative(s) Labuda, Bradford, Fields, Gardner B., Lee, Swerdfeger, Szabo; also Senator(s) Aguilar--Concerning the repeal of the advisory committee on covering all children in Colorado.

Health and Human Services

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:

SB12-099 by Senator(s) Spence; also Representative(s) Todd--Concerning expansion of access to services for juveniles at the academic model juvenile facility.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Boyd, Cadman, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

SB12-092 by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak, King S., Tochtrop; also Representative(s) Liston--Concerning the use of a video display in a motor vehicle that is being operated on a roadway.

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

YES	34	NO	1	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	N
Grantham	Y	King S.	Y	Roberts	Y		

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

SB12-147 by Senator(s) Aguilar; also Representative(s) Williams A.--Concerning the intent to prevent a person from voting in an election by intentionally communicating false information.

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

YES	19	NO	16	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	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Bacon, Boyd, Carroll, Foster, Guzman, Heath, Hudak, Morse, Schwartz, Shaffer B and Tochtrop.

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

SB12-077 by Senator(s) Jahn, Cadman, Johnston, Newell, Steadman, White, Williams S.; also Representative(s) Sonnenberg, Summers, Coram, Labuda, Nikkel, Swerdfeger, Szabo--Concerning the repeal of laws under which the Colorado department of public health and environment regulates certain activities associated with yellow grease.

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

HB12-1055 by Representative(s) Schafer S.; also Senator(s) White--Concerning the division of registrations in the department of regulatory agencies, and, in connection therewith, renaming the division as the division of professions and occupations and requiring periodic review of the functions of the division.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 21, page 220 and placed in members' bill files.)

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

HB12-1073 by Representative(s) Brown; also Senator(s) Roberts--Concerning the transfer of a judgeship from the first judicial district to the sixth judicial district.

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 Heath, 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: SB12-077, HB12-1055 as amended, HB12-1073.
Laid over to the end of the General Orders -- Second Reading of Bills calendar,
February 23: SB12-087.

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

SB12-022 by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas--
Concerning maintaining child care assistance for working families.

Laid over until Friday, February 24, retaining its place on the calendar.

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of corrections.

Laid over until Friday, February 24, retaining its place on the calendar.

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

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

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

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, February 22, pages 225-226 and placed in members' bill files.)

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

- SB12-038

by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property.

Laid over until Friday, February 24, retaining its place on the calendar.

SB12-137

by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.

Laid over until Friday, February 24, retaining its place on the calendar.

SB12-141

by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans.

Laid over until Friday, February 24, retaining its place on the calendar.

SB12-034

by Senator(s) King S., Tochtrop; also Representative(s) Miklosi--Concerning repeal of the rapid screen program to identify high-emitting motor vehicles.

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

HB12-1100

by Representative(s) Summers; also Senator(s) Aguilar--Concerning the admissibility in criminal proceedings of the results of a prenatal screening for illegal substances.

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

SB12-087

by Senator(s) Foster; --Concerning the period marking the commencement of the accrual of interest on the refund of property taxes erroneously collected.

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

SB12-057

by Senator(s) Williams S.; also Representative(s) Brown--Concerning native American language instruction.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 16, pages 189-190 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

On motion of Senator Heath, 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: SB12-122 as amended, SB12-034, SB12-087, SB12-057 as amended, HB12-1198, HB12-1100.
Laid over until Friday, February 24: SB12-022, HB12-1181, SB12-038, SB12-137, SB12-141.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-094 by Senator(s) Hodge, Carroll, Aguilar, Boyd, Giron, Guzman, Harvey, Hudak, Jahn, Mitchell, Neville, Newell, Nicholson, Schwartz, Steadman, Tochtrop, White; also Representative(s) Szabo, Acree, Balmer, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, DelGrosso, Ferrandino, Gardner B., Holbert, Hullinghorst, Jones, Joshi, Kerr J., Liston, Looper, Murray, Nikkel, Pabon, Priola, Ramirez, Scott, Swalm, Swerdfeger, Todd, Tyler, Waller, Williams A.--Concerning clarification of the definition of food used in state sales tax laws to ensure that the treatment for sales tax purposes of a food product sold for domestic home consumption by a grocery store, supermarket, or convenience store does not change solely because the store sells the food product or markets the food product for sale as a convenience food.

Senator Hodge moved that the Senate concur in House amendments to **SB12-094**, as printed in House journal, February 21, page 329. The motion was **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		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SENATE SERVICES REPORT

Correctly Printed: SB12-152; SJR12-016 and 017.
Correctly Engrossed: SB12-092, 099 and 147.
Correctly Enrolled: SB12-008.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1180, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197,1199, 1200, 1201, 1202, 1203.

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 Thursday, February 23 was laid over until Friday, February 24, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-015, SJR12-016, SJR12-017, HJR12-1010.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, February 24, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

45th Legislative Day Friday, February 24, 2012

- Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.
- Call to Order By the President at 9:00 a.m.
- Pledge By Senator Guzman.
- Roll Call Present--32
Excused--3, King K., Nicholson, Spence.
Present later--3, King K., Nicholson, Spence.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator White, reading of the Journal of Thursday, February 23, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF MEMORIALS

The following memorials were read by title:

- SJM12-001 by Senator(s) Spence and Williams S., Aguilar, Roberts, Schwartz, White; also Representative(s) Todd and Conti, Acree, Hulinghorst, Labuda, Ryden, Schafer S., Solano, Williams A.--Memorializing Congress to support the establishment of a National Women's History Museum in Washington, D.C.
- Laid over one day under Senate Rule 30(d).
- SM12-002 by Senator(s) Foster and Steadman; --Memorializing former Senator Robert S. Wham.
- Laid over one day under Senate Rule 30(d).

INTRODUCTION OF BILLS -- FIRST READING

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

- SB12-153 by Senator(s) Morse; --Concerning the creation of the "Sunshine in Litigation Act".
Judiciary
- HB12-1012 by Representative(s) Williams A.; also Senator(s) Guzman--Concerning authorization for reimbursement for up to fifty thousand dollars of actual, reasonable, and necessary business reestablishment expenses to be paid by a state agency in connection with the reestablishment of an operation displaced by a department of transportation project or a project with department of transportation oversight.
Transportation

HB12-1029	by Representative(s) Holbert; also Senator(s) Scheffel--Concerning an economic stimulus through a property tax exemption for business personal property, and, in connection therewith, enacting the "Save Colorado Jobs Act". Finance	1
		2
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HB12-1065	by Representative(s) Lee; also Senator(s) Nicholson--Concerning the deadline for an advanced practice nurse who was granted prescriptive authority prior to July 1, 2010, to develop an articulated plan for purposes of retaining prescriptive authority. Health and Human Services	7
		8
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HB12-1085	by Representative(s) Fields; also Senator(s) Carroll and Hudak--Concerning an exception to the hearsay rule to allow testimony from persons with developmental disabilities. Judiciary	13
		14
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HB12-1094	by Representative(s) Kerr A.; also Senator(s) King S.--Concerning increasing the fine for parking in front of a fire hydrant in an unincorporated area of a county. Local Government	19
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HB12-1124	by Representative(s) Massey, Fields, Hamner, Holbert, Levy, Peniston; also Senator(s) Johnston--Concerning a study of digital learning in Colorado. Education	25
		26
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HB12-1151	by Representative(s) McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.; also Senator(s) King S.--Concerning the trafficking of human beings. Judiciary	31
		32
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HB12-1178	by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the deadline for filing notice for reimbursement of tax payments for lost gasoline or special fuel. Finance	37
		38
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		42
HB12-1217	by Representative(s) Tyler; also Senator(s) Aguilar--Concerning the authority of an organization that maintains a regularly established inspection department to conduct inspections of its own pressure-retaining items. Business, Labor and Technology	43
		44
		45
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		48
HB12-1229	by Representative(s) Murray; also Senator(s) Scheffel--Concerning publication requirements for a newspaper in which a legal notice or advertisement is printed. Local Government	49
		50
		51
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		54
HB12-1246	by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a reversal of the annual payday shift as it applies to state employees paid on a biweekly basis, and making an appropriation in connection therewith. Finance	55
		56
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HB12-1247	by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning annual reductions in the amount of tobacco litigation settlement moneys that are allocated in the fiscal year in which the state receives them, and, in connection therewith, offsetting the reductions with tobacco litigation settlement cash fund moneys made available by the repeal of the short-term innovative health program grant fund. Appropriations	61
		62
		63
		64
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		66
HB12-1248	by Representative(s) Gerou, Becker, Levy; also Senator(s) Lambert, Hodge, Steadman--Concerning the receipt of certain moneys by the department of law. Appropriations	67
		68
		69
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		72
HB12-1249	by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning the manner in which tobacco litigation settlement moneys are allocated to the state auditor's office for the costs of conducting program reviews and evaluations of the performance of tobacco settlement programs. Appropriations	73
		74
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HB12-1270 by Representative(s) Ryden, Jones, Liston, Miklosi, Tyler, Wilson; also Senator(s) Heath--
Concerning an increase in the limit on the amount of alcohol beverages a person licensed to
sell alcohol beverages for on-premises consumption may purchase from a licensed alcohol
beverage retailer.
Business, Labor and Technology

HB12-1289 by Representative(s) Nikkel, DelGrosso; also Senator(s) Jahn, Cadman--Concerning
complaints to the division of insurance on certain adverse actions of auto insurers.
Business, Labor and Technology

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

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

SB12-077 by Senator(s) Jahn, Cadman, Johnston, Newell, Steadman, White, Williams S.; also
Representative(s) Sonnenberg, Summers, Coram, Labuda, Nikkel, Swerdfeger, Szabo--
Concerning the repeal of laws under which the Colorado department of public health and
environment regulates certain activities associated with yellow grease.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Brophy, Giron, Grantham, King S., Lambert, Lundberg, Neville,
Renfroe and Scheffel.

HB12-1055 by Representative(s) Schafer S.; also Senator(s) White--Concerning the division of
registrations in the department of regulatory agencies, and, in connection therewith,
renaming the division as the division of professions and occupations and requiring periodic
review of the functions of the division.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
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	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Newell, Nicholson and Williams S.

HB12-1073 by Representative(s) Brown; also Senator(s) Roberts--Concerning the transfer of a judgeship from the first judicial district to the sixth judicial district.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Giron, Guzman, King S., Nicholson and Schwartz.

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:

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

Third Reading Amendment No. 1(L.007), by Senator Mitchell.

Amend engrossed bill, page 2, line 9, strike "PROVIDES PROBATION OR CASE".

Page 2, line 10, strike "MANAGEMENT OVERSIGHT" and substitute "SENTENCES OR ASSIGNS THE COURSE OF TREATMENT OR REHABILITATION".

The amendment was **lost** on the following roll call vote:

YES	13	NO	22	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	N
Brophy	Y	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
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		

Senators Roberts and Lundberg requested their names be removed as sponsors on SB12-122.

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

YES	22	NO	13	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	Y
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**.

SB12-034 by Senator(s) King S., Tochtrop; also Representative(s) Miklosi--Concerning repeal of the rapid screen program to identify high-emitting motor vehicles.

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

YES	26	NO	9	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	Y
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.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Newell and Williams S.

HB12-1100 by Representative(s) Summers; also Senator(s) Aguilar--Concerning the admissibility in criminal proceedings of the results of a prenatal screening for illegal substances.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	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	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

SB12-087 by Senator(s) Foster; --Concerning the period marking the commencement of the accrual of interest on the refund of property taxes erroneously collected.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Heath and Steadman.

SB12-057 by Senator(s) Williams S.; also Representative(s) Brown--Concerning native American language instruction.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Cadman, Carroll, Foster, Giron, Guzman, Heath, Hudak,

Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop and White.

MESSAGE FROM THE HOUSE

February 24, 2012

The House has adopted and transmits herewith HJR12-1014.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1014 by Representative(s) Fischer and Massey, Kefalas; also Senator(s) Boyd--Concerning neonatal screening for the early detection of congenital heart defects, and, in connection therewith, proclaiming Friday, February 24, 2012, "Congenital Heart Defect Day" and "Children's Heart Day".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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

HB12-1050 by Representative(s) Wilson; also Senator(s) Nicholson--Concerning the voluntary contribution designation benefiting the nongame and endangered wildlife fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

The Committee of the Whole took the following action:

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		

Passed on second reading: HB12-1050.

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

SB12-022 by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas--Concerning maintaining child care assistance for working families.

Laid over until Monday, February 27, retaining its place on the calendar.

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.

Laid over until Friday, March 2, retaining its place on the calendar.

SB12-038 by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property.

Laid over until Monday, February 27, retaining its place on the calendar.

SB12-137 by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.

Laid over until Monday, February 27, retaining its place on the calendar.

SB12-141 by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans.

Laid over until Friday, March 2, retaining its place on the calendar.

- SB12-120

by Senator(s) Foster; also Representative(s) Massey and Fischer--Concerning the existing ability of qualified interior designers to submit certain interior design construction documents to local government officials in connection with an application for a building permit.
- Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, February 17, pages 201-202 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB12-1096

by Representative(s) Kerr A., Acree, Beezley, Conti, DelGrosso, Hulinghorst, Joshi, Kagan, Kefalas, Labuda, McCann, Pabon, Swalm, Swerdfeger; also Senator(s) Brophy--Concerning an extension of the period for which the voluntary contribution designation line benefiting the Make-A-Wish Foundation of Colorado fund appears on state individual income tax return forms.
- Laid over until Monday, February 27, retaining its place on the calendar.
- SB12-093

by Senator(s) Carroll, Boyd; also Representative(s) Duran--Concerning a requirement that a licensed hospital provide notice to patients of any service not provided by the hospital because of moral convictions based on religious beliefs.
- Ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Newell, 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: SB12-120 as amended, SB12-093.

Laid over until Monday, February 27: SB12-022, SB12-038, SB12-137, HB12-1096.

Laid over until Friday, March 2: HB12-1181, SB12-141.

COMMITTEE OF REFERENCE REPORTS

- Education

After consideration on the merits, the Committee recommends that **SB12-148** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Education

After consideration on the merits, the Committee recommends that **HJR12-1004** be referred to the Senate for final action.

Page 250	Senate Journal-45th Day-February 24, 2012	
Finance	After consideration on the merits, the Committee recommends that HB12-1008 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45
	Amend reengrossed bill, page 3, line 23, strike "EVERY ATTEMPT" and substitute "DILIGENT ATTEMPTS".	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45
	Page 6, line 2, after "ASSEMBLY" insert "AND MADE AVAILABLE TO THE PUBLIC".	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45
	Page 6, line 26, after "REFERENCE." insert "ON NOVEMBER 1, 2012, AND EACH NOVEMBER 1 THEREAFTER, EACH DEPARTMENT SHALL ALSO POST ITS DEPARTMENTAL REGULATORY AGENDA ON THE DEPARTMENT'S WEB SITE AND SHALL SUBMIT ITS DEPARTMENTAL REGULATORY AGENDA TO THE SECRETARY OF STATE FOR PUBLICATION IN THE COLORADO REGISTER.".	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45
	Page 7, after line 4 insert:	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45
	" SECTION 5. In Colorado Revised Statutes, 24-4-103, amend (11) (a) as follows:	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45
	24-4-103. Rule-making - procedure - repeal. (11) (a) There is hereby established the code of Colorado regulations for the publication of rules of agencies of the executive branch and the Colorado register for the publication of notices of rule-making, proposed rules, attorney general's opinions relating to such rules, and adopted rules. The code and the register shall be the sole official publications for such rules, notices of rule-making, proposed rules, and attorney general's opinions. The code and the register shall contain, where applicable, references to court opinions and recommendations of the legal services committee of the general assembly that relate to or affect such rules and references to any action of the general assembly relating to the extension, expiration, deletion, or rescission of such rules and may contain other items that, in the opinion of the editor, are relevant to such rules. The register may also include other public notices, INCLUDING ANNUAL DEPARTMENTAL REGULATORY AGENDAS SUBMITTED BY PRINCIPAL DEPARTMENTS TO THE SECRETARY OF STATE PURSUANT TO SECTION 2-7-203, C.R.S.; however, except as specifically permitted by law, the inclusion of such notices in the register shall be in addition to and not in substitution for existing public notice requirements.".	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45
	Renumber succeeding section accordingly.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45
Health & Human Services	After consideration on the merits, the Committee recommends that SB12-130 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69
	Amend printed bill, strike everything below the enacting clause and substitute:	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69
	" SECTION 1. In Colorado Revised Statutes, add article 6.1 as follows:	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69
	ARTICLE 6.1	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69
	Office of Early Childhood	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69
	26-6.1-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69
	(a) THE EARLY CHILDHOOD SYSTEM IN COLORADO INCLUDES FOUR SYSTEM SECTORS THAT ADDRESS THE NEEDS OF CHILDREN, INCLUDING EARLY LEARNING, CHILD HEALTH, CHILD MENTAL HEALTH, AND FAMILY SUPPORT AND PARENT EDUCATION. RESEARCH CONFIRMS THAT THESE AREAS ARE INTERRELATED AND THAT IT IS DIFFICULT, IF NOT IMPOSSIBLE, TO SEPARATE CHILDREN'S LEARNING NEEDS FROM THEIR HEALTH AND WELLNESS OR FROM THE INVOLVEMENT AND SUPPORT OF THEIR FAMILIES.	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69
	(b) THE PROGRAMS THAT SERVE THE EARLY CHILDHOOD NEEDS OF CHILDREN AND THEIR FAMILIES ACROSS THE FOUR SYSTEM SECTORS OFTEN CONTINUE PROVIDING SERVICES OR WORK WITH OTHER PROGRAMS TO	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

PROVIDE A CONTINUUM OF SERVICES TO ENSURE THAT, AS THEY DEVELOP, THESE CHILDREN HAVE ACCESS TO THE SERVICES AND SUPPORTS THEY NEED TO GROW INTO HEALTHY, EDUCATED ADULTS WHO ARE WELL-PREPARED TO POSITIVELY CONTRIBUTE TO THEIR SOCIETY;

(c) THE SUPPORT SYSTEMS AND SERVICES THAT COMPRISE COLORADO'S EARLY CHILDHOOD SYSTEM HAVE HISTORICALLY BEEN SPREAD ACROSS MULTIPLE PUBLIC AGENCIES, INCLUDING BUT NOT LIMITED TO THE DEPARTMENTS OF EDUCATION, HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HIGHER EDUCATION, AS WELL AS VARIOUS PRIVATE ENTITIES;

(d) RESOURCES THAT ARE AVAILABLE FOR SERVICES AND SUPPORTS FOR CHILDREN ARE DERIVED FROM SEVERAL PUBLIC FUNDING SOURCES. EACH SOURCE HAS ITS OWN PROGRAM STANDARDS AND ELIGIBILITY, REPORTING, DATA TRACKING, AND FUNDING REQUIREMENTS, MAKING IT VERY DIFFICULT FOR PROGRAMS THAT PROVIDE SERVICES AND SUPPORTS FOR CHILDREN TO BE ABLE TO EFFICIENTLY COMBINE THE VARIOUS FUNDING SOURCES.

(e) THE COMMUNITY OF EARLY CHILDHOOD SERVICES PROVIDERS IN COLORADO HAS FOR SEVERAL YEARS WORKED TO ESTABLISH A GOVERNANCE STRUCTURE WITHIN STATE GOVERNMENT TO PROVIDE AND OVERSEE THE PROVISION OF SERVICES ACROSS THE FOUR SYSTEM SECTORS FOR PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES. COORDINATING THESE SERVICES THROUGH A SINGLE GOVERNANCE SYSTEM WILL:

(I) ENHANCE THE QUALITY OF EARLY CHILDHOOD SERVICES BY HOLDING PROGRAMS ACCOUNTABLE TO GUIDELINES, STANDARDS, AND ASSESSMENTS OF SERVICE DELIVERY AND OUTCOMES AND IMPLEMENTING A UNIFIED APPROACH TO RESOURCE ALLOCATION AND REFERRAL FOR FAMILIES TO SERVICES AND PROGRAMS;

(II) STRENGTHEN THE LINK BETWEEN STATE-LEVEL PROGRAMS AND SERVICES AND THE LOCAL SYSTEM OF SERVICE DELIVERY THAT EXISTS IN COUNTIES THROUGHOUT THE STATE;

(III) IMPROVE THE EFFICIENCY, EFFECTIVENESS, AND QUALITY IN DELIVERING EARLY CHILDHOOD SERVICES TO PREGNANT WOMEN, CHILDREN AND FAMILIES AT THE STATE AND LOCAL LEVELS;

(IV) PROVIDE GREATER SUPPORT FOR AND IMPROVE THE ABILITY OF PROGRAM AND SERVICE PROVIDERS TO WORK WITH STATE AND LOCAL EARLY CHILDHOOD PROGRAMS IN PROVIDING SERVICES TO PREGNANT WOMEN, CHILDREN, AND FAMILIES;

(V) IMPROVE COORDINATION AMONG STATE DEPARTMENTS WITH REGARD TO THE PROGRAMS THAT SERVE PREGNANT WOMEN, CHILDREN, AND THEIR FAMILIES AND THAT ARE IMPLEMENTED WITHIN EACH DEPARTMENT; AND

(VI) IMPROVE THE COORDINATION OF THE STATE'S EFFORTS AT EARLY IDENTIFICATION, PROMOTION, PREVENTION, AND INTERVENTION WITH REGARD TO THE FULL SPECTRUM OF SERVICES PROVIDED TO PREGNANT WOMEN, CHILDREN, AND THEIR FAMILIES ACROSS THE FOUR SYSTEM SECTORS OF EARLY LEARNING, CHILD HEALTH, CHILD MENTAL HEALTH, AND FAMILY SUPPORT AND PARENT EDUCATION. IMPROVING THE COORDINATION AMONG THESE PROGRAMS WILL IMPROVE THE STATE'S ABILITY TO SET A SOLID FOUNDATION FOR FAMILIES AND THEIR CHILDREN AS THEY CONTINUE TO DEVELOP ACADEMICALLY, PHYSICALLY, EMOTIONALLY, AND SOCIALLY.

(2) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE BEST INTERESTS OF THE CHILDREN OF THE STATE AND THEIR FAMILIES TO CREATE WITHIN THE DEPARTMENT OF HUMAN SERVICES AN OFFICE OF EARLY CHILDHOOD THAT WILL OVERSEE AND COORDINATE THE WIDE RANGE OF EARLY CHILDHOOD PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES AND WITHIN OTHER STATE DEPARTMENTS WITH THE GOAL OF IMPROVING OUTCOMES FOR CHILDREN AND THEIR FAMILIES.

26-6.1-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT LEADERS" MEANS THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING AND THE COMMISSIONER OF EDUCATION.

(2) "EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION" MEANS THE LEGISLATIVE COMMISSION FOR POLICY IMPROVEMENT RELATED TO EARLY CHILDHOOD AND SCHOOL READINESS CREATED IN

SECTION 26-6.5-203.

(3) "EARLY CHILDHOOD COUNCILS" MEANS THE EARLY CHILDHOOD COUNCILS ESTABLISHED AND OPERATING PURSUANT TO PART 1 OF ARTICLE 6.5 OF THIS TITLE.

(4) "EARLY CHILDHOOD LEADERSHIP COMMISSION" MEANS THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN SECTION 24-44.7-102, C.R.S.

(5) "EARLY CHILDHOOD PROGRAM" MEANS A PROGRAM THAT PROVIDES SERVICES TO PREGNANT WOMEN OR TO CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE AND THEIR FAMILIES, WHICH SERVICES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, CHILD CARE; EARLY LEARNING; FAMILY SUPPORT AND PARENT EDUCATION; MENTAL HEALTH; MATERNAL AND CHILD HEALTH; HOME VISITATION; AND DISABILITY IDENTIFICATION AND EARLY INTERVENTION.

(6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN SECTION 26-6.1-103 IN THE STATE DEPARTMENT OF HUMAN SERVICES.

(7) "POLICY BOARD" MEANS:

(a) THE STATE BOARD OF HUMAN SERVICES CREATED IN SECTION 26-1-107 AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES;

(b) THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103, C.R.S., AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(c) THE MEDICAL SERVICES BOARD CREATED IN SECTION 25.5-1-301, C.R.S., AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; AND

(d) THE STATE BOARD OF EDUCATION CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION AND GRANTED STATUTORY AUTHORITY TO PROMULGATE RULES FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF EDUCATION.

(8) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES CREATED IN SECTION 26-1-107.

(9) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105.

(10) "STATE PLAN" MEANS THE STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES, AS INITIALLY ADOPTED OR REVISED BY THE STATE BOARD OF HUMAN SERVICES PURSUANT TO SECTION 26-6.1-105.

26-6.1-103. Office of early childhood - creation. (1) THERE IS HEREBY CREATED WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES THE OFFICE OF EARLY CHILDHOOD. THE OFFICE IS HEADED BY THE DIRECTOR OF EARLY CHILDHOOD SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE OFFICE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE UNDER THE STATE DEPARTMENT AS IF IT WERE TRANSFERRED TO THE STATE DEPARTMENT BY A **TYPE 2** TRANSFER AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

26-6.1-104. Office of early childhood - functions. (1) THE OFFICE HAS THE FOLLOWING FUNCTIONS:

(a) TO COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO DEVELOP A STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES, AS DESCRIBED IN SECTION 26-6.1-105, AND RECOMMEND THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT AND TO THE STATE BOARD FOR APPROVAL. THE OFFICE AND THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL BIENNIALY REVIEW THE STATE PLAN AND SUBMIT REVISIONS TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT AND TO THE STATE BOARD FOR APPROVAL.

(b) TO ADMINISTER THE EARLY CHILDHOOD PROGRAMS SPECIFIED IN THIS ARTICLE AND SUCH OTHER EARLY CHILDHOOD PROGRAMS AS MAY BE CREATED IN OR TRANSFERRED TO THE OFFICE BY THE EXECUTIVE DIRECTOR OR BY EXECUTIVE ORDER TO BE FUNDED BY NONSTATE MONEYS. THE OFFICE SHALL ADMINISTER THE EARLY CHILDHOOD PROGRAMS IN ACCORDANCE WITH STATUTE AND RULE AND, WHERE APPLICABLE, REVIEW APPLICATIONS SUBMITTED BY ENTITIES TO RECEIVE FUNDING THROUGH THE PROGRAMS, AWARD GRANTS BASED ON THE APPLICATIONS, AND NOTIFY THE STATE BOARD OF THE GRANTS AWARDED AND THE AMOUNTS OF SAID GRANTS; EXCEPT THAT:

(I) THE COLORADO CHILDREN'S TRUST FUND BOARD SHALL REVIEW APPLICATIONS AND AWARD GRANTS AS PROVIDED IN ARTICLE 3.5 OF TITLE 19, C.R.S.; AND

(II) THE STATE BOARD SHALL APPROVE APPLICATIONS AND AWARD GRANTS THROUGH THE COLORADO NURSE HOME VISITOR PROGRAM TO THE LIST OF APPLYING ENTITIES RECOMMENDED BY THE HEALTH SCIENCES FACILITY PURSUANT TO SECTION 26-6.4-106(3), UNLESS THE STATE BOARD FINDS THE RECOMMENDATIONS TO BE CLEARLY ERRONEOUS OR INAPPROPRIATE.

© TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF EARLY CHILDHOOD PROGRAMS UNDER THE AUTHORITY OF THE OFFICE;

(d) TO WORK WITH OTHER OFFICES AND DIVISIONS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES AND WITH OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES FOR FEDERAL EARLY CHILDHOOD PROGRAMS AND TO SEEK THE FEDERAL WAIVERS AND THE APPROVAL OF PLAN AMENDMENTS TO ACHIEVE THE MAXIMUM FEDERAL FUNDING FOR EARLY CHILDHOOD PROGRAMS AND THE MAXIMUM FLEXIBILITY IN USING THE FEDERAL FUNDS FOR EARLY CHILDHOOD PROGRAMS; AND

(e) TO COORDINATE WITH THE EARLY CHILDHOOD COUNCILS. THE OFFICE'S ROLE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, IDENTIFICATION OF BENCHMARKS AND EXPECTATIONS FOR PROGRAM AND SERVICE DELIVERY BY THE EARLY CHILDHOOD COUNCILS. IN ADDITION, THE DIRECTOR SHALL ALLOCATE FUNDING AS DESCRIBED IN THE STATE PLAN FROM THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE OFFICE TO THE EARLY CHILDHOOD COUNCILS TO OFFSET A PORTION OF THEIR OPERATIONAL COSTS; EXCEPT THAT ANY MONEYS ALLOCATED FROM THE NURSE HOME VISITOR PROGRAM SHALL BE FROM THE AMOUNT RETAINED BY THE OFFICE PURSUANT TO SECTION 26-6.4-107 (2) (b) AS COMPENSATION FOR THE COSTS INCURRED BY THE OFFICE IN IMPLEMENTING THE PROVISIONS OF SECTION 26-6.4-107 (2) (a.5).

(2) IN ADDITION TO ANY EARLY CHILDHOOD PROGRAMS CREATED IN OR TRANSFERRED TO THE OFFICE BY EXECUTIVE ORDER AND ANY EARLY CHILDHOOD PROGRAMS TRANSFERRED TO THE OFFICE BY THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE OFFICE SHALL INCLUDE THE FOLLOWING PROGRAMS:

(a) THE COLORADO CHILDREN'S TRUST FUND CREATED IN ARTICLE 3.5 OF TITLE 19, C.R.S.;

(b) THE NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 6.4 OF THIS TITLE;

© THE FAMILY RESOURCE CENTER PROGRAM CREATED IN SECTION 26-18-104;

(d) CHILD CARE, INCLUDING BUT NOT LIMITED TO CHILD CARE LICENSING PURSUANT TO ARTICLE 6 OF THIS TITLE;

(e) THE COLORADO CHILD CARE ASSISTANCE PROGRAM AS DESCRIBED IN PART 8 OF ARTICLE 2 OF THIS TITLE;

(f) PART C EARLY INTERVENTION SERVICES PURSUANT TO PART 7 OF ARTICLE 10.5 OF TITLE 27, C.R.S.; AND

(g) PROMOTING SAFE AND STABLE FAMILIES AS AUTHORIZED BY THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997", PUB.L.105-89.

(3) WHEN THE OFFICE RECEIVES AN APPLICATION FOR FUNDING THROUGH ANY EARLY CHILDHOOD PROGRAM, THE OFFICE SHALL REVIEW THE APPLICATION AND DETERMINE WHETHER THERE ARE OTHER EARLY CHILDHOOD PROGRAMS ADMINISTERED BY OTHER DIVISIONS WITHIN THE

STATE DEPARTMENT OF HUMAN SERVICES OR BY OTHER STATE DEPARTMENTS THROUGH WHICH FUNDING MAY BE AVAILABLE TO THE APPLICANT. WITH THE APPLICANT'S CONSENT, THE OFFICE SHALL FORWARD A COPY OF THE APPLICATION TO ANY SUCH PROGRAM FOR CONSIDERATION.

(4) THE EXECUTIVE DIRECTOR SHALL TRANSFER ANY EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE STATE DEPARTMENT TO THE OFFICE, AS HE OR SHE DEEMS APPROPRIATE. THE OFFICE SHALL COORDINATE WITH ANY OTHER DIVISION WITHIN THE STATE DEPARTMENT THAT ADMINISTERS AN EARLY CHILDHOOD PROGRAM OR A YOUTH DEVELOPMENT PROGRAM IN THE SAME MANNER THAT IT COORDINATES WITH OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS.

(5) (a) THE TRANSFER OF PROGRAMS TO THE OFFICE FROM OTHER STATE DEPARTMENTS OR DIVISIONS DOES NOT REQUIRE THE REORGANIZATION OR TRANSFER OF THE PROGRAMS AS THEY ARE IMPLEMENTED BY LOCAL GOVERNMENT AGENCIES.

(b) ANY CONTRACT EXISTING AS OF JULY 1, 2012, THAT INVOLVES EARLY CHILDHOOD PROGRAMS AND ANY MULTI-YEAR GRANT AWARDED PRIOR TO JULY 1, 2012, THAT INVOLVES EARLY CHILDHOOD PROGRAMS ARE NOT AFFECTED FOR THE TERM OF THE CONTRACT OR GRANT BY THE ENACTMENT OF THIS ARTICLE OR ARTICLE 6.4 OR 6.8 OF THIS TITLE.

26-6.1-105. State plan for delivery of services to pregnant women, children, and their families - contents - approval. (1) THE OFFICE SHALL COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO DEVELOP A STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES. THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS SHALL DESIGN THE STATE PLAN TO PROVIDE A STATEWIDE, UNIFIED APPROACH TO PROVIDING EARLY CHILDHOOD SERVICES AND OPERATING EARLY CHILDHOOD PROGRAMS. THE GOAL OF THE STATE PLAN IS TO INCREASE EFFICIENCY, EFFECTIVENESS, AND QUALITY IN DELIVERING EARLY CHILDHOOD SERVICES FOR CHILDREN AND FAMILIES AT THE STATE AND LOCAL LEVELS. AT A MINIMUM, THE STATE PLAN SHALL:

(a) ESTABLISH PRIORITIES FOR THE DELIVERY OF EARLY CHILDHOOD SERVICES AND THE USE OF FEDERAL, STATE, AND PRIVATE MONEYS RECEIVED TO PROVIDE EARLY CHILDHOOD SERVICES AND IMPLEMENT EARLY CHILDHOOD PROGRAMS;

(b) ESTABLISH GUIDELINES, POLICIES, AND STANDARDS FOR PROGRAM OPERATION AND SERVICE DELIVERY, INCLUDING THE USE OF STANDARDIZED TOOLS FOR ASSESSING EARLY CHILDHOOD DEVELOPMENT, THE USE OF A UNIVERSAL APPLICATION FOR SERVICES, AND STATEWIDE STANDARDS FOR MEASURING OUTCOMES;

© IDENTIFY TOOLS FOR ASSESSING EARLY CHILDHOOD DEVELOPMENT AND THE NEED FOR EARLY CHILDHOOD SERVICES;

(d) ESTABLISH GUIDELINES AND STANDARDS FOR REFERRALS TO SERVICES;

(e) ESTABLISH CONSISTENT REQUIREMENTS TO ENSURE THAT EARLY CHILDHOOD PROGRAMS COORDINATE IN THE DELIVERY OF SERVICES AND, TO THE EXTENT ALLOWED UNDER LAW, SHARE INFORMATION CONCERNING SERVICE PROVISION AND RECIPIENTS;

(f) ESTABLISH MINIMUM EXPECTATIONS AND REQUIREMENTS FOR COMMUNICATION AMONG EARLY CHILDHOOD PROGRAMS;

(g) IDENTIFY AREAS IN WHICH EARLY CHILDHOOD PROGRAMS MAY RECOGNIZE INCREASED ECONOMIES OF SCALE IN PROVIDING SERVICES AND ESTABLISH GUIDELINES AND PROCEDURES FOR ACHIEVING THE INCREASE IN ECONOMIES OF SCALE;

(h) ESTABLISH PROCEDURES AND GUIDELINES FOR COORDINATING THE USE AND CONTENT OF REQUESTS FOR PROPOSALS AND GRANT APPLICATIONS AND THE REPORTING REQUIREMENTS IMPOSED ON GRANT RECIPIENTS;

(I) IDENTIFY CHILD AND FAMILY OUTCOME METRICS AND SERVICE DELIVERY OUTCOME PERFORMANCE METRICS THAT THE OFFICE AND OTHER DIVISIONS AND OTHER STATE DEPARTMENTS THAT OPERATE EARLY CHILDHOOD PROGRAMS, BUT NOT INCLUDING THE DEPARTMENT OF EDUCATION OR THE NURSE HOME VISITOR PROGRAM, SHALL USE TO MEASURE PROGRAM PERFORMANCE AND DETERMINE WHETHER

IMPLEMENTATION OF THE STATE PLAN RESULTS IN INCREASED EFFICIENCIES, EFFECTIVENESS, AND QUALITY IN THE DELIVERY OF EARLY CHILDHOOD SERVICES AT THE STATE AND LOCAL LEVELS; AND

(j) COORDINATE WITH OTHER RELEVANT STATE PLANS REGARDING EARLY CHILDHOOD SERVICES, WHICH PLANS ARE PREPARED BY DIVISIONS WITHIN THE STATE DEPARTMENT AND OTHER STATE DEPARTMENTS FOR THE FEDERAL GOVERNMENT.

(2) IN DEVELOPING THE STATE PLAN, THE OFFICE SHALL:

(a) CONSULT WITH THE DIVISIONS WITHIN THE STATE DEPARTMENT AND WITH OTHER STATE DEPARTMENTS THAT OPERATE YOUTH DEVELOPMENT PROGRAMS, INCLUDING BUT NOT LIMITED TO THE TONY GRAMPSAS YOUTH SERVICES PROGRAM CREATED IN ARTICLE 6.8 OF THIS TITLE, TO ENSURE AN INTEGRATED CONTINUUM OF EARLY CHILDHOOD AND YOUTH DEVELOPMENT SERVICE DELIVERY FOR CHILDREN AND THEIR FAMILIES;

(b) CONSULT WITH AND SEEK ADVICE FROM THE EARLY CHILDHOOD LEADERSHIP COMMISSION AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION; AND

© SOLICIT INPUT AND COMMENT FROM THE EARLY CHILDHOOD COMMUNITY, INCLUDING BUT NOT LIMITED TO, EARLY CHILDHOOD PROGRAMS, SERVICE PROVIDERS, COMMUNITY PARTNERS, AND PARENTS AND FAMILIES.

(3) (a) ON OR BEFORE JANUARY 31, 2013, THE OFFICE, IN COLLABORATION WITH THE OTHER DIVISIONS AND OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL REPORT PROGRESS IN DEVELOPING THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION.

(b) ON OR BEFORE JULY 1, 2013, THE OFFICE, WITH THE APPROVAL OF THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL RECOMMEND THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT. AFTER RECEIVING COMMENTS AND AMENDING THE STATE PLAN AS APPROPRIATE, THE OFFICE SHALL SUBMIT THE STATE PLAN TO THE STATE BOARD FOR APPROVAL. THE STATE BOARD MAY APPROVE THE STATE PLAN AS SUBMITTED OR WITH CHANGES.

© FOLLOWING APPROVAL OF THE INITIAL STATE PLAN, THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL BIENNIALY REVIEW THE STATE PLAN AND SUBMIT A REVISED STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT. AFTER RECEIVING COMMENTS AND AMENDING THE REVISED STATE PLAN AS APPROPRIATE, THE OFFICE SHALL SUBMIT THE REVISED STATE PLAN TO THE STATE BOARD FOR APPROVAL. THE STATE BOARD MAY APPROVE THE STATE PLAN AS SUBMITTED OR WITH CHANGES.

(d) EVERY SIX MONTHS FOLLOWING ADOPTION OF THE INITIAL OR A REVISED STATE PLAN, THE OFFICE, IN COLLABORATION WITH THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL REPORT TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION CONCERNING IMPLEMENTATION OF THE STATE PLAN.

26-6.1-106. Early childhood programs - interdepartmental coordination. (1) THE EXECUTIVE DIRECTORS OF THE STATE DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING AND THE COMMISSIONER OF EDUCATION SHALL COMPRISE AN EXECUTIVE MANAGEMENT TEAM FOR EARLY CHILDHOOD PROGRAMS. THE DEPARTMENT LEADERS SHALL MEET ON A REGULAR BASIS TO REVIEW THE OPERATION OF EARLY CHILDHOOD PROGRAMS WITHIN THE STATE AND ENSURE THAT THE PROGRAMS COORDINATE IN PROVIDING SERVICES. THE DEPARTMENT LEADERS SHALL ALSO REVIEW THE STATE PLAN AND ENSURE THAT THE PROGRAMS IN THEIR RESPECTIVE STATE DEPARTMENTS ARE COMPLYING WITH THE PROVISIONS OF THE STATE PLAN. THE DEPARTMENT LEADERS SHALL, AS NECESSARY, INCLUDE THE DIRECTORS OF THE VARIOUS STATE EARLY CHILDHOOD PROGRAMS IN THEIR MEETINGS AND OTHERWISE COMMUNICATE WITH THE PROGRAM DIRECTORS TO ENSURE THAT THE EARLY CHILDHOOD PROGRAMS

COORDINATE IN PROVIDING SERVICES.

(2) THE DEPARTMENT LEADERS SHALL DIRECT THE EARLY CHILDHOOD PROGRAM DIRECTORS IN THEIR RESPECTIVE STATE DEPARTMENTS TO COORDINATE IN PROVIDING COMMUNICATIONS TO THE EARLY CHILDHOOD COUNCILS AND OTHER LOCAL AGENCIES AND PROVIDERS CONCERNING IMPLEMENTATION OF EARLY CHILDHOOD PROGRAMS. TO THE EXTENT APPROPRIATE, THE DEPARTMENT LEADERS SHALL JOINTLY SEND DEPARTMENT LETTERS WHEN NECESSARY TO PROVIDE DIRECTION TO THE EARLY CHILDHOOD COUNCILS AND OTHER LOCAL PROVIDERS FOR THE OPERATION OF EARLY CHILDHOOD PROGRAMS OR CONCERNING INTERPRETATION OR APPLICATION OF PROGRAM RULES AND GUIDELINES.

(3) EACH OF THE DEPARTMENT LEADERS SHALL REPORT TO HIS OR HER POLICY BOARD CONCERNING THE IMPLEMENTATION AND COORDINATION OF EARLY CHILDHOOD PROGRAMS ACROSS THE VARIOUS STATE DEPARTMENTS. EACH POLICY BOARD SHALL TAKE INTO ACCOUNT THE RULES AND GUIDELINES FOR EARLY CHILDHOOD PROGRAMS PROMULGATED BY THE OTHER POLICY BOARDS AND, TO THE GREATEST EXTENT PRACTICABLE AND APPROPRIATE, ALIGN ITS EARLY CHILDHOOD PROGRAM RULES AND GUIDELINES TO FACILITATE COORDINATION IN THE IMPLEMENTATION OF EARLY CHILDHOOD PROGRAMS BY EACH STATE DEPARTMENT.

26-6.1-107. Reporting. (1) AS PART OF ITS ANNUAL PRESENTATION TO A COMMITTEE OF REFERENCE IN ACCORDANCE WITH SECTION 2-7-203, C.R.S., THE STATE DEPARTMENT SHALL SPECIFICALLY REPORT ON THE CREATION, REVIEW, AND IMPLEMENTATION OF THE STATE PLAN. AT A MINIMUM, THE STATE DEPARTMENT'S REPORT SHALL ADDRESS:

(a) THE PRIORITIES FOR PROVIDING EARLY CHILDHOOD SERVICES AND FOR USING MONEYS AVAILABLE FOR EARLY CHILDHOOD SERVICES;

(b) THE OUTCOMES EXPECTED AND THE OUTCOMES ACHIEVED DUE TO EARLY CHILDHOOD SERVICES PROVIDED IN THE PRECEDING FISCAL YEAR;

© THE MANNER IN WHICH AND DEGREE TO WHICH EARLY CHILDHOOD PROGRAMS ARE COMPLYING WITH THE STATE PLAN AND SUCCESSFULLY COORDINATING THE DELIVERY OF EARLY CHILDHOOD SERVICES AND THE USE OF AVAILABLE MONEYS THROUGHOUT THE STATE;

(d) THE LEVEL OF COORDINATION BETWEEN EARLY CHILDHOOD PROGRAMS AT THE STATE LEVEL AND AT THE LOCAL LEVEL; AND

(e) THE LEVEL OF FUNDING FOR AND THE SOURCES OF MONEYS ALLOCATED TO THE EARLY CHILDHOOD COUNCILS.

SECTION 2. In Colorado Revised Statutes, **add with amended and relocated provisions** article 6.4 to title 26 as follows:

ARTICLE 6.4

Colorado Nurse Home Visitor Program

26-6.4-101. [Formerly 25-31-101] Short title. This article shall be known and may be cited as the "Colorado Nurse Home Visitor Program Act".

26-6.4-102. [Formerly 25-31-102] Legislative declaration. (1) The general assembly hereby finds that, in order to adequately care for their newborns and young children, new mothers may often benefit from receiving professional assistance and information. Without such assistance and information, a young mother may develop habits or practices that are detrimental to her health and well-being and the health and well-being of her child. The general assembly further finds that inadequate prenatal care and inadequate care in infancy and early childhood often inhibit a child's ability to learn and develop throughout his or her childhood and may have lasting, adverse effects on the child's ability to function as an adult. The general assembly recognizes that implementation of a nurse home visitor program that provides educational, health, and other resources for new young mothers during pregnancy and the first years of their infants' lives has been proven to significantly reduce the amount of drug, including nicotine, and alcohol use and abuse by mothers, the occurrence of criminal activity committed by mothers and their children under fifteen years of age, and the number of reported incidents of child abuse and neglect. Such a program has also been proven to reduce the number of subsequent births, increase the length of time between subsequent births, and reduce the mother's need for other forms of public assistance. It is the intent of the general assembly that such a program be established for the state of Colorado,

beginning with a limited number of participants and expanding by the year 2010 to be available to all low-income, first-time mothers in the state who consent to receiving services.

(2) The general assembly further finds that, to implement such a program efficiently and effectively and to promote the successful implementation of partnerships between state public entities and the private sector, responsibility for the program should be divided between the STATE department, which shall be responsible for financial administration of the program, and a health sciences facility at the university of Colorado, which shall be responsible for programmatic and clinical support, evaluation, and monitoring for the program, and such other responsibilities as described in this article. It is the intent of the general assembly that the STATE department and the health sciences facility work collaboratively to share information in order to promote efficient and effective program implementation; however, neither entity is responsible for the other entity's statutorily prescribed duties.

26-6.4-103. [Formerly 25-31-103] Definitions. As used in this article, unless the context otherwise requires:

~~(1) "Department" means the department of public health and environment created in section 25-1-102.~~

~~(2)~~ (1) "Entity" means any nonprofit, not-for-profit, or for-profit corporation, religious or charitable organization, institution of higher education, visiting nurse association, existing visiting nurse program, county, district, or municipal public health agency, county department of social services, political subdivision of the state, or other governmental agency or any combination thereof.

~~(3)~~ (2) "Health sciences facility" means the Anschutz medical campus or a successor facility located at the university of Colorado health sciences center that is selected by the president of the university of Colorado pursuant to ~~section 25-31-105~~ SECTION 26-6.4.105 to assist the state board in administering the program.

~~(4)~~ (3) "Low-income" means an annual income that does not exceed two hundred percent of the federal poverty line.

~~(5)~~ (4) "Master settlement agreement" means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver.

~~(6)~~ (5) "Nurse" means a person licensed as a professional nurse pursuant to article 38 of title 12, C.R.S., or accredited by another state or voluntary agency that the state board of nursing has identified by rule pursuant to section 12-38-108 (1) (a), C.R.S., as one whose accreditation may be accepted in lieu of board approval.

(6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF THIS TITLE IN THE DEPARTMENT OF HUMAN SERVICES.

(7) "Program" means the nurse home visitor program established in this article.

(8) "State board" means the state board of ~~health created in section 25-1-103~~ HUMAN SERVICES CREATED IN SECTION 26-1-107.

(9) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105.

26-6.4-104. [Formerly 25-31-104] Nurse home visitor program - created - rules. (1) (a) There is hereby established the nurse home visitor program to provide regular, in-home, visiting nurse services to low-income, first-time mothers, with their consent, during their pregnancies and through their children's second birthday. The program shall provide trained visiting nurses to help educate mothers on the importance of nutrition and avoiding alcohol and drugs, including nicotine, and to assist and educate mothers in providing general care for their children and in improving health outcomes for their children. In addition, visiting nurses may help mothers in locating assistance with educational achievement and employment. Any assistance provided through the program shall be provided only with the consent of the low-income, first-time mother, and she may refuse further services at any

time.

(b) THE NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 31 OF TITLE 25, C.R.S., AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, IS HEREBY TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD IN THE DEPARTMENT OF HUMAN SERVICES. ALL GRANTS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ARTICLE SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2013, AND MAY BE EXTENDED OR RENEWED BEYOND SAID DATE.

(2) The program shall be administered in communities throughout the state by entities selected on a competitive basis by the state board. Any entity that seeks to administer the program shall submit an application to the ~~department~~ OFFICE as provided in ~~section 25-31-106~~ SECTION 26-6.4-106. The entities selected pursuant to ~~section 25-31-107~~ SECTION 26-6.4-107 shall be expected to provide services to a minimum of one hundred low-income, first-time mothers in the community in which the entity administers the program; except that the state board may grant a waiver of this requirement if the population base of the community does not have the capacity to enroll one hundred eligible families. The state board shall consult with the health sciences facility prior to granting the waiver to ensure that the entity can implement the program within the smaller community and maintain compliance with the program requirements. A mother shall be eligible to receive services through the program if she is pregnant with her first child, or her first child is less than one month old, and her gross annual income does not exceed two hundred percent of the federal poverty line.

(3) The state board shall promulgate, pursuant to the provisions of article 4 of title 24, C.R.S., rules for the implementation of the program. The state board shall base the rules establishing program training requirements, program protocols, program management information systems, and program evaluation requirements on research-based model programs that have been implemented in one or more other states for a period of at least five years and have shown significant reductions in:

(a) The occurrence among families receiving services through the model program of infant behavioral impairments due to use of alcohol and other drugs, including nicotine;

(b) The number of reported incidents of child abuse and neglect among families receiving services through the model program;

© The number of subsequent pregnancies by mothers receiving services through the model program;

(d) The receipt of public assistance by mothers receiving services through the model program;

(e) Criminal activity engaged in by mothers receiving services through the model program and their children.

(4) Notwithstanding the provisions of subsection (3) of this section, the board shall adopt rules pursuant to which a nurse home visitation program that is in operation in the state as of July 1, 1999, may qualify for participation in the program if it can demonstrate that it has been in operation in the state for a minimum of five years and that it has achieved a reduction in the occurrences specified in subsection (3) of this section. Any program so approved shall be exempt from the rules adopted regarding program training requirements, program protocols, program management information systems, and program evaluation requirements so long as said program continues to demonstrate a reduction in the occurrences specified in subsection (3) of this section.

(5) The ~~department~~ OFFICE may propose to the state board rules concerning program applications under ~~section 25-31-106 (1)~~ SECTION 26-6.4-106. Any such proposal shall be made in consultation with the health sciences facility.

26-6.4-105. [Formerly 25-31-105] Health sciences facility - duties. (1) The president of the university of Colorado shall identify a facility at the university of Colorado health sciences center with the knowledge and expertise necessary to:

(a) Assist the state board in selecting entities from among the applications submitted pursuant to ~~section 25-31-106~~ SECTION 26-6.4-106;

(b) Provide programmatic and clinical support, evaluation, and monitoring for the program, including nurse practice support and training, clinical and programmatic technical assistance, compliance monitoring

and support, program development and implementation support, and performance improvement monitoring and support, in communities throughout the state;

© Cooperate with the ~~department~~ OFFICE in connection with the ~~department's~~ OFFICE's financial administration of the program; and

(d) Work with the state auditor's office as required in section 2-3-113 (4), C.R.S.

(1.5) The health sciences facility is not responsible for the duties assigned to the ~~department~~ OFFICE with respect to the program under ~~section 25-31-107 (2) (a.5)~~ SECTION 26-6.4-107 (2) (a.5).

(2) The health sciences facility shall perform the duties set forth in subsection (1) of this section to ensure that the program is implemented and operated according to the program training requirements, protocols, management information systems, and evaluation requirements established by rule of the state board. The health sciences facility shall evaluate overall program implementation, operation, and effectiveness, and include that evaluation, along with any recommendations concerning the program's selected entities or changes in the program's implementation, operation, and effectiveness, including program training requirements, protocols, management information systems, or evaluation requirements, in the annual report submitted to the ~~department~~ OFFICE pursuant to ~~section 25-31-108~~ SECTION 26-6.4-108.

(3) The ~~department~~ OFFICE shall compensate the health sciences facility for the health sciences facility's actual costs incurred in performing its duties under this article, as determined by the health sciences facility. Such duties and actual costs shall be included in the scope of work in the agreement between the ~~department~~ OFFICE and the health sciences facility for implementation of those duties and shall include the costs incurred by any contractor or subcontractor of the health sciences facility for those duties. Such compensation shall be paid out of the amount allocated for the health sciences facility's costs, in accordance with the maximum allocation of three percent of the amount annually allocated for the program under ~~section 25-31-107 (2)~~ SECTION 26-6.4-107 (2).

26-6.4-106. [Formerly 25-31-106] Program applications - requirements. (1) An entity that seeks to administer the program in a community shall submit an application to the ~~department~~ OFFICE in accordance with rules adopted by the state board, in consultation with the ~~department~~ OFFICE and the health sciences facility. At a minimum, the application shall specify the basic elements and procedures that the entity shall use in administering the program. Basic program elements shall include the following:

(a) The specific training to be received by each nurse employed by the entity to provide home nursing services through the program, which training shall meet or exceed the visiting nurse training requirements established by rule of the state board;

(b) The protocols to be followed by the entity in administering the program, which protocols at a minimum shall comply with the program protocols established by rule of the state board;

© The management information system to be used by the entity in administering the program, which at a minimum shall comply with the management information system requirements established by rule of the state board;

(d) The reporting and evaluation system to be used by the entity in measuring the effectiveness of the program in assisting low-income, first-time mothers, which at a minimum shall meet the reporting and evaluation requirements specified by rule of the state board;

(e) An annual report to both the health sciences facility and the community in which the entity administers the program that reports on the effectiveness of the program within the community and is written in a manner that is understandable for both the health sciences facility and members of the community.

(2) Any program application submitted pursuant to this section shall demonstrate strong, bipartisan public support for and a long-time commitment to operation of the program in the community.

(3) The ~~department~~ OFFICE shall initially review the applications received pursuant to this section and submit to the health sciences facility for review those applications that include the basic program elements as required by the rules adopted by the state board. Following its review, the

health sciences facility shall submit to the state board a list of the applying entities that the health sciences facility recommends to administer the program in communities throughout the state.

26-6.4-107. [Formerly 25-31-107] Selection of entities to administer the program - grants - nurse home visitor program fund - created. (1) On receipt of the list of entities recommended by the health sciences facility, the state board shall select the entities that will administer the program in communities throughout the state. In selecting entities, the state board shall give special consideration to entities that are proposing to administer the program as a collaborative effort among multiple entities.

(2) (a) The entities selected to operate the program shall receive grants in amounts specified by the state board. The grants may include operating costs and additional amounts for training and development of any infrastructure, including but not limited to development of the information management system necessary to administer the program. ~~For the 2000-01 fiscal year, the state board shall award grants to no more than twelve entities in at least eight communities.~~ THE STATE BOARD SHALL DETERMINE the number of entities selected and the number of communities in which the program shall be IS implemented in subsequent fiscal years shall be determined by BASED ON THE moneys available in the nurse home visitor program fund created in paragraph (b) of this subsection (2).

(a.5) Except as otherwise provided in ~~section 25-31-108~~ SECTION 26-6.4-108, the ~~department shall be~~ OFFICE IS responsible for financial administration of this article, which shall include compensating the health sciences facility pursuant to ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3); paying grants to entities selected to administer the program; monitoring financial, contractual, and regulatory compliance; providing medicaid financing oversight; managing accounting and budgeting; and, in cooperation with the health sciences facility, managing grant applications as set forth in ~~section 25-31-106~~ SECTION 26-6.4-106. The ~~department~~ OFFICE shall also cooperate with the health sciences facility's administration of programmatic and clinical support, evaluation, and monitoring of the program. The ~~department shall not be~~ OFFICE IS NOT responsible for any duties assigned to the health sciences facility with respect to the program, as described in ~~section 25-31-105~~ SECTION 26-6.4-105.

(b) Grants awarded pursuant to paragraph (a) of this subsection (2) shall be ARE payable from the nurse home visitor program fund, which fund is hereby created in the state treasury. The nurse home visitor program fund, referred to in this section as the "fund", shall be IS administered by the ~~department~~ OFFICE and shall consist CONSISTS of moneys transferred thereto by the state treasurer from moneys received pursuant to the master settlement agreement in the amount described in paragraph (d) of this subsection (2). In addition, the state treasurer shall credit to the fund any public or private gifts, grants, or donations received by the ~~department~~ OFFICE for implementation of the program, including any moneys received from the United States federal government for the program. The fund shall be IS subject to annual appropriation by the general assembly to the ~~department~~ OFFICE for grants to entities for operation of the program. The ~~department~~ OFFICE may retain a total of up to five percent of the amount annually appropriated from the fund for the program, in order to compensate the health sciences facility pursuant to ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3), as set forth in the scope of work in the agreement between the ~~department~~ OFFICE and the health sciences facility, and to compensate the ~~department~~ OFFICE for the actual costs incurred by the ~~department~~ OFFICE in implementing the provisions of paragraph (a.5) of this subsection (2), as determined by the ~~department~~ OFFICE; except that the portion of the costs to compensate the ~~department~~ OFFICE for implementing the provisions of paragraph (a.5) of this subsection (2) shall not exceed two percent of the amount annually appropriated from the fund for the program, and the portion of such costs to compensate the health sciences facility under ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3), as set forth in the scope of work in the contract between the ~~department~~ OFFICE and the health sciences facility, shall not exceed three percent of the amount annually appropriated from the fund for the program. In addition, if the total amount annually appropriated from the fund for the program exceeds nineteen million dollars, the

department OFFICE and the health sciences facility shall assess whether a smaller percentage of the appropriated funds exceeding nineteen million dollars is adequate to cover their actual costs and shall jointly submit to the general assembly a report articulating their conclusions on this subject. The actual costs of the department OFFICE include department personnel and operating costs and any necessary transfers to the department of health care policy and financing for administrative costs incurred for the medicaid program associated with the program. The actual costs of the health sciences facility include the facility's own actual program costs and those of its contractors and subcontractors. Any costs for time studies required to obtain medicaid reimbursement for the program may be paid from program funds and shall not be subject to the five percent limit in this section. Notwithstanding section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any unencumbered moneys appropriated from moneys received pursuant to the master settlement agreement remaining in the fund at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5, C.R.S.

© It is the intent of the general assembly that general fund moneys not be appropriated for implementation of the program.

(d) (I) Pursuant to section 24-75-1104.5 (1) (a), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning with the 2006-07 fiscal year and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall transfer to the fund the amounts specified in subparagraph (III) of this paragraph (d) from the master settlement agreement moneys received by the state, other than attorney fees and costs, during the preceding fiscal year, not to exceed nineteen million dollars in any fiscal year. The transfer shall be from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(II) Repealed.

(III) (A) For the 2004-05 fiscal year, the general assembly shall appropriate to the fund nine percent of the total amount of moneys received by the state.

(A.5) For the 2005-06 fiscal year, the general assembly shall appropriate to the fund ten percent of the total amount of moneys received by the state.

(A.7) For the 2006-07 fiscal year, the state treasurer shall transfer from the moneys received by the state pursuant to the master settlement agreement to the fund eleven percent of the total amount of moneys received by the state.

(B) Beginning with the 2007-08 fiscal year and for each fiscal year thereafter through the 2010-11 fiscal year, the state treasurer shall increase the percentage transferred to the fund pursuant to sub-subparagraph (A.7) of this subparagraph (III) by one percent; except that the percentage transferred to the fund for the 2009-10 fiscal year shall be the same as the percentage transferred to the fund for the 2008-09 fiscal year.

© For the 2011-12 and 2012-13 fiscal years, the state treasurer shall transfer to the fund the greater of twelve million seven hundred thirty-seven thousand three hundred fifty dollars or the same percentage of the total amount of moneys received by the state as was transferred to the fund for the 2010-11 fiscal year.

(D) For the 2013-14 fiscal year, the state treasurer shall transfer to the fund fifteen percent of the total amount of moneys received by the state.

(E) For the 2014-15 fiscal year and for each fiscal year thereafter through the 2016-17 fiscal year, the state treasurer shall increase the percentage transferred to the fund by one percent over the percentage transferred to the fund in the preceding fiscal year.

(F) For the 2017-18 fiscal year and for each fiscal year thereafter, the state treasurer shall transfer to the fund nineteen percent of the total amount of moneys received by the state.

(IV) In addition to all other moneys transferred to the fund pursuant to this paragraph (d), the state treasurer shall transfer moneys from the general fund to the fund as specified in section 24-75-1104.5 (5) (a) (I) (B), C.R.S.

26-6.4-108. [Formerly 25-31-108] Annual program review - audit. (1) The health sciences facility shall annually prepare and submit to the ~~department~~ OFFICE a report including an evaluation of the implementation of the program, the results achieved by the program based on the annual reports submitted by the administering entities pursuant to ~~section 25-31-106 (1) (e)~~ SECTION 26-6.4-106 (1) (e), the extent to which the program serves medicaid-eligible persons and provides services that may be provided in part through medicaid funding, and any recommendations concerning changes to the program, including any changes that may be appropriate to enable the program to receive medicaid funding. The ~~department~~ OFFICE shall include the report in the annual report on the program prepared pursuant to section 25-1-108.5 (3), C.R.S. Each program contractor and subcontractor and each entity that administers the program shall work with the health sciences facility and the ~~department~~ OFFICE to prepare the reports required under this section and sections 2-3-113 (2) and 25-1-108.5 (3), C.R.S. Any entity that is administering the program is subject to a reduction in or cessation of funding if the state board, based on recommendations from the health sciences facility, determines that the entity is not operating the program in accordance with the program requirements established by rule of the state board or is operating the program in such a manner that the program does not demonstrate positive results.

(2) The state auditor's office, pursuant to section 2-3-113, C.R.S., shall audit each entity administering the program to determine whether the entity is administering the program in compliance with the program requirements and in an effective manner. The audit shall be conducted and reported in accordance with the provisions of section 2-3-113, C.R.S.

SECTION 3. In Colorado Revised Statutes, **add** article 6.7 to title 26 as follows:

ARTICLE 6.7
Division of Youth and Community Development
26-6.7-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DIVISION" MEANS THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED IN SECTION 26-6.7-102.

(2) "YOUTH DEVELOPMENT PROGRAM" MEANS A PROGRAM THAT PROVIDES SERVICES TO OLDER CHILDREN AND THEIR FAMILIES, WHICH SERVICES MAY INCLUDE BUT NEED NOT BE LIMITED TO, FAMILY SUPPORT AND PARENT EDUCATION, HEALTH, MENTAL HEALTH, MENTORING, AND BEFORE-AND-AFTER-SCHOOL PROGRAMS.

26-6.7-102. Division of youth and community development - created. (1) THERE IS HEREBY CREATED WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT. THE DIVISION IS HEADED BY THE DIRECTOR OF YOUTH DEVELOPMENT SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE DIVISION SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE UNDER THE STATE DEPARTMENT OF HUMAN SERVICES AS IF IT WERE TRANSFERRED TO THE STATE DEPARTMENT BY A **TYPE 2** TRANSFER AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

26-6.7-103. Division of youth and community development - functions. (1) THE DIVISION HAS THE FOLLOWING FUNCTIONS:

(a) TO OPERATE THE YOUTH DEVELOPMENT PROGRAMS TRANSFERRED TO THE DIVISION BY THE EXECUTIVE DIRECTOR AND SUCH OTHER YOUTH DEVELOPMENT PROGRAMS THAT MAY BE CREATED IN OR TRANSFERRED TO THE DIVISION BY EXECUTIVE ORDER TO BE FUNDED SOLELY BY NONSTATE MONEYS;

(b) TO COORDINATE WITH THE OFFICE OF EARLY CHILDHOOD IN THE STATE DEPARTMENT AND WITH THE OFFICE WITHIN THE STATE DEPARTMENT THAT OVERSEES DELIVERY OF SERVICES TO CHILDREN, YOUTH, AND FAMILIES TO HELP ENSURE THE AVAILABILITY OF A CONTINUUM OF SERVICES FOR CHILDREN AND YOUTH AND THEIR FAMILIES;

© TO ACT AS A LIAISON WITH COMMUNITIES THROUGHOUT THE STATE TO ASSIST THEM IN ASSESSING THE NEEDS OF THE COMMUNITIES WITH REGARD TO YOUTH DEVELOPMENT PROGRAMS AND TO PROVIDE INFORMATION THAT WILL ASSIST COMMUNITIES IN OBTAINING FUNDING

FOR APPROPRIATE YOUTH DEVELOPMENT PROGRAMS;
(d) TO PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES AND TO ENTITIES THAT PROVIDE YOUTH DEVELOPMENT PROGRAMS;
(e) TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF ANY YOUTH DEVELOPMENT PROGRAMS UNDER THE AUTHORITY OF THE DIVISION; AND
(f) TO PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES FOR FEDERAL YOUTH DEVELOPMENT PROGRAMS AND TO SEEK THE MAXIMUM FLEXIBILITY IN THE USE OF FEDERAL MONEYS IN FUNDING YOUTH DEVELOPMENT PROGRAMS.

SECTION 4. In Colorado Revised Statutes, **add with amended and relocated provisions** article 6.8 to title 26 as follows:

ARTICLE 6.8

Tony Grampsas Youth Services Program

26-6.8-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE TONY GRAMPSAS YOUTH SERVICES BOARD CREATED IN SECTION 26-6.8-103.

(2) "ENTITY" MEANS A LOCAL GOVERNMENT, A COLORADO PUBLIC OR NONSECTARIAN SECONDARY SCHOOL, A GROUP OF PUBLIC OR NONSECTARIAN SECONDARY SCHOOLS, A SCHOOL DISTRICT OR GROUP OF SCHOOL DISTRICTS, A BOARD OF COOPERATIVE SERVICES, AN INSTITUTION OF HIGHER EDUCATION, THE COLORADO NATIONAL GUARD, A STATE AGENCY, A STATE-OPERATED PROGRAM, OR A PRIVATE NONPROFIT OR NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATION.

(3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES.

(4) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.

26-6.8-102. [Formerly 25-20.5-201] Tony Grampsas youth services program - creation - standards - applications. (1) (a) ~~The youth crime prevention and intervention program created in part 28 of article 32 of title 24, C.R.S., as it existed prior to August 1, 2000, is hereby transferred to the division and is renamed the Tony Grampsas youth services program. All program grants in existence as of July 1, 2000, shall continue to be valid through July 31, 2001. Persons appointed to the youth crime prevention and intervention program board, hereby renamed the Tony Grampsas youth services board, shall continue serving until completion of their terms and may be reappointed as provided in section 25-20.5-202. THE TONY GRAMPSAS YOUTH SERVICES PROGRAM IS HEREBY TRANSFERRED TO THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES. ALL PROGRAM GRANTS IN EXISTENCE AS OF JULY 1, 2012, SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2014. PERSONS APPOINTED TO THE TONY GRAMPSAS YOUTH SERVICES BOARD SHALL CONTINUE SERVING UNTIL COMPLETION OF THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN SECTION 26-6.8-103.~~

(b) The Tony Grampsas youth services program is established to provide state funding for community-based programs that target youth and their families for intervention services in an effort to reduce incidents of youth crime and violence. In addition, the Tony Grampsas youth services program shall promote prevention and education programs that are designed to reduce the occurrence and reoccurrence of child abuse and neglect and to reduce the need for state intervention in child abuse and neglect prevention and education.

(2) (a) ~~The Tony Grampsas youth services program shall be administered through the division.~~ Subject to the designation in paragraph (b) of this subsection (2), the Tony Grampsas youth services board created in ~~section 25-20.5-202~~ SECTION 26-6.8-103 shall choose those entities that will receive grants through the Tony Grampsas youth services program and the amount of each grant. ~~In addition, the division~~ THE STATE DEPARTMENT shall monitor the effectiveness of programs that receive funds through the Tony Grampsas youth services program.

(b) ~~Any grant awarded through the Tony Grampsas youth services program shall be paid from moneys appropriated pursuant to paragraph © of this subsection (2) or out of the general fund for such program. Each year, no less than twenty percent of the appropriation shall be designated~~

and used exclusively for programs designed for children younger than nine years of age. THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED IN ARTICLE 6.7 OF THIS TITLE IN THE STATE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE GRANTS AWARDED TO PROGRAMS DESCRIBED IN THIS PARAGRAPH (b) AND SHALL MONITOR THE EFFECTIVENESS OF THE PROGRAMS.

© ANY GRANT AWARDED THROUGH THE TONY GRAMPSAS YOUTH SERVICES PROGRAM SHALL BE PAID FROM MONEYS APPROPRIATED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2) OR OUT OF THE GENERAL FUND FOR SUCH PROGRAM. The board, in accordance with the timelines adopted pursuant to ~~section 25-20.5-202~~ (3) SECTION 26-6.8-103 (3), shall submit a list of the entities chosen to receive grants to the governor for approval. The governor shall either approve or disapprove the entire list of entities by responding to the board within twenty days. If the governor ~~has~~ DOES not ~~responded~~ RESPOND to the board within twenty days after receipt of the list, the list ~~shall be deemed~~ IS approved. ~~No grants shall be awarded~~ THE BOARD SHALL NOT AWARD A GRANT through the Tony Grampsas youth services program without the prior approval of the governor.

© (d) Pursuant to section 24-75-1104.5 (1) (I), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in the 2004-05 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall appropriate to the ~~division~~ STATE DEPARTMENT for the Tony Grampsas youth services program four percent of the amount of moneys transmitted to the state treasurer in accordance with the master settlement agreement, other than attorney fees and costs, for the preceding fiscal year; except that the amount so appropriated to the ~~division~~ STATE DEPARTMENT in any fiscal year shall not exceed five million dollars. The general assembly shall appropriate the amount specified in this ~~paragraph~~ © PARAGRAPH (d) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(3) To participate in the Tony Grampsas youth services program, an entity may apply to the board in accordance with timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103.

~~(4) For purposes of this part 2 "entity" means any local government, Colorado public or nonsectarian secondary school, including charter schools, group of public or nonsectarian secondary schools, school district or group of school districts, board of cooperative services, institution of higher education, the Colorado National Guard, state agency, or state-operated program or any private nonprofit or not-for-profit community-based organization.~~

~~(5) (4) Entities seeking to provide youth mentoring services or to enhance existing youth mentoring programs are encouraged to submit an application to the board for grants directly from the Tony Grampsas youth services program, in addition to any funding the entities may be seeking from the youth mentoring services cash fund pursuant to ~~section 25-20.5-203~~ (6) SECTION 26-6.8-104 (6), to establish or enhance youth mentoring programs. Entities submitting applications for grants directly from the Tony Grampsas youth services program pursuant to this section need not meet the requirements of ~~section 25-20.5-203~~ (5) (b) SECTION 26-6.8-104 (5) (b).~~

26-6.8-103. [Formerly 25-20.5-202] Tony Grampsas youth services board - members - duties. (1) (a) There is hereby created the Tony Grampsas youth services board ~~referred to in this part 2 as the "board"~~, consisting of four members appointed by the governor, three members appointed by the speaker of the house of representatives, and two members appointed by the president of the senate and one member appointed by the minority leader of the senate. For the initial appointments, the governor shall appoint members to the board after the speaker of the house of representatives and the president and the minority leader of the senate have made appointments. No more than six of the members appointed to the board shall be members of the same political party.

(b) In addition to the appointed board members, the executive director shall serve as a member of the board.

© At the first meeting of the board, the members of the board shall choose a chairperson and a vice-chairperson.

(d) (I) In appointing members to the board, the governor, the speaker of the house of representatives, and the president and the minority leader of the senate shall:

(A) Choose persons who have a knowledge and awareness of innovative strategies for youth crime prevention and intervention services and for reducing the occurrence and reoccurrence of child abuse and neglect; AND

~~(H) (B) In appointing members of the board, the governor, the speaker of the house of representatives, and the president and the minority leader of the senate shall~~ Appoint one or more persons who possess knowledge and awareness of early childhood care and education. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (B), "EARLY CHILDHOOD" MEANS YOUNGER THAN NINE YEARS OF AGE.

(II) In ~~addition~~ APPOINTING MEMBERS TO THE BOARD, the speaker of the house of representatives and the president of the senate shall each appoint at least one person who has a knowledge and awareness of student issues, including the causes of student dropout in secondary schools, as well as innovative strategies for reducing the dropout rate among secondary school students. ~~For purposes of this subparagraph (H), "early childhood" means younger than nine years of age.~~

(III) In appointing members TO THE BOARD, the governor shall:

(A) Appoint at least one ~~member to the board~~ PERSON who is representative of a minority community;

~~(B) Beginning with the members appointed to terms beginning July 1, 2001, the governor, in appointing members, shall~~ Appoint at least one person who is knowledgeable in the area of child abuse prevention; and

© APPOINT at least one person who is knowledgeable in the area of community planning for youth violence prevention.

(e) The appointed members of the board shall serve three-year terms; except that, of the members first appointed, one of the members appointed by the governor shall serve a two-year term, two of the members appointed by the governor shall serve one-year terms, one of the members appointed by the speaker of the house of representatives shall serve a two-year term, and one of the members appointed by the president of the senate shall serve a two-year term. The respective appointing person shall choose those members who shall serve initial shortened terms. If a vacancy arises in one of the appointed offices, the authority making the original appointment shall fill the vacancy for the remainder of the term. Members of the board shall serve without compensation but shall be reimbursed out of available appropriations for all actual and necessary expenses incurred in the performance of their duties.

(f) The board is authorized to meet, when necessary, via telecommunications.

(2) (a) The board shall develop and make available program guidelines, including but not limited to:

(I) Guidelines for proposal design;

(II) Local public-to-private funding match requirements; and

(III) Processes for local review and prioritization of program applications.

(b) In addition to the guidelines developed pursuant to paragraph (a) of this subsection (2), the board shall develop criteria for awarding grants under the Tony Gramsas youth services program, including but not limited to the following requirements:

(I) That the program is operated in cooperation with a local government, a local governmental agency, or a local nonprofit or not-for-profit agency;

(II) That the program is community-based, receiving input from organizations in the community such as schools, community mental health centers, local nonprofit or not-for-profit agencies, local law enforcement agencies, businesses, and individuals within the community; and

(III) (A) That the program is directed at providing intervention services to youth and their families in an effort to decrease incidents of crime and violence or that the program is directed at providing services to at-risk students and their families in an effort to reduce the dropout rate in secondary schools pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105.

(B) If an entity is seeking a grant from the board for a student

dropout prevention and intervention program pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105, one of the criteria that the board shall consider is whether the program has been implemented elsewhere, if known, and, if so, the relative success of the program. It shall not be required, however, that the program be previously implemented for the board to award a grant to the entity.

© If an entity is seeking a grant from the board for a program directed at providing intervention services to youth and their families in an effort to decrease incidents of crime and violence, one of the criteria that the board shall consider is whether the program includes restorative justice components. It shall not be required, however, that the program include restorative justice components for the board to award a grant to the entity.

© In addition to the guidelines and criteria developed pursuant to paragraphs (a) and (b) of this subsection (2), the board shall develop result-oriented criteria for measuring the effectiveness of programs that receive grants under the Tony Grampsas youth services program as deemed appropriate to the nature of each program including, but not limited to, requiring grantees to evaluate the impact of the services provided by the program. Any criteria developed pursuant to this paragraph © for measuring the effectiveness of student dropout prevention and intervention programs established pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105 shall include the implementation of a method by which to track the students served by the program to evaluate the impact of the services provided, which tracking shall continue, if possible, for at least two years or through graduation from a secondary school, whichever occurs first.

(3) ~~(a)~~ In addition to the guidelines and criteria developed pursuant to subsection (2) of this section, the board shall establish timelines for submission and review of applications for grants through the Tony Grampsas youth services program. The board shall also adopt timelines for submission to the governor of the list of entities chosen to receive grants. If the governor disapproves the list, the board may submit a replacement list within thirty days after such disapproval.

~~(b) Repeated:~~

(4) The board shall review all applications received pursuant to ~~section 25-20.5-201~~ SECTION 26-6.8-102 for grants from the Tony Grampsas youth services program and choose those entities that shall receive grants through the Tony Grampsas youth services program and the amount of each grant.

(5) In addition to the duties relating specifically to the Tony Grampsas youth services program specified in this section, the board shall operate the prevention, intervention, and treatment programs specified in this ~~part 2~~ ARTICLE and such other prevention, intervention, and treatment programs as may be assigned to the board by executive order to be funded solely by federal funds.

26-6.8-104. [Formerly 25-20.5-203] Colorado Youth Mentoring Services Act. (1) **Short title.** This section shall be known and may be cited as the "Colorado Youth Mentoring Services Act".

(2) **Legislative declaration.** (a) The general assembly hereby finds and declares that mentoring programs such as big brothers, big sisters, and partners have been active in Colorado for many years. The general assembly finds that national research has indicated that structured mentoring programs are effective tools in combating youth substance abuse and youth crime and violence. The general assembly further finds, based upon recent national research results, that at-risk youth who are matched in a minimum of year-long mentoring relationships are less likely to become involved in substance and alcohol abuse, less likely to be truant, less likely to commit violent acts against other persons, and more likely to show improvements in academic performance and positive peer relations.

(b) The general assembly further finds that, despite the positive results that may be achieved through structured youth mentoring programs, as many as thirty-eight counties in the state of Colorado do not have the organizational resources necessary to carry out successful mentoring programs or lack the adult volunteers to establish such programs or both. The general assembly finds that even counties in which there are established youth mentoring programs, such programs are unable to meet the demand for mentors and that such established

programs have waiting lists that exceed two thousand youths.

© The general assembly therefore declares and determines that the provision of youth mentoring services that would use public and private entities to recruit, train, screen, and supervise adult volunteers to serve as mentors for at-risk youth would be beneficial and in the best interests of the citizens of the state of Colorado.

(3) **Definition.** For purposes of this section, "at-risk youth" means a person who is at least five years of age but who is less than eighteen years of age and who is challenged by such risk factors as poverty, residence in a substance-abusing household, family conflict, association with peers who commit crimes, residence in a single-parent household, exhibition of indicia of delinquent behavior, or being the victim of child abuse.

(4) **Provision of youth mentoring services.** There is hereby created the Colorado youth mentoring program for the purpose of providing state funding for the provision of community-based youth mentoring services that target at-risk youths in an effort to reduce substance abuse and to decrease the incidents of youth crime and violence. Such funding shall be used to provide new mentoring services in communities that do not have existing mentoring programs as well as to enhance established community-based youth mentoring programs that are already in existence.

(5) **Administration - duties of contracting entities.** (a) To be eligible for moneys from the youth mentoring services cash fund created in subsection (6) of this section for the provision of youth mentoring services, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103 and shall meet the requirements of paragraph (b) of this subsection (5).

(b) The entities that ~~are selected by~~ the board **SELECTS** to provide community-based youth mentoring services shall be responsible for:

(I) Actively recruiting qualified and appropriate adult volunteers who are willing to serve as youth mentors for a period of not less than one year and to commit to spending an average of three hours per week with the at-risk youth;

(II) Effectively screening adult volunteers to serve as mentors, including but not limited to conducting criminal background checks of such adult volunteers;

(III) Providing training and ongoing support to adult volunteers to prepare them to serve in one-year mentoring relationships with at-risk youths;

(IV) Carefully matching each adult volunteer with an at-risk youth based upon the unique qualifications of the adult volunteer and the specific needs of the youth;

(V) Supervising closely and through case managers the activities of the adult volunteer and the mutual benefits and effectiveness of the mentoring relationship;

(VI) Making available life skill workshops, recreational activities, and community service opportunities to the at-risk youth and adult volunteer;

(VII) Implementing a method of evaluating the effectiveness of the community-based youth mentoring program and tracking the youths served by the program to evaluate the impact of the services provided through the program; and

(VIII) Reporting annually to the board concerning the results of the entity's evaluation of youths served by the community-based youth mentoring program as well as the fiscal contributions made by the entity to the program and such other information that the board may require.

© Community-based organizations may obtain private and public funds, grants, gifts, or donations for youth mentoring programs. The executive director is authorized to accept and expend on behalf of the state any funds, grants, gifts, or donations from any private or public source for the purpose of implementing this section; except that no grant or donation shall be accepted if the conditions attached to the grant or donation require the expenditure thereof in a manner contrary to law.

(d) Entities selected to receive grants pursuant to this section for the provision of youth mentoring services shall match any grant received with a contribution that is the equivalent of twenty percent of the grant awarded.

(6) **Youth mentoring services cash fund.** (a) There is hereby created in the state treasury the youth mentoring services cash fund. The moneys in the youth mentoring services cash fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this section. The executive director is authorized to accept on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of this section. All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the youth mentoring services cash fund. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(b) Notwithstanding any provision of paragraph (a) of this subsection (6) to the contrary, on April 20, 2009, the state treasurer shall transfer the balance of moneys in the youth mentoring services cash fund to the general fund.

26-6.8-105. [Formerly 25-20.5-204] Colorado student dropout prevention and intervention program. (1) **Short title.** This section shall be known and may be cited as the "Colorado Student Dropout Prevention and Intervention Act".

(2) **Legislative declaration.** The general assembly hereby finds that:

(a) During the last decade, over one hundred thousand students in Colorado left school without successfully completing a high school program;

(b) In 1996, three million six hundred thousand young adults in the United States were neither enrolled in school nor had they completed a high school program;

© In the 1995-1996 academic year, approximately thirteen thousand students withdrew from Colorado schools prior to receiving a diploma, resulting in a four percent dropout rate;

(d) Of those students who withdrew from Colorado schools prior to receiving a diploma, approximately five thousand nine hundred were minority students;

(e) The dropout rate of minority students in Colorado is significantly greater than that of nonminority students;

(f) Numerous factors, including socioeconomic background, lack of adult support, and the inability to communicate well in English, influence a student's decision to drop out of school;

(g) Research has shown that, compared with high school graduates, relatively more dropouts are unemployed, and those dropouts who do succeed in finding work tend to earn less money than high school graduates; and

(h) High school dropouts are more likely to apply for and receive public assistance than high school graduates.

(3) **Definitions.** For purposes of this section:

(a) "At-risk students" means students in secondary schools who are at risk of dropping out of school because of their socioeconomic background, lack of adult support, language barriers, or other identified indicators that cause students to drop out of school.

(b) ~~"Entity" means any local government, Colorado public or nonsectarian secondary school, including charter schools, group of public or nonsectarian secondary schools, school district or group of school districts, board of cooperative services, institution of higher education, the Colorado National Guard, state agency, or state-operated program or any private nonprofit or not-for-profit community-based organization.~~

(4) **Colorado student dropout prevention and intervention program.** There is hereby created the Colorado student dropout prevention and intervention program in the Tony Grampsas youth services program for the purpose of providing services to at-risk students and their families in an effort to reduce the dropout rate in secondary schools through an appropriate combination of academic and extracurricular activities designed to enhance the overall education and edification of students in secondary schools.

(5) **Administration.** (a) The student dropout prevention and intervention program shall be administered through the division OF YOUTH AND COMMUNITY DEVELOPMENT IN THE STATE DEPARTMENT. Subject to the designation in paragraph (b) of this subsection (5), the

~~Tony Grampsas youth services board created in section 25-20.5-202~~ shall select those entities that will receive grants through the student dropout prevention and intervention program and the amount of each grant. In addition, the division OF YOUTH AND COMMUNITY DEVELOPMENT shall monitor the effectiveness of programs that receive funds through the student dropout prevention and intervention program. To be eligible for grants from the ~~Tony Grampsas youth services~~ board for the provision of student dropout prevention and intervention programs targeting at-risk students, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103.

(b) Any moneys awarded by the ~~Tony Grampsas youth services~~ board shall be paid from moneys appropriated out of the general fund for ~~such~~ THE TONY GRAMPSAS YOUTH SERVICES program. Each year no less than ten percent of the total appropriation from the general fund shall be designated and used exclusively for programs specifically designed to prevent students from dropping out of secondary schools; except that, commencing in fiscal year 2004-05 and in each fiscal year thereafter, no less than twenty percent of the total appropriation shall be designated and used exclusively for such purpose.

(6) **Receipt of moneys.** (a) The executive director is authorized to accept on behalf of the state any funds, grants, gifts, or donations from any private or public source for the purpose of implementing student dropout prevention and intervention programs pursuant to this ~~article~~ SECTION; except that no funds, grants, gifts, or donations shall be accepted if the conditions attached thereto require the expenditure thereof in a manner contrary to law.

(b) (I) All private and public moneys received through funds, grants, gifts, or donations pursuant to this subsection (6) shall be transmitted to the state treasurer, who shall credit the same to the student dropout prevention and intervention 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 associated with the administration of this ~~article~~ SECTION. The executive director may expend moneys appropriated to the STATE department from the fund for purposes of providing a grant for the implementation and administration of a student dropout prevention and intervention program. All investment earnings derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(II) Notwithstanding any provision of subparagraph (I) of this paragraph (b) to the contrary, on April 20, 2009, the state treasurer shall transfer the balance of moneys in the student dropout prevention and intervention fund to the general fund.

26-6.8-106. [Formerly 25-20.5-205] Colorado student before-and-after-school project - creation - funding. (1) **Definitions.** As used in this section, unless the context otherwise requires:

(a) "Before-and-after-school program" means a program that meets before regular school hours or after regular school hours or during a period when school is not in session.

(b) "Fund" means the Colorado student before-and-after-school project fund created in subsection (4) of this section.

© "Project" means the Colorado before-and-after-school project created in subsection (2) of this section.

(2) **Colorado student before-and-after-school project.** There is hereby created, in the Tony Grampsas youth services program, the Colorado student before-and-after-school project for the purpose of providing grants to entities to provide high-quality before-and-after-school programs that may include an alcohol or drug abuse prevention and education component. Entities that receive grants pursuant to this section shall apply the grants to creating and implementing before-and-after-school programs that primarily serve youth enrolled in grades six through eight or youth who are twelve to fourteen years of age. The before-and-after-school programs shall be designed to help youth develop their interests and skills in the areas of sports and fitness, character and leadership, or arts and culture and may provide education regarding the dangers of the use of alcohol and drugs. Before-and-after-school programs that are designed primarily to increase

academic achievement or that provide religious instruction are not eligible for funding pursuant to this section.

(3) **Administration.** (a) The division OF YOUTH AND COMMUNITY DEVELOPMENT IN THE STATE DEPARTMENT shall administer the project. The board shall select the entities that will receive grants through the project and the amount of each grant. In addition, the division OF YOUTH AND COMMUNITY DEVELOPMENT shall monitor the effectiveness of before-and-after-school programs that receive moneys through the project. To be eligible for grants through the project, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103. Notwithstanding any provision of this ~~part 2~~ ARTICLE or any criteria for awarding grants adopted by the board pursuant to ~~section 25-20.5-202 (2)~~ (b) SECTION 26-6.8-103 (2) (b) to the contrary, an entity may be eligible to receive a grant pursuant to this section regardless of whether the before-and-after-school program to which the grant would apply serves youth who are eligible for free or reduced-cost lunch pursuant to the "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

(b) The grants awarded through the project shall be paid from moneys appropriated from the fund to the ~~division~~ STATE DEPARTMENT. The board and grant recipients are encouraged to apply moneys awarded through the project to leverage additional funding as matching funds from private and federal sources.

(4) **Colorado student before-and-after-school project fund.** There is hereby created in the state treasury the Colorado student before-and-after-school project fund that shall consist of moneys that may be appropriated by the general assembly to the fund. The moneys in the fund shall be subject to annual appropriation by the general assembly to the ~~division~~ STATE DEPARTMENT for the purpose of providing grants as provided in this section and the direct and indirect costs associated with the implementation of this section. Any moneys in the fund not expended for the purpose of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

SECTION 5. Repeal of provisions being relocated in this act. In Colorado Revised Statutes, **repeal** part 2 of article 20.5 of title 25 and article 31 of title 25.

SECTION 6. In Colorado Revised Statutes, 19-3.5-104, **amend** (1) as follows:

19-3.5-104. Colorado children's trust fund board - creation - members. (1) (a) There is hereby created, in the department of public health and environment, the Colorado children's trust fund board. The board shall exercise its powers and duties as if transferred by a **type 2** transfer.

(b) THE COLORADO CHILDREN'S TRUST FUND BOARD IS HEREBY TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF TITLE 26, C.R.S., IN THE DEPARTMENT OF HUMAN SERVICES. THE BOARD SHALL EXERCISE ITS POWERS AND DUTIES AS IF TRANSFERRED BY A **TYPE 2** TRANSFER. PERSONS APPOINTED TO THE COLORADO CHILDREN'S TRUST FUND BOARD SHALL CONTINUE SERVING UNTIL COMPLETION OF THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN THIS SECTION.

SECTION 7. In Colorado Revised Statutes, 26-18-102, **repeal** (3.5); and **add** (7) as follows:

26-18-102. Definitions. As used in this article, unless the context otherwise requires:

(3.5) ~~"Division" means the prevention services division in the department of public health and environment.~~

(7) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF THIS TITLE IN THE DEPARTMENT OF HUMAN SERVICES.

SECTION 8. In Colorado Revised Statutes, 26-18-104, **amend** (1) (a), (1) (b), and (1) © (III); and **add** (1) (a.5) as follows:

26-18-104. Program created. (1) (a) There is hereby established in the prevention services division in the department of public health and environment a family resource center program. The purposes of said program shall be to provide grants to community applicants for the creation of family resource centers or to provide grants to family resource

centers for the continued operation of such centers through which services for vulnerable families, individuals, children, and youth who live in communities or in at-risk neighborhoods are accessible and coordinated through a single point of entry.

(a.5) THE FAMILY RESOURCE CENTER PROGRAM IS TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD IN THE DEPARTMENT OF HUMAN SERVICES. ALL PROGRAM GRANTS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (a.5) SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2013, AND MAY BE CONTINUED AFTER SAID DATE.

(b) The ~~division~~ OFFICE shall operate the family resource center program in accordance with the provisions of this article. ~~the requirements for prevention, intervention, and treatment programs specified in article 20.5 of title 25, C.R.S., and the rules for prevention, intervention, and treatment programs adopted by the state board of health pursuant to section 25-20.5-106, C.R.S.~~ In addition, the ~~division~~ OFFICE may establish any other procedures necessary to implement the program, including establishing the procedure for the submittal of grant applications by community applicants seeking to establish a family resource center or by a family resource center applying for a grant for continued operation of a family resource center.

© (III) The ~~division~~ OFFICE is authorized to accept and expend any grants from any public or private source for the purpose of making grants to community applicants for the establishment or continued operation of family resource centers and for the purpose of evaluating the effectiveness of the family resource center program. Nothing in this article shall be construed to prohibit a family resource center from accepting and expending funds received through an authorized contract, grants, or donations from public or private sources.

SECTION 9. In Colorado Revised Statutes, 26-18-105, **amend** (1) introductory portion, (2), and (3) as follows:

26-18-105. Selection of centers - grants. (1) The ~~division~~ OFFICE may award a grant for the purpose of establishing a family resource center based on a plan submitted to the ~~division~~ OFFICE by the applicant or for the continued operation of a family resource center. The plan shall meet specific criteria which the ~~division~~ OFFICE is hereby authorized to set, but the criteria shall include at least the following provisions:

(2) The local advisory council for a community applicant awarded a grant pursuant to subsection (1) of this section shall evaluate the overall effectiveness of the family resource center annually and shall submit an annual report to the ~~division in accordance with section 25-20.5-108, C.R.S.~~ OFFICE.

(3) In the event the ~~division~~ OFFICE determines, from any report submitted by a local advisory council or any other source, that the operation of a family resource center is not in compliance with this article or any rule adopted pursuant to the provisions of this article, the ~~division~~ OFFICE may impose sanctions including termination of the grant.

SECTION 10. In Colorado Revised Statutes, 25-20.5-101, **amend** (1) (a), (1) ©, and (2) as follows:

25-20.5-101. Legislative declaration. (1) The general assembly hereby finds that:

(a) The state operates or state agencies provide funding for a wide variety of prevention, intervention, and treatment programs designed to assist ~~children and~~ youth in achieving an education, in making informed choices about their health and well-being, in avoiding the juvenile and criminal justice systems, and, generally, in becoming healthy, law-abiding, contributing members of society;

© There is some overlap among prevention, intervention, and treatment programs, sometimes resulting in the potentially inefficient use of state resources which may result in the provision of fewer services to ~~children and~~ youth;

(2) The general assembly therefore finds that it is in the best interests of the ~~children~~, youth and families of the state to create a single division in the department of public health and environment to operate prevention and intervention programs and to oversee the provision of prevention, intervention, and treatment services through federally and state-funded prevention, intervention, and treatment programs to ensure collaboration among programs and the availability of a continuum of services for ~~children and~~ youth.

SECTION 11. In Colorado Revised Statutes, 25-20.5-102,

amend (5) and (6) as follows:

25-20.5-102. Definitions. As used in this article, unless the context otherwise requires:

(5) "Prevention, intervention, and treatment services" means services that are designed to promote the well-being of children and youth and their families by decreasing high-risk behaviors, strengthening healthy behaviors, and promoting family stability.

(6) "State plan" means the state plan for delivery of prevention, intervention, and treatment services to children and youth throughout the state adopted by the division pursuant to section 25-20.5-105.

SECTION 12. In Colorado Revised Statutes, 25-20.5-104, amend (1) (a) and (2) as follows:

25-20.5-104. Functions of division. (1) The division has the following functions:

(a) On or before February 1, 2001, to submit to the executive director to the ~~Tony Grampsas youth services board~~, and to the governor for approval a state plan for delivery of prevention, intervention, and treatment services to children and youth throughout the state as provided in section 25-20.5-105, and to biennially review the state plan and submit revisions as provided by rule of the state board of health to the executive director ~~the Tony Grampsas youth services board~~, and the governor for approval;

(2) In addition to any prevention and intervention programs created in or transferred to the division by executive order and any prevention and intervention programs transferred to the division by the executive director pursuant to subsection (4) of this section, the division shall operate the following prevention and intervention programs:

(a) ~~The Tony Grampsas youth services program created in section 25-20.5-201;~~

(b) ~~The Colorado youth mentoring services program created in section 25-20.5-203;~~

(c) ~~The Colorado student dropout prevention and intervention program created in section 25-20.5-204;~~

(d) ~~The Colorado children's trust fund created in article 3.5 of title 19, C.R.S.;~~

(e) ~~The family resource center program created in section 26-18-104, C.R.S.;~~

(f) The school-based health center grant program created in part 5 of this article.

SECTION 13. In Colorado Revised Statutes, 25-20.5-105, amend (1) introductory portion and (2) as follows:

25-20.5-105. State plan for delivery of prevention, intervention, and treatment services to children and youth - contents.

(1) On or before February 1, 2001, the division shall submit to the governor ~~the Tony Grampsas youth services board~~, and the executive director for approval a state plan for delivery of prevention, intervention, and treatment services to children and youth throughout the state. The state plan shall apply to all prevention, intervention, and treatment programs that receive state or federal funds and are operated within the state. The state plan shall be designed to coordinate and provide direction for the delivery of prevention, intervention, and treatment services through the various prevention and intervention programs operated by the division and the prevention, intervention, and treatment programs operated by other state departments and to ensure collaboration among programs that results in a continuum of services available to children and youth throughout the state. At a minimum, the state plan shall:

(2) The division shall biennially review and revise the state plan as necessary to ensure the most efficient and effective delivery of prevention, intervention, and treatment services throughout the state. The division shall submit any revised state plan as provided by rule of the state board of health to the governor ~~the Tony Grampsas youth services board~~, and the executive director for approval.

SECTION 14. In Colorado Revised Statutes, 25-20.5-106, amend (1) and (3) as follows:

25-20.5-106. State board of health - rules - program duties.

(1) The state board of health created in section 25-1-103 shall promulgate rules as necessary for the operation of the division, including but not limited to rules establishing the time frames for review of the state plan and submittal of any revised state plan to the governor ~~the Tony~~

~~Grampas youth services board~~, and the executive director and to the entities specified in section 25-20.5-105 (4).

(3) The state board of health shall act as the program board for the oversight of the prevention and intervention programs operated by the division. ~~except that the Tony Grampas youth services board shall act as the program board for the programs specified in part 2 of this article and for any additional programs specified by executive order.~~

SECTION 15. In Colorado Revised Statutes, 2-3-113, **amend** (1) (a) as follows:

2-3-113. Programs that receive tobacco settlement moneys - program review - repeal. (1) As used in this section:

(a) "Health sciences facility" has the meaning set forth in ~~section 25-31-103, C.R.S.~~ **SECTION 26-6.4-103** (2), C.R.S. For purposes of this section, "health sciences facility" includes any contractor or subcontractor engaged by the health sciences facility to assist in the implementation and monitoring of the nurse home visitor program established under ~~article 31 of title 25, C.R.S.~~ **ARTICLE 6.4 OF TITLE 26, C.R.S.**

SECTION 16. In Colorado Revised Statutes, 13-3-113, **amend** (3) (a) as follows:

13-3-113. "Family-friendly Courts Act". (3) **Definitions.** For purposes of this section:

(a) "At-risk youth" shall have the same meaning as set forth in ~~section 25-20.5-203 (3), C.R.S.~~ **SECTION 26-6.8-104** (3), C.R.S.

SECTION 17. In Colorado Revised Statutes, 24-1-119, **repeal** (9) as follows:

24-1-119. Department of public health and environment - creation. (9) ~~The powers, duties, and functions of the Colorado children's trust fund board, created in section 19-3.5-104, C.R.S., are transferred by a type 2 transfer to the department of public health and environment.~~

SECTION 18. In Colorado Revised Statutes, 24-1-120, **add** (6) (f), (6) (g), and (10) as follows:

24-1-120. Department of human services - creation - repeal. (6) The department shall consist of the following divisions and units:

(f) THE OFFICE OF EARLY CHILDHOOD CREATED PURSUANT TO SECTION 26-6.1-103, C.R.S. THE OFFICE OF EARLY CHILDHOOD AND ALL OF ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS AN OFFICE THEREOF.

(g) THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED PURSUANT TO SECTION 26-6.7-103, C.R.S. THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT AND ALL OF ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS A DIVISION THEREOF.

(10) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO CHILDREN'S TRUST FUND BOARD, CREATED IN SECTION 19-3.5-104, C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

SECTION 19. In Colorado Revised Statutes, 24-75-1104.5, **amend** (1) (a) introductory portion, (1) (I), (3), and (5) (a) (I) (B) as follows:

24-75-1104.5. Use of settlement moneys - programs - repeal.

(1) Except as otherwise provided in subsection (5) of this section, for the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive the following specified amounts from the settlement moneys received by the state in the preceding fiscal year; except that fifteen million four hundred thousand dollars of strategic contribution fund moneys and, for the 2010-11 fiscal year and for each fiscal year thereafter only, the lesser of sixty-five million dollars of other settlement moneys or all other settlement moneys shall be allocated in each fiscal year in which they are received by the state and except that, of the other settlement moneys received by the state in the 2009-10 fiscal year, the lesser of sixty-five million dollars or all of such moneys shall be transferred to the general fund on June 30, 2010, and shall not be allocated:

(a) The Colorado nurse home visitor program created in ~~article 31 of title 25, C.R.S.~~ **ARTICLE 6.4 OF TITLE 26, C.R.S.**, shall receive the following amounts, not to exceed nineteen million dollars in any fiscal

year, as provided in ~~section 25-31-107, C.R.S.~~ SECTION 26-6.4-107, C.R.S.:

(I) The Tony Grampsas youth services program created in ~~part 2 of article 20.5 of title 25, C.R.S.~~ ARTICLE 6.8 OF TITLE 26, C.R.S., shall receive four percent of the total amount of settlement moneys annually received by the state, not to exceed five million dollars in any fiscal year, as provided in ~~section 25-20.5-201, C.R.S.~~ SECTION 26-6.8-101, C.R.S.

(3) Notwithstanding the provisions of subsections (1) and (1.5) of this section, for purposes of sections 22-7-908 (3), 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), ~~25-20.5-201 (2) ©~~, 25-23-104 (2), ~~25-31-107 (2) (d) (I)~~, 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d) (I), 26-6.8-201 (2) (d), 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys received and allocated by the state pursuant to said subsections (1) and (1.5) during the same fiscal year shall be deemed to be moneys received for or during the preceding fiscal year.

(5) (a) (I) The state treasurer shall credit all disputed payments upon receipt, or if received prior to June 1, 2009, on June 1, 2009, to the general fund. On June 1, 2009, the state treasurer shall transfer the following amounts from the general fund:

(B) Four hundred seventy-eight thousand dollars to the nurse home visitor program fund created in ~~section 25-31-107 (2) (b), C.R.S.~~ SECTION 26-6.4-107 (2) (b), C.R.S.

SECTION 20. In Colorado Revised Statutes, 25-1-108.5, **amend** (1) (a), (1) ©, and (2) introductory portion as follows:

25-1-108.5. Additional powers and duties of state board of health and department - programs that receive tobacco settlement moneys - monitoring - annual report. (1) As used in this section:

(a) "Health sciences facility" has the meaning set forth in ~~section 25-31-103~~ SECTION 26-6.4-103, C.R.S.

© "Nurse home visitor program" means the tobacco settlement program established in ~~article 31 of this title~~ ARTICLE 6.4 OF TITLE 26, C.R.S.

(2) Except for the nurse home visitor program, which shall be monitored by the health sciences facility in accordance with ~~section 25-31-105 (1)~~ SECTION 26-6.4-105 (1), the state board and the department shall monitor the operation and effectiveness of tobacco settlement programs. Each tobacco settlement program shall annually submit to the department, in accordance with rules promulgated by the state board, the following information:

SECTION 21. In Colorado Revised Statutes, 25-3.5-804, **amend** (3) (a) as follows:

25-3.5-804. Tobacco education, prevention, and cessation programs - review committee - grants. (3) (a) The division shall review the applications received pursuant to this part 8 and make recommendations to the state board regarding those entities that may receive grants and the amounts of said grants. On and after October 1, 2005, the review committee shall review the applications received pursuant to this part 8 and submit to the state board and the director of the department recommended grant recipients, grant amounts, and the duration of each grant. Within thirty days after receiving the review committee's recommendations, the director shall submit his or her recommendations to the state board. The review committee's recommendations regarding grantees of the Tony Grampsas youth services program, ~~section 25-20.5-201~~ SECTION 26-6.8-101, C.R.S., pursuant to section 25-3.5-805 (5) shall be submitted to the state board and the Tony Grampsas youth services board. Within thirty days after receiving the review committee's recommendations, the Tony Grampsas youth services board shall submit its recommendations to the state board. The state board shall have the final authority to approve the grants under this part 8. If the state board disapproves a recommendation for a grant recipient, the review committee may submit a replacement recommendation within thirty days. In reviewing grant applications for programs to provide tobacco education, prevention, and cessation programs for persons with mental illness, the division or the review committee shall consult with the programs for public psychiatry at the university of Colorado health sciences center, the national alliance for the mentally ill, the mental health association of Colorado, and the department of human services.

SECTION 22. In Colorado Revised Statutes, 25-3.5-805, **amend**

(5) as follows:

25-3.5-805. Tobacco education, prevention, and cessation programs - requirements. (5) Up to fifteen percent of the moneys annually awarded pursuant to this section shall be allocated to grantees of the Tony Grampas youth services program, ~~section 25-20.5-201~~ SECTION 26-6.8-101, C.R.S., for proven tobacco prevention and cessation programs.

SECTION 23. In Colorado Revised Statutes, 24-44.7-102, **amend** (2) (g) as follows:

24-44.7-102. Early childhood leadership commission - created - mission. (2) The commission shall consist of up to thirty-five members as follows:

(g) Four legislative members appointed as follows:

(I) Two representatives, one ~~each~~ appointed by the speaker OF THE HOUSE OF REPRESENTATIVES, WHICH APPOINTEE IS A MEMBER OF THE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE APPOINTED BY the minority leader of the house of representatives, WHICH APPOINTEE IS A MEMBER OF THE HEALTH AND ENVIRONMENT COMMITTEE, OR ANY SUCCESSOR COMMITTEE; and

(II) Two senators, one ~~each~~ appointed by the president OF THE SENATE, WHICH APPOINTEE IS A MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE APPOINTED BY the minority leader of the senate, WHICH APPOINTEE IS A MEMBER OF THE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE.

SECTION 24. Accountability. Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 25-6.1-101, Colorado Revised Statutes, enacted in section 1 of this act.

SECTION 25. Effective date. This act takes effect July 1, 2012.

SECTION 26. 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.".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB12-1177** 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 2, line 12, strike "IN DECEMBER" and substitute "AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 2011, AND ENDING DECEMBER 31,".

Page 3, line 1, strike "IN DECEMBER" and substitute "AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 2011, AND ENDING DECEMBER 31,".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-134** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. In Colorado Revised Statutes, **add** 25-3-112 as follows:

25-3-112. Hospitals - charges for the uninsured - collections protection - charity care information. (1) EACH HOSPITAL SHALL MAKE INFORMATION AVAILABLE TO EACH PATIENT ABOUT THE HOSPITAL'S FINANCIAL ASSISTANCE, CHARITY CARE, AND PAYMENT PLAN POLICIES. EACH HOSPITAL SHALL COMMUNICATE THIS INFORMATION IN A CLEAR AND UNDERSTANDABLE MANNER AND IN LANGUAGES APPROPRIATE TO THE COMMUNITIES AND PATIENTS THE HOSPITAL SERVES. THE HOSPITAL SHALL:

(a) POST THE INFORMATION CONSPICUOUSLY ON ITS WEB SITE;

(b) MAKE THE INFORMATION AVAILABLE IN PATIENT WAITING AREAS;

(c) MAKE THE INFORMATION AVAILABLE TO EACH PATIENT, WHEN POSSIBLE, BEFORE THE PATIENT'S DISCHARGE FROM THE HOSPITAL; AND

(d) INCLUDE THE INFORMATION IN EACH PATIENT'S BILLING STATEMENT.

(2) (a) WHEN POSSIBLE, EACH HOSPITAL SHALL OFFER TO SCREEN EACH UNINSURED PATIENT FOR ELIGIBILITY FOR FINANCIAL ASSISTANCE AS DESCRIBED BY THIS SUBSECTION (2). EACH HOSPITAL SHALL OFFER FINANCIAL ASSISTANCE FOR QUALIFIED PATIENTS ON A COMMUNITY-SPECIFIC BASIS. IN DETERMINING ELIGIBILITY FOR FINANCIAL ASSISTANCE, EACH HOSPITAL SHALL TAKE INTO CONSIDERATION FEDERAL, STATE, AND LOCAL GOVERNMENT REQUIREMENTS.

(b) FOR PURPOSES OF THIS SECTION, A QUALIFIED PATIENT IS AN INDIVIDUAL:

(I) WHO IS UNINSURED;

(II) WHOSE ANNUAL FAMILY INCOME IS NOT MORE THAN TWO HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY GUIDELINES; AND

(III) WHO DOES NOT QUALIFY FOR THE "COLORADO INDIGENT CARE PROGRAM" ESTABLISHED IN PART 1 OF ARTICLE 3 OF TITLE 25.5, C.R.S.

(3) HOSPITALS SHALL LIMIT THE AMOUNTS CHARGED FOR EMERGENCY OR OTHER MEDICALLY NECESSARY CARE PROVIDED TO INDIVIDUALS ELIGIBLE FOR ASSISTANCE UNDER THE FINANCIAL ASSISTANCE POLICY DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO NOT MORE THAN THE LOWEST NEGOTIATED RATE FROM A PRIVATE PAYER.

(4) BEFORE INITIATING COLLECTION PROCEEDINGS, A HOSPITAL SHALL:

(a) OFFER A QUALIFIED PATIENT A REASONABLE PAYMENT PLAN; AND

(b) ALLOW FOR AT LEAST THIRTY DAYS PAST THE DUE DATE OF ANY SCHEDULED PAYMENT THAT IS NOT PAID IN FULL. A HOSPITAL MUST ALLOW THE THIRTY-DAY PERIOD ONLY FOR THE FIRST LATE PAYMENT.

(5) NOTHING IN THIS SECTION LIMITS OR AFFECTS A HOSPITAL'S RIGHT TO PURSUE THE COLLECTION OF PERSONAL INJURY, BODILY INJURY, LIABILITY, UNINSURED, UNDERINSURED, MEDICAL PAYMENT REHABILITATION, DISABILITY, HOMEOWNER'S, BUSINESS OWNER'S, WORKERS' COMPENSATION, OR FAULT-BASED INSURANCE.

(6) FOR THE PURPOSES OF THIS SECTION, "HOSPITAL" MEANS A HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101 (1).

SECTION 2. 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."

Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1054 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	53
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1301 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 SB12-091 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
	Amend printed bill, page 5, after line 5 insert:	6 7
	"SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."	8 9 10 11 12
	Renumber succeeding sections accordingly.	13 14 15
Appropriations	After consideration on the merits, the Committee recommends that SB12-060 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	16 17 18 19 20
	Amend printed bill, page 4, after line 15 insert:	21 22
	"SECTION 4. Appropriation - adjustments in 2012 long bill. For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2012, are adjusted as follows:	23 24 25 26 27
	(1) The appropriation for the executive director's office, general administration, personal services, is increased by \$5,216 and 0.1 FTE. Of said sum, \$2,608 shall be from the general fund and \$2,608 shall be from federal funds.	28 29 30 31
	(2) The appropriation for medical services premiums, medical and long-term care services for medicaid eligible individuals, is decreased by \$54,156. Of said sum, \$2,608 shall be from the general fund, \$24,470 shall be from cash funds from recoveries and recoupments, and \$27,078 shall be from federal funds."	32 33 34 35 36 37
Appropriations	Renumber succeeding section accordingly.	38 39
	Page 1, line 101, strike "PROSECUTION." and substitute "PROSECUTION, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS."	40 41 42 43 44
Appropriations	After consideration on the merits, the Committee recommends that SB12-041 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	45 46 47 48 49
	After consideration on the merits, the Committee recommends that SB12-021 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50 51 52 53 54
Appropriations	Amend the Local Government Committee Report, dated February 14, 2012, page 7, after line 19 insert:	55 56 57
	"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the financial literacy pilot program cash fund created in section 24-32-3404 (6) (a), Colorado Revised Statutes, not otherwise appropriated, for the fiscal year beginning July 1, 2012, the sum of \$68,433 and 1.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, \$25,933 and 0.3 FTE, or so much thereof as may be necessary, is appropriated to the department of local affairs for allocation to the division of local government, and \$42,500 and 1.5 FTE, or so much thereof as may be necessary, is appropriated to the department of higher education for allocation to the board of governors of the Colorado state university system."	58 59 60 61 62 63 64 65 66 67 68 69

	Renumber succeeding section accordingly.	1
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	Page 7 of the committee report, after line 22, insert:	3
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	"Page 1 of the printed bill, line 102, strike "COUNTIES." and substitute	5
	"COUNTIES, AND, IN CONNECTION THEREWITH, MAKING AN	6
	APPROPRIATION.".	7
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Appropriations	After consideration on the merits, the Committee recommends that SB12-143 be referred to the Committee of the Whole with favorable recommendation.	10
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Appropriations	After consideration on the merits, the Committee recommends that SB12-126 be postponed indefinitely.	14
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1032 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	18
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	Amend reengrossed bill, page 5, strike lines 11 through 13.	23
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	Renumber succeeding section accordingly.	25
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1158 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	28
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1022 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	34
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1010 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	40
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1147 be referred to the Committee of the Whole with favorable recommendation.	46
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-142 be postponed indefinitely.	52
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	SENATE SERVICES REPORT	59
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	Correctly Engrossed: SB12-034, 057, 077, 087 and 122.	61
	Correctly Reengrossed: SB12-092, 099 and 147.	62
	Correctly Revised: HB12-1055, 1073, 1100 and 1198.	63
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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, February 24 was laid over until Monday, February 27, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-015, SJR12-016, SJR12-017, HJR12-1010.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 27, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

48th Legislative Day Monday, February 27, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Morse.

Roll Call Present--32
Absent--1, King S.
Excused--2, Carroll, Renfroe.
Present later--1, King S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Friday, February 24, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services After consideration on the merits, the Committee recommends that **SB12-130** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"**SECTION 1.** In Colorado Revised Statutes, **add** article 6.1 as follows:

ARTICLE 6.1
Office of Early Childhood

26-6.1-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THE EARLY CHILDHOOD SYSTEM IN COLORADO INCLUDES FOUR SYSTEM SECTORS THAT ADDRESS THE NEEDS OF CHILDREN, INCLUDING EARLY LEARNING, CHILD HEALTH, CHILD MENTAL HEALTH, AND FAMILY SUPPORT AND PARENT EDUCATION. RESEARCH CONFIRMS THAT THESE AREAS ARE INTERRELATED AND THAT IT IS DIFFICULT, IF NOT IMPOSSIBLE, TO SEPARATE CHILDREN'S LEARNING NEEDS FROM THEIR HEALTH AND WELLNESS OR FROM THE INVOLVEMENT AND SUPPORT OF THEIR FAMILIES.

(b) THE PROGRAMS THAT SERVE THE EARLY CHILDHOOD NEEDS OF CHILDREN AND THEIR FAMILIES ACROSS THE FOUR SYSTEM SECTORS OFTEN CONTINUE PROVIDING SERVICES OR WORK WITH OTHER PROGRAMS TO PROVIDE A CONTINUUM OF SERVICES TO ENSURE THAT, AS THEY DEVELOP, THESE CHILDREN HAVE ACCESS TO THE SERVICES AND SUPPORTS THEY NEED TO GROW INTO HEALTHY, EDUCATED ADULTS WHO ARE WELL-PREPARED TO POSITIVELY CONTRIBUTE TO THEIR SOCIETY;

(c) THE SUPPORT SYSTEMS AND SERVICES THAT COMPRISE COLORADO'S EARLY CHILDHOOD SYSTEM HAVE HISTORICALLY BEEN SPREAD ACROSS MULTIPLE PUBLIC AGENCIES, INCLUDING BUT NOT LIMITED TO THE DEPARTMENTS OF EDUCATION, HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HIGHER EDUCATION, AS WELL AS VARIOUS PRIVATE ENTITIES;

(d) RESOURCES THAT ARE AVAILABLE FOR SERVICES AND SUPPORTS FOR CHILDREN ARE DERIVED FROM SEVERAL PUBLIC FUNDING SOURCES. EACH SOURCE HAS ITS OWN PROGRAM STANDARDS AND ELIGIBILITY, REPORTING, DATA TRACKING, AND FUNDING REQUIREMENTS, MAKING IT VERY DIFFICULT FOR PROGRAMS THAT PROVIDE SERVICES AND SUPPORTS FOR CHILDREN TO BE ABLE TO EFFICIENTLY COMBINE THE VARIOUS FUNDING SOURCES.

(e) THE COMMUNITY OF EARLY CHILDHOOD SERVICES PROVIDERS IN COLORADO HAS FOR SEVERAL YEARS WORKED TO ESTABLISH A GOVERNANCE STRUCTURE WITHIN STATE GOVERNMENT TO PROVIDE AND OVERSEE THE PROVISION OF SERVICES ACROSS THE FOUR SYSTEM SECTORS FOR PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES. COORDINATING THESE SERVICES THROUGH A SINGLE GOVERNANCE SYSTEM WILL:

(I) ENHANCE THE QUALITY OF EARLY CHILDHOOD SERVICES BY HOLDING PROGRAMS ACCOUNTABLE TO GUIDELINES, STANDARDS, AND ASSESSMENTS OF SERVICE DELIVERY AND OUTCOMES AND IMPLEMENTING A UNIFIED APPROACH TO RESOURCE ALLOCATION AND REFERRAL FOR FAMILIES TO SERVICES AND PROGRAMS;

(II) STRENGTHEN THE LINK BETWEEN STATE-LEVEL PROGRAMS AND SERVICES AND THE LOCAL SYSTEM OF SERVICE DELIVERY THAT EXISTS IN COUNTIES THROUGHOUT THE STATE;

(III) IMPROVE THE EFFICIENCY, EFFECTIVENESS, AND QUALITY IN DELIVERING EARLY CHILDHOOD SERVICES TO PREGNANT WOMEN, CHILDREN AND FAMILIES AT THE STATE AND LOCAL LEVELS;

(IV) PROVIDE GREATER SUPPORT FOR AND IMPROVE THE ABILITY OF PROGRAM AND SERVICE PROVIDERS TO WORK WITH STATE AND LOCAL EARLY CHILDHOOD PROGRAMS IN PROVIDING SERVICES TO PREGNANT WOMEN, CHILDREN, AND FAMILIES;

(V) IMPROVE COORDINATION AMONG STATE DEPARTMENTS WITH REGARD TO THE PROGRAMS THAT SERVE PREGNANT WOMEN, CHILDREN, AND THEIR FAMILIES AND THAT ARE IMPLEMENTED WITHIN EACH DEPARTMENT; AND

(VI) IMPROVE THE COORDINATION OF THE STATE'S EFFORTS AT EARLY IDENTIFICATION, PROMOTION, PREVENTION, AND INTERVENTION WITH REGARD TO THE FULL SPECTRUM OF SERVICES PROVIDED TO PREGNANT WOMEN, CHILDREN, AND THEIR FAMILIES ACROSS THE FOUR SYSTEM SECTORS OF EARLY LEARNING, CHILD HEALTH, CHILD MENTAL HEALTH, AND FAMILY SUPPORT AND PARENT EDUCATION. IMPROVING THE COORDINATION AMONG THESE PROGRAMS WILL IMPROVE THE STATE'S ABILITY TO SET A SOLID FOUNDATION FOR FAMILIES AND THEIR CHILDREN AS THEY CONTINUE TO DEVELOP ACADEMICALLY, PHYSICALLY, EMOTIONALLY, AND SOCIALLY.

(2) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE BEST INTERESTS OF THE CHILDREN OF THE STATE AND THEIR FAMILIES TO CREATE WITHIN THE DEPARTMENT OF HUMAN SERVICES AN OFFICE OF EARLY CHILDHOOD THAT WILL OVERSEE AND COORDINATE THE WIDE RANGE OF EARLY CHILDHOOD PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES AND WITHIN OTHER STATE DEPARTMENTS WITH THE GOAL OF IMPROVING OUTCOMES FOR CHILDREN AND THEIR FAMILIES.

26-6.1-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT LEADERS" MEANS THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING AND THE COMMISSIONER OF EDUCATION.

(2) "EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION" MEANS THE LEGISLATIVE COMMISSION FOR POLICY IMPROVEMENT RELATED TO EARLY CHILDHOOD AND SCHOOL READINESS CREATED IN SECTION 26-6.5-203.

(3) "EARLY CHILDHOOD COUNCILS" MEANS THE EARLY CHILDHOOD COUNCILS ESTABLISHED AND OPERATING PURSUANT TO PART 1 OF ARTICLE 6.5 OF THIS TITLE.

(4) "EARLY CHILDHOOD LEADERSHIP COMMISSION" MEANS THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN SECTION 24-44.7-102, C.R.S.

(5) "EARLY CHILDHOOD PROGRAM" MEANS A PROGRAM THAT

PROVIDES SERVICES TO PREGNANT WOMEN OR TO CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE AND THEIR FAMILIES, WHICH SERVICES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, CHILD CARE; EARLY LEARNING; FAMILY SUPPORT AND PARENT EDUCATION; MENTAL HEALTH; MATERNAL AND CHILD HEALTH; HOME VISITATION; AND DISABILITY IDENTIFICATION AND EARLY INTERVENTION.

(6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN SECTION 26-6.1-103 IN THE STATE DEPARTMENT OF HUMAN SERVICES.

(7) "POLICY BOARD" MEANS:

(a) THE STATE BOARD OF HUMAN SERVICES CREATED IN SECTION 26-1-107 AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES;

(b) THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103, C.R.S., AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(c) THE MEDICAL SERVICES BOARD CREATED IN SECTION 25.5-1-301, C.R.S., AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; AND

(d) THE STATE BOARD OF EDUCATION CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION AND GRANTED STATUTORY AUTHORITY TO PROMULGATE RULES FOR PROGRAMS WITHIN THE STATE DEPARTMENT OF EDUCATION.

(8) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES CREATED IN SECTION 26-1-107.

(9) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105.

(10) "STATE PLAN" MEANS THE STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES, AS INITIALLY ADOPTED OR REVISED BY THE STATE BOARD OF HUMAN SERVICES PURSUANT TO SECTION 26-6.1-105.

26-6.1-103. Office of early childhood - creation. (1) THERE IS HEREBY CREATED WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES THE OFFICE OF EARLY CHILDHOOD. THE OFFICE IS HEADED BY THE DIRECTOR OF EARLY CHILDHOOD SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE OFFICE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE UNDER THE STATE DEPARTMENT AS IF IT WERE TRANSFERRED TO THE STATE DEPARTMENT BY A **TYPE 2** TRANSFER AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

26-6.1-104. Office of early childhood - functions. (1) THE OFFICE HAS THE FOLLOWING FUNCTIONS:

(a) TO COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO DEVELOP A STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES, AS DESCRIBED IN SECTION 26-6.1-105, AND RECOMMEND THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT AND TO THE STATE BOARD FOR APPROVAL. THE OFFICE AND THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL BIENNIALY REVIEW THE STATE PLAN AND SUBMIT REVISIONS TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT AND TO THE STATE BOARD FOR APPROVAL.

(b) TO ADMINISTER THE EARLY CHILDHOOD PROGRAMS SPECIFIED IN THIS ARTICLE AND SUCH OTHER EARLY CHILDHOOD PROGRAMS AS MAY BE CREATED IN OR TRANSFERRED TO THE OFFICE BY THE EXECUTIVE DIRECTOR OR BY EXECUTIVE ORDER TO BE FUNDED BY NONSTATE MONEYS. THE OFFICE SHALL ADMINISTER THE EARLY CHILDHOOD PROGRAMS IN ACCORDANCE WITH STATUTE AND RULE AND, WHERE APPLICABLE, REVIEW

APPLICATIONS SUBMITTED BY ENTITIES TO RECEIVE FUNDING THROUGH THE PROGRAMS, AWARD GRANTS BASED ON THE APPLICATIONS, AND NOTIFY THE STATE BOARD OF THE GRANTS AWARDED AND THE AMOUNTS OF SAID GRANTS; EXCEPT THAT:

(I) THE COLORADO CHILDREN'S TRUST FUND BOARD SHALL REVIEW APPLICATIONS AND AWARD GRANTS AS PROVIDED IN ARTICLE 3.5 OF TITLE 19, C.R.S.; AND

(II) THE STATE BOARD SHALL APPROVE APPLICATIONS AND AWARD GRANTS THROUGH THE COLORADO NURSE HOME VISITOR PROGRAM TO THE LIST OF APPLYING ENTITIES RECOMMENDED BY THE HEALTH SCIENCES FACILITY PURSUANT TO SECTION 26-6.4-106(3), UNLESS THE STATE BOARD FINDS THE RECOMMENDATIONS TO BE CLEARLY ERRONEOUS OR INAPPROPRIATE.

(c) TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF EARLY CHILDHOOD PROGRAMS UNDER THE AUTHORITY OF THE OFFICE;

(d) TO WORK WITH OTHER OFFICES AND DIVISIONS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES AND WITH OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES FOR FEDERAL EARLY CHILDHOOD PROGRAMS AND TO SEEK THE FEDERAL WAIVERS AND THE APPROVAL OF PLAN AMENDMENTS TO ACHIEVE THE MAXIMUM FEDERAL FUNDING FOR EARLY CHILDHOOD PROGRAMS AND THE MAXIMUM FLEXIBILITY IN USING THE FEDERAL FUNDS FOR EARLY CHILDHOOD PROGRAMS; AND

(e) TO COORDINATE WITH THE EARLY CHILDHOOD COUNCILS. THE OFFICE'S ROLE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, IDENTIFICATION OF BENCHMARKS AND EXPECTATIONS FOR PROGRAM AND SERVICE DELIVERY BY THE EARLY CHILDHOOD COUNCILS. IN ADDITION, THE DIRECTOR SHALL ALLOCATE FUNDING AS DESCRIBED IN THE STATE PLAN FROM THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE OFFICE TO THE EARLY CHILDHOOD COUNCILS TO OFFSET A PORTION OF THEIR OPERATIONAL COSTS; EXCEPT THAT ANY MONEYS ALLOCATED FROM THE NURSE HOME VISITOR PROGRAM SHALL BE FROM THE AMOUNT RETAINED BY THE OFFICE PURSUANT TO SECTION 26-6.4-107 (2) (b) AS COMPENSATION FOR THE COSTS INCURRED BY THE OFFICE IN IMPLEMENTING THE PROVISIONS OF SECTION 26-6.4-107 (2) (a.5).

(2) IN ADDITION TO ANY EARLY CHILDHOOD PROGRAMS CREATED IN OR TRANSFERRED TO THE OFFICE BY EXECUTIVE ORDER AND ANY EARLY CHILDHOOD PROGRAMS TRANSFERRED TO THE OFFICE BY THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE OFFICE SHALL INCLUDE THE FOLLOWING PROGRAMS:

(a) THE COLORADO CHILDREN'S TRUST FUND CREATED IN ARTICLE 3.5 OF TITLE 19, C.R.S.;

(b) THE NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 6.4 OF THIS TITLE;

(c) THE FAMILY RESOURCE CENTER PROGRAM CREATED IN SECTION 26-18-104;

(d) CHILD CARE, INCLUDING BUT NOT LIMITED TO CHILD CARE LICENSING PURSUANT TO ARTICLE 6 OF THIS TITLE;

(e) THE COLORADO CHILD CARE ASSISTANCE PROGRAM AS DESCRIBED IN PART 8 OF ARTICLE 2 OF THIS TITLE;

(f) PART C EARLY INTERVENTION SERVICES PURSUANT TO PART 7 OF ARTICLE 10.5 OF TITLE 27, C.R.S.; AND

(g) PROMOTING SAFE AND STABLE FAMILIES AS AUTHORIZED BY THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997", PUB.L.105-89.

(3) WHEN THE OFFICE RECEIVES AN APPLICATION FOR FUNDING THROUGH ANY EARLY CHILDHOOD PROGRAM, THE OFFICE SHALL REVIEW THE APPLICATION AND DETERMINE WHETHER THERE ARE OTHER EARLY CHILDHOOD PROGRAMS ADMINISTERED BY OTHER DIVISIONS WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES OR BY OTHER STATE DEPARTMENTS THROUGH WHICH FUNDING MAY BE AVAILABLE TO THE APPLICANT. WITH THE APPLICANT'S CONSENT, THE OFFICE SHALL FORWARD A COPY OF THE APPLICATION TO ANY SUCH PROGRAM FOR

CONSIDERATION.

(4) THE EXECUTIVE DIRECTOR SHALL TRANSFER ANY EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE STATE DEPARTMENT TO THE OFFICE, AS HE OR SHE DEEMS APPROPRIATE. THE OFFICE SHALL COORDINATE WITH ANY OTHER DIVISION WITHIN THE STATE DEPARTMENT THAT ADMINISTERS AN EARLY CHILDHOOD PROGRAM OR A YOUTH DEVELOPMENT PROGRAM IN THE SAME MANNER THAT IT COORDINATES WITH OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS.

(5) (a) THE TRANSFER OF PROGRAMS TO THE OFFICE FROM OTHER STATE DEPARTMENTS OR DIVISIONS DOES NOT REQUIRE THE REORGANIZATION OR TRANSFER OF THE PROGRAMS AS THEY ARE IMPLEMENTED BY LOCAL GOVERNMENT AGENCIES.

(b) ANY CONTRACT EXISTING AS OF JULY 1, 2012, THAT INVOLVES EARLY CHILDHOOD PROGRAMS AND ANY MULTI-YEAR GRANT AWARDED PRIOR TO JULY 1, 2012, THAT INVOLVES EARLY CHILDHOOD PROGRAMS ARE NOT AFFECTED FOR THE TERM OF THE CONTRACT OR GRANT BY THE ENACTMENT OF THIS ARTICLE OR ARTICLE 6.4 OR 6.8 OF THIS TITLE.

26-6.1-105. State plan for delivery of services to pregnant women, children, and their families - contents - approval. (1) THE OFFICE SHALL COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE STATE DEPARTMENT AND WITHIN OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO DEVELOP A STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES. THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS SHALL DESIGN THE STATE PLAN TO PROVIDE A STATEWIDE, UNIFIED APPROACH TO PROVIDING EARLY CHILDHOOD SERVICES AND OPERATING EARLY CHILDHOOD PROGRAMS. THE GOAL OF THE STATE PLAN IS TO INCREASE EFFICIENCY, EFFECTIVENESS, AND QUALITY IN DELIVERING EARLY CHILDHOOD SERVICES FOR CHILDREN AND FAMILIES AT THE STATE AND LOCAL LEVELS. AT A MINIMUM, THE STATE PLAN SHALL:

(a) ESTABLISH PRIORITIES FOR THE DELIVERY OF EARLY CHILDHOOD SERVICES AND THE USE OF FEDERAL, STATE, AND PRIVATE MONEYS RECEIVED TO PROVIDE EARLY CHILDHOOD SERVICES AND IMPLEMENT EARLY CHILDHOOD PROGRAMS;

(b) ESTABLISH GUIDELINES, POLICIES, AND STANDARDS FOR PROGRAM OPERATION AND SERVICE DELIVERY, INCLUDING THE USE OF STANDARDIZED TOOLS FOR ASSESSING EARLY CHILDHOOD DEVELOPMENT, THE USE OF A UNIVERSAL APPLICATION FOR SERVICES, AND STATEWIDE STANDARDS FOR MEASURING OUTCOMES;

(c) IDENTIFY TOOLS FOR ASSESSING EARLY CHILDHOOD DEVELOPMENT AND THE NEED FOR EARLY CHILDHOOD SERVICES;

(d) ESTABLISH GUIDELINES AND STANDARDS FOR REFERRALS TO SERVICES;

(e) ESTABLISH CONSISTENT REQUIREMENTS TO ENSURE THAT EARLY CHILDHOOD PROGRAMS COORDINATE IN THE DELIVERY OF SERVICES AND, TO THE EXTENT ALLOWED UNDER LAW, SHARE INFORMATION CONCERNING SERVICE PROVISION AND RECIPIENTS;

(f) ESTABLISH MINIMUM EXPECTATIONS AND REQUIREMENTS FOR COMMUNICATION AMONG EARLY CHILDHOOD PROGRAMS;

(g) IDENTIFY AREAS IN WHICH EARLY CHILDHOOD PROGRAMS MAY RECOGNIZE INCREASED ECONOMIES OF SCALE IN PROVIDING SERVICES AND ESTABLISH GUIDELINES AND PROCEDURES FOR ACHIEVING THE INCREASE IN ECONOMIES OF SCALE;

(h) ESTABLISH PROCEDURES AND GUIDELINES FOR COORDINATING THE USE AND CONTENT OF REQUESTS FOR PROPOSALS AND GRANT APPLICATIONS AND THE REPORTING REQUIREMENTS IMPOSED ON GRANT RECIPIENTS;

(i) IDENTIFY CHILD AND FAMILY OUTCOME METRICS AND SERVICE DELIVERY OUTCOME PERFORMANCE METRICS THAT THE OFFICE AND OTHER DIVISIONS AND OTHER STATE DEPARTMENTS THAT OPERATE EARLY CHILDHOOD PROGRAMS, BUT NOT INCLUDING THE DEPARTMENT OF EDUCATION OR THE NURSE HOME VISITOR PROGRAM, SHALL USE TO MEASURE PROGRAM PERFORMANCE AND DETERMINE WHETHER IMPLEMENTATION OF THE STATE PLAN RESULTS IN INCREASED EFFICIENCIES, EFFECTIVENESS, AND QUALITY IN THE DELIVERY OF EARLY

CHILDHOOD SERVICES AT THE STATE AND LOCAL LEVELS; AND

(j) COORDINATE WITH OTHER RELEVANT STATE PLANS REGARDING EARLY CHILDHOOD SERVICES, WHICH PLANS ARE PREPARED BY DIVISIONS WITHIN THE STATE DEPARTMENT AND OTHER STATE DEPARTMENTS FOR THE FEDERAL GOVERNMENT.

(2) IN DEVELOPING THE STATE PLAN, THE OFFICE SHALL:

(a) CONSULT WITH THE DIVISIONS WITHIN THE STATE DEPARTMENT AND WITH OTHER STATE DEPARTMENTS THAT OPERATE YOUTH DEVELOPMENT PROGRAMS, INCLUDING BUT NOT LIMITED TO THE TONY GRAMPSAS YOUTH SERVICES PROGRAM CREATED IN ARTICLE 6.8 OF THIS TITLE, TO ENSURE AN INTEGRATED CONTINUUM OF EARLY CHILDHOOD AND YOUTH DEVELOPMENT SERVICE DELIVERY FOR CHILDREN AND THEIR FAMILIES;

(b) CONSULT WITH AND SEEK ADVICE FROM THE EARLY CHILDHOOD LEADERSHIP COMMISSION AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION; AND

(c) SOLICIT INPUT AND COMMENT FROM THE EARLY CHILDHOOD COMMUNITY, INCLUDING BUT NOT LIMITED TO, EARLY CHILDHOOD PROGRAMS, SERVICE PROVIDERS, COMMUNITY PARTNERS, AND PARENTS AND FAMILIES.

(3) (a) ON OR BEFORE JANUARY 31, 2013, THE OFFICE, IN COLLABORATION WITH THE OTHER DIVISIONS AND OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL REPORT PROGRESS IN DEVELOPING THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION.

(b) ON OR BEFORE JULY 1, 2013, THE OFFICE, WITH THE APPROVAL OF THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL RECOMMEND THE STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT. AFTER RECEIVING COMMENTS AND AMENDING THE STATE PLAN AS APPROPRIATE, THE OFFICE SHALL SUBMIT THE STATE PLAN TO THE STATE BOARD FOR APPROVAL. THE STATE BOARD MAY APPROVE THE STATE PLAN AS SUBMITTED OR WITH CHANGES.

(c) FOLLOWING APPROVAL OF THE INITIAL STATE PLAN, THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL BIENNIALY REVIEW THE STATE PLAN AND SUBMIT A REVISED STATE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND COMMENT. AFTER RECEIVING COMMENTS AND AMENDING THE REVISED STATE PLAN AS APPROPRIATE, THE OFFICE SHALL SUBMIT THE REVISED STATE PLAN TO THE STATE BOARD FOR APPROVAL. THE STATE BOARD MAY APPROVE THE STATE PLAN AS SUBMITTED OR WITH CHANGES.

(d) EVERY SIX MONTHS FOLLOWING ADOPTION OF THE INITIAL OR A REVISED STATE PLAN, THE OFFICE, IN COLLABORATION WITH THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL REPORT TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION CONCERNING IMPLEMENTATION OF THE STATE PLAN.

26-6.1-106. Early childhood programs - interdepartmental coordination. (1) THE EXECUTIVE DIRECTORS OF THE STATE DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING AND THE COMMISSIONER OF EDUCATION SHALL COMPRISE AN EXECUTIVE MANAGEMENT TEAM FOR EARLY CHILDHOOD PROGRAMS. THE DEPARTMENT LEADERS SHALL MEET ON A REGULAR BASIS TO REVIEW THE OPERATION OF EARLY CHILDHOOD PROGRAMS WITHIN THE STATE AND ENSURE THAT THE PROGRAMS COORDINATE IN PROVIDING SERVICES. THE DEPARTMENT LEADERS SHALL ALSO REVIEW THE STATE PLAN AND ENSURE THAT THE PROGRAMS IN THEIR RESPECTIVE STATE DEPARTMENTS ARE COMPLYING WITH THE PROVISIONS OF THE STATE PLAN. THE DEPARTMENT LEADERS SHALL, AS NECESSARY, INCLUDE THE DIRECTORS OF THE VARIOUS STATE EARLY CHILDHOOD PROGRAMS IN THEIR MEETINGS AND OTHERWISE COMMUNICATE WITH THE PROGRAM DIRECTORS TO ENSURE THAT THE EARLY CHILDHOOD PROGRAMS

COORDINATE IN PROVIDING SERVICES.

(2) THE DEPARTMENT LEADERS SHALL DIRECT THE EARLY CHILDHOOD PROGRAM DIRECTORS IN THEIR RESPECTIVE STATE DEPARTMENTS TO COORDINATE IN PROVIDING COMMUNICATIONS TO THE EARLY CHILDHOOD COUNCILS AND OTHER LOCAL AGENCIES AND PROVIDERS CONCERNING IMPLEMENTATION OF EARLY CHILDHOOD PROGRAMS. TO THE EXTENT APPROPRIATE, THE DEPARTMENT LEADERS SHALL JOINTLY SEND DEPARTMENT LETTERS WHEN NECESSARY TO PROVIDE DIRECTION TO THE EARLY CHILDHOOD COUNCILS AND OTHER LOCAL PROVIDERS FOR THE OPERATION OF EARLY CHILDHOOD PROGRAMS OR CONCERNING INTERPRETATION OR APPLICATION OF PROGRAM RULES AND GUIDELINES.

(3) EACH OF THE DEPARTMENT LEADERS SHALL REPORT TO HIS OR HER POLICY BOARD CONCERNING THE IMPLEMENTATION AND COORDINATION OF EARLY CHILDHOOD PROGRAMS ACROSS THE VARIOUS STATE DEPARTMENTS. EACH POLICY BOARD SHALL TAKE INTO ACCOUNT THE RULES AND GUIDELINES FOR EARLY CHILDHOOD PROGRAMS PROMULGATED BY THE OTHER POLICY BOARDS AND, TO THE GREATEST EXTENT PRACTICABLE AND APPROPRIATE, ALIGN ITS EARLY CHILDHOOD PROGRAM RULES AND GUIDELINES TO FACILITATE COORDINATION IN THE IMPLEMENTATION OF EARLY CHILDHOOD PROGRAMS BY EACH STATE DEPARTMENT.

26-6.1-107. Reporting. (1) AS PART OF ITS ANNUAL PRESENTATION TO A COMMITTEE OF REFERENCE IN ACCORDANCE WITH SECTION 2-7-203, C.R.S., THE STATE DEPARTMENT SHALL SPECIFICALLY REPORT ON THE CREATION, REVIEW, AND IMPLEMENTATION OF THE STATE PLAN. AT A MINIMUM, THE STATE DEPARTMENT'S REPORT SHALL ADDRESS:

(a) THE PRIORITIES FOR PROVIDING EARLY CHILDHOOD SERVICES AND FOR USING MONEYS AVAILABLE FOR EARLY CHILDHOOD SERVICES;

(b) THE OUTCOMES EXPECTED AND THE OUTCOMES ACHIEVED DUE TO EARLY CHILDHOOD SERVICES PROVIDED IN THE PRECEDING FISCAL YEAR;

(c) THE MANNER IN WHICH AND DEGREE TO WHICH EARLY CHILDHOOD PROGRAMS ARE COMPLYING WITH THE STATE PLAN AND SUCCESSFULLY COORDINATING THE DELIVERY OF EARLY CHILDHOOD SERVICES AND THE USE OF AVAILABLE MONEYS THROUGHOUT THE STATE;

(d) THE LEVEL OF COORDINATION BETWEEN EARLY CHILDHOOD PROGRAMS AT THE STATE LEVEL AND AT THE LOCAL LEVEL; AND

(e) THE LEVEL OF FUNDING FOR AND THE SOURCES OF MONEYS ALLOCATED TO THE EARLY CHILDHOOD COUNCILS.

SECTION 2. In Colorado Revised Statutes, **add with amended and relocated provisions** article 6.4 to title 26 as follows:

ARTICLE 6.4

Colorado Nurse Home Visitor Program

26-6.4-101. [Formerly 25-31-101] Short title. This article shall be known and may be cited as the "Colorado Nurse Home Visitor Program Act".

26-6.4-102. [Formerly 25-31-102] Legislative declaration. (1) The general assembly hereby finds that, in order to adequately care for their newborns and young children, new mothers may often benefit from receiving professional assistance and information. Without such assistance and information, a young mother may develop habits or practices that are detrimental to her health and well-being and the health and well-being of her child. The general assembly further finds that inadequate prenatal care and inadequate care in infancy and early childhood often inhibit a child's ability to learn and develop throughout his or her childhood and may have lasting, adverse effects on the child's ability to function as an adult. The general assembly recognizes that implementation of a nurse home visitor program that provides educational, health, and other resources for new young mothers during pregnancy and the first years of their infants' lives has been proven to significantly reduce the amount of drug, including nicotine, and alcohol use and abuse by mothers, the occurrence of criminal activity committed by mothers and their children under fifteen years of age, and the number of reported incidents of child abuse and neglect. Such a program has also been proven to reduce the number of subsequent births, increase the length of time between subsequent births, and reduce the mother's need

for other forms of public assistance. It is the intent of the general assembly that such a program be established for the state of Colorado, beginning with a limited number of participants and expanding by the year 2010 to be available to all low-income, first-time mothers in the state who consent to receiving services.

(2) The general assembly further finds that, to implement such a program efficiently and effectively and to promote the successful implementation of partnerships between state public entities and the private sector, responsibility for the program should be divided between the STATE department, which shall be responsible for financial administration of the program, and a health sciences facility at the university of Colorado, which shall be responsible for programmatic and clinical support, evaluation, and monitoring for the program, and such other responsibilities as described in this article. It is the intent of the general assembly that the STATE department and the health sciences facility work collaboratively to share information in order to promote efficient and effective program implementation; however, neither entity is responsible for the other entity's statutorily prescribed duties.

26-6.4-103. [Formerly 25-31-103] Definitions. As used in this article, unless the context otherwise requires:

~~(1) "Department" means the department of public health and environment created in section 25-1-102.~~

~~(2)~~ (1) "Entity" means any nonprofit, not-for-profit, or for-profit corporation, religious or charitable organization, institution of higher education, visiting nurse association, existing visiting nurse program, county, district, or municipal public health agency, county department of social services, political subdivision of the state, or other governmental agency or any combination thereof.

~~(3)~~ (2) "Health sciences facility" means the Anschutz medical campus or a successor facility located at the university of Colorado health sciences center that is selected by the president of the university of Colorado pursuant to ~~section 25-31-105~~ SECTION 26-6.4.105 to assist the state board in administering the program.

~~(4)~~ (3) "Low-income" means an annual income that does not exceed two hundred percent of the federal poverty line.

~~(5)~~ (4) "Master settlement agreement" means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver.

~~(6)~~ (5) "Nurse" means a person licensed as a professional nurse pursuant to article 38 of title 12, C.R.S., or accredited by another state or voluntary agency that the state board of nursing has identified by rule pursuant to section 12-38-108 (1) (a), C.R.S., as one whose accreditation may be accepted in lieu of board approval.

(6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF THIS TITLE IN THE DEPARTMENT OF HUMAN SERVICES.

(7) "Program" means the nurse home visitor program established in this article.

(8) "State board" means the state board of ~~health created in section 25-1-103~~ HUMAN SERVICES CREATED IN SECTION 26-1-107.

(9) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105.

26-6.4-104. [Formerly 25-31-104] Nurse home visitor program - created - rules. (1) (a) There is hereby established the nurse home visitor program to provide regular, in-home, visiting nurse services to low-income, first-time mothers, with their consent, during their pregnancies and through their children's second birthday. The program shall provide trained visiting nurses to help educate mothers on the importance of nutrition and avoiding alcohol and drugs, including nicotine, and to assist and educate mothers in providing general care for their children and in improving health outcomes for their children. In

addition, visiting nurses may help mothers in locating assistance with educational achievement and employment. Any assistance provided through the program shall be provided only with the consent of the low-income, first-time mother, and she may refuse further services at any time.

(b) THE NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 31 OF TITLE 25, C.R.S., AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, IS HEREBY TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD IN THE DEPARTMENT OF HUMAN SERVICES. ALL GRANTS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ARTICLE SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2013, AND MAY BE EXTENDED OR RENEWED BEYOND SAID DATE.

(2) The program shall be administered in communities throughout the state by entities selected on a competitive basis by the state board. Any entity that seeks to administer the program shall submit an application to the ~~department~~ OFFICE as provided in ~~section 25-31-106~~ SECTION 26-6.4-106. The entities selected pursuant to ~~section 25-31-107~~ SECTION 26-6.4-107 shall be expected to provide services to a minimum of one hundred low-income, first-time mothers in the community in which the entity administers the program; except that the state board may grant a waiver of this requirement if the population base of the community does not have the capacity to enroll one hundred eligible families. The state board shall consult with the health sciences facility prior to granting the waiver to ensure that the entity can implement the program within the smaller community and maintain compliance with the program requirements. A mother shall be eligible to receive services through the program if she is pregnant with her first child, or her first child is less than one month old, and her gross annual income does not exceed two hundred percent of the federal poverty line.

(3) The state board shall promulgate, pursuant to the provisions of article 4 of title 24, C.R.S., rules for the implementation of the program. The state board shall base the rules establishing program training requirements, program protocols, program management information systems, and program evaluation requirements on research-based model programs that have been implemented in one or more other states for a period of at least five years and have shown significant reductions in:

(a) The occurrence among families receiving services through the model program of infant behavioral impairments due to use of alcohol and other drugs, including nicotine;

(b) The number of reported incidents of child abuse and neglect among families receiving services through the model program;

(c) The number of subsequent pregnancies by mothers receiving services through the model program;

(d) The receipt of public assistance by mothers receiving services through the model program;

(e) Criminal activity engaged in by mothers receiving services through the model program and their children.

(4) Notwithstanding the provisions of subsection (3) of this section, the board shall adopt rules pursuant to which a nurse home visitation program that is in operation in the state as of July 1, 1999, may qualify for participation in the program if it can demonstrate that it has been in operation in the state for a minimum of five years and that it has achieved a reduction in the occurrences specified in subsection (3) of this section. Any program so approved shall be exempt from the rules adopted regarding program training requirements, program protocols, program management information systems, and program evaluation requirements so long as said program continues to demonstrate a reduction in the occurrences specified in subsection (3) of this section.

(5) The ~~department~~ OFFICE may propose to the state board rules concerning program applications under ~~section 25-31-106 (1)~~ SECTION 26-6.4-106. Any such proposal shall be made in consultation with the health sciences facility.

26-6.4-105. [Formerly 25-31-105] Health sciences facility - duties. (1) The president of the university of Colorado shall identify a facility at the university of Colorado health sciences center with the knowledge and expertise necessary to:

- (a) Assist the state board in selecting entities from among the applications submitted pursuant to ~~section 25-31-106~~ SECTION 26-6.4-106;
 - (b) Provide programmatic and clinical support, evaluation, and monitoring for the program, including nurse practice support and training, clinical and programmatic technical assistance, compliance monitoring and support, program development and implementation support, and performance improvement monitoring and support, in communities throughout the state;
 - (c) Cooperate with the ~~department~~ OFFICE in connection with the ~~department's~~ OFFICE's financial administration of the program; and
 - (d) Work with the state auditor's office as required in section 2-3-113 (4), C.R.S.
 - (1.5) The health sciences facility is not responsible for the duties assigned to the ~~department~~ OFFICE with respect to the program under ~~section 25-31-107 (2) (a.5)~~ SECTION 26-6.4-107 (2) (a.5).
 - (2) The health sciences facility shall perform the duties set forth in subsection (1) of this section to ensure that the program is implemented and operated according to the program training requirements, protocols, management information systems, and evaluation requirements established by rule of the state board. The health sciences facility shall evaluate overall program implementation, operation, and effectiveness, and include that evaluation, along with any recommendations concerning the program's selected entities or changes in the program's implementation, operation, and effectiveness, including program training requirements, protocols, management information systems, or evaluation requirements, in the annual report submitted to the ~~department~~ OFFICE pursuant to ~~section 25-31-108~~ SECTION 26-6.4-108.
 - (3) The ~~department~~ OFFICE shall compensate the health sciences facility for the health sciences facility's actual costs incurred in performing its duties under this article, as determined by the health sciences facility. Such duties and actual costs shall be included in the scope of work in the agreement between the ~~department~~ OFFICE and the health sciences facility for implementation of those duties and shall include the costs incurred by any contractor or subcontractor of the health sciences facility for those duties. Such compensation shall be paid out of the amount allocated for the health sciences facility's costs, in accordance with the maximum allocation of three percent of the amount annually allocated for the program under ~~section 25-31-107 (2)~~ SECTION 26-6.4-107 (2).
- 26-6.4-106. [Formerly 25-31-106] Program applications - requirements.** (1) An entity that seeks to administer the program in a community shall submit an application to the ~~department~~ OFFICE in accordance with rules adopted by the state board, in consultation with the ~~department~~ OFFICE and the health sciences facility. At a minimum, the application shall specify the basic elements and procedures that the entity shall use in administering the program. Basic program elements shall include the following:
- (a) The specific training to be received by each nurse employed by the entity to provide home nursing services through the program, which training shall meet or exceed the visiting nurse training requirements established by rule of the state board;
 - (b) The protocols to be followed by the entity in administering the program, which protocols at a minimum shall comply with the program protocols established by rule of the state board;
 - (c) The management information system to be used by the entity in administering the program, which at a minimum shall comply with the management information system requirements established by rule of the state board;
 - (d) The reporting and evaluation system to be used by the entity in measuring the effectiveness of the program in assisting low-income, first-time mothers, which at a minimum shall meet the reporting and evaluation requirements specified by rule of the state board;
 - (e) An annual report to both the health sciences facility and the community in which the entity administers the program that reports on the effectiveness of the program within the community and is written in a manner that is understandable for both the health sciences facility and

members of the community.

(2) Any program application submitted pursuant to this section shall demonstrate strong, bipartisan public support for and a long-time commitment to operation of the program in the community.

(3) The ~~department~~ OFFICE shall initially review the applications received pursuant to this section and submit to the health sciences facility for review those applications that include the basic program elements as required by the rules adopted by the state board. Following its review, the health sciences facility shall submit to the state board a list of the applying entities that the health sciences facility recommends to administer the program in communities throughout the state.

26-6.4-107. [Formerly 25-31-107] Selection of entities to administer the program - grants - nurse home visitor program fund - created. (1) On receipt of the list of entities recommended by the health sciences facility, the state board shall select the entities that will administer the program in communities throughout the state. In selecting entities, the state board shall give special consideration to entities that are proposing to administer the program as a collaborative effort among multiple entities.

(2) (a) The entities selected to operate the program shall receive grants in amounts specified by the state board. The grants may include operating costs and additional amounts for training and development of any infrastructure, including but not limited to development of the information management system necessary to administer the program. ~~For the 2000-01 fiscal year, the state board shall award grants to no more than twelve entities in at least eight communities.~~ THE STATE BOARD SHALL DETERMINE the number of entities selected and the number of communities in which the program ~~shall be~~ IS implemented in subsequent ~~fiscal years shall be determined by~~ BASED ON THE moneys available in the nurse home visitor program fund created in paragraph (b) of this subsection (2).

(a.5) Except as otherwise provided in ~~section 25-31-108~~ SECTION 26-6.4-108, the ~~department shall be~~ OFFICE IS responsible for financial administration of this article, which shall include compensating the health sciences facility pursuant to ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3); paying grants to entities selected to administer the program; monitoring financial, contractual, and regulatory compliance; providing medicaid financing oversight; managing accounting and budgeting; and, in cooperation with the health sciences facility, managing grant applications as set forth in ~~section 25-31-106~~ SECTION 26-6.4-106. The ~~department~~ OFFICE shall also cooperate with the health sciences facility's administration of programmatic and clinical support, evaluation, and monitoring of the program. The ~~department shall not be~~ OFFICE IS NOT responsible for any duties assigned to the health sciences facility with respect to the program, as described in ~~section 25-31-105~~ SECTION 26-6.4-105.

(b) Grants awarded pursuant to paragraph (a) of this subsection (2) ~~shall be~~ ARE payable from the nurse home visitor program fund, which fund is hereby created in the state treasury. The nurse home visitor program fund, referred to in this section as the "fund", ~~shall be~~ IS administered by the ~~department~~ OFFICE and ~~shall consist~~ CONSISTS of moneys transferred thereto by the state treasurer from moneys received pursuant to the master settlement agreement in the amount described in paragraph (d) of this subsection (2). In addition, the state treasurer shall credit to the fund any public or private gifts, grants, or donations received by the ~~department~~ OFFICE for implementation of the program, including any moneys received from the United States federal government for the program. The fund ~~shall be~~ IS subject to annual appropriation by the general assembly to the ~~department~~ OFFICE for grants to entities for operation of the program. The ~~department~~ OFFICE may retain a total of up to five percent of the amount annually appropriated from the fund for the program, in order to compensate the health sciences facility pursuant to ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3), as set forth in the scope of work in the agreement between the ~~department~~ OFFICE and the health sciences facility, and to compensate the ~~department~~ OFFICE for the actual costs incurred by the ~~department~~ OFFICE in implementing the provisions of paragraph (a.5) of this subsection (2), as determined by the ~~department~~

OFFICE; except that the portion of the costs to compensate the ~~department~~ OFFICE for implementing the provisions of paragraph (a.5) of this subsection (2) shall not exceed two percent of the amount annually appropriated from the fund for the program, and the portion of such costs to compensate the health sciences facility under ~~section 25-31-105 (3)~~ SECTION 26-6.4-105 (3), as set forth in the scope of work in the contract between the ~~department~~ OFFICE and the health sciences facility, shall not exceed three percent of the amount annually appropriated from the fund for the program. In addition, if the total amount annually appropriated from the fund for the program exceeds nineteen million dollars, the ~~department~~ OFFICE and the health sciences facility shall assess whether a smaller percentage of the appropriated funds exceeding nineteen million dollars is adequate to cover their actual costs and shall jointly submit to the general assembly a report articulating their conclusions on this subject. The actual costs of the ~~department~~ OFFICE include ~~department~~ personnel and operating costs and any necessary transfers to the department of health care policy and financing for administrative costs incurred for the medicaid program associated with the program. The actual costs of the health sciences facility include the facility's own actual program costs and those of its contractors and subcontractors. Any costs for time studies required to obtain medicaid reimbursement for the program may be paid from program funds and shall not be subject to the five percent limit in this section. Notwithstanding section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any unencumbered moneys appropriated from moneys received pursuant to the master settlement agreement remaining in the fund at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5, C.R.S.

(c) It is the intent of the general assembly that general fund moneys not be appropriated for implementation of the program.

(d) (I) Pursuant to section 24-75-1104.5 (1) (a), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning with the 2006-07 fiscal year and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall transfer to the fund the amounts specified in subparagraph (III) of this paragraph (d) from the master settlement agreement moneys received by the state, other than attorney fees and costs, during the preceding fiscal year, not to exceed nineteen million dollars in any fiscal year. The transfer shall be from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(II) Repealed.

(III) (A) For the 2004-05 fiscal year, the general assembly shall appropriate to the fund nine percent of the total amount of moneys received by the state.

(A.5) For the 2005-06 fiscal year, the general assembly shall appropriate to the fund ten percent of the total amount of moneys received by the state.

(A.7) For the 2006-07 fiscal year, the state treasurer shall transfer from the moneys received by the state pursuant to the master settlement agreement to the fund eleven percent of the total amount of moneys received by the state.

(B) Beginning with the 2007-08 fiscal year and for each fiscal year thereafter through the 2010-11 fiscal year, the state treasurer shall increase the percentage transferred to the fund pursuant to sub-subparagraph (A.7) of this subparagraph (III) by one percent; except that the percentage transferred to the fund for the 2009-10 fiscal year shall be the same as the percentage transferred to the fund for the 2008-09 fiscal year.

(C) For the 2011-12 and 2012-13 fiscal years, the state treasurer shall transfer to the fund the greater of twelve million seven hundred thirty-seven thousand three hundred fifty dollars or the same percentage of the total amount of moneys received by the state as was transferred to the fund for the 2010-11 fiscal year.

(D) For the 2013-14 fiscal year, the state treasurer shall transfer to the fund fifteen percent of the total amount of moneys received by the

state.

(E) For the 2014-15 fiscal year and for each fiscal year thereafter through the 2016-17 fiscal year, the state treasurer shall increase the percentage transferred to the fund by one percent over the percentage transferred to the fund in the preceding fiscal year.

(F) For the 2017-18 fiscal year and for each fiscal year thereafter, the state treasurer shall transfer to the fund nineteen percent of the total amount of moneys received by the state.

(IV) In addition to all other moneys transferred to the fund pursuant to this paragraph (d), the state treasurer shall transfer moneys from the general fund to the fund as specified in section 24-75-1104.5 (5) (a) (I) (B), C.R.S.

26-6.4-108. [Formerly 25-31-108] Annual program review - audit. (1) The health sciences facility shall annually prepare and submit to the ~~department~~ OFFICE a report including an evaluation of the implementation of the program, the results achieved by the program based on the annual reports submitted by the administering entities pursuant to ~~section 25-31-106 (1) (e)~~ SECTION 26-6.4-106 (1) (e), the extent to which the program serves medicaid-eligible persons and provides services that may be provided in part through medicaid funding, and any recommendations concerning changes to the program, including any changes that may be appropriate to enable the program to receive medicaid funding. The ~~department~~ OFFICE shall include the report in the annual report on the program prepared pursuant to section 25-1-108.5 (3), C.R.S. Each program contractor and subcontractor and each entity that administers the program shall work with the health sciences facility and the ~~department~~ OFFICE to prepare the reports required under this section and sections 2-3-113 (2) and 25-1-108.5 (3), C.R.S. Any entity that is administering the program is subject to a reduction in or cessation of funding if the state board, based on recommendations from the health sciences facility, determines that the entity is not operating the program in accordance with the program requirements established by rule of the state board or is operating the program in such a manner that the program does not demonstrate positive results.

(2) The state auditor's office, pursuant to section 2-3-113, C.R.S., shall audit each entity administering the program to determine whether the entity is administering the program in compliance with the program requirements and in an effective manner. The audit shall be conducted and reported in accordance with the provisions of section 2-3-113, C.R.S.

SECTION 3. In Colorado Revised Statutes, **add** article 6.7 to title 26 as follows:

ARTICLE 6.7

Division of Youth and Community Development

26-6.7-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DIVISION" MEANS THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED IN SECTION 26-6.7-102.

(2) "YOUTH DEVELOPMENT PROGRAM" MEANS A PROGRAM THAT PROVIDES SERVICES TO OLDER CHILDREN AND THEIR FAMILIES, WHICH SERVICES MAY INCLUDE BUT NEED NOT BE LIMITED TO, FAMILY SUPPORT AND PARENT EDUCATION, HEALTH, MENTAL HEALTH, MENTORING, AND BEFORE-AND-AFTER-SCHOOL PROGRAMS.

26-6.7-102. Division of youth and community development - created. (1) THERE IS HEREBY CREATED WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT. THE DIVISION IS HEADED BY THE DIRECTOR OF YOUTH DEVELOPMENT SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE DIVISION SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE UNDER THE STATE DEPARTMENT OF HUMAN SERVICES AS IF IT WERE TRANSFERRED TO THE STATE DEPARTMENT BY A **TYPE 2** TRANSFER AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

26-6.7-103. Division of youth and community development - functions. (1) THE DIVISION HAS THE FOLLOWING FUNCTIONS:

- (a) TO OPERATE THE YOUTH DEVELOPMENT PROGRAMS TRANSFERRED TO THE DIVISION BY THE EXECUTIVE DIRECTOR AND SUCH OTHER YOUTH DEVELOPMENT PROGRAMS THAT MAY BE CREATED IN OR TRANSFERRED TO THE DIVISION BY EXECUTIVE ORDER TO BE FUNDED SOLELY BY NONSTATE MONEYS;
- (b) TO COORDINATE WITH THE OFFICE OF EARLY CHILDHOOD IN THE STATE DEPARTMENT AND WITH THE OFFICE WITHIN THE STATE DEPARTMENT THAT OVERSEES DELIVERY OF SERVICES TO CHILDREN, YOUTH, AND FAMILIES TO HELP ENSURE THE AVAILABILITY OF A CONTINUUM OF SERVICES FOR CHILDREN AND YOUTH AND THEIR FAMILIES;
- (c) TO ACT AS A LIAISON WITH COMMUNITIES THROUGHOUT THE STATE TO ASSIST THEM IN ASSESSING THE NEEDS OF THE COMMUNITIES WITH REGARD TO YOUTH DEVELOPMENT PROGRAMS AND TO PROVIDE INFORMATION THAT WILL ASSIST COMMUNITIES IN OBTAINING FUNDING FOR APPROPRIATE YOUTH DEVELOPMENT PROGRAMS;
- (d) TO PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES AND TO ENTITIES THAT PROVIDE YOUTH DEVELOPMENT PROGRAMS;
- (e) TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF ANY YOUTH DEVELOPMENT PROGRAMS UNDER THE AUTHORITY OF THE DIVISION; AND
- (f) TO PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES FOR FEDERAL YOUTH DEVELOPMENT PROGRAMS AND TO SEEK THE MAXIMUM FLEXIBILITY IN THE USE OF FEDERAL MONEYS IN FUNDING YOUTH DEVELOPMENT PROGRAMS.

SECTION 4. In Colorado Revised Statutes, **add with amended and relocated provisions** article 6.8 to title 26 as follows:

ARTICLE 6.8

Tony Grampsas Youth Services Program

26-6.8-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "BOARD" MEANS THE TONY GRAMPSAS YOUTH SERVICES BOARD CREATED IN SECTION 26-6.8-103.
- (2) "ENTITY" MEANS A LOCAL GOVERNMENT, A COLORADO PUBLIC OR NONSECTARIAN SECONDARY SCHOOL, A GROUP OF PUBLIC OR NONSECTARIAN SECONDARY SCHOOLS, A SCHOOL DISTRICT OR GROUP OF SCHOOL DISTRICTS, A BOARD OF COOPERATIVE SERVICES, AN INSTITUTION OF HIGHER EDUCATION, THE COLORADO NATIONAL GUARD, A STATE AGENCY, A STATE-OPERATED PROGRAM, OR A PRIVATE NONPROFIT OR NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATION.
- (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES.
- (4) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.

26-6.8-102. [Formerly 25-20.5-201] Tony Grampsas youth services program - creation - standards - applications. (1) (a) ~~The youth crime prevention and intervention program created in part 28 of article 32 of title 24, C.R.S., as it existed prior to August 1, 2000, is hereby transferred to the division and is renamed the Tony Grampsas youth services program. All program grants in existence as of July 1, 2000, shall continue to be valid through July 31, 2001. Persons appointed to the youth crime prevention and intervention program board, hereby renamed the Tony Grampsas youth services board, shall continue serving until completion of their terms and may be reappointed as provided in section 25-20.5-202. THE TONY GRAMPSAS YOUTH SERVICES PROGRAM IS HEREBY TRANSFERRED TO THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES. ALL PROGRAM GRANTS IN EXISTENCE AS OF JULY 1, 2012, SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2014. PERSONS APPOINTED TO THE TONY GRAMPSAS YOUTH SERVICES BOARD SHALL CONTINUE SERVING UNTIL COMPLETION OF THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN SECTION 26-6.8-103.~~

- (b) The Tony Grampsas youth services program is established to provide state funding for community-based programs that target youth and their families for intervention services in an effort to reduce incidents of youth crime and violence. In addition, the Tony Grampsas youth

services program shall promote prevention and education programs that are designed to reduce the occurrence and reoccurrence of child abuse and neglect and to reduce the need for state intervention in child abuse and neglect prevention and education.

~~(2) (a) The Tony Grampsas youth services program shall be administered through the division.~~ Subject to the designation in paragraph (b) of this subsection (2), the ~~Tony Grampsas youth services board~~ created in ~~section 25-20.5-202~~ SECTION 26-6.8-103 shall choose those entities that will receive grants through the Tony Grampsas youth services program and the amount of each grant. ~~In addition, the division~~ THE STATE DEPARTMENT shall monitor the effectiveness of programs that receive funds through the Tony Grampsas youth services program.

~~(b) Any grant awarded through the Tony Grampsas youth services program shall be paid from moneys appropriated pursuant to paragraph (c) of this subsection (2) or out of the general fund for such program.~~ Each year, no less than twenty percent of the appropriation shall be designated and used exclusively for programs designed for children younger than nine years of age. THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED IN ARTICLE 6.7 OF THIS TITLE IN THE STATE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE GRANTS AWARDED TO PROGRAMS DESCRIBED IN THIS PARAGRAPH (b) AND SHALL MONITOR THE EFFECTIVENESS OF THE PROGRAMS.

~~(c) ANY GRANT AWARDED THROUGH THE TONY GRAMPSAS YOUTH SERVICES PROGRAM SHALL BE PAID FROM MONEYS APPROPRIATED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2) OR OUT OF THE GENERAL FUND FOR SUCH PROGRAM.~~ The board, in accordance with the timelines adopted pursuant to ~~section 25-20.5-202 (3)~~ SECTION 26-6.8-103 (3), shall submit a list of the entities chosen to receive grants to the governor for approval. The governor shall either approve or disapprove the entire list of entities by responding to the board within twenty days. If the governor ~~has~~ DOES not ~~responded~~ RESPOND to the board within twenty days after receipt of the list, the list ~~shall be deemed~~ IS approved. ~~No grants shall be awarded~~ THE BOARD SHALL NOT AWARD A GRANT through the Tony Grampsas youth services program without the prior approval of the governor.

~~(c) (d)~~ Pursuant to section 24-75-1104.5 (1) (i), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in the 2004-05 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall appropriate to the ~~division~~ STATE DEPARTMENT for the Tony Grampsas youth services program four percent of the amount of moneys transmitted to the state treasurer in accordance with the master settlement agreement, other than attorney fees and costs, for the preceding fiscal year; except that the amount so appropriated to the ~~division~~ STATE DEPARTMENT in any fiscal year shall not exceed five million dollars. The general assembly shall appropriate the amount specified in this ~~paragraph~~ ~~(c) PARAGRAPH~~ (d) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(3) To participate in the Tony Grampsas youth services program, an entity may apply to the board in accordance with timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103.

~~(4) For purposes of this part 2 "entity" means any local government, Colorado public or nonsectarian secondary school, including charter schools, group of public or nonsectarian secondary schools, school district or group of school districts, board of cooperative services, institution of higher education, the Colorado National Guard, state agency, or state-operated program or any private nonprofit or not-for-profit community-based organization.~~

~~(5) (4)~~ Entities seeking to provide youth mentoring services or to enhance existing youth mentoring programs are encouraged to submit an application to the board for grants directly from the Tony Grampsas youth services program, in addition to any funding the entities may be seeking from the youth mentoring services cash fund pursuant to ~~section 25-20.5-203 (6)~~ SECTION 26-6.8-104 (6), to establish or enhance youth mentoring programs. Entities submitting applications for grants directly from the Tony Grampsas youth services program pursuant to this section

need not meet the requirements of ~~section 25-20.5-203 (5) (b)~~ SECTION 26-6.8-104 (5) (b).

26-6.8-103. [Formerly 25-20.5-202] Tony Grampsas youth services board - members - duties. (1) (a) There is hereby created the Tony Grampsas youth services board ~~referred to in this part 2 as the "board"~~, consisting of four members appointed by the governor, three members appointed by the speaker of the house of representatives, and two members appointed by the president of the senate and one member appointed by the minority leader of the senate. For the initial appointments, the governor shall appoint members to the board after the speaker of the house of representatives and the president and the minority leader of the senate have made appointments. No more than six of the members appointed to the board shall be members of the same political party.

(b) In addition to the appointed board members, the executive director shall serve as a member of the board.

(c) At the first meeting of the board, the members of the board shall choose a chairperson and a vice-chairperson.

(d) (I) In appointing members to the board, the governor, the speaker of the house of representatives, and the president and the minority leader of the senate shall:

(A) Choose persons who have a knowledge and awareness of innovative strategies for youth crime prevention and intervention services and for reducing the occurrence and reoccurrence of child abuse and neglect; AND

~~(H) (B) In appointing members of the board, the governor, the speaker of the house of representatives, and the president and the minority leader of the senate shall~~ Appoint one or more persons who possess knowledge and awareness of early childhood care and education. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (B), "EARLY CHILDHOOD" MEANS YOUNGER THAN NINE YEARS OF AGE.

(II) ~~In addition~~ APPOINTING MEMBERS TO THE BOARD, the speaker of the house of representatives and the president of the senate shall each appoint at least one person who has a knowledge and awareness of student issues, including the causes of student dropout in secondary schools, as well as innovative strategies for reducing the dropout rate among secondary school students. ~~For purposes of this subparagraph (H), "early childhood" means younger than nine years of age.~~

(III) In appointing members TO THE BOARD, the governor shall:

(A) Appoint at least one ~~member to the board~~ PERSON who is representative of a minority community;

~~(B) Beginning with the members appointed to terms beginning July 1, 2001, the governor, in appointing members, shall~~ Appoint at least one person who is knowledgeable in the area of child abuse prevention; and

(C) APPOINT at least one person who is knowledgeable in the area of community planning for youth violence prevention.

(e) The appointed members of the board shall serve three-year terms; except that, of the members first appointed, one of the members appointed by the governor shall serve a two-year term, two of the members appointed by the governor shall serve one-year terms, one of the members appointed by the speaker of the house of representatives shall serve a two-year term, and one of the members appointed by the president of the senate shall serve a two-year term. The respective appointing person shall choose those members who shall serve initial shortened terms. If a vacancy arises in one of the appointed offices, the authority making the original appointment shall fill the vacancy for the remainder of the term. Members of the board shall serve without compensation but shall be reimbursed out of available appropriations for all actual and necessary expenses incurred in the performance of their duties.

(f) The board is authorized to meet, when necessary, via telecommunications.

(2) (a) The board shall develop and make available program guidelines, including but not limited to:

- (I) Guidelines for proposal design;
- (II) Local public-to-private funding match requirements; and
- (III) Processes for local review and prioritization of program

applications.

(b) In addition to the guidelines developed pursuant to paragraph (a) of this subsection (2), the board shall develop criteria for awarding grants under the Tony Grampsas youth services program, including but not limited to the following requirements:

(I) That the program is operated in cooperation with a local government, a local governmental agency, or a local nonprofit or not-for-profit agency;

(II) That the program is community-based, receiving input from organizations in the community such as schools, community mental health centers, local nonprofit or not-for-profit agencies, local law enforcement agencies, businesses, and individuals within the community; and

(III) (A) That the program is directed at providing intervention services to youth and their families in an effort to decrease incidents of crime and violence or that the program is directed at providing services to at-risk students and their families in an effort to reduce the dropout rate in secondary schools pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105.

(B) If an entity is seeking a grant from the board for a student dropout prevention and intervention program pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105, one of the criteria that the board shall consider is whether the program has been implemented elsewhere, if known, and, if so, the relative success of the program. It shall not be required, however, that the program be previously implemented for the board to award a grant to the entity.

(C) If an entity is seeking a grant from the board for a program directed at providing intervention services to youth and their families in an effort to decrease incidents of crime and violence, one of the criteria that the board shall consider is whether the program includes restorative justice components. It shall not be required, however, that the program include restorative justice components for the board to award a grant to the entity.

(c) In addition to the guidelines and criteria developed pursuant to paragraphs (a) and (b) of this subsection (2), the board shall develop result-oriented criteria for measuring the effectiveness of programs that receive grants under the Tony Grampsas youth services program as deemed appropriate to the nature of each program including, but not limited to, requiring grantees to evaluate the impact of the services provided by the program. Any criteria developed pursuant to this paragraph (c) for measuring the effectiveness of student dropout prevention and intervention programs established pursuant to ~~section 25-20.5-204~~ SECTION 26-6.8-105 shall include the implementation of a method by which to track the students served by the program to evaluate the impact of the services provided, which tracking shall continue, if possible, for at least two years or through graduation from a secondary school, whichever occurs first.

(3) ~~(a)~~ In addition to the guidelines and criteria developed pursuant to subsection (2) of this section, the board shall establish timelines for submission and review of applications for grants through the Tony Grampsas youth services program. The board shall also adopt timelines for submission to the governor of the list of entities chosen to receive grants. If the governor disapproves the list, the board may submit a replacement list within thirty days after such disapproval.

~~(b) Repeated:~~

(4) The board shall review all applications received pursuant to ~~section 25-20.5-201~~ SECTION 26-6.8-102 for grants from the Tony Grampsas youth services program and choose those entities that shall receive grants through the Tony Grampsas youth services program and the amount of each grant.

(5) In addition to the duties relating specifically to the Tony Grampsas youth services program specified in this section, the board shall operate the prevention, intervention, and treatment programs specified in this ~~part 2~~ ARTICLE and such other prevention, intervention, and treatment programs as may be assigned to the board by executive order to be funded solely by federal funds.

26-6.8-104. [Formerly 25-20.5-203] Colorado Youth

Mentoring Services Act. (1) **Short title.** This section shall be known and may be cited as the "Colorado Youth Mentoring Services Act".

(2) **Legislative declaration.** (a) The general assembly hereby finds and declares that mentoring programs such as big brothers, big sisters, and partners have been active in Colorado for many years. The general assembly finds that national research has indicated that structured mentoring programs are effective tools in combating youth substance abuse and youth crime and violence. The general assembly further finds, based upon recent national research results, that at-risk youth who are matched in a minimum of year-long mentoring relationships are less likely to become involved in substance and alcohol abuse, less likely to be truant, less likely to commit violent acts against other persons, and more likely to show improvements in academic performance and positive peer relations.

(b) The general assembly further finds that, despite the positive results that may be achieved through structured youth mentoring programs, as many as thirty-eight counties in the state of Colorado do not have the organizational resources necessary to carry out successful mentoring programs or lack the adult volunteers to establish such programs or both. The general assembly finds that even counties in which there are established youth mentoring programs, such programs are unable to meet the demand for mentors and that such established programs have waiting lists that exceed two thousand youths.

(c) The general assembly therefore declares and determines that the provision of youth mentoring services that would use public and private entities to recruit, train, screen, and supervise adult volunteers to serve as mentors for at-risk youth would be beneficial and in the best interests of the citizens of the state of Colorado.

(3) **Definition.** For purposes of this section, "at-risk youth" means a person who is at least five years of age but who is less than eighteen years of age and who is challenged by such risk factors as poverty, residence in a substance-abusing household, family conflict, association with peers who commit crimes, residence in a single-parent household, exhibition of indicia of delinquent behavior, or being the victim of child abuse.

(4) **Provision of youth mentoring services.** There is hereby created the Colorado youth mentoring program for the purpose of providing state funding for the provision of community-based youth mentoring services that target at-risk youths in an effort to reduce substance abuse and to decrease the incidents of youth crime and violence. Such funding shall be used to provide new mentoring services in communities that do not have existing mentoring programs as well as to enhance established community-based youth mentoring programs that are already in existence.

(5) **Administration - duties of contracting entities.** (a) To be eligible for moneys from the youth mentoring services cash fund created in subsection (6) of this section for the provision of youth mentoring services, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103 and shall meet the requirements of paragraph (b) of this subsection (5).

(b) The entities that ~~are selected by~~ the board **SELECTS** to provide community-based youth mentoring services shall be responsible for:

(I) Actively recruiting qualified and appropriate adult volunteers who are willing to serve as youth mentors for a period of not less than one year and to commit to spending an average of three hours per week with the at-risk youth;

(II) Effectively screening adult volunteers to serve as mentors, including but not limited to conducting criminal background checks of such adult volunteers;

(III) Providing training and ongoing support to adult volunteers to prepare them to serve in one-year mentoring relationships with at-risk youths;

(IV) Carefully matching each adult volunteer with an at-risk youth based upon the unique qualifications of the adult volunteer and the specific needs of the youth;

(V) Supervising closely and through case managers the activities

of the adult volunteer and the mutual benefits and effectiveness of the mentoring relationship;

(VI) Making available life skill workshops, recreational activities, and community service opportunities to the at-risk youth and adult volunteer;

(VII) Implementing a method of evaluating the effectiveness of the community-based youth mentoring program and tracking the youths served by the program to evaluate the impact of the services provided through the program; and

(VIII) Reporting annually to the board concerning the results of the entity's evaluation of youths served by the community-based youth mentoring program as well as the fiscal contributions made by the entity to the program and such other information that the board may require.

(c) Community-based organizations may obtain private and public funds, grants, gifts, or donations for youth mentoring programs. The executive director is authorized to accept and expend on behalf of the state any funds, grants, gifts, or donations from any private or public source for the purpose of implementing this section; except that no grant or donation shall be accepted if the conditions attached to the grant or donation require the expenditure thereof in a manner contrary to law.

(d) Entities selected to receive grants pursuant to this section for the provision of youth mentoring services shall match any grant received with a contribution that is the equivalent of twenty percent of the grant awarded.

(6) **Youth mentoring services cash fund.** (a) There is hereby created in the state treasury the youth mentoring services cash fund. The moneys in the youth mentoring services cash fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this section. The executive director is authorized to accept on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of this section. All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the youth mentoring services cash fund. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(b) Notwithstanding any provision of paragraph (a) of this subsection (6) to the contrary, on April 20, 2009, the state treasurer shall transfer the balance of moneys in the youth mentoring services cash fund to the general fund.

26-6.8-105. [Formerly 25-20.5-204] Colorado student dropout prevention and intervention program. (1) **Short title.** This section shall be known and may be cited as the "Colorado Student Dropout Prevention and Intervention Act".

(2) **Legislative declaration.** The general assembly hereby finds that:

(a) During the last decade, over one hundred thousand students in Colorado left school without successfully completing a high school program;

(b) In 1996, three million six hundred thousand young adults in the United States were neither enrolled in school nor had they completed a high school program;

(c) In the 1995-1996 academic year, approximately thirteen thousand students withdrew from Colorado schools prior to receiving a diploma, resulting in a four percent dropout rate;

(d) Of those students who withdrew from Colorado schools prior to receiving a diploma, approximately five thousand nine hundred were minority students;

(e) The dropout rate of minority students in Colorado is significantly greater than that of nonminority students;

(f) Numerous factors, including socioeconomic background, lack of adult support, and the inability to communicate well in English, influence a student's decision to drop out of school;

(g) Research has shown that, compared with high school graduates, relatively more dropouts are unemployed, and those dropouts who do succeed in finding work tend to earn less money than high school

graduates; and

(h) High school dropouts are more likely to apply for and receive public assistance than high school graduates.

(3) **Definitions.** For purposes of this section:

(a) "At-risk students" means students in secondary schools who are at risk of dropping out of school because of their socioeconomic background, lack of adult support, language barriers, or other identified indicators that cause students to drop out of school.

(b) ~~"Entity" means any local government, Colorado public or nonsectarian secondary school, including charter schools, group of public or nonsectarian secondary schools, school district or group of school districts, board of cooperative services, institution of higher education, the Colorado National Guard, state agency, or state-operated program or any private nonprofit or not-for-profit community-based organization.~~

(4) **Colorado student dropout prevention and intervention program.** There is hereby created the Colorado student dropout prevention and intervention program in the Tony Grampsas youth services program for the purpose of providing services to at-risk students and their families in an effort to reduce the dropout rate in secondary schools through an appropriate combination of academic and extracurricular activities designed to enhance the overall education and edification of students in secondary schools.

(5) **Administration.** (a) The student dropout prevention and intervention program shall be administered through the division OF YOUTH AND COMMUNITY DEVELOPMENT IN THE STATE DEPARTMENT. Subject to the designation in paragraph (b) of this subsection (5), the ~~Tony Grampsas youth services board created in section 25-20.5-202~~ shall select those entities that will receive grants through the student dropout prevention and intervention program and the amount of each grant. In addition, the division OF YOUTH AND COMMUNITY DEVELOPMENT shall monitor the effectiveness of programs that receive funds through the student dropout prevention and intervention program. To be eligible for grants from the ~~Tony Grampsas youth services~~ board for the provision of student dropout prevention and intervention programs targeting at-risk students, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103.

(b) Any moneys awarded by the ~~Tony Grampsas youth services~~ board shall be paid from moneys appropriated out of the general fund for ~~such~~ THE TONY GRAMPSAS YOUTH SERVICES program. Each year no less than ten percent of the total appropriation from the general fund shall be designated and used exclusively for programs specifically designed to prevent students from dropping out of secondary schools; except that, commencing in fiscal year 2004-05 and in each fiscal year thereafter, no less than twenty percent of the total appropriation shall be designated and used exclusively for such purpose.

(6) **Receipt of moneys.** (a) The executive director is authorized to accept on behalf of the state any funds, grants, gifts, or donations from any private or public source for the purpose of implementing student dropout prevention and intervention programs pursuant to this ~~article~~ SECTION; except that no funds, grants, gifts, or donations shall be accepted if the conditions attached thereto require the expenditure thereof in a manner contrary to law.

(b) (I) All private and public moneys received through funds, grants, gifts, or donations pursuant to this subsection (6) shall be transmitted to the state treasurer, who shall credit the same to the student dropout prevention and intervention 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 associated with the administration of this ~~article~~ SECTION. The executive director may expend moneys appropriated to the STATE department from the fund for purposes of providing a grant for the implementation and administration of a student dropout prevention and intervention program. All investment earnings derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(II) Notwithstanding any provision of subparagraph (I) of this paragraph (b) to the contrary, on April 20, 2009, the state treasurer shall transfer the balance of moneys in the student dropout prevention and intervention fund to the general fund.

26-6.8-106. [Formerly 25-20.5-205] Colorado student before-and-after-school project - creation - funding. (1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Before-and-after-school program" means a program that meets before regular school hours or after regular school hours or during a period when school is not in session.

(b) "Fund" means the Colorado student before-and-after-school project fund created in subsection (4) of this section.

(c) "Project" means the Colorado before-and-after-school project created in subsection (2) of this section.

(2) **Colorado student before-and-after-school project.** There is hereby created, in the Tony Grampsas youth services program, the Colorado student before-and-after-school project for the purpose of providing grants to entities to provide high-quality before-and-after-school programs that may include an alcohol or drug abuse prevention and education component. Entities that receive grants pursuant to this section shall apply the grants to creating and implementing before-and-after-school programs that primarily serve youth enrolled in grades six through eight or youth who are twelve to fourteen years of age. The before-and-after-school programs shall be designed to help youth develop their interests and skills in the areas of sports and fitness, character and leadership, or arts and culture and may provide education regarding the dangers of the use of alcohol and drugs. Before-and-after-school programs that are designed primarily to increase academic achievement or that provide religious instruction are not eligible for funding pursuant to this section.

(3) **Administration.** (a) The division OF YOUTH AND COMMUNITY DEVELOPMENT IN THE STATE DEPARTMENT shall administer the project. The board shall select the entities that will receive grants through the project and the amount of each grant. In addition, the division OF YOUTH AND COMMUNITY DEVELOPMENT shall monitor the effectiveness of before-and-after-school programs that receive moneys through the project. To be eligible for grants through the project, an entity shall apply to the board in accordance with the timelines and guidelines adopted by the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103. Notwithstanding any provision of this ~~part 2~~ ARTICLE or any criteria for awarding grants adopted by the board pursuant to ~~section 25-20.5-202 (2)~~ (b) SECTION 26-6.8-103 (2) (b) to the contrary, an entity may be eligible to receive a grant pursuant to this section regardless of whether the before-and-after-school program to which the grant would apply serves youth who are eligible for free or reduced-cost lunch pursuant to the "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

(b) The grants awarded through the project shall be paid from moneys appropriated from the fund to the ~~division~~ STATE DEPARTMENT. The board and grant recipients are encouraged to apply moneys awarded through the project to leverage additional funding as matching funds from private and federal sources.

(4) **Colorado student before-and-after-school project fund.** There is hereby created in the state treasury the Colorado student before-and-after-school project fund that shall consist of moneys that may be appropriated by the general assembly to the fund. The moneys in the fund shall be subject to annual appropriation by the general assembly to the ~~division~~ STATE DEPARTMENT for the purpose of providing grants as provided in this section and the direct and indirect costs associated with the implementation of this section. Any moneys in the fund not expended for the purpose of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

SECTION 5. Repeal of provisions being relocated in this act. In Colorado Revised Statutes, **repeal** part 2 of article 20.5 of title 25

and article 31 of title 25.

SECTION 6. In Colorado Revised Statutes, 19-3.5-104, **amend** (1) as follows:

19-3.5-104. Colorado children's trust fund board - creation - members. (1) (a) There is hereby created, in the department of public health and environment, the Colorado children's trust fund board. The board shall exercise its powers and duties as if transferred by a **type 2** transfer.

(b) THE COLORADO CHILDREN'S TRUST FUND BOARD IS HEREBY TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF TITLE 26, C.R.S., IN THE DEPARTMENT OF HUMAN SERVICES. THE BOARD SHALL EXERCISE ITS POWERS AND DUTIES AS IF TRANSFERRED BY A **TYPE 2** TRANSFER. PERSONS APPOINTED TO THE COLORADO CHILDREN'S TRUST FUND BOARD SHALL CONTINUE SERVING UNTIL COMPLETION OF THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN THIS SECTION.

SECTION 7. In Colorado Revised Statutes, 26-18-102, **repeal** (3.5); and **add** (7) as follows:

26-18-102. Definitions. As used in this article, unless the context otherwise requires:

(3.5) ~~"Division" means the prevention services division in the department of public health and environment.~~

(7) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE 6.1 OF THIS TITLE IN THE DEPARTMENT OF HUMAN SERVICES.

SECTION 8. In Colorado Revised Statutes, 26-18-104, **amend** (1) (a), (1) (b), and (1) (c) (III); and **add** (1) (a.5) as follows:

26-18-104. Program created. (1) (a) There is hereby established in the prevention services division in the department of public health and environment a family resource center program. The purposes of said program shall be to provide grants to community applicants for the creation of family resource centers or to provide grants to family resource centers for the continued operation of such centers through which services for vulnerable families, individuals, children, and youth who live in communities or in at-risk neighborhoods are accessible and coordinated through a single point of entry.

(a.5) THE FAMILY RESOURCE CENTER PROGRAM IS TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD IN THE DEPARTMENT OF HUMAN SERVICES. ALL PROGRAM GRANTS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (a.5) SHALL CONTINUE TO BE VALID THROUGH JUNE 30, 2013, AND MAY BE CONTINUED AFTER SAID DATE.

(b) The ~~division~~ OFFICE shall operate the family resource center program in accordance with the provisions of this article. ~~the requirements for prevention, intervention, and treatment programs specified in article 20.5 of title 25, C.R.S., and the rules for prevention, intervention, and treatment programs adopted by the state board of health pursuant to section 25-20.5-106, C.R.S.~~ In addition, the ~~division~~ OFFICE may establish any other procedures necessary to implement the program, including establishing the procedure for the submittal of grant applications by community applicants seeking to establish a family resource center or by a family resource center applying for a grant for continued operation of a family resource center.

(c) (III) The ~~division~~ OFFICE is authorized to accept and expend any grants from any public or private source for the purpose of making grants to community applicants for the establishment or continued operation of family resource centers and for the purpose of evaluating the effectiveness of the family resource center program. Nothing in this article shall be construed to prohibit a family resource center from accepting and expending funds received through an authorized contract, grants, or donations from public or private sources.

SECTION 9. In Colorado Revised Statutes, 26-18-105, **amend** (1) introductory portion, (2), and (3) as follows:

26-18-105. Selection of centers - grants. (1) The ~~division~~ OFFICE may award a grant for the purpose of establishing a family resource center based on a plan submitted to the ~~division~~ OFFICE by the applicant or for the continued operation of a family resource center. The plan shall meet specific criteria which the ~~division~~ OFFICE is hereby authorized to set, but the criteria shall include at least the following provisions:

(2) The local advisory council for a community applicant awarded

a grant pursuant to subsection (1) of this section shall evaluate the overall effectiveness of the family resource center annually and shall submit an annual report to the ~~division in accordance with section 25-20.5-108, C.R.S.~~ OFFICE.

(3) In the event the ~~division~~ OFFICE determines, from any report submitted by a local advisory council or any other source, that the operation of a family resource center is not in compliance with this article or any rule adopted pursuant to the provisions of this article, the ~~division~~ OFFICE may impose sanctions including termination of the grant.

SECTION 10. In Colorado Revised Statutes, 25-20.5-101, **amend** (1) (a), (1) (c), and (2) as follows:

25-20.5-101. Legislative declaration. (1) The general assembly hereby finds that:

(a) The state operates or state agencies provide funding for a wide variety of prevention, intervention, and treatment programs designed to assist ~~children and~~ youth in achieving an education, in making informed choices about their health and well-being, in avoiding the juvenile and criminal justice systems, and, generally, in becoming healthy, law-abiding, contributing members of society;

(c) There is some overlap among prevention, intervention, and treatment programs, sometimes resulting in the potentially inefficient use of state resources which may result in the provision of fewer services to ~~children and~~ youth;

(2) The general assembly therefore finds that it is in the best interests of the ~~children~~, youth and families of the state to create a single division in the department of public health and environment to operate prevention and intervention programs and to oversee the provision of prevention, intervention, and treatment services through federally and state-funded prevention, intervention, and treatment programs to ensure collaboration among programs and the availability of a continuum of services for ~~children and~~ youth.

SECTION 11. In Colorado Revised Statutes, 25-20.5-102, **amend** (5) and (6) as follows:

25-20.5-102. Definitions. As used in this article, unless the context otherwise requires:

(5) "Prevention, intervention, and treatment services" means services that are designed to promote the well-being of ~~children and~~ youth and their families by decreasing high-risk behaviors, strengthening healthy behaviors, and promoting family stability.

(6) "State plan" means the state plan for delivery of prevention, intervention, and treatment services to ~~children and~~ youth throughout the state adopted by the division pursuant to section 25-20.5-105.

SECTION 12. In Colorado Revised Statutes, 25-20.5-104, **amend** (1) (a) and (2) as follows:

25-20.5-104. Functions of division. (1) The division has the following functions:

(a) On or before February 1, 2001, to submit to the executive director to ~~the Tony Grampsas youth services board~~, and to the governor for approval a state plan for delivery of prevention, intervention, and treatment services to ~~children and~~ youth throughout the state as provided in section 25-20.5-105, and to biennially review the state plan and submit revisions as provided by rule of the state board of health to the executive director ~~the Tony Grampsas youth services board~~, and the governor for approval;

(2) In addition to any prevention and intervention programs created in or transferred to the division by executive order and any prevention and intervention programs transferred to the division by the executive director pursuant to subsection (4) of this section, the division shall operate the following prevention and intervention programs:

(a) ~~The Tony Grampsas youth services program created in section 25-20.5-201;~~

(b) ~~The Colorado youth mentoring services program created in section 25-20.5-203;~~

(c) ~~The Colorado student dropout prevention and intervention program created in section 25-20.5-204;~~

(d) ~~The Colorado children's trust fund created in article 3.5 of title 19, C.R.S.;~~

(e) ~~The family resource center program created in section 26-18-104, C.R.S.;~~

(f) The school-based health center grant program created in part 5 of this article.

SECTION 13. In Colorado Revised Statutes, 25-20.5-105, **amend** (1) introductory portion and (2) as follows:

25-20.5-105. State plan for delivery of prevention, intervention, and treatment services to children and youth - contents.

(1) On or before February 1, 2001, the division shall submit to the governor ~~the Tony Grampsas youth services board~~, and the executive director for approval a state plan for delivery of prevention, intervention, and treatment services to ~~children and youth~~ throughout the state. The state plan shall apply to all prevention, intervention, and treatment programs that receive state or federal funds and are operated within the state. The state plan shall be designed to coordinate and provide direction for the delivery of prevention, intervention, and treatment services through the various prevention and intervention programs operated by the division and the prevention, intervention, and treatment programs operated by other state departments and to ensure collaboration among programs that results in a continuum of services available to ~~children and youth~~ throughout the state. At a minimum, the state plan shall:

(2) The division shall biennially review and revise the state plan as necessary to ensure the most efficient and effective delivery of prevention, intervention, and treatment services throughout the state. The division shall submit any revised state plan as provided by rule of the state board of health to the governor ~~the Tony Grampsas youth services board~~, and the executive director for approval.

SECTION 14. In Colorado Revised Statutes, 25-20.5-106, **amend** (1) and (3) as follows:

25-20.5-106. State board of health - rules - program duties.

(1) The state board of health created in section 25-1-103 shall promulgate rules as necessary for the operation of the division, including but not limited to rules establishing the time frames for review of the state plan and submittal of any revised state plan to the governor ~~the Tony Grampsas youth services board~~, and the executive director and to the entities specified in section 25-20.5-105 (4).

(3) The state board of health shall act as the program board for the oversight of the prevention and intervention programs operated by the division. ~~except that the Tony Grampsas youth services board shall act as the program board for the programs specified in part 2 of this article and for any additional programs specified by executive order.~~

SECTION 15. In Colorado Revised Statutes, 2-3-113, **amend** (1) (a) as follows:

2-3-113. Programs that receive tobacco settlement moneys - program review - repeal. (1) As used in this section:

(a) "Health sciences facility" has the meaning set forth in ~~section 25-31-103, C.R.S.~~ **SECTION 26-6.4-103 (2), C.R.S.** For purposes of this section, "health sciences facility" includes any contractor or subcontractor engaged by the health sciences facility to assist in the implementation and monitoring of the nurse home visitor program established under ~~article 31 of title 25, C.R.S.~~ **ARTICLE 6.4 OF TITLE 26, C.R.S.**

SECTION 16. In Colorado Revised Statutes, 13-3-113, **amend** (3) (a) as follows:

13-3-113. "Family-friendly Courts Act". (3) Definitions. For purposes of this section:

(a) "At-risk youth" shall have the same meaning as set forth in ~~section 25-20.5-203 (3), C.R.S.~~ **SECTION 26-6.8-104 (3), C.R.S.**

SECTION 17. In Colorado Revised Statutes, 24-1-119, **repeal** (9) as follows:

24-1-119. Department of public health and environment - creation. (9) ~~The powers, duties, and functions of the Colorado children's trust fund board, created in section 19-3.5-104, C.R.S., are transferred by a type 2 transfer to the department of public health and environment.~~

SECTION 18. In Colorado Revised Statutes, 24-1-120, **add** (6) (f), (6) (g), and (10) as follows:

24-1-120. Department of human services - creation -

repeal.(6) The department shall consist of the following divisions and units:

(f) THE OFFICE OF EARLY CHILDHOOD CREATED PURSUANT TO SECTION 26-6.1-103, C.R.S. THE OFFICE OF EARLY CHILDHOOD AND ALL OF ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS AN OFFICE THEREOF.

(g) THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT CREATED PURSUANT TO SECTION 26-6.7-103, C.R.S. THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT AND ALL OF ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS A DIVISION THEREOF.

(10) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO CHILDREN'S TRUST FUND BOARD, CREATED IN SECTION 19-3.5-104, C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

SECTION 19. In Colorado Revised Statutes, 24-75-1104.5, **amend** (1) (a) introductory portion, (1) (i), (3), and (5) (a) (I) (B) as follows:

24-75-1104.5. Use of settlement moneys - programs - repeal.

(1) Except as otherwise provided in subsection (5) of this section, for the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive the following specified amounts from the settlement moneys received by the state in the preceding fiscal year; except that fifteen million four hundred thousand dollars of strategic contribution fund moneys and, for the 2010-11 fiscal year and for each fiscal year thereafter only, the lesser of sixty-five million dollars of other settlement moneys or all other settlement moneys shall be allocated in each fiscal year in which they are received by the state and except that, of the other settlement moneys received by the state in the 2009-10 fiscal year, the lesser of sixty-five million dollars or all of such moneys shall be transferred to the general fund on June 30, 2010, and shall not be allocated:

(a) The Colorado nurse home visitor program created in ~~article 31 of title 25, C.R.S.~~ ARTICLE 6.4 OF TITLE 26, C.R.S., shall receive the following amounts, not to exceed nineteen million dollars in any fiscal year, as provided in ~~section 25-31-107, C.R.S.~~ SECTION 26-6.4-107, C.R.S.:

(i) The Tony Grampsas youth services program created in ~~part 2 of article 20.5 of title 25, C.R.S.~~ ARTICLE 6.8 OF TITLE 26, C.R.S., shall receive four percent of the total amount of settlement moneys annually received by the state, not to exceed five million dollars in any fiscal year, as provided in ~~section 25-20.5-201, C.R.S.~~ SECTION 26-6.8-101, C.R.S.

(3) Notwithstanding the provisions of subsections (1) and (1.5) of this section, for purposes of sections 22-7-908 (3), 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), ~~25-20.5-201 (2) (c)~~, 25-23-104 (2), ~~25-31-107 (2) (d) (I)~~, 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d) (I), 26-6.8-201 (2) (d), 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys received and allocated by the state pursuant to said subsections (1) and (1.5) during the same fiscal year shall be deemed to be moneys received for or during the preceding fiscal year.

(5) (a) (I) The state treasurer shall credit all disputed payments upon receipt, or if received prior to June 1, 2009, on June 1, 2009, to the general fund. On June 1, 2009, the state treasurer shall transfer the following amounts from the general fund:

(B) Four hundred seventy-eight thousand dollars to the nurse home visitor program fund created in ~~section 25-31-107 (2) (b), C.R.S.~~ SECTION 26-6.4-107 (2) (b), C.R.S.

SECTION 20. In Colorado Revised Statutes, 25-1-108.5, **amend** (1) (a), (1) (c), and (2) introductory portion as follows:

25-1-108.5. Additional powers and duties of state board of health and department - programs that receive tobacco settlement moneys - monitoring - annual report. (1) As used in this section:

(a) "Health sciences facility" has the meaning set forth in ~~section 25-31-103~~ SECTION 26-6.4-103, C.R.S.

(c) "Nurse home visitor program" means the tobacco settlement program established in ~~article 31 of this title~~ ARTICLE 6.4 OF TITLE 26,

C.R.S.

(2) Except for the nurse home visitor program, which shall be monitored by the health sciences facility in accordance with ~~section 25-31-105 (1)~~ SECTION 26-6.4-105 (1), the state board and the department shall monitor the operation and effectiveness of tobacco settlement programs. Each tobacco settlement program shall annually submit to the department, in accordance with rules promulgated by the state board, the following information:

SECTION 21. In Colorado Revised Statutes, 25-3.5-804, **amend** (3) (a) as follows:

25-3.5-804. Tobacco education, prevention, and cessation programs - review committee - grants. (3) (a) The division shall review the applications received pursuant to this part 8 and make recommendations to the state board regarding those entities that may receive grants and the amounts of said grants. On and after October 1, 2005, the review committee shall review the applications received pursuant to this part 8 and submit to the state board and the director of the department recommended grant recipients, grant amounts, and the duration of each grant. Within thirty days after receiving the review committee's recommendations, the director shall submit his or her recommendations to the state board. The review committee's recommendations regarding grantees of the Tony Grampsas youth services program, ~~section 25-20.5-201~~ SECTION 26-6.8-101, C.R.S., pursuant to section 25-3.5-805 (5) shall be submitted to the state board and the Tony Grampsas youth services board. Within thirty days after receiving the review committee's recommendations, the Tony Grampsas youth services board shall submit its recommendations to the state board. The state board shall have the final authority to approve the grants under this part 8. If the state board disapproves a recommendation for a grant recipient, the review committee may submit a replacement recommendation within thirty days. In reviewing grant applications for programs to provide tobacco education, prevention, and cessation programs for persons with mental illness, the division or the review committee shall consult with the programs for public psychiatry at the university of Colorado health sciences center, the national alliance for the mentally ill, the mental health association of Colorado, and the department of human services.

SECTION 22. In Colorado Revised Statutes, 25-3.5-805, **amend** (5) as follows:

25-3.5-805. Tobacco education, prevention, and cessation programs - requirements. (5) Up to fifteen percent of the moneys annually awarded pursuant to this section shall be allocated to grantees of the Tony Grampsas youth services program, ~~section 25-20.5-201~~ SECTION 26-6.8-101, C.R.S., for proven tobacco prevention and cessation programs.

SECTION 23. In Colorado Revised Statutes, 24-44.7-102, **amend** (2) (g) as follows:

24-44.7-102. Early childhood leadership commission - created - mission. (2) The commission shall consist of up to thirty-five members as follows:

(g) Four legislative members appointed as follows:

(I) Two representatives, one ~~each~~ appointed by the speaker OF THE HOUSE OF REPRESENTATIVES, WHICH APPOINTEE IS A MEMBER OF THE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE APPOINTED BY the minority leader of the house of representatives, WHICH APPOINTEE IS A MEMBER OF THE HEALTH AND ENVIRONMENT COMMITTEE, OR ANY SUCCESSOR COMMITTEE; and

(II) Two senators, one ~~each~~ appointed by the president OF THE SENATE, WHICH APPOINTEE IS A MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE APPOINTED BY the minority leader of the senate, WHICH APPOINTEE IS A MEMBER OF THE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE.

SECTION 24. Accountability. Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth

in section 25-6.1-101, Colorado Revised Statutes, enacted in section 1 of this act.

SECTION 25. Effective date. This act takes effect July 1, 2012.

SECTION 26. 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.".

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

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

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

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

YES	33	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	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Brophy, Giron, Grantham, Guzman, Jahn, King S., Lundberg, Roberts, Schwartz, Spence and Tochtrop.

HB12-1050 by Representative(s) Wilson; also Senator(s) Nicholson--Concerning the voluntary contribution designation benefiting the nongame and endangered wildlife fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	27	NO	6	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Guzman, Newell, Schwartz, Tochtrop and Williams S.

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.

Laid over until Monday, March 5, retaining its place on the calendar.

SB12-120 by Senator(s) Foster; also Representative(s) Massey and Fischer--Concerning the existing ability of qualified interior designers to submit certain interior design construction documents to local government officials in connection with an application for a building permit.

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

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

SB12-093 by Senator(s) Carroll, Boyd; also Representative(s) Duran--Concerning a requirement that a licensed hospital provide notice to patients of any service not provided by the hospital because of moral convictions based on religious beliefs.

Laid over until Tuesday, February 28, 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 Resolutions.

CONSIDERATION OF RESOLUTIONS

HJR12-1010 by Representative(s) Todd and Massey; also Senator(s) Newell and White--Concerning recognition of the film, television, and video gaming industry in Colorado.

Amendment No. 1(L.004), by Senator Lundberg.

Amend engrossed joint resolution, page 2, line 2, strike "radically".

Page 2, strike lines 3 through 7.

The amendment was **passed** on 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	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Newell, the resolution, as amended, was **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	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and Williams S.

SJR12-016 by Senator(s) Morse; also Representative(s) Stephens--Concerning modifications to the Joint Rules of the Senate and the House of Representatives.

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

Amend printed joint resolution, page 2, line 15, strike "6th" and substitute "7th".

Page 2, line 28, strike "6th" and substitute "7th".

The amendment was **passed** on 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	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Amendment No. 2(L.003), by Senator Morse.

Amend printed joint resolution, page 5, after line 36 add:

"That in the Joint Rules of the Senate and the House of Representatives, Joint Rule No. 39, **amend** (a) and (b) as follows:

39. Legislative Aides

- (a) This Joint Rule is adopted pursuant to the General Assembly’s authority under Article V, Section 12 of the state constitution in order to provide staff services ~~during regular sessions~~ to the individual members of the General Assembly to assist them in the performance of their legislative duties and functions.
- (b) Each member of the Senate and the House of Representatives may employ two legislative aides ~~during each regular session~~; however, the employment of two legislative aides shall be subject to the limitation on the total number of hours set per member pursuant to the policies of the Executive Committee of the Legislative Council established in accordance with subsections (c) and (d) of this Joint Rule. Legislative aides shall be hired by each member through the office of the secretary of the Senate or the office of the chief clerk of the House of Representatives, as appropriate. Multiple members of the General Assembly may agree to share the services of the same legislative aide or aides. Subject to policies established by the Executive Committee of the Legislative Council pursuant to subsection (c) of this Joint Rule and the duration of such positions set pursuant to subsection (d) of this Joint Rule, legislative aides serve at the pleasure of the hiring member or members and are appointed without regard to the state personnel system."

Page 1, line 101, strike "**JOINT RULE 23 (a) (1)**" and substitute "**THE JOINT RULES**".

The amendment was **passed** on 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	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the resolution, as amended, was **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	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SENATE SERVICES REPORT

Correctly Printed: SB12-153; SJM12-001; SM12-002.
Correctly Engrossed: SB12-093 and 120.
Correctly Reengrossed: SB12-034, 057, 077, 087 and 122.
Correctly Revised: HB12-1050; HJR12-1014.
Correctly Rerevised: HB12-1055, 1073, 1100 and 1198.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, February 27 was laid over until Tuesday, February 28, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1015, HB12-1212.
General Orders -- Second Reading of Bills: SB12-133, SB12-022, SB12-038, SB12-137, HB12-1096.
Consideration of Resolutions: SJR12-006, SJR12-015, SJR12-017.
Consideration of Memorials: SJM12-002, SM12-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 28, 2012.

Approved:

Betty Boyd
President pro tem of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

49th Legislative Day Tuesday, February 28, 2012

Prayer	By the chaplain, Rabbi Eliot Baskin, Jewish Family Services of Colorado, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Roberts.
Roll Call	Present--32 Excused--3, Bacon, Carroll, Renfroe. Present later--1, Bacon.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Aguilar, reading of the Journal of Monday, February 27, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1071 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Judiciary	After consideration on the merits, the Committee recommends that HB12-1231 be referred to the Committee of the Whole with favorable recommendation.
Judiciary	After consideration on the merits, the Committee recommends that HB12-1139 be referred to the Committee of the Whole with favorable recommendation.
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1221 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. Amend reengrossed bill, page 3, line 18, strike "1395," and substitute "1395nn (h) (4) (A) (i) THROUGH (iv),". Page 3, line 19, strike "MEMBER OF" and substitute "IN". Page 3, line 21, after "BY" insert "AT LEAST ONE MEMBER OF".
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB12-117 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend printed bill, page 2, line 10, strike "BLOOD, URINE," and substitute "BLOOD". Page 3, line 24, strike "BLOOD, URINE," and substitute "BLOOD".

- Page 4, line 26, strike "URINE,".

Page 5, line 14, strike "BLOOD, URINE," and substitute "BLOOD".

Page 5, line 17, strike "BLOOD, URINE," and substitute "BLOOD".

Page 5, line 20, after "TETRAHYDROCANNABINOLS;" insert "OR".

Page 5, line 21, after "C.R.S.;" insert "OR".

Page 7, strike line 13 and substitute "OF THE DEFENDANT'S BLOOD OR SALIVA, THE DEFENDANT'S BLOOD".

Page 7, line 14, strike "URINE,".

Page 7, line 16, after "TETRAHYDROCANNABINOLS;" insert "OR".

Page 7, line 17, after "18-18-204;" insert "OR".

Page 7, line 25, strike "OR" and substitute "NANOGRAMS OR MORE".

Page 7, line 26, strike "MORE NANOGRAMS".

Page 8, strike line 24 and substitute "OF THE DEFENDANT'S BLOOD OR SALIVA, THE DEFENDANT'S BLOOD".

Page 8, line 25, strike "URINE,".

Page 8, line 27, after "TETRAHYDROCANNABINOLS;" insert "OR".

Page 9, line 1, after "18-18-204;" insert "OR".

MESSAGE FROM THE HOUSE

February 27, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1163, 1204.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1114, amended as printed in House Journal, February 24, page 364.

HB12-1169, amended as printed in House Journal, February 24, page 364.

HB12-1030, amended as printed in House Journal, February 24, pages 364-365.

HB12-1285, amended as printed in House Journal, February 24, page 365.

HB12-1288, amended as printed in House Journal, February 24, page 365.

MESSAGE FROM THE REVISOR OF STATUTES

February 27, 2012

We herewith transmit:

Without comment, HB12-1163 and 1204.

Without comment, as amended, HB12-1030, 1114, 1169, 1285, and 1288.

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 General Orders -- Second Reading of Bills -- Consent Calendar.

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

HB12-1015 by Representative(s) Holbert; also Senator(s) Neville--Concerning the procedure for the review of a proposal to regulate an unregulated profession or occupation.

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

HB12-1212 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the designation of an on-line education program as a multi-district program if the program is authorized by a board of cooperative services.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 23, pages 232-233 and placed in members' bill files.)

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

SB12-148 by Senator(s) Guzman, Newell, Nicholson, King S.; also Representative(s) Duran, Hamner, Hullinghorst, Kerr A., Massey, Scott, Summers, Todd--Concerning changing the name of Metropolitan state college of Denver to Metropolitan state university of Denver.

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

HB12-1177 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a grant program to provide home care allowance benefits to certain eligible individuals, and, in connection therewith, making and reducing appropriations.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 24, page 275 and placed in members' bill files.)

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

HB12-1054 by Representative(s) Fields, Summers; also Senator(s) Boyd--Concerning simplification of the procurement process for providers who have previously been approved to participate in health care programs administered by the department of health care policy and financing.

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

- SB12-041

by Senator(s) Spence; also Representative(s) Priola--Concerning the continuous appropriation of the moneys in the commercial vehicle enterprise tax fund to the department of revenue for sales and use tax refunds.

Ordered engrossed and placed on the calendar for third reading and final passage.
- HB12-1158

by Representative(s) Baumgardner, Scott, Brown, Joshi; also Senator(s) Giron and Grantham--Concerning the regulation of producers of materials that may be used in commercial livestock feed, and, in connection therewith, repealing the "Colorado Inedible Meat Rendering and Processing Act of 1967" and relocating some of its provisions to the "Colorado Feed Law".

Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1022

by Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz, Brophy, Giron, Hodge, Roberts--Concerning the amount of water that permitted mining operations that construct impermeable areas that eliminate preexisting natural evapotranspiration are required to replace.

Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1010

by Representative(s) Baumgardner, Sonnenberg, Swerdfeger, Vigil, Wilson; also Senator(s) Giron, Brophy, Hodge, Roberts, Schwartz--Concerning the reissuance of a lost share certificate of a mutual ditch company.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	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	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-148, SB12-041, HB12-1015, HB12-1212 as amended, HB12-1177 as amended, HB12-1054, HB12-1158, HB12-1022, HB12-1010.

Committee of the Whole	On motion of Senator Schwartz, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Schwartz was called to the Chair to act as Chairman.	1 2 3 4 5 6 7 8 9 10 11
	GENERAL ORDERS -- SECOND READING OF BILLS	12
	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:	13 14 15 16 17 18 19 20 21 22
SB12-133	by Senator(s) Schwartz, Aguilar, King S., Newell, White; --Concerning the diversion of electronic devices from landfills.	23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43
	<u>Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.</u> (Printed in Senate Journal, February 16, page 188 and placed in members' bill files.)	44 45 46 47 48 49 50 51
	<u>Amendment No. 1(L.005), by Senator Schwartz.</u>	52 53
	Amend the Agriculture, Natural Resources, and Energy Committee Report, dated February 15, 2012, page 1, after line 5 insert:	54 55 56 57 58 59 60 61
	"Page 5 of the bill, line 25, strike everything after "THAT" and substitute "A BOARD OF COUNTY COMMISSIONERS FOR A COUNTY THAT DOES NOT HAVE AT LEAST TWO ELECTRONIC WASTE RECYCLING EVENTS PER YEAR OR AN ONGOING ELECTRONIC WASTE RECYCLING PROGRAM THAT SERVES RESIDENTS OF THE COUNTY MAY, BY MAJORITY VOTE OF THE COMMISSIONERS AND IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, EXEMPT ITS RESIDENTS FROM THE BAN ESTABLISHED BY THIS SECTION. A COUNTY SHALL MAKE A GOOD FAITH EFFORT TO SECURE THE ELECTRONIC WASTE RECYCLING SERVICES BEFORE THE BOARD OF COMMISSIONERS MAY EXEMPT THE COUNTY'S RESIDENTS FROM THE LANDFILL BAN. AN EXEMPTION FROM THE LANDFILL BAN IS VALID FOR TWO YEARS, AFTER WHICH THE BOARD MAY VOTE ON ANOTHER TWO-YEAR EXEMPTION AFTER AGAIN MAKING A GOOD FAITH EFFORT TO SECURE A VENDOR TO PROVIDE THE RECYCLING SERVICES. A COUNTY IS NOT REQUIRED TO PAY FOR THE RECYCLING SERVICES. COUNTIES THAT CURRENTLY DO NOT HAVE SUCH SERVICES ARE ENCOURAGED TO WORK WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND OTHER ENTITIES, SUCH AS THE COLORADO ASSOCIATION FOR RECYCLING, OR ITS SUCCESSOR ORGANIZATION, TO FIND AN ELECTRONICS RECYCLING VENDOR THAT WILL SERVE THAT COUNTY.".	62 63 64 65 66
	Page 5, strike lines 26 and 27.	
	Page 6, strike lines 1 and 2."	
	Page 1 of the committee report, line 8, after "CONDUCTED" insert "ON BEHALF OF STATE AGENCIES AS STIPULATED IN SECTION 17-24-106.6, C.R.S.,".	
	Page 1 of the committee report, after line 9 insert:	
	"Page 6 of the bill, strike lines 23 and 24 and substitute "THIS PART 3 BY POSTING AND MAINTAINING, IN A CONSPICUOUS LOCATION AT".	
	Page 6, line 27, strike "LANDFILL; AND" and substitute "LANDFILL.".	
	Page 7, strike lines 1 through 5."	
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	

SB12-022	by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas-- Concerning maintaining child care assistance for working families. <u>Amendment No. 1, Health & Human Services Committee Amendment.</u> (Printed in Senate Journal, February 10, pages 117-119 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for third reading and final passage.	1
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SB12-137	by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins. Laid over until Wednesday, February 29, retaining its place on the calendar.	11
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HB12-1096	by Representative(s) Kerr A., Acree, Beezley, Conti, DelGrosso, Hullinghorst, Joshi, Kagan, Kefalas, Labuda, McCann, Pabon, Swalm, Swerdfeger; also Senator(s) Brophy-- Concerning an extension of the period for which the voluntary contribution designation line benefiting the Make-A-Wish Foundation of Colorado fund appears on state individual income tax return forms. Ordered revised and placed on the calendar for third reading and final passage.	16
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HB12-1301	by Representative(s) McNulty, Ferrandino; also Senator(s) Morse, Shaffer B., Cadman-- Concerning payment of expenses of the legislative department. Ordered revised and placed on the calendar for third reading and final passage.	26
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SB12-091	by Senator(s) Tochtrop; also Representative(s) Bradford--Concerning modifications to provisions governing the practice of nursing home administration, and, in connection therewith, modifying the criteria for nursing home administrators to qualify to serve on the board of examiners of nursing home administrators, modifying the experience requirements for persons applying to take the nursing home administrator licensure examination or to participate in the administrator-in-training program, and permitting a nursing home administrator who has passed a national examination and an examination in another state to sit for the Colorado licensure examination. <u>Amendment No. 1, Health & Human Services Committee Amendment.</u> (Printed in Senate Journal, February 10, page 113 and placed in members' bill files.) <u>Amendment No. 2, Appropriations Committee Amendment.</u> (Printed in Senate Journal, February 24, page 277 and placed in members' bill files.) <u>Amendment No. 3(L.008), by Senator Tochtrop.</u> Amend printed bill, page 4, line 6, before "or" insert "BUSINESS ADMINISTRATION,". Page 4, line 17, strike "THREE". Page 5, line 4, strike "FIVE-HUNDRED-HOUR" and substitute "ONE-THOUSAND-HOUR". Page 5, strike lines 6 through 8 and substitute: "SECTION 5. In Colorado Revised Statutes, 12-39-110, amend (1) as follows: 12-39-110. Endorsement. (1) The board shall issue a license to any person duly licensed to practice nursing home administration in another state or territory of the United States who possesses credentials and qualifications which are substantially equivalent to the requirements of section 12-39-106 and who successfully completes the Colorado state examination provided in section 12-39-109. For purposes of this section, "state or territory" includes the District of Columbia and the	31
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	commonwealth of Puerto Rico.	1
	SECTION 6. Act subject to petition - effective date. This act	2
	takes effect September 1, 2012; except that, if a referendum petition is	3
	filed pursuant to section 1 (3) of article V of the state constitution against	4
	this act or an item, section, or part of this act within the ninety-day period	5
	after final adjournment of the general assembly, then the act, item,	6
	section, or part will not take effect unless approved by the people at the	7
	general election to be held in November 2012 and, in such case, will take	8
	effect on the date of the official declaration of the vote thereon by the	9
	governor.".	10
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	As amended, ordered engrossed and placed on the calendar for third reading and final	13
	passage.	14
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SB12-060	by Senator(s) Roberts; --Concerning improving medicaid fraud prosecution, and, in	16
	connection therewith, making and reducing appropriations.	17
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	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u>	20
	(Printed in Senate Journal, February 6, page 95 and placed in members' bill files.)	21
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	23
	(Printed in Senate Journal, February 24, page 277 and placed in members' bill files.)	24
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	As amended, ordered engrossed and placed on the calendar for third reading and final	26
	passage.	27
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SB12-021	by Senator(s) Nicholson; also Representative(s) Lee--Concerning the creation of a financial	30
	literacy pilot program for residents of counties, and, in connection therewith, making an	31
	appropriation.	32
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	<u>Amendment No. 1, Local Government Committee Amendment.</u>	34
	(Printed in Senate Journal, February 15, pages 168-172 and placed in members' bill files.)	35
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	37
	(Printed in Senate Journal, February 24, pages 277-278 and placed in members' bill files.)	38
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	As amended, ordered engrossed and placed on the calendar for third reading and final	40
	passage.	41
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SB12-143	by Senator(s) Carroll; also Representative(s) Pabon--Concerning the development of a local	44
	businesses database by the Colorado office of economic development.	45
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	Laid over until Wednesday, February 29, retaining its place on the calendar.	48
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HB12-1147	by Representative(s) Williams A., Court, Fields, Hulinghorst, Kerr A., McCann, Schafer S.,	51
	Solano, Todd, Wilson, Brown, Casso, Fischer, Hamner, Kagan, Labuda, Miklosi, Pabon,	52
	Ryden, Szabo, Tyler, Vigil, Young; also Senator(s) Foster, Guzman, Johnston, Spence,	53
	Tochtrop--Concerning the designation of the western tiger salamander as the state	54
	amphibian.	55
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	Ordered revised and placed on the calendar for third reading and final passage.	57
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SB12-038	by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect	60
	consumers who engage a roofing contractor to perform roofing services on residential	61
	property.	62
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	<u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u>	64
	(Printed in Senate Journal, February 15, pages 161-163 and placed in members' bill files.)	65
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Amendment No. 2(L.015), by Senator Tochtrop.

Amend the Business, Labor and Technology Committee Report, dated February 13, 2012, page 1, strike line 14.

Page 2 of the committee report, strike line 1 and substitute:

"(I) A STRUCTURE COMPRISING MULTIPLE, ATTACHED SINGLE-FAMILY DWELLINGS, UNLESS MAINTENANCE, REPAIR, OR REPLACEMENTS OF THE DWELLINGS' ROOF IS THE RESPONSIBILITY OF A CONDOMINIUM ASSOCIATION, HOMEOWNERS' ASSOCIATION, COMMON INTEREST COMMUNITY, UNIT OWNERS' ASSOCIATION, OR ANY OTHER ENTITY SUBJECT TO THE "COLORADO COMMON INTEREST OWNERSHIP ACT", ARTICLE 33.3 OF TITLE 38, C.R.S., REGARDLESS OF WHEN THE ENTITY WAS FORMED; OR".

Amend printed bill, page 3, line 27, after "(b)" insert "(I)".

Page 4 of the bill, after line 3 insert:

"(II) AS USED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), "ASSOCIATION" DOES NOT INCLUDE A CONDOMINIUM ASSOCIATION, HOMEOWNERS' ASSOCIATION, COMMON INTEREST COMMUNITY, UNIT OWNERS' ASSOCIATION, OR ANY OTHER ENTITY SUBJECT TO THE "COLORADO COMMON INTEREST OWNERSHIP ACT", ARTICLE 33.3 OF TITLE 38, C.R.S., REGARDLESS OF WHEN THE ENTITY WAS FORMED."

Page 5 of the bill, line 21, after "(1)" insert "(a)".

Page 6 of the bill, line 3, strike "THE" and substitute "THE PROPERTY OWNER'S RIGHT OF RESCISSION UNDER THIS SUBSECTION (1) DOES NOT APPLY WHEN THE PROPERTY AND CASUALTY INSURER DENIES, IN WHOLE OR IN PART, A CLAIM RELATED TO A REQUEST FOR SUPPLEMENTAL ROOFING SERVICES IF THE DAMAGE REQUIRING THE SUPPLEMENTAL ROOFING SERVICES COULD NOT HAVE BEEN REASONABLY FORESEEN AS A NECESSARY AND RELATED ROOFING SERVICE AT THE TIME OF THE INITIAL ROOFING INSPECTION OR THE EXECUTION OF THE INITIAL ROOFING CONTRACT.

(b) THE".

Page 6 of the bill, line 8, strike "(a)" and substitute "(I)".

Page 6 of the bill, line 10, strike "(b)" and substitute "(II)".

Page 6 of the bill, line 13, strike "(c)" and substitute "(III)".

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.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-038 by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.016) to SB 12-038, did pass.

Amend the Business, Labor and Technology Committee Report, dated February 13, 2012, page 2, strike lines 15 through 18 and substitute:

"Page 5 of the bill, line 11, strike "6-22-104; AND" and substitute "6-22-104.".

Page 5 of the bill, strike lines 12 through 19 and substitute:".

Page 3 of the committee report, strike line 16 and substitute:

"Page 6 of the bill, strike line 27.

Page 7 of the bill, strike lines 1 through 24 and substitute:".

Strike page 4 of the committee report.

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

YES	11	NO	22	EXCUSED	2	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	N
Brophy	Y	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	N	Tochtrop	N
Carroll	E	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	E	President	N
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Schwartz, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	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	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	E	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-133 as amended, SB12-022 as amended, SB12-091 as amended, SB12-060 as amended, SB12-021 as amended, SB12-038 as amended, HB12-1096, HB12-1301, HB12-1147.
Laid over until Wednesday, February 29: SB12-137, SB12-143.

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor John Hickenlooper was read and assigned to committee as follows:

January 23, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

effective February 2, 2012 for terms expiring February 12, 2015:

Phyllis "Diane" Hoppe of Broomfield, Colorado, to serve as a representative of the South Platte drainage basin and as a Republican, appointed;

David H. "Ty" Wattenberg of Walden, Colorado, to serve as a representative of the North Platte drainage basin and as a Republican, appointed;

John Hawkins McCLOW of Gunnison, Colorado, to serve as a representative of the Gunnison-Uncompahgre drainage basin and as an Unaffiliated, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/27/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

MESSAGE FROM THE HOUSE

February 28, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1095, 1206, 1222.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1244, amended as printed in House Journal, February 27, page 397.
HB12-1224, amended as printed in House Journal, February 27, pages 397-398, also amended on Third Reading as printed in House Journal, February 28.
HB12-1115, amended as printed in House Journal, February 27, page 399.
HB12-1160, amended as printed in House Journal, February 27, page 399.
HB12-1007, amended as printed in House Journal, February 27, page 399.

The House has passed on Third Reading and returns herewith SB12-043.

INTRODUCTION OF BILLS -- FIRST READING

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

HB12-1030	by Representative(s) Looper and Priola, Barker, Brown, Ramirez, Tyler; also Senator(s) Williams S., Hudak--Concerning the repeal of requirements that specified types of information be submitted to legislative committees, and, in connection therewith, repealing certain transportation and energy-related information submission requirements. Transportation	1 2 3 4 5 6 7 8
HB12-1114	by Representative(s) Hamner; also Senator(s) Schwartz--Concerning the crime of stalking. Judiciary	9 10 11 12
HB12-1163	by Representative(s) Waller; also Senator(s) Morse--Concerning limited peace officer authority designations. Judiciary	13 14 15 16 17
HB12-1169	by Representative(s) Gardner B. and Duran; also Senator(s) Brophy and Morse--Concerning a clarification of the circumstances under which voting to elect leadership of a public body may be held by secret ballot in accordance with the state open meetings law. State, Veterans & Military Affairs	18 19 20 21 22 23
HB12-1204	by Representative(s) McCann, Kefalas, Young; also Senator(s) Boyd--Concerning the continuation of the regulation of hemodialysis technicians, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies. Health and Human Services	24 25 26 27 28 29
HB12-1285	by Representative(s) Gerou; also Senator(s) Jahn--Concerning modifications to statutory provisions governing intergovernmental cooperation to address wildland fire mitigation where a municipality owns land inside a county for utility purposes. Local Government	30 31 32 33 34 35
HB12-1288	by Representative(s) Murray; also Senator(s) Bacon--Concerning the administration of information technology projects in state government. Business, Labor and Technology	36 37 38 39 40 41 42

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-016.
Correctly Reengrossed: SB12-031 and 120.
Correctly Revised: HJR12-1010.
Correctly Rerevised: HB12-1050.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HJR12-1014.

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, February 28 was laid over until Wednesday, February 29, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB12-093.
Consideration of Resolutions: SJR12-006, SJR12-015, SJR12-017, HJR12-1004.
Consideration of Memorials: SJM12-002, SM12-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 29, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

50th Legislative Day

Wednesday, February 29, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Roberts.

Roll Call Present--32
Excused--3, Heath, King K., Renfroe.
Present later--2, Heath, King K.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Tuesday, February 28, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Local Government	After consideration on the merits, the Committee recommends that HB12-1157 be postponed indefinitely.
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Local Government After consideration on the merits, the Committee recommends that **HB12-1117** be referred to the Committee of the Whole with favorable recommendation.

Local Government After consideration on the merits, the Committee recommends that **SB12-118** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 11 through 13 and substitute "and regularly served and provide not less than twenty-five percent of the gross income from sales of food and drink of the business of the license premises OVER ANY PERIOD OF TIME OF AT LEAST ONE YEAR.".

Page 2, line 16, strike "served. and" and substitute "served and".

Page 2, strike lines 17 and 18 and substitute "provide not less than twenty-five percent of the gross income from sales of food and drink of the business of the licensed premises OVER ANY PERIOD OF TIME OF AT LEAST ONE YEAR."

Transportation After consideration on the merits, the Committee recommends that **HB12-1034** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 13, strike "THE STATE" and substitute "NOTWITHSTANDING SECTION 25-17-202.9, THE".

Page 3, line 18, strike "2015." and substitute "2020.".

Page 3, strike lines 19 and 20 and substitute:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the processors and end users fund created in section 25-17-202.5, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2011, the sum of \$700,000, or so much thereof as may be necessary, for the implementation of this act."

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

Trans-
portation

After consideration on the merits, the Committee recommends that **SB12-095** 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, page 2, after line 1 insert:

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

(a) The purpose of Senate Bill 12-095, enacted in 2012, is to modernize and make more consistent the provisions of Colorado's motor vehicle registration statutes that deal with documents evidencing ownership of used motor vehicles;

(b) With the advent of computerized vehicle identification number inspections, it is appropriate to ease the requirement for the buyer to post a bond in cases in which a paper certificate of title to a motor vehicle cannot readily be obtained; and

(c) Nothing in Senate Bill 12-095, enacted in 2012, is intended to, nor shall it be construed to, affect the marketability of antique and collector vehicles nor diminish the security of titles to such vehicles."

Renumber succeeding sections accordingly.

Page 3, strike lines 4 and 5 and substitute:

"transferred to ~~such~~ THE applicant ~~a bill of sale~~, or other evidence of ownership ~~that satisfies~~ SATISFACTORY TO the director ~~that the applicant owns the vehicle~~ AS SPECIFIED IN RULES ESTABLISHED PURSUANT TO SECTION 42-6-104,".

Page 4, strike lines 20 and 21 and substitute:

"(b) If the vehicle for which the certificate is filed is twenty-five years old or older, the applicant has had a certified vehicle identification".

Page 4, line 23, strike **"notarized"** and substitute **"notarized"**.

MESSAGE FROM THE REVISOR OF STATUTES

February 28, 2012

We herewith transmit:

Without comment, HB12-1095, 1206, and 1222.
Without comment, as amended, HB12-1007, 1115, 1160, 1224, and 1244.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Roberts replaced Senator Nicholson as the Senate prime sponsor on HB12-1159.

Upon announcement of President Shaffer, Senators Guzman and White will be the Senate joint prime sponsors on HB12-1012.

Call of the Senate. Call raised.

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:

HB12-1015 by Representative(s) Holbert; also Senator(s) Neville--Concerning the procedure for the review of a proposal to regulate an unregulated profession or occupation.

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

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.	Y	Renfroe	E	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.

HB12-1212 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the designation of an on-line education program as a multi-district program if the program is authorized by a board of cooperative services.

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Heath, Hudak, Newell and Schwartz.

SB12-148 by Senator(s) Guzman, Newell, Nicholson, King S.; also Representative(s) Duran, Hamner, Hullinghorst, Kerr A., Massey, Scott, Summers, Todd--Concerning changing the name of Metropolitan state college of Denver to Metropolitan state university of Denver.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	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	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Foster, Giron, Heath, Jahn, Johnston and Tochtrop.

HB12-1177 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a grant program to provide home care allowance benefits to certain eligible individuals, and, in connection therewith, making and reducing appropriations.

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Giron, Heath, Hudak, Jahn, Morse, Newell, Nicholson, Schwartz, Tochtrop, White and Williams S.

HB12-1054 by Representative(s) Fields, Summers; also Senator(s) Boyd--Concerning simplification of the procurement process for providers who have previously been approved to participate in health care programs administered by the department of health care policy and financing.

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman, Newell, Tochtrop and Williams S.

SB12-041 by Senator(s) Spence; also Representative(s) Priola--Concerning the continuous appropriation of the moneys in the commercial vehicle enterprise tax fund to the department of revenue for sales and use tax refunds.

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

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.	Y	Renfroe	E	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**.

HB12-1158 by Representative(s) Baumgardner, Scott, Brown, Joshi; also Senator(s) Giron and Grantham--Concerning the regulation of producers of materials that may be used in commercial livestock feed, and, in connection therewith, repealing the "Colorado Inedible Meat Rendering and Processing Act of 1967" and relocating some of its provisions to the "Colorado Feed Law".

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Mitchell, Neville and White.

HB12-1022
by Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz, Brophy, Giron, Hodge, Roberts--Concerning the amount of water that permitted mining operations that construct impermeable areas that eliminate preexisting natural evapotranspiration are required to replace.

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman and King S.

HB12-1010
by Representative(s) Baumgardner, Sonnenberg, Swerdfeger, Vigil, Wilson; also Senator(s) Giron, Brophy, Hodge, Roberts, Schwartz--Concerning the reissuance of a lost share certificate of a mutual ditch company.

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB12-133
by Senator(s) Schwartz, Aguilar, King S., Newell, White; also Representative(s) Coram--Concerning the diversion of electronic devices from landfills.

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

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Nicholson, Roberts, Shaffer B., Spence, Steadman, Tochtrop and Williams S.

SB12-022 by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas-- Concerning maintaining child care assistance for working families.

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

YES	24	NO	10	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	Y
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.	Y	Renfroe	E	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Foster, Giron, Guzman, Heath, Jahn, Johnston, Morse, Newell, Nicholson, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and White.

HB12-1096 by Representative(s) Kerr A., Acree, Beezley, Conti, DelGrosso, Hullinghorst, Joshi, Kagan, Kefalas, Labuda, McCann, Pabon, Swalm, Swerdfeger; also Senator(s) Brophy-- Concerning an extension of the period for which the voluntary contribution designation line benefiting the Make-A-Wish Foundation of Colorado fund appears on state individual income tax return forms.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	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	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Foster, Guzman, Heath, Johnston, King S., Morse, Newell, Nicholson, Roberts, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

IMMEDIATE RECONSIDERATION OF HB12-1096

HB12-1096 by Representative(s) Kerr A., Acree, Beezley, Conti, DelGrosso, Hullinghorst, Joshi, Kagan, Kefalas, Labuda, McCann, Pabon, Swalm, Swerdfeger; also Senator(s) Brophy-- Concerning an extension of the period for which the voluntary contribution designation line benefiting the Make-A-Wish Foundation of Colorado fund appears on state individual income tax return forms.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB12-1096**.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1096 by Representative(s) Kerr A., Acree, Beezley, Conti, DelGrosso, Hullinghorst, Joshi, Kagan, Kefalas, Labuda, McCann, Pabon, Swalm, Swerdfeger; also Senator(s) Brophy-- Concerning an extension of the period for which the voluntary contribution designation line benefiting the Make-A-Wish Foundation of Colorado fund appears on state individual income tax return forms.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	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	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Foster, Guzman, Heath, Johnston, King S., Morse, Newell, Nicholson, Roberts, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

RECONSIDERATION OF SB12-022

SB12-022 by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas-- Concerning maintaining child care assistance for working families.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-022.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

SB12-022 by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas-- Concerning maintaining child care assistance for working families.

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

YES	23	NO	11	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	Y
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	E	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Foster, Giron, Guzman, Heath, Jahn, Johnston, Morse, Newell, Nicholson, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and White.

HB12-1301 by Representative(s) McNulty, Ferrandino; also Senator(s) Morse, Shaffer B., Cadman-- Concerning payment of expenses of the legislative department.

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	N	Neville	N	Tochtrop	Y
Carroll	N	Jahn	N	Newell	N	White	N
Foster	Y	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	E	President	N
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.

Senator Shaffer B. requested his name be removed as sponsor on HB12-1301.

SB12-091

by Senator(s) Tochtrop; also Representative(s) Bradford--Concerning modifications to provisions governing the practice of nursing home administration, and, in connection therewith, modifying the criteria for nursing home administrators to qualify to serve on the board of examiners of nursing home administrators, modifying the experience requirements for persons applying to take the nursing home administrator licensure examination or to participate in the administrator-in-training program, and permitting a nursing home administrator who has passed a national examination and an examination in another state to sit for the Colorado licensure examination.

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Grantham, Jahn, Lundberg, Mitchell, Newell, White and Williams S.

SB12-060

by Senator(s) Roberts; also Representative(s) Gerou--Concerning improving medicaid fraud prosecution, and, in connection therewith, making and reducing appropriations.

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Brophy, Cadman, Carroll, Grantham, Heath, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

SB12-021

by Senator(s) Nicholson; also Representative(s) Lee--Concerning the creation of a financial literacy pilot program for residents of counties, and, in connection therewith, making an appropriation.

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.	N	Renfroe	E	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-sponsors added: Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Johnston, Morse, Newell, Schwartz, Shaffer B., Tochtrop and Williams S.

HB12-1147 by Representative(s) Williams A., Court, Fields, Hullinghorst, Kerr A., McCann, Schafer S., Solano, Todd, Wilson, Brown, Casso, Fischer, Hamner, Kagan, Labuda, Miklosi, Pabon, Ryden, Szabo, Tyler, Vigil, Young; also Senator(s) Foster, Guzman, Johnston, Spence, Tochtrop--Concerning the designation of the western tiger salamander as the state amphibian.

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

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.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Giron, Grantham, Heath, King S., Morse, Roberts, Schwartz, White and Williams S.

SB12-038 by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property.

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

YES	28	NO	6	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	Y
Brophy	N	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	E	President	Y
Grantham	Y	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon and Newell.

SB12-093 by Senator(s) Carroll, Boyd; also Representative(s) Duran--Concerning a requirement that a licensed hospital provide notice to patients of any service not provided by the hospital because of moral convictions based on religious beliefs.

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.	N	Renfroe	E	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-sponsors added: Aguilar, Bacon, Foster, Guzman, Hudak and Nicholson.

MESSAGE FROM THE HOUSE

February 29, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1006.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1040, amended as printed in House Journal, January 31, page 117.
HB12-1172, amended as printed in House Journal, February 27, page 399.
HB12-1210, amended as printed in House Journal, February 28, pages 412-413.
HB12-1144, amended as printed in House Journal, February 28, page 413.
HB12-1123, amended as printed in House Journal, February 28, page 413.
HB12-1168, amended as printed in House Journal, February 28, pages 413-414.
HB12-1023, amended as printed in House Journal, February 28, page 414.
HB12-1041, amended as printed in House Journal, February 28, pages 414-415.
HB12-1052, amended as printed in House Journal, February 28, page 415.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-021, 022, 038, 041, 060, 091, 133, and 148.
Correctly Revised: HB12-1010, 1015, 1022, 1054, 1096, 1147, 1158, 1177, 1212 and 1301.
Correctly Enrolled: SB12-094.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB12-154 by Senator(s) Tochtrop; --Concerning standards for responsible medical marijuana vendors.
Business, Labor and Technology

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 Wednesday, February 29 was laid
over until Thursday, March 1, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-137, SB12-143.
Consideration of Resolutions: SJR12-006, SJR12-015, SJR12-017, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

TRIBUTES

Honoring:

- Eagle Scout Brandon Allen Ott -- by Senator Scheffel.
- Eagle Scout Ryan Joseph Bougan -- by Senator Scheffel.
- Eagle Scout Kelby Grant Gatrell -- by Senator Scheffel.
- Eagle Scout Addison Taylor Sexton -- by Senator Scheffel.
- Eagle Scout Brady Michael Wirkus -- by Senator Scheffel.
- Eagle Scout Preston McKay Blanch -- by Senator Scheffel.
- Eagle Scout Brian Christopher Hall -- by Senator Scheffel.
- Eagle Scout Riley Johnson -- by Senator Scheffel.
- Eagle Scout Christopher David Speights -- by Senator Scheffel.
- Eagle Scout Skyler Michael Bunch -- by Senator Scheffel.
- Eagle Scout David Anson Cherneski -- by Senator Scheffel.
- Eagle Scout Brandon Donald Bulmer -- by Senator Scheffel.
- Eagle Scout William Fridtjof Stopps -- by Senator Scheffel.
- Eagle Scout Tyler L Bahr -- by Senator Scheffel.
- Eagle Scout VanDross Vincent Meno -- by Senator Scheffel.
- Eagle Scout Nicklaus Anthony Vescio -- by Senator Scheffel.
- Eagle Scout Benjamin G. Price -- by Senator Scheffel.
- Eagle Scout Erik Arthur Nshuti Arndt -- by Senator Scheffel.
- Eagle Scout Wyatt Austin Hicken -- by Senator Scheffel.
- Eagle Scout James Patrick Neely -- by Senator Scheffel.
- Eagle Scout Ryan Kioni Gilbert -- by Senator Scheffel.
- Eagle Scout Steven Kawika Gilbert -- by Senator Scheffel.
- Eagle Scout Tanner Anthony Westlake -- by Senator Scheffel.
- Eagle Scout Zachary Steven Zahorik -- by Senator Scheffel.
- Eagle Scout Connor Nikolai Baker -- by Senator Scheffel.
- Eagle Scout Joseph James Castellano -- by Senator Scheffel.
- Eagle Scout Devin Ray Johanson -- by Senator Scheffel.
- Eagle Scout Garrett Ian Shreffler -- by Senator Scheffel.
- Eagle Scout Jacob Matthew Rolfson -- by Senator Scheffel.
- Eagle Scout Shane Jacob Hamill Benjamin -- by Senator Scheffel.
- Eagle Scout David Marston Grigory Tweed -- by Senator Scheffel.
- Eagle Scout Brian Nathaniel Crowley -- by Senator Scheffel.
- Eagle Scout Matthew Barr -- by Senator Scheffel.
- Eagle Scout David Stapley Hess -- by Senator Scheffel.
- Eagle Scout Jacob William Naylor -- by Senator Scheffel.
- Eagle Scout Connor James Newell -- by Senator Scheffel.
- Eagle Scout Christian Whiting Olson -- by Senator Scheffel.
- Eagle Scout Bevan Kraft Haycock -- by Senator Scheffel.
- Eagle Scout Joshua Scott Kumpf -- by Senator Scheffel.
- Eagle Scout Hayden Vaughn Jones -- by Senator Scheffel.
- Eagle Scout Preston Davis Malenke -- by Senator Scheffel.

Eagle Scout Julien Jean Bouquet -- by Senator Scheffel.	1
Eagle Scout Trevor Lynn Ellis -- by Senator Scheffel.	2
Eagle Scout Markus Adam DaBell -- by Senator Scheffel.	3
Eagle Scout Zachary Todd McPerson -- by Senator Scheffel.	4
Eagle Scout Bradley Hunter Schramm -- by Senator Scheffel.	5
Eagle Scout Corey Donald Nilsen -- by Senator Scheffel.	6
Eagle Scout Max Alexander Orgill -- by Senator Scheffel.	7
Eagle Scout Taylor Robert Fittje -- by Senator Scheffel.	8
Eagle Scout Carson Ted Telford -- by Senator Scheffel.	9
Rick Brianard -- by Senator Steve King.	10
Mary and Jerome Gonzoles -- by Senator Steve King.	11
Denny Granum -- by Senator Steve King.	12
Brooke Blainey -- by Senator Steve King.	13
Alexander Bobroske -- by Senator Hudak.	14
Eagle Scout Brian Larson -- by Senator Steve King.	15
Eagle Scout Joshua Holyoak -- by Senator Steve King.	16
Eagle Scout Matthew Bishop -- by Senator Steve King.	17
Eagle Scout Benjamin Steele -- by Senator Steve King.	18
Eagle Scout Landon Wardell -- by Senator Steve King.	19
Eagle Scout Taylor Russell -- by Senator Steve King.	20
Eagle Scout Landen Mertz -- by Senator Steve King.	21
Eagle Scout Mason Day -- by Senator Steve King.	22
Eagle Scout Aaron Gilleece -- by Senator Steve King.	23
Eagle Scout Acer Rogers -- by Senator Steve King.	24
Eagle Scout Collin Cochran -- by Senator Steve King.	25
Eagle Scout Travis Ketelsleger -- by Senator Steve King.	26
Eagle Scout Jacob Bullock -- by Senator Steve King.	27
Eagle Scout John Coombs -- by Senator Steve King.	28
Eagle Scout Tanner Collins -- by Senator Steve King.	29
Eagle Scout Cody Madigan -- by Senator Steve King.	30
Eagle Scout Thaddeus Conley -- by Senator Steve King.	31
Eagle Scout Seth Green -- by Senator Steve King.	32
Eagle Scout William Eager -- by Senator Steve King.	33
Eagle Scout Randall Tousley -- by Senator Steve King.	34
Eagle Scout Tyler Drayton -- by Senator Steve King.	35
Eagle Scout Nathan Barrett -- by Senator Steve King.	36
Eagle Scout Tanner Stone -- by Senator Steve King.	37
Eagle Scout Marshall Murphy -- by Senator Steve King.	38
Eagle Scout John Kirk -- by Senator Steve King.	39
Eagle Scout Dylan Weber -- by Senator Steve King.	40
Eagle Scout Trevan Gardner -- by Senator Steve King.	41
Eagle Scout Jared Clark -- by Senator Steve King.	42
Eagle Scout Dylan Barney -- by Senator Steve King.	43
Eagle Scout Andrew Bair -- by Senator Steve King.	44
Eagle Scout Abraham Almond -- by Senator Steve King.	45
Eagle Scout Jordan Jones -- by Senator Steve King.	46
Eagle Scout Jack Duryea -- by Senator Steve King.	47
Eagle Scout Jordan Harrison -- by Senator Steve King.	48
Eagle Scout Erick Pedersen -- by Senator Steve King.	49
Eagle Scout Sean Smock -- by Senator Steve King.	50
Eagle Scout Logan Eaton -- by Senator Steve King.	51
Eagle Scout Nicholas Hill -- by Senator Steve King.	52
Eagle Scout Taylor Smock -- by Senator Steve King.	53
Eagle Scout Christopher Klene -- by Senator Steve King.	54
Eagle Scout Cameron Leavitt -- by Senator Steve King.	55
Eagle Scout Liam Kelly -- by Senator Steve King.	56
Eagle Scout Landon Myers -- by Senator Steve King.	57
Eagle Scout Javier Rosas -- by Senator Steve King.	58
Eagle Scout Kaden Weller -- by Senator Steve King.	59
Eagle Scout Dillon Giles -- by Senator Steve King.	60
Eagle Scout Marcus Boyce -- by Senator Steve King.	61
Eagle Scout Joseph Hull -- by Senator Steve King.	62
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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 1, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

51st Legislative Day Thursday, March 1, 2012

Prayer By the chaplain, Pastor Robert Schlipp, The Worship Center of Brighton.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Roberts.

Roll Call Present--32
Excused--3, Bacon, Schwartz, Spence.
Present later--2, Bacon, Schwartz.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Wednesday, February 29, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB12-1077** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **HB12-1018** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **HB12-1031** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, line 10, strike "votes. THE" and substitute "votes; AND EXCEPT THAT THE"

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1127** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1120** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB12-1074** 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 4, line 2, strike "REVENUE," and substitute "REVENUE AND PROVIDED PURSUANT TO SECTION 13-71-107, C.R.S.,".	1 2 3 4
	Page 6, line 19, strike "REVENUE," and substitute "REVENUE AND PROVIDED PURSUANT TO SECTION 13-71-107, C.R.S.,".	5 6 7 8 9
Judiciary	After consideration on the merits, the Committee recommends that HB12-1079 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	10 11 12 13 14
Health & Human Services	After consideration on the merits, the Committee recommends that SB12-127 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	15 16 17 18 19
	Amend printed bill, page 2, line 15, strike "ADULTS" and substitute "ADULTS, PERSONS WITH DISABILITIES,".	20 21 22
	Page 2, after line 18 insert:	23 24
	"(IV) RESEARCH HAS SHOWN THAT OLDER ADULTS SUFFER FROM HIGHER RATES OF DEPRESSION, HAVE A HIGHER RISK OF SUICIDE, AND HAVE AN INCREASED MISUSE OF PRESCRIPTION AND ILLICIT DRUGS, MAKING THE NEED FOR BEHAVIORAL HEALTH CARE SERVICES ESSENTIAL TO LONG-TERM CARE SERVICES;".	25 26 27 28 29 30
	Renumber succeeding subparagraphs accordingly.	31 32
	Page 2, line 22, strike "ADULTS" and substitute "ADULTS, PERSONS WITH DISABILITIES,".	33 34 35
	Page 3, line 3, strike "ADULTS AND" and substitute "ADULTS, PERSONS WITH DISABILITIES, AND THEIR".	36 37 38
	Page 3, strike lines 20 through 27.	39 40
	Page 4, strike line 1.	41 42
	Reletter paragraphs accordingly.	43 44
	Page 4, line 4, strike "DESIGNATED PROVIDER, INCLUDING" and substitute "GROUP OF PROVIDERS THAT OPERATE IN COORDINATION WITH A TEAM OF HEALTH CARE PROFESSIONALS THAT SHALL INCLUDE PRIMARY CARE PROVIDERS SELECTED BY AN ELIGIBLE".	45 46 47 48 49
	Page 4, strike lines 5 and 6.	50 51
	Page 5, strike lines 11 through 17 and substitute "SUPPORTS IN AN ORGANIZATION WITH WHICH THE STATE DEPARTMENT CONTRACTS PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, THE STATE DEPARTMENT SHALL PERMIT PROVIDERS OF LONG-TERM SERVICES AND SUPPORTS TO CONTRACT AS HEALTH HOMES OR TO PROVIDE SOME OR ALL OF THE SERVICES PROVIDED BY THE ORGANIZATION CONTRACTED WITH THE STATE DEPARTMENT, WHICH SERVICES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, NAVIGATION OF PRIMARY, SPECIALTY, OR LONG-TERM CARE SUPPORTS.".	52 53 54 55 56 57 58 59 60 61 62
Health & Human Services	After consideration on the merits, the Committee recommends that SB12-023 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	63 64 65 66
	Amend printed bill, strike everything below the enacting clause and substitute:	67 68 69

"SECTION 1. In Colorado Revised Statutes, 25.5-5-412, **amend** (6) and (7); and **add** (6.5) as follows:

25.5-5-412. Program of all-inclusive care for the elderly - legislative declaration - services - eligibility - rules. (6) The state department, in cooperation with the single entry point agencies established in section 25.5-6-106, shall develop and implement a coordinated plan to provide education about PACE program site operations under this section. The state board shall adopt rules:

(a) To ensure that case managers and any other appropriate state department staff discuss the option and potential benefits of participating in the PACE program with all eligible long-term care clients. These rules shall require additional and on-going training of the single entry point agency case managers in counties where a PACE program is operating. This training shall be provided by a federally approved PACE provider. In addition, each single entry point agency may designate case managers who have knowledge about the PACE program; AND

(b) TO ALLOW PACE PROVIDERS TO CONTRACT WITH AN ENROLLMENT BROKER TO INCLUDE THE PACE PROGRAM IN ITS MARKETING MATERIALS TO ELIGIBLE LONG-TERM CLIENTS.

(6.5) AN ELIGIBLE PERSON WHO IS ENROLLED IN A MANAGED CARE ORGANIZATION, AN ORGANIZATION CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, OR OTHER RISK-BEARING ENTITY MAY ELECT TO WITHDRAW FROM OR TERMINATE SUCH ENROLLMENT AND ENROLL IN AND RECEIVE SERVICES THROUGH A PACE PROGRAM. THE STATE BOARD'S RULES SHALL DEFINE HOW SUCH ELECTION IS MADE. THE EFFECTIVE DATE OF AN ELIGIBLE PERSON'S ELECTION SHALL NOT BE MORE THAN THIRTY DAYS AFTER THE ELIGIBLE PERSON'S DATE OF ELECTION.

(7) For purposes of this section:

(a) "DUALY ELIGIBLE PERSON" MEANS A PERSON WHO IS ELIGIBLE FOR ASSISTANCE OR BENEFITS UNDER BOTH MEDICAID AND MEDICARE.

(b) "Eligible person" means a frail elderly individual who voluntarily enrolls in the PACE program and whose gross income does not exceed three hundred percent of the current federal supplemental security income benefit level, whose resources do not exceed the limit established by the state department of human services for individuals receiving a mandatory minimum state supplementation of SSI benefits pursuant to section 26-2-204, C.R.S., or in the case of a person who is married, do not exceed the amount authorized in section 25.5-6-101, and for whom a physician licensed pursuant to article 36 of title 12, C.R.S., certifies that such a program provides an appropriate alternative to institutionalized care. "ELIGIBLE PERSON" MAY ALSO INCLUDE A DUALY ELIGIBLE PERSON.

(c) ~~The term~~ "Frail elderly" means an individual who meets functional eligibility requirements, as established by the state department, for nursing home care and who is fifty-five years of age or older.

SECTION 2. In Colorado Revised Statutes, 25.5-6-106, **amend** (2) (b) (IV); and **add** (2) (c) (IX.5) as follows:

25.5-6-106. Single entry point system - authorization - phases for implementation - services provided. (2) **Single entry point agencies - service programs - functions.** (b) The agency may serve private paying clients on a fee-for-service basis and shall serve clients of publicly funded long-term care programs, including, but not limited to, the following:

(IV) Long-term home health care, INCLUDING SERVICES PROVIDED BY A PACE ORGANIZATION PROVIDING A PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY PURSUANT TO SECTION 25.5-5-412.

(c) The major functions of a single entry point shall include, but need not be limited to, the following:

(IX.5) INFORMING ELIGIBLE PERSONS ABOUT THE BENEFITS OF PARTICIPATING IN THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY PROVIDED BY A PACE ORGANIZATION PURSUANT TO SECTION 25.5-4-412 AS AN ALTERNATIVE TO ENROLLMENT IN A MANAGED CARE ORGANIZATION, AN ORGANIZATION CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE, OR OTHER RISK-BEARING ENTITY.

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."

Page 1, strike lines 104 through 108 and substitute "**PROGRAM AND ADDRESSING HOW THE PACE PROGRAM WORKS WITH INTEGRATIVE INITIATIVES INVOLVING THE MEDICAID POPULATION IN COLORADO.**".

EducationAfter consideration on the merits, the Committee recommends that **HB12-1013** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE REVISOR OF STATUTES

February 29, 2012

We herewith transmit:

Without comment, HB12-1006.
Without comment, as amended, HB12-1040, 1172, 1210, 1144, 1123, 1168, 1023, 1041, and 1052.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

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".
State, Veterans & Military Affairs

INTRODUCTION OF MEMORIALS

The following memorial was read by title and referred to the committee indicated:

SM12-003

by Senator(s) Neville, Renfro, Lundberg, Brophy, Cadman, Grantham, Harvey, King K., King S., Lambert, Mitchell, Roberts, Scheffel; --Concerning memorializing Congress to enact the "Respect for Rights of Conscience Act of 2011", and, in connection therewith, urging the President of the United States to provide an effective and comprehensive religious conscience exemption from a requirement to cover services that are contrary to the religious beliefs and practices of certain faiths.
State, Veterans & Military Affairs

SENATE SERVICES REPORT

Correctly Printed: SB12-154.
Correctly Reengrossed: SB12-021, 022, 038, 041, 060, 091, 093, 133, and 148.
Correctly Rerevised: HB12-1010, 1015, 1022, 1054, 1096, 1147, 1158, 1177, 1212 and 1301.
Correctly Enrolled: SB12-043.

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 Thursday, March 1 was laid over
until Friday, March 2, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1071,
HB12-1221.
General Orders -- Second Reading of Bills: SB12-137, SB12-143, HB12-1231,
HB12-1139.
Consideration of Resolutions: SJR12-006, SJR12-015, SJR12-017, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 2, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

52nd Legislative Day Friday, March 2, 2012

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

Call to Order By the President *pro tem* at 9:00 a.m.

Pledge By Senator Roberts.

Roll Call Present--33
Excused--2, Johnston, Shaffer B.
Present later--1, Shaffer B.

Quorum The President *pro tem* announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Thursday, March 1, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB12-129** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 8 through 23 and substitute:

"**SECTION 2.** In Colorado Revised Statutes, 24-37.5-102, **amend** (1); and **add** (1.2) as follows:
24-37.5-102. Definitions - repeal. As used in this article, unless the context otherwise requires:
(1) "~~Chief information officer~~" ~~means the chief information officer appointed pursuant to section 24-37.5-103~~ "**BROADBAND ACCESS**" MEANS A BROADBAND CONNECTION ALLOWING USERS TO ACCESS THE INTERNET AND INTERNET-RELATED SERVICES AT A MINIMUM OF FOUR MEGABITS PER SECOND DOWNLOAD SPEED AND ONE MEGABIT PER SECOND UPLOAD SPEED."
(1.2) "**CHIEF INFORMATION OFFICER**" MEANS THE CHIEF INFORMATION OFFICER APPOINTED PURSUANT TO SECTION 24-37.5-103."

Page 3, strike lines 1 through 27 and substitute:

"**SECTION 3.** In Colorado Revised Statutes, 24-37.5-105, **add** (12) as follows:
24-37.5-105. Office - responsibilities - rules - broadband access - repeal. (12) THE OFFICE OF INFORMATION TECHNOLOGY, IN COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION AND BROADBAND SERVICE PROVIDERS, SHALL USE ITS BEST EFFORT TO IDENTIFY AND MAP AREAS OF THE STATE WITHOUT BROADBAND ACCESS AS DEFINED IN SECTION 24-37.5-102. THE OFFICE SHALL COMPLETE A GEOGRAPHIC DATABASE OF AREAS OF THE STATE WITHOUT BROADBAND ACCESS NO LATER THAN JANUARY 1, 2013. THE OFFICE SHALL MAP ALL EXISTING PHYSICAL BROADBAND ASSETS OWNED BY THE STATE OF COLORADO, INCLUDING FIBER, TOWERS, CONDUIT, AND ACCESS POINTS, FOR ALL STATE AGENCIES, ENTITIES, AND DEPARTMENTS. STATE AGENCIES, ENTITIES, AND DEPARTMENTS MUST PROVIDE THE NECESSARY DATA TO THE OFFICE. THE

	OFFICE MAY ESTABLISH AN ADVISORY PANEL CONSISTING OF MEMBERS FROM STATE AND LOCAL GOVERNMENT, BROADBAND SERVICE PROVIDERS, AND OTHER KEY STAKEHOLDERS TO IDENTIFY WHETHER ADDITIONAL SUPPORT MECHANISMS ARE NECESSARY TO BRING BROADBAND ACCESS TO A MAXIMUM NUMBER OF AREAS OF THE STATE WITHOUT BROADBAND ACCESS. THE OFFICE MAY APPLY TO THE PUBLIC UTILITIES COMMISSION FOR GRANT FUNDS FOR THE PURPOSE OF THIS SUBSECTION (12). THE OFFICE IS RESPONSIBLE FOR IMPLEMENTING ONLY THOSE ASPECTS OF THIS SUBSECTION (12) FOR WHICH GRANT FUNDING IS RECEIVED."	1 2 3 4 5 6 7 8 9 10
	Page 4, strike lines 1 through 9.	11 12 13
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1024 be postponed indefinitely.	14 15 16 17 18 19
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1089 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	20 21 22 23 24
	Amend reengrossed bill, page 3, strike lines 12 through 16.	25 26
	Page 3, line 17, strike "(II)" and substitute "(c)".	27 28 29
Education	After consideration on the merits, the Committee recommends that HB12-1090 be referred to the Committee of the Whole with favorable recommendation.	30 31 32 33
Education	After consideration on the merits, the Committee recommends that SB12-046 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	34 35 36 37 38
	Amend printed bill, strike everything below the enacting clause and substitute:	39 40 41
	" SECTION 1. Legislative declaration. (1) The general assembly hereby declares that:	42 43
	(a) The use of inflexible "zero-tolerance" policies as a means of addressing disciplinary problems in schools has resulted in unnecessary expulsions, out-of-school suspensions, and referrals to law enforcement agencies;	44 45 46 47
	(b) Involvement of students in the criminal or juvenile justice systems should be avoided when addressing minor misbehavior that is typical for a student based on his or her developmental stage;	48 49 50
	(c) State laws must allow school administrators and local boards of education to use their discretion to determine the appropriate disciplinary response to each incident of student misconduct;	51 52 53
	(d) Each school district of the state is encouraged, in creating and enforcing a school conduct and discipline code, to protect students and staff from harm, provide opportunities for students to learn from their mistakes, foster a positive learning community, keep students in school, and show mindful consideration of negative impacts that can occur as a result of involvement with the criminal justice system;	54 55 56 57 58 59
	(e) School discipline policies and practices must apply equally to all students regardless of their economic status, race, gender, ethnicity, religion, national origin, sexual orientation, or disability; and	60 61 62
	(f) Each school district of the state is encouraged to include in its school conduct and discipline code a specific policy that:	63 64
	(I) States which violations of the code require a referral to law enforcement due to the serious nature of the violation or as a result of a state or federal reporting law;	65 66 67

(II) States which violations of the code may result in a referral to law enforcement, subject to the discretion of a school administration or a local board of education; and

(III) States factors that the school district will consider when making a determination as to whether to refer a student to law enforcement, which factors, at a minimum, include:

(A) The age of a student;

(B) The disciplinary history of a student,

(C) Whether a student has a disability;

(D) The seriousness of a violation;

(E) Whether a violation threatened the safety of any student or staff member; and

(F) Whether a lesser intervention would properly address a violation.

(2) Now, therefore, the general assembly determines and declares that:

(a) To ensure that the best interests of Colorado schools are being served, in accordance with section 2-2-1201, Colorado Revised Statutes (C.R.S.), the legislative service agencies of the general assembly shall conduct a post-enactment review of this act and report their conclusions to the education committees of the house of representatives and senate, or any successor committees, and to the persons described in section 2-2-1201 (3), C.R.S.;

(b) Notwithstanding the provisions of section 2-2-1201 (3), C.R.S., the legislative service agencies of the general assembly shall complete the post-enactment review of this act four years after this act becomes law;

(c) Notwithstanding the provisions of section 2-2-1201 (2) (a), C.R.S., the review shall not make the determinations described in said section 2-2-1201 (2) (a), C.R.S., but shall include any information reported to the division of criminal justice by school resource officers and other law enforcement officers pursuant to section 22-32-145, C.R.S., as described in section 3 of this act; and by district attorneys pursuant to section 20-1-113, C.R.S., as described in section 10 of this act; and

(d) The members of the education committees of the house of representatives and senate, or any successor committees, are encouraged to consider whether to:

(I) Continue to require school resource officers and other law enforcement officers and district attorneys to report such information to the division of criminal justice; or

(II) Enact legislation to repeal such reporting requirements.

SECTION 2. In Colorado Revised Statutes, 22-32-109.1, **amend** (1), (2) introductory portion, (2) (a), and (2) (b); and **add** (1.5) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements. (1) **Definitions.** Each school district board of education shall adopt a mission statement for the school district, which statement shall include making safety a priority in each public school of the school district. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACTION TAKEN" MEANS A SPECIFIC TYPE OF DISCIPLINE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF DISCIPLINE:

(I) IN-SCHOOL SUSPENSION;

(II) OUT-OF-SCHOOL SUSPENSION;

(III) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;

(IV) EXPULSION;

(V) REFERRAL TO A LAW ENFORCEMENT AGENCY; OR

(VI) ANY OTHER FORM OF DISCIPLINE, WHICH SHALL BE OFFICIALLY IDENTIFIED AS PART OF A BOARD POLICY;

(b) "BULLYING" MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE OR AGAINST WHOM FEDERAL AND

STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES DESCRIBED IN SECTION 22-32-109 (1) (II) (I). THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS.

(c) "DANGEROUS WEAPON" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-102 (4).

(d) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR IS AUTHORIZED PURSUANT TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN TEACHING DURING A MAJORITY OF THE INSTRUCTIONAL MINUTES PER SCHOOL DAY.

(e) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

(f) (I) "REFERRAL TO LAW ENFORCEMENT" MEANS A COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT AGENCY, WHICH COMMUNICATION:

(A) IS INITIATED BY THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE; AND

(B) CONCERNS BEHAVIOR BY A STUDENT THAT THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE BELIEVES MAY CONSTITUTE A VIOLATION OF THE SCHOOL CONDUCT AND DISCIPLINE CODE OR A CRIMINAL OR DELINQUENT OFFENSE AND FOR WHICH THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE REQUESTS AN INVESTIGATION OR OTHER INVOLVEMENT BY A LAW ENFORCEMENT AGENCY.

(II) "REFERRAL TO LAW ENFORCEMENT" DOES NOT INCLUDE:

(A) CONTACT WITH A LAW ENFORCEMENT AGENCY THAT IS MADE FOR THE PURPOSE OF EDUCATION, PREVENTION, OR INTERVENTION REGARDING A STUDENT'S BEHAVIOR; OR

(B) ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT OFFICER.

(g) "RESTORATIVE JUSTICE" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-32-144 (3).

(h) "SCHOOL VEHICLE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (88.5), C.R.S.

(1.5) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY FOR ALL STUDENTS AND STAFF A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if AS necessary IN RESPONSE TO ANY RELEVANT DATA COLLECTED BY THE SCHOOL DISTRICT, any existing plans or policies already in effect. ~~which~~ IN ADDITION TO THE AFOREMENTIONED PARTIES, EACH SCHOOL DISTRICT BOARD OF EDUCATION, IN ADOPTING AND IMPLEMENTING ITS SAFE SCHOOL PLAN, MAY CONSULT WITH VICTIMS ADVOCACY ORGANIZATIONS, SCHOOL PSYCHOLOGISTS, AND LOCAL LAW ENFORCEMENT AGENCIES. THE PLAN, AT A MINIMUM, shall include ~~but not be limited to~~, the following:

(a) **Conduct and discipline code.** (I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. THE SCHOOL DISTRICT SHALL TAKE REASONABLE MEASURES TO ENSURE THAT EACH STUDENT OF EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT IS FAMILIAR WITH THE CODE. The code shall include, but ~~shall~~

NEED not be limited to:

- ~~(F)~~ (A) General policies on student conduct, safety, and welfare;
- ~~(H)~~ (B) General policies and procedures for dealing with students who cause a disruption ~~in the classroom, on school grounds, in A school vehicles as defined in section 42-1-102 (88.5), C.R.S.,~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. ~~and,~~ THE POLICY SHALL STATE THAT, upon the third such removal from a teacher's class, ~~to~~ THE TEACHER MAY remove the disruptive student from ~~such~~ THE teacher's class for the remainder of the term of the class; EXCEPT THAT A DISRUPTIVE STUDENT SHALL NOT BE REMOVED FROM A TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF THE CLASS UNLESS THE PRINCIPAL OF THE STUDENT'S SCHOOL OR HIS OR HER DESIGNEE HAS DEVELOPED AND IMPLEMENTED A BEHAVIOR PLAN FOR THE STUDENT. A BEHAVIOR PLAN MAY BE DEVELOPED AFTER THE FIRST SUCH REMOVAL FROM CLASS AND SHALL BE DEVELOPED AFTER THE SECOND REMOVAL FROM CLASS. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. ~~A behavior plan may be developed after the first such removal from class, and shall be developed after the second such removal from class.~~ Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.
- ~~(H)~~ (C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive ~~by causing a disruption in the classroom, on school grounds, in school vehicles, or at school activities or sanctioned events for a third time during a single school year or calendar year~~ STUDENTS;
- ~~(IV)~~ (D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;
- ~~(V)~~ (E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105 and 22-33-106;
- ~~(VI)~~ (F) A specific policy concerning gang-related activities ~~in the school,~~ on school grounds, in school vehicles, ~~or~~ AND at school activities or sanctioned events;
- ~~(VII)~~ (G) Written prohibition, consistent with section 22-33-106, of students from bringing OR POSSESSING dangerous weapons, drugs, or other controlled substances ~~to school,~~ on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT and from using drugs OR other controlled substances ~~or tobacco products~~ on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;
- (H) WRITTEN PROHIBITION OF STUDENTS FROM USING OR POSSESSING TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;
- ~~(VIII)~~ (I) A written policy concerning searches on school grounds, including SEARCHES OF student lockers;
- ~~(IX)~~ (J) A dress code policy that ~~encourages school pride and unity, promotes uniformity of dress, and defines and~~ prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress; ~~and~~
- ~~(X)~~ ~~(A)~~ (K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1) (c); character building; and the designation of a team of persons at each

school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, SCHOOL PSYCHOLOGISTS, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

~~(B) For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1) (II) (I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.~~

(II) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND DISCIPLINE CODE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EACH SCHOOL DISTRICT BOARD OF EDUCATION, ON AND AFTER AUGUST 1, 2013, SHALL:

(A) IMPOSE PROPORTIONATE DISCIPLINARY INTERVENTIONS AND CONSEQUENCES, INCLUDING BUT NOT LIMITED TO IN-SCHOOL SUSPENSIONS, IN RESPONSE TO STUDENT MISCONDUCT, WHICH INTERVENTIONS AND CONSEQUENCES ARE DESIGNED TO REDUCE THE NUMBER OF EXPULSIONS, OUT-OF-SCHOOL SUSPENSIONS, AND REFERRALS TO LAW ENFORCEMENT, EXCEPT FOR SUCH REFERRALS TO LAW ENFORCEMENT AS ARE REQUIRED BY STATE OR FEDERAL LAW;

(B) INCLUDE PLANS FOR THE APPROPRIATE USE OF PREVENTION, INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING, OR OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH APPROACHES ARE DESIGNED TO MINIMIZE STUDENT EXPOSURE TO THE CRIMINAL AND JUVENILE JUSTICE SYSTEM. THE PLANS SHALL STATE THAT A SCHOOL ADMINISTRATION SHALL NOT ORDER A VICTIM'S PARTICIPATION IN A RESTORATIVE JUSTICE PRACTICE OR PEER MEDIATION IF THE ALLEGED VICTIM OF AN OFFENDING STUDENT'S MISCONDUCT ALLEGES THAT THE MISCONDUCT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S.; A CRIME IN WHICH THE UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED IN SECTION 18-3-602, C.R.S.; OR VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S.; AND

(C) ENSURE THAT THE IMPLEMENTATION OF THE CODE COMPLIES WITH ALL STATE AND FEDERAL LAWS CONCERNING THE EDUCATION OF STUDENTS WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103 (5).

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year:

- (I) The total enrollment for the school;
- (II) The average daily attendance rate at the school;
- (III) Dropout rates for grades seven through twelve, if such grades are taught at the school; and
- (IV) The number of conduct and discipline code violations, each

of which violations shall be reported only in the most serious category that is applicable to that violation, including but not limited to specific information ~~on~~ IDENTIFYING the number of, and the action taken with respect to, each of the following types of violations:

(A) ~~Carrying, bringing, using, or Possessing~~ a dangerous weapon on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT without the authorization of the school or the school district;

(B) Use or possession of alcohol on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(C) Use, possession, or sale of a drug or controlled substance on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(D) Use or possession of A tobacco ~~products~~ PRODUCT on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT;

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students;

(F) Commission of an act on school grounds, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered first degree assault, as described in section 18-3-202, C.R.S., second degree assault, as described in section 18-3-203, C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;

(G) Behavior on school ~~property~~ GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying ~~as described by subparagraph (X) of paragraph (a) of this subsection (2)~~; and other behavior that creates a threat of physical harm to the student or to other students;

(H) Willful destruction or defacement of school property;

(I) Commission of an act on school grounds, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered third degree assault, as described in section 18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106 (1) (d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106 (1) (e) and (1) (f), C.R.S.;

(J) Commission of an act on school grounds IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered robbery; and

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record;

(V) ~~For purposes of subparagraph (IV) of this paragraph (b), "action taken" means the specific type of discipline, including but not limited to the following categories of discipline:~~

~~(A) In-school suspension;~~

~~(B) Out-of-school suspension;~~

~~(C) Classroom removal in accordance with board policy;~~

~~(D) Expulsion;~~

~~(E) Referral to a law enforcement agency; or~~

~~(F) Any other form of discipline, which shall be officially identified as part of a board policy;~~

~~(VI) The conduct and discipline code violations required to be reported pursuant to subparagraph (IV) of this paragraph (b) shall specifically identify each conduct and discipline code violation by a student with a disability and each action taken with respect to each violation by a student with a disability;~~

(VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school; ~~For purposes of this subparagraph (VII), "full-time teacher" means a person who is licensed pursuant to article 60.5 of this title or is authorized pursuant to section 22-60.5-111 to teach, and is primarily engaged in teaching during a~~

~~substantial majority of the instructional minutes per school day. AND~~
(VIII) ~~On and after August 8, 2001,~~ The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs.

SECTION 3. In Colorado Revised Statutes, **add** 22-32-145 as follows:

22-32-145. School use of on-site peace officers as school resource officers - notifications of arrests and notices issued - reporting requirements.

(1) If a SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT ARRESTS A STUDENT OF THE SCHOOL, THE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ARREST WITHIN TWENTY-FOUR HOURS AFTER THE ARREST.

(2) If a SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT ISSUES A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF A STUDENT OF THE SCHOOL IN COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT, THE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE WITHIN TEN DAYS AFTER THE ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE.

(3) A SCHOOL RESOURCE OFFICER SHALL BE FAMILIAR WITH THE PROVISIONS OF THE CONDUCT AND DISCIPLINE CODE OF THE SCHOOL TO WHICH HE OR SHE IS ASSIGNED.

(4) COMMENCING AUGUST 1, 2013, AND CONTINUING EACH AUGUST 1 THEREAFTER, EACH LAW ENFORCEMENT AGENCY EMPLOYING OR CONTRACTING WITH ANY LAW ENFORCEMENT OFFICER WHO IS ACTING OR HAS ACTED IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., IN AGGREGATE FORM WITHOUT PERSONAL IDENTIFYING INFORMATION, DATA ABOUT THE CASES HANDLED BY THE AGENCY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT. EACH SUCH REPORT SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION RELATING TO THE PRECEDING TWELVE MONTHS:

(a) THE NUMBER OF STUDENTS INVESTIGATED BY THE OFFICER FOR DELINQUENT OFFENSES, INCLUDING THE NUMBER OF STUDENTS INVESTIGATED FOR EACH TYPE OF DELINQUENT OFFENSE FOR WHICH THE OFFICER INVESTIGATED AT LEAST ONE STUDENT;

(b) THE NUMBER OF STUDENTS ARRESTED BY THE OFFICER, INCLUDING THE OFFENSE FOR WHICH EACH SUCH ARREST WAS MADE;

(c) THE NUMBER OF SUMMONSES OR TICKETS ISSUED BY THE OFFICER TO STUDENTS; AND

(d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT WHOM THE OFFICER ARRESTED OR TO WHOM THE OFFICER ISSUED A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF THE STUDENT IN COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.

(5) UPON THE REQUEST OF A LOCAL BOARD OF EDUCATION, THE DIVISION OF CRIMINAL JUSTICE SHALL MAKE AVAILABLE TO THE LOCAL BOARD THE INFORMATION DESCRIBED IN SUBSECTION (4) OF THIS SECTION THAT RELATES TO THE SCHOOL DISTRICT OF THE LOCAL BOARD.

SECTION 4. In Colorado Revised Statutes, **amend** 22-33-102 as follows:

22-33-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Academic year" means that portion of the school year during which the public schools are in regular session, beginning about the first week in September and ending about the first week in June of the next year, or that portion of the school year which constitutes the minimum

- period during which a pupil must be enrolled.
- (2) "Adult" means a person who has reached the age of twenty-one years.
- (3) "Board of education" means the school board, board of directors, and board of education of a school district.
- (4) "DANGEROUS WEAPON" MEANS:
- (a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3) (h), C.R.S.;
- (b) ANY PELLET GUN, BB GUN, OR OTHER DEVICE, WHETHER OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING ACTION OR COMPRESSED AIR;
- (c) A FIXED-BLADE KNIFE WITH A BLADE THAT EXCEEDS THREE INCHES IN LENGTH;
- (d) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR
- (e) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE, WHETHER ANIMATE OR INANIMATE, THAT IS USED OR INTENDED TO BE USED TO INFLICT DEATH OR SERIOUS BODILY INJURY.
- (5) "DELINQUENT ACT" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103 (36), C.R.S.
- ~~(4)~~(6) "Executive officer" means the superintendent of schools or ~~that~~ THE head administrative officer designated by ~~the~~ A board of education to execute its policy decisions.
- ~~(4.5)~~(7) "General educational development tests" or "GED" means the battery of tests given at an authorized testing center, which tests are designed and published by the GED testing service of the American council on education to measure the major outcomes and concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American council on education and be authorized by the commissioner of education.
- (8) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-106 (1) (c.5).
- ~~(4.7)~~(9) "Informal hearing" means an opportunity for a child to explain his or her position regarding a disruption ~~in the classroom~~ or an incident ~~constituting~~ THAT OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND THAT CONSTITUTED grounds for discipline.
- ~~(5)~~(10) "Parent" means the mother or father of a child or any other person having custody of a child.
- (11) "SCHOOL VEHICLE" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (88.5), C.R.S.
- ~~(6)~~(12) "State board" means the state board of education.

SECTION 5. In Colorado Revised Statutes, 22-33-105, **amend** (2) (c), (3) (d) (III), and (6) as follows:

22-33-105. Suspension, expulsion, and denial of admission.
(2) In addition to the powers provided in section 22-32-110, the board of education of each district may:

(c) Deny admission to, or expel for any period not extending beyond one year, any child whom the board of education, in accordance with the limitations imposed by this article, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer or to a designee who shall serve as a hearing officer. If the hearing is conducted by a designee acting as a hearing officer, the hearing officer shall forward findings of fact and recommendations to the executive officer at the conclusion of the hearing. The executive officer shall render a written opinion within five days after a hearing conducted by the executive officer or by a hearing officer. The executive officer shall report on each case acted upon at the next meeting of the board of education, briefly describing the circumstances and the reasons for the executive officer's action. ~~When delegated, an appeal may be taken from~~
IF THE HEARING CONCERNS THE POTENTIAL EXPULSION OR DENIAL OF ADMISSION OF A CHILD WHO COMMITTED AN ALLEGED CRIMINAL OFFENSE AGAINST A PERSON, AS DESCRIBED BY ANY PROVISION OF ARTICLE 3 OF TITLE 18, C.R.S., THEN THE BOARD OF EDUCATION OR HEARING OFFICER CONDUCTING THE HEARING SHALL ENSURE THAT THE PERSON AGAINST WHOM THE ALLEGED OFFENSE WAS COMMITTED HAS THE OPPORTUNITY TO SUBMIT A WRITTEN VICTIM IMPACT STATEMENT FOR THE CONSIDERATION

OF THE BOARD OF EDUCATION OR HEARING OFFICER PRIOR TO THE HEARING. A CHILD WHO IS DENIED ADMISSION OR EXPELLED AS AN OUTCOME OF THE HEARING SHALL HAVE TEN DAYS AFTER THE DENIAL OF ADMISSION OR EXPULSION TO APPEAL the decision of the executive officer to the board of education, AFTER WHICH TIME THE DECISION TO GRANT OR DENY THE APPEAL SHALL BE AT THE DISCRETION OF THE BOARD OF EDUCATION. The appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent, guardian, or legal custodian of the child, at which evidence may be presented in the child's behalf. If the child is denied admission or expelled, the child shall be entitled to a review of the decision of the board of education in accordance with section 22-33-108.

(3) (d) The suspending authority shall:
(III) Provide an opportunity for a pupil to make up school work during the period of suspension FOR FULL OR PARTIAL ACADEMIC CREDIT TO THE EXTENT POSSIBLE. The intent of this provision is to provide an opportunity for the pupil to reintegrate into the educational program of the district AND TO HELP PREVENT THE PUPIL FROM DROPPING OUT OF SCHOOL BECAUSE OF AN INABILITY TO REINTEGRATE INTO THE EDUCATIONAL PROGRAM following the period of suspension. ~~which~~ The school district should take THIS INTENT into consideration when determining the amount of credit a student will receive for this makeup work.

(6) When a pupil is expelled by a school district, ~~for the remainder of the school year,~~ the PUPIL'S parent, guardian, or legal custodian is responsible for seeing that the ~~compulsory school attendance statute is complied with~~ PUPIL COMPLIES WITH THE PROVISIONS OF THIS ARTICLE during the period of expulsion. ~~from such school district.~~

SECTION 6. In Colorado Revised Statutes, 22-33-106, **amend** (1) introductory portion, (1) (c.5) (I), (1) (c.5) (II), (1) (c.5) (III), (1) (d), (2) introductory portion, (3) introductory portion, (4) (a), and (4) (b) (I); and **add** (1) (g) and (1.5) as follows:

22-33-106. Grounds for suspension, expulsion, and denial of admission. (1) The following ~~shall~~ MAY be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5) (I) Declaration as ~~an~~ A habitually disruptive student. ~~pursuant to the provisions of this paragraph (c.5).~~

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has ~~been suspended pursuant to paragraph (a), (b), (c), or (d) of this subsection (1) three times during the course of the school year for causing~~ CAUSED a material and substantial disruption ~~in the classroom, on school grounds, on~~ IN a school vehicle, ~~as defined in section 42-1-102 (88.5), C.R.S., or at A school activities~~ ACTIVITY or events because of behavior that was initiated, willful, and overt ~~on the part of the child~~ SANCTIONED EVENT THREE OR MORE TIMES DURING THE COURSE OF A SCHOOL YEAR. Any student who is enrolled in a public school may be subject to being declared ~~an~~ A habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each ~~suspension~~ DISRUPTION counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5) and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(d) ~~(f) Serious violations in a school building or in or on school property, which suspension or expulsion shall be mandatory; except that expulsion shall be mandatory for the following violations: Carrying, bringing, using, or possessing a dangerous weapon without the authorization of the school or the school district; the sale of a drug or controlled substance as defined in section 12-22-303, C.R.S.; or the commission of an act which if committed by an adult would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to~~

~~part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.~~

~~(H) As used in this paragraph (d), "dangerous weapon" means:~~

~~(A) A firearm, whether loaded or unloaded;~~

~~(B) Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;~~

~~(C) A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches; or~~

~~(D) Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.~~

~~(HH) Notwithstanding the provisions of subparagraph (I) of this paragraph (d), carrying, bringing, or possessing a dangerous weapon without the authorization of the school or the school district shall not require mandatory expulsion if, when the student discovers that he or she has carried, brought, or is in possession of a dangerous weapon, the student notifies a teacher, administrator, or other authorized person in the school district as soon as possible and delivers the dangerous weapon to the teacher, administrator, or other authorized person. Nothing in this subparagraph (HH) shall be construed as prohibiting a school district from expelling a student under the circumstances specified in this subparagraph (HH) if such expulsion would be in accordance with the school district's discipline code. COMMITTING ONE OF THE FOLLOWING OFFENSES ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT:~~

~~(I) POSSESSION OF A DANGEROUS WEAPON WITHOUT THE AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;~~

~~(II) THE USE, POSSESSION, OR SALE OF A DRUG OR CONTROLLED SUBSTANCE AS DEFINED IN SECTION 12-22-303, C.R.S.; OR~~

~~(III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE 18, C.R.S., OR ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18, C.R.S., OTHER THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD DEGREE ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN ADULT.~~

~~(g) PURSUANT TO SECTION 22-12-105 (3), MAKING A FALSE ACCUSATION OF CRIMINAL ACTIVITY AGAINST AN EMPLOYEE OF AN EDUCATIONAL ENTITY TO LAW ENFORCEMENT AUTHORITIES OR SCHOOL DISTRICT OFFICIALS OR PERSONNEL.~~

~~(1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN WRITING.~~

~~(2) Subject to the district's responsibilities under article 20 of this title, the following shall MAY be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:~~

~~(3) The following shall MAY constitute additional grounds for denial of admission to a public school:~~

~~(4) (a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.~~

~~(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:~~

(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

SECTION 7. In Colorado Revised Statutes, 22-11-302, **amend** (1) (e); and **add** (1) (f) as follows:

22-11-302. School district accountability committees - powers and duties. (1) Each school district accountability committee shall have the following powers and duties:

(e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school accountability committee ~~for the principal's OF EACH school shall provide input and recommendations to the district accountability committee and the district administration concerning the principal's evaluation~~ OF THE SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS TITLE; AND

(f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING THE CREATION AND ENFORCEMENT OF ITS SCHOOL CONDUCT AND DISCIPLINE CODE.

SECTION 8. In Colorado Revised Statutes, 22-11-503, **amend** (3) (c) as follows:

22-11-503. Performance reports - contents - rules. (3) In addition to any information specified by rule of the state board, each school performance report shall include the following information concerning the operations and environment of the public school that is the subject of the report:

(c) As described in state board rule, the occurrence of each of the following types of incidents DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV), expressed as a number and as a percentage of the total occurrences of all of the incidents;

- ~~(I) Substance abuse - drugs;~~
- ~~(II) Substance abuse - alcohol;~~
- ~~(III) Substance abuse - tobacco;~~
- ~~(IV) Felony assaults;~~
- ~~(V) Fights;~~
- ~~(VI) Possession of dangerous weapons; and~~
- ~~(VII) Other violations of the code of conduct at the public school;~~

SECTION 9. In Colorado Revised Statutes, 22-37-103, **amend** (3) as follows:

22-37-103. Definitions. As used in this article, unless the context otherwise requires:

(3) "In-school suspension" means a ~~suspension pursuant to section 22-33-105 in~~ PERIOD OF TIME DURING which, PURSUANT TO SECTION 22-33-105, the student is ~~suspended~~ PROHIBITED from ~~participation~~ PARTICIPATING in regular school activities but remains in the school environment and ~~receives continuous~~ CONTINUES TO RECEIVE educational instruction, supervision, and discipline.

SECTION 10. In Colorado Revised Statutes, **add** 20-1-113 as follows:

20-1-113. Reporting of criminal proceedings involving public school students. (1) ON OR BEFORE AUGUST 1, 2013, AND ON OR BEFORE EACH AUGUST 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL DISTRICT, OR HIS OR HER DESIGNEE, SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., THE FOLLOWING INFORMATION ABOUT OFFENSES ALLEGED TO HAVE BEEN COMMITTED BY A STUDENT THAT HAVE OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT WITHIN THE JUDICIAL DISTRICT DURING THE PRECEDING TWELVE MONTHS:

(a) THE NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES;

(b) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES;

(c) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER

ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES; AND

(d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT THAT THE DISTRICT ATTORNEY PROSECUTED, DECLINED TO PROSECUTE, OR REFERRED TO A JUVENILE DIVERSION PROGRAM OR OTHER ALTERNATIVE PROGRAM.

SECTION 11. In Colorado Revised Statutes, 24-31-303, **amend** (1) (i); and **add** (1) (j) as follows:

24-31-303. Duties - powers of the P.O.S.T. board. (1) The P.O.S.T. board has the following duties:

(i) To promulgate rules and regulations that establish the criteria that shall be applied in determining whether to recommend peace officer status for a group or specific position as provided in section 16-2.5-201 (4), C.R.S.; AND

(j) TO ESTABLISH STANDARDS FOR TRAINING OF SCHOOL RESOURCE OFFICERS, AS DESCRIBED IN SECTION 24-31-312.

SECTION 12. In Colorado Revised Statutes, **add** 24-31-312 as follows:

24-31-312. School resource officer training. (1) ON OR BEFORE JANUARY 1, 2014, THE P.O.S.T. BOARD SHALL PROVIDE A TRAINING CURRICULUM TO PREPARE PEACE OFFICERS TO SERVE IN AN OFFICIAL CAPACITY AS SCHOOL RESOURCE OFFICERS IN PUBLIC SCHOOLS PURSUANT TO SECTION 22-32-145, C.R.S. IN PROVIDING THE TRAINING CURRICULUM, THE P.O.S.T. BOARD MAY UTILIZE PART OR ALL OF ANY EXISTING TRAINING CURRICULUM PROVIDED BY ONE OR MORE PUBLIC OR PRIVATE ENTITIES THAT TRAIN SCHOOL RESOURCE OFFICERS.

(2) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD SHALL SOLICIT AND, TO THE EXTENT PRACTICABLE, IMPLEMENT THE SUGGESTIONS OF RELEVANT STAKEHOLDERS AND ADVOCATES.

(3) (a) IN ASSIGNING PEACE OFFICERS TO SERVE AS SCHOOL RESOURCE OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., EACH LAW ENFORCEMENT AGENCY IS ENCOURAGED TO ENSURE THAT SUCH PEACE OFFICERS HAVE SUCCESSFULLY COMPLETED THE SCHOOL RESOURCE OFFICER TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, OR WILL COMPLETE SAID TRAINING WITHIN SIX MONTHS AFTER BEGINNING THE ASSIGNMENT.

(b) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(4) FOR THE PURPOSES OF SECTION 22-32-145, C.R.S., THE TRAINING CURRICULUM PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING CURRICULUM.

(5) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE PROVISIONS TO ALLOW FOR THE AWARDING OF CREDIT TO A PEACE OFFICER WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE OFFICER CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE PUBLIC OR PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE P.O.S.T. BOARD.

(6) THE P.O.S.T. BOARD MAY CHARGE A FEE TO EACH PEACE OFFICER WHO ENROLLS IN THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE AMOUNT OF THE FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE P.O.S.T. BOARD IN PROVIDING THE CURRICULUM.

SECTION 13. In Colorado Revised Statutes, 24-33.5-503, **amend** (1) (y) and (1) (z); and **add** (1) (aa) as follows:

24-33.5-503. Duties of division. (1) The division has the following duties:

(y) To develop, in cooperation with the department of corrections and the state board of parole, a parole board action form; ~~and~~

(z) To provide training on the Colorado risk assessment scale and the administrative release guideline instrument as required by section

17-22.5-404 (2) (c), C.R.S.; AND
(aa) TO RECEIVE THE INFORMATION REPORTED TO THE DIVISION BY SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S., AND PROVIDE THE INFORMATION TO THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE CREATED IN SECTION 16-11.3-102, C.R.S., AND TO ANY MEMBER OF THE PUBLIC UPON REQUEST, IN A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING INFORMATION REGARDING ANY STUDENT.

SECTION 14. In Colorado Revised Statutes, 22-2-117, **amend** (1.5) as follows:

22-2-117. Additional power - state board - waiver of requirements - rules. (1.5) Notwithstanding any provision of this section or any other provision of law, the state board shall not waive requirements contained in article 11 of this title or ~~sections 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and 22-33-104 (4)~~ SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND (2), 22-32-109.1 (2) (a), 22-32-145, AND 22-33-104 (4).

SECTION 15. In Colorado Revised Statutes, 22-30.5-116, **amend** (2) as follows:

22-30.5-116. Charter schools - school bullying policies required. (2) For the purposes of this section, "bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-109.1 (1) (b).

SECTION 16. In Colorado Revised Statutes, 22-30.5-502, **amend** (2.5) as follows:

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

(2.5) "Bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-109.1 (1) (b).

SECTION 17. In Colorado Revised Statutes, 18-1.3-204, **amend** (2.3) (a) as follows:

18-1.3-204. Conditions of probation. (2.3) (a) When granting probation, the court may, as a condition of probation, require any defendant who is less than eighteen years of age at the time of sentencing to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the court shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education.

SECTION 18. In Colorado Revised Statutes, **amend** 19-2-207 as follows:

19-2-207. Juvenile parole board - authority. The board shall have the authority to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services under section 19-2-601 or 19-2-907 in such a manner as is in the best interests of the juvenile and the public. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the board shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education. The board shall promulgate rules that establish criteria under which its parole decisions are made. The board shall have the duties and responsibilities specified in part 10 of this article.

SECTION 19. In Colorado Revised Statutes, 19-2-1002, **amend** (1) (a), (3) (b) (I), and (9) (c) (I) as follows:

19-2-1002. Juvenile parole. (1) Juvenile parole board - hearing panels authority. (a) The juvenile parole board, referred to in this part 10 as the "board", established pursuant to section 19-2-206 is authorized to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services as provided in sections 19-2-601 and 19-2-907. In addition to any other conditions, the board may require, as a condition of

parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 (4.5) (7), C.R.S.; except that the board shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education. The board may modify any of its decisions, or those of the hearing panel, except an order of discharge.

(3) (b) (I) In addition to any other conditions, the hearing panel may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in section 22-33-102 (4.5) (7), C.R.S.; except that the hearing panel shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education.

(9) **Parole discharge.** (c) The board may discharge a juvenile from parole before completion of the mandatory six-month parole period when the board finds that the juvenile meets, at a minimum, all of the following conditions of special achievement:

(I) Graduation from a public or accredited nonpublic high school or completion of a GED, as that term is defined in section 22-33-102 (4.5) (7), C.R.S.;

SECTION 20. In Colorado Revised Statutes, **amend** 25-9-106.5 as follows:

25-9-106.5. Education and experience - substitution allowed. Water and wastewater facility operator applicants must have a high school diploma or have successfully completed the GED as defined in section 22-33-102 (4.5) (7), C.R.S.; except that experience or relevant training may be substituted for the high school diploma or GED. Education, training as established under section 25-9-104 (2), and cross-experience may be substituted for experience requirements for certification as a water facility operator, as a water distribution system operator, as a domestic wastewater facility operator, as a wastewater collection system operator, as an industrial wastewater treatment facility operator, or as a multiple facility operator; except that at least fifty percent of any experience requirement shall be met by actual on-site operating experience in a water facility or a wastewater facility, as the case may be. For the lowest classification of operator in each category, the board may establish rules allowing complete substitution of education for experience for any applicant who passes the applicable examination. For purposes of this section, "cross-experience" means that experience as a wastewater treatment facility operator may be substituted for experience requirements for certification as water treatment facility operator and vice versa.

SECTION 21. In Colorado Revised Statutes, 22-33-203, **amend** (2) (b) and (3) as follows:

22-33-203. Educational alternatives for expelled students. (2) (b) The educational services provided pursuant to this section are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the CONDUCT AND discipline code of the school district providing the educational services and the provisions of part 1 of this article. Except as required by federal law, the expelling school district is not required to provide educational services to any student who is suspended or expelled while receiving educational services pursuant to this section until the period of the suspension or expulsion is completed.

(3) If a student is expelled ~~for the remainder of the school year~~ and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to article 2 of title 19, C.R.S.

SECTION 22. In Colorado Revised Statutes, 22-30.5-505, **amend** (9) as follows:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (9) The institute shall ensure that each institute charter school addresses the expulsion, suspension, and education of expelled or suspended students in a manner consistent with the intents and purposes of ~~sections 22-33-106 and 22-33-203~~ **SECTIONS 22-33-105, 22-33-106, AND 22-33-203.**

SECTION 23. In Colorado Revised Statutes, 22-38-103, **amend** (2) as follows:

22-38-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Expelled student" means a student who ~~is in the sixth, seventh, eighth, or ninth grade, who is under seventeen years of age, and who has been expelled from school pursuant to section 22-33-105. for a period in excess of thirty days.~~

SECTION 24. In Colorado Revised Statutes, 22-93-101, **amend** (1) as follows:

22-93-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ **SECTION 22-32-109.1 (1) (b).**

SECTION 25. In Colorado Revised Statutes, 2-2-1201, **add** (8) as follows:

2-2-1201. Accountability clauses - post-enactment review of implementation of bills by legislative service agencies - definitions - repeal. (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE BILL 12-046, ENACTED IN 2012, THE LEGISLATIVE SERVICE AGENCIES SHALL NOT BE SUBJECT TO:

(I) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION; OR

(II) THE REQUIREMENT IN SUBSECTION (3) OF THIS SECTION THAT THE LEGISLATIVE SERVICE AGENCIES COMPLETE THE POST-ENACTMENT REVIEW NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE ENACTMENT OF SENATE BILL 12-046.

(b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE BILL 12-046, THE LEGISLATIVE SERVICE AGENCIES SHALL SUBMIT TO THE MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, ANY INFORMATION REPORTED TO THE DIVISION OF CRIMINAL JUSTICE BY SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S. THE COMMITTEE MEMBERS ARE ENCOURAGED TO CONSIDER WHETHER TO:

(I) CONTINUE TO REQUIRE SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS AND DISTRICT ATTORNEYS TO REPORT SUCH INFORMATION TO THE DIVISION OF CRIMINAL JUSTICE; OR

(II) INTRODUCE LEGISLATION TO REPEAL SUCH REPORTING REQUIREMENTS.

(c) THE LEGISLATIVE SERVICE AGENCIES SHALL COMPLETE THE POST-ENACTMENT REVIEW OF SENATE BILL 12-046 NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE FOUR-YEAR ANNIVERSARY OF THE ENACTMENT OF THE BILL.

(d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2016.

SECTION 26. Accountability. Four years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 1 of this act, and report their conclusions to the education committees of the House of Representatives and Senate, or any successor committees.

SECTION 27. 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

7, 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 "SCHOOLS." and substitute "SCHOOLS, AND IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB12-1047** be referred to the Committee of the Whole with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-128** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"**SECTION 1.** In Colorado Revised Statutes, **add 25.5-6-113** as follows:

25.5-6-113. Alternative care facilities - reimbursement programs - legislative declaration - report - repeal. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) THE NUMBER OF COLORADANS NEEDING LONG-TERM CARE IS INCREASING;

(II) STATE GENERAL FUND EXPENDITURES FOR LONG-TERM CARE ALREADY REPRESENT A SIGNIFICANT PORTION OF THE STATE'S MEDICAL ASSISTANCE BUDGET;

(III) MANY PERSONS IN NEED OF LONG-TERM CARE ARE OFTEN UNAWARE THAT THEY MAY BE ABLE TO RECEIVE LONG-TERM CARE SERVICES IN A HOME-LIKE ENVIRONMENT, AT A LOWER COST TO THE MEDICAID PROGRAM;

(IV) ALTERNATIVES TO NURSING HOME CARE SHOULD BE DEVELOPED AND IMPLEMENTED; AND

(V) UNLESS COLORADO IMPLEMENTS NEW METHODS FOR FINANCING LONG-TERM CARE, THE COST TO THE STATE FOR LONG-TERM CARE SERVICES WILL CONTINUE TO RISE PRECIPITOUSLY.

(b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS APPROPRIATE TO ESTABLISH A PROGRAM TO PROVIDE GREATER FINANCIAL INCENTIVES TO ALTERNATIVE CARE FACILITIES THAT ARE ABLE TO MEET THE NEEDS OF MEDICAID CLIENTS AT A LOWER COST TO THE MEDICAID PROGRAM.

(2) IN ORDER TO DECREASE THE NUMBER OF COSTLY READMISSIONS TO NURSING FACILITIES, THE STATE DEPARTMENT MAY CREATE AN ENHANCED REIMBURSEMENT PROGRAM IN WHICH AN ALTERNATIVE CARE FACILITY RECEIVES A TEMPORARY INCREASE IN THE MEDICAID PER DIEM REIMBURSEMENT RATE FOR A MEDICAID CLIENT DISCHARGED FROM A NURSING FACILITY TO AN ALTERNATIVE CARE FACILITY. THE STATE DEPARTMENT SHALL DEVELOP THE CRITERIA FOR PARTICIPATION IN THE ENHANCED REIMBURSEMENT PROGRAM.

(3) THE STATE DEPARTMENT MAY ALSO CREATE A PROGRAM THAT USES ALTERNATIVE CARE FACILITIES AND ENHANCED ALTERNATIVE CARE SERVICES TO ADDRESS THE NEEDS OF MEDICAID CLIENTS WHO ARE AT RISK OF NURSING HOME PLACEMENT.

(4) AS PART OF ITS ANNUAL REPORTING REQUIREMENT, THE STATE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEE, AND THE HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE OF

	REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, CONCERNING THE DESIGN, IMPLEMENTATION, AND OUTCOME OF ANY PROGRAM CREATED PURSUANT TO SUBSECTIONS (2) OR (3) OF THIS SECTION.	1 2 3
	(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.	4
	SECTION 2. 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."	5 6 7 8 9 10 11 12 13 14 15 16
Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1058 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.	17 18 19 20 21
	Amend reengrossed bill, page 2, line 8, strike "MEDICAL".	22 23 24
	Page 2, line 13, strike "NURSE OR OTHER".	25 26
	Page 2, line 15, after "PHYSICIAN" insert "OR ADVANCED PRACTICE NURSE".	27 28 29 30
Appropriations	After consideration on the merits, the Committee recommends that SB12-130 be referred to the Committee of the Whole with favorable recommendation.	31 32 33 34
Appropriations	After consideration on the merits, the Committee recommends that HB12-1008 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	35 36 37 38 39
	Amend the Finance Committee Report, dated February 23, 2012, page 2, after line 12 insert:	40 41 42
	"SECTION 6. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."	43 44 45 46 47 48
Appropriations	After consideration on the merits, the Committee recommends that SB12-116 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	49 50 51 52 53
	Amend printed bill, page 6, strike lines 9 through 15 and substitute:	54 55
	"SECTION 6. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that section 18-18-406.8, Colorado Revised Statutes, which is added to statute in section 3 of this act, will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes."	56 57 58 59 60 61 62 63 64 65 66 67

Appropriations	After consideration on the merits, the Committee recommends that SB12-134 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB12-059 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that HB12-1032 be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12
Appropriations	After consideration on the merits, the Committee recommends that HB12-1033 be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
Appropriations	After consideration on the merits, the Committee recommends that HB12-1247 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	17 18 19 20 21
Appropriations	After consideration on the merits, the Committee recommends that HB12-1248 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	22 23 24 25 26
Appropriations	After consideration on the merits, the Committee recommends that HB12-1249 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.	27 28 29 30 31 32
	Amend reengrossed bill, page 4, after line 12 insert:	33 34
	" SECTION 3. Effective date. This act takes effect upon passage; except that section 24-75-1104.5 (1.5) (a) (IX), as amended by section 2 of this act, takes effect only if House Bill 12-1247 does not become law."	35 36 37 38
	Renumber succeeding section accordingly.	39 40 41
	<hr/>	42 43
	MESSAGE FROM THE HOUSE	44 45
	March 1, 2012	46 47
	The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1269.	48 49 50
	The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1105, amended as printed in House Journal, February 29, pages 429-430.	51 52
	HB12-1237, amended as printed in House Journal, February 29, page 430.	53
	HB12-1283, amended as printed in House Journal, February 29, pages 430-433	54
	HB12-1125, amended as printed in House Journal, February 29, pages 433-434.	55
	HB12-1149, amended as printed in House Journal, February 29, pages 434-436.	56
	HB12-1216, amended as printed in House Journal, February 29, page 436.	57 58
	The Speaker has announced a change in sponsorship on SB12-031. Representative Randy Baugardner has been added as co-prime sponsor on SB12-031 with Representative Laura Bradford.	59 60 61 62 63 64 65 66

MESSAGE FROM THE REVISOR OF STATUTES

March 1, 2012

We herewith transmit:

Without comment, HB12-1269.
Without comment, as amended, HB12-1105, 1125, 1149, 1216, 1237, and 1283.

SENATE SERVICES REPORT

Correctly Printed: SB12-155; SM12-003.

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

SJR12-017 by Senator(s) Williams S. and Spence, Giron, White; also Representative(s) Conti and Labuda, Acree, Looper, Williams A.--Concerning the recognition of National Women's History Month, and, in connection therewith, designating March as Colorado Women's History Month.

Amendment No. 1(L.001), by Senator Williams S.

Amend printed joint resolution, page 2, line 27, strike "41%" and substitute "40%".

The amendment was **passed** on the following roll call vote:

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	E	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 Williams S., the resolution, as amended, was **adopted** by the following roll call vote:

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	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman and Tochtrop.

INTRODUCTION OF BILLS -- FIRST READING

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

- 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.
Finance
- HB12-1007

by Representative(s) Szabo; also Senator(s) Grantham--Concerning the requirement that a regulatory analysis be issued prior to the promulgation of rules by a state administrative agency.
Local Government
- HB12-1040

by Representative(s) Casso; also Senator(s) Tochtrop--Concerning recognition of September 11 as a state holiday in certain years, and, in connection therewith, designating September 11 as "Patriot Day".
State, Veterans & Military Affairs
- HB12-1041

by Representative(s) Labuda; also Senator(s) Guzman--Concerning the creation of an electronic death registration system in the department of public health and environment, and, in connection therewith, making an appropriation.
Health and Human Services
- HB12-1052

by Representative(s) Summers; also Senator(s) Boyd and Roberts--Concerning the collection of health care work force data from health care professionals, and, in connection therewith, making an appropriation.
Health and Human Services
- HB12-1095

by Representative(s) Waller; also Senator(s) Newell--Concerning electronic court documents.
Judiciary
- HB12-1115

by Representative(s) Liston; also Senator(s) Jahn--Concerning business fiscal impact statements.
State, Veterans & Military Affairs

HB12-1144	by Representative(s) Fischer, Duran, Hamner, Hullinghorst, Kefalas, Kerr A., Peniston, Ryden, Schafer S., Solano, Tyler, Young; also Senator(s) Bacon--Concerning authorizing institutions of higher education to enter into employment contracts for non-tenure-track classroom teachers. Education	1 2 3 4 5 6 7
HB12-1160	by Representative(s) Baumgardner; also Senator(s) Schwartz--Concerning methane gas captured from active and inactive coal mines. Local Government	8 9 10 11 12
HB12-1168	by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices. Judiciary	13 14 15 16 17
HB12-1206	by Representative(s) Acree, Baumgardner, Becker, Ramirez, Scott, Solano; also Senator(s) Morse--Concerning the implementation of sunset review of the cold case task force. Judiciary	18 19 20 21 22
HB12-1210	by Representative(s) Beezley, Holbert, Becker, Joshi, Kagan, Liston, Miklosi, Szabo; also Senator(s) Jahn--Concerning the recognition of professionals in good standing from other states to practice in Colorado. Health and Human Services	23 24 25 26 27 28
HB12-1244	by Representative(s) Scott; also Senator(s) Foster--Concerning an inventory of local governmental entities maintained by the department of local affairs, and, in connection therewith, requiring the inclusion of certain information in the inventory. Local Government	29 30 31 32 33 34 35 36
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Committee of the Whole	On motion of Senator Hodge, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Hodge was called to the Chair to act as Chairman.	37 38 39 40
GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR		41 42 43
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:		44 45 46 47 48
HB12-1071	by Representative(s) Liston; also Senator(s) Jahn--Concerning portable electronics insurance. Ordered revised and placed on the calendar for third reading and final passage.	49 50 51 52 53 54
HB12-1221	by Representative(s) Liston, Kerr J., Balmer, Miklosi, Summers, Swalm, Williams A.; also Senator(s) Tochtrop, Boyd, Morse--Concerning billing for anatomic pathology services. <u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u> (Printed in Senate Journal, February 28, page 313 and placed in members' bill files.) As amended, ordered revised and placed on the calendar for third reading and final passage.	55 56 57 58 59 60 61 62 63 64 65

SB12-095 by Senator(s) Lundberg; --Concerning requirements for the valid transfer of title to a motor vehicle.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, February 29, page 326 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 Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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	E	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: SB12-095, HB12-1071, HB12-1221 as amended.

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

SB12-143 by Senator(s) Carroll; also Representative(s) Pabon--Concerning the development of a local businesses database by the Colorado office of economic development.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 16, pages 187-188 and placed in members' bill files.)

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

SB12-137 by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.

Lost on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

HB12-1231	by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.	1 2 3 4
	Ordered revised and placed on the calendar for third reading and final passage.	5 6 7
HB12-1139	by Representative(s) Levy, Fields, Barker, Court, Kagan, Massey, McCann, McKinley, Nikkel, Solano, Young; also Senator(s) Guzman--Concerning pretrial detention of children prosecuted as adults.	8 9 10 11
	Ordered revised and placed on the calendar for third reading and final passage.	12 13 14
HB12-1181	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.	15 16 17
	Laid over until Wednesday, March 7, retaining its place on the calendar.	18 19 20
SB12-141	by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans.	21 22 23
	Ordered engrossed and placed on the calendar for third reading and final passage.	24 25 26
HB12-1117	by Representative(s) Balmer; also Senator(s) Nicholson--Concerning the ability of a local government to permit, in its discretion, the collection of charitable solicitations from motorists on a certain number of days per calendar year.	27 28 29 30
	Laid over until Monday, March 5, retaining its place on the calendar.	31 32 33
SB12-118	by Senator(s) White, Jahn; also Representative(s) Acree--Concerning the repeal of the requirement for a hotel and restaurant alcohol license that twenty-five percent of sales must be from meals.	34 35 36 37
	<u>Amendment No. 1, Local Government Committee Amendment.</u> (Printed in Senate Journal, February 29, page 325 and placed in members' bill files.)	38 39 40
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	41 42 43 44
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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE		47 48 49
SB12-137	by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.	50 51 52
	Senator Lambert moved to amend the Report of the Committee of the Whole to show that SB 12-137 did pass.	53 54 55
	Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was lost on the following roll call vote:	56 57 58 59 60 61

YES	15	NO	19	EXCUSED	1	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	E	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 Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	1	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	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	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: SB12-143 as amended, SB12-141, SB12-118 as amended, HB12-1231, HB12-1139.
Lost on second reading: SB12-137
Laid over until Monday, March 5: HB12-1117.
Laid over until Wednesday, March 7: HB12-1181.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1301, 1073, 1100, 1198; SB12-008, 043 and 094.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 1, 2012, at 10:05 a.m.: SJR12-003.
To the Governor for signature on Thursday, March 1, 2012, at 11:42 a.m.: SB12-008, 043 and 094.

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, March 2 was laid over until
Monday, March 5, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 5,
2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

55th Legislative Day Monday, March 5, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Girls with Goals.

Roll Call Present--34
Excused--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Friday, March 2, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 2, 2012

The House has adopted and returns herewith SJR12-016.
The House has adopted and returns herewith SJR12-017.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-095, 118, 141 and 143; SJR12-017.
Correctly Revised: HB12-1071, 1139, 1221 and 1231.

**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:

HB12-1071 by Representative(s) Liston; also Senator(s) Jahn--Concerning portable electronics insurance.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: White and Williams S.

HB12-1221 by Representative(s) Liston, Kerr J., Balmer, Miklosi, Summers, Swalm, Williams A.; also Senator(s) Tochtrop, Boyd, Morse--Concerning billing for anatomic pathology services.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Giron, Heath, Jahn, King S., Newell, Spence, White and Williams S.

SB12-095 by Senator(s) Lundberg; also Representative(s) Barker--Concerning requirements for the valid transfer of title to a motor vehicle.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Grantham, Harvey, Hudak, King K., King S., Lambert and Williams S.

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.

Laid over until Monday, March 12, retaining its place on the calendar.

SB12-143 by Senator(s) Carroll; also Representative(s) Pabon--Concerning the development of a local businesses database by the Colorado office of economic development.

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	E	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.	N	Renfro	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-sponsors added: Bacon, Boyd, Foster, Giron, Guzman, Heath, Hudak, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Tochtrop and Williams S.

HB12-1231 by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.

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

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	E	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	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-sponsors added: Giron, Guzman, Jahn and Newell.

HB12-1139 by Representative(s) Levy, Fields, Barker, Court, Kagan, Massey, McCann, McKinley, Nikkel, Solano, Young; also Senator(s) Guzman--Concerning pretrial detention of children prosecuted as adults.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Heath, Hodge, Hudak, Jahn, King S., Lundberg, Newell, Nicholson, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SB12-141 by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Nicholson, Roberts, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

RECONSIDERATION OF HB12-1231

HB12-1231 by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1231.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1231 by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
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	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	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 declared **passed**.

Co-sponsors added: Giron, Guzman, Jahn and Newell.

SB12-118 by Senator(s) White, Jahn; also Representative(s) Acree--Concerning the repeal of the requirement for a hotel and restaurant alcohol license that twenty-five percent of sales must be from meals.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Cadman, Foster and King S.

Upon request of Senator Cadman, **HB12-1031** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, March 5 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, March 5.

Upon request of Senator Morse, **HB12-1013** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, March 5 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, March 5.

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

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

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

- HB12-1077

by Representative(s) Gardner B., Barker, Duran, Labuda, Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, King S., White--Concerning modifications to the investment confidentiality provisions related to police officers' and firefighters' pension plans.

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

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- HB12-1018

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

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

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- HB12-1127

by Representative(s) Liston, Priola, Holbert, Swalm, Swerdfeger, Szabo; also Senator(s) Williams S.--Concerning elimination of an increase in the unemployment insurance premium rate for new employers.

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

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- HB12-1120

by Representative(s) Swerdfeger, Brown, Duran, Liston, Massey, Pabon, Pace, Williams A.; also Senator(s) Tochtrop--Concerning the creation of the division of unemployment insurance in the department of labor and employment to administer the unemployment insurance program.

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

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- HB12-1074

by Representative(s) Kerr J., Miklosi; also Senator(s) King S., Tochtrop--Concerning access to data to assist the courts in overseeing persons appointed to manage the affairs of persons under disability.

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- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 1, pages 341-342 and placed in members' bill files.)

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

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- HB12-1079

by Representative(s) Barker; also Senator(s) King S.--Concerning designation of certain positions in the department of public safety.

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

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --

CONSENT CALENDAR

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

YES	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	E	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: HB12-1077, HB12-1018, HB12-1127, HB12-1120, HB12-1074 as amended, HB12-1079.

Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday, March 5: HB12-1031, HB12-1013.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

HB12-1117 by Representative(s) Balmer; also Senator(s) Nicholson--Concerning the ability of a local government to permit, in its discretion, the collection of charitable solicitations from motorists on a certain number of days per calendar year.

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

SB12-127 by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs.

Laid over until Tuesday, March 6, retaining its place on the calendar.

SB12-023 by Senator(s) Boyd; --Concerning the program of all-inclusive care for the elderly, and, in connection therewith, addressing enrollment of persons who are eligible for the PACE program, addressing how the PACE program works with accountable care collaborative and similar integrative initiatives involving the medicaid population in Colorado, and removing PACE providers from licensing as a home care agency.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 1, pages 342-344 and placed in members' bill files.)

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

HB12-1031 by Representative(s) Peniston, Labuda, Duran, Ramirez, Schafer S.; also Senator(s) Tochtrop, King S., Morse--Concerning the authority of the board of the fire and police pension association to make amendments to plans for the administration of benefits.

Laid over until Tuesday, March 6, retaining its place on the calendar.

HB12-1013 by Representative(s) Fields and Holbert, Massey; also Senator(s) Hudak and King K., Bacon--Concerning intervention services for middle-grade students.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	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	E	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: SB12-023 as amended, HB12-1117, HB12-1013.
Laid over until Tuesday, March 6: SB12-127, HB12-1031.

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, March 5 was laid over until Tuesday, March 6, retaining its place on the calendar.

Consideration of Resolutions: SJR12-005, SJR12-015, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

March 5, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1017, 1262, 1220.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1005, amended as printed in House Journal, March 2, page 508.
HB12-1026, amended as printed in House Journal, March 2, page 508.
HB12-1140, amended as printed in House Journal, March 2, page 508.
HB12-1228, amended as printed in House Journal, March 2, page 508.
HB12-1036, amended as printed in House Journal, March 2, pages 508-509.
HB12-1239, amended as printed in House Journal, March 2, pages 509-510.
The House has passed on Third Reading and returns herewith SB12-048, 029, 042.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-097, amended as printed in House Journal, March 2, page 509.
SB12-024, amended as printed in House Journal, March 2, page 510.
SB12-037, amended as printed in House Journal, March 2, page 510.

MESSAGE FROM THE REVISOR OF STATUTES

March 5, 2012

We herewith transmit:

Without comment, HB12-1017, 1262, and 1220.
Without comment, as amended, HB12-1005, 1026, 1140, 1228, 1036, and 1239.
Without comment, as amended, SB12-097, 024, and 037.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB12-1005 by Representative(s) Pabon; also Senator(s) Harvey--Concerning investment of public funds.
Judiciary

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 6, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

56th Legislative Day	Tuesday, March 6, 2012
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Prayer	By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Aguilar.
Roll Call	Present--34 Excused--2, Renfroe, Schwartz. Present later--1, Renfroe.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Neville, reading of the Journal of Monday, March 5, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary	After consideration on the merits, the Committee recommends that HB12-1163 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Judiciary	After consideration on the merits, the Committee recommends that HB12-1233 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Judiciary	After consideration on the merits, the Committee recommends that HB12-1005 be referred to the Committee of the Whole with favorable recommendation.
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1217 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1061 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1088 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1064 be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-152** 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, page 2, strike lines 16 and 17 and substitute "shall BE BY MEANS OF A PORTABLE DOCUMENT FORMAT AND SHALL include ~~the report or~~ a hyperlink to the web site where the report is located, IF THE REPORT IS".

SENATE SERVICES REPORT

Correctly Engrossed: SB12-023.
Correctly Reengrossed: SB12-095, 118, 141 and 143.
Correctly Revised: HB12-1013, 1018, 1074, 1077, 1079, 1117, 1120 and 1127.
Correctly Rerevised: HB12-1071, 1139, 1221 and 1231.
Correctly Enrolled: SJR12-016 and 017.

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:

HB12-1077 by Representative(s) Gardner B., Barker, Duran, Labuda, Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, King S., White--Concerning modifications to the investment confidentiality provisions related to police officers' and firefighters' pension plans.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
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**.

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
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**.

HB12-1127 by Representative(s) Liston, Priola, Holbert, Swalm, Swerdfeger, Szabo; also Senator(s) Williams S.--Concerning elimination of an increase in the unemployment insurance premium rate for new employers.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Foster, Giron, Heath, Johnston, Newell and White.

HB12-1120 by Representative(s) Swerdfeger, Brown, Duran, Liston, Massey, Pabon, Pace, Williams A.; also Senator(s) Tochtrop--Concerning the creation of the division of unemployment insurance in the department of labor and employment to administer the unemployment insurance program.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar and Newell.

HB12-1074 by Representative(s) Kerr J., Miklosi; also Senator(s) King S., Tochtrop--Concerning access to data to assist the courts in overseeing persons appointed to manage the affairs of persons under disability.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Foster, Guzman, Heath, Hudak, Jahn, Newell, Roberts, Steadman, White and Williams S.

HB12-1079 by Representative(s) Barker; also Senator(s) King S.--Concerning designation of certain positions in the department of public safety.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
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: Guzman

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:

HB12-1117 by Representative(s) Balmer; also Senator(s) Nicholson--Concerning the ability of a local government to permit, in its discretion, the collection of charitable solicitations from motorists on a certain number of days per calendar year.

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	E
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	Y	Hodge	Y	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsor added: Aguilar

SB12-023 by Senator(s) Boyd; --Concerning the program of all-inclusive care for the elderly, and, in connection therewith, addressing enrollment of persons who are eligible for the PACE program and addressing how the PACE program works with integrative initiatives involving the medicaid population in Colorado.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Foster, Giron, Guzman, Hodge, Hudak, Jahn, Johnston, Newell, Nicholson, Roberts, Steadman, Tochtrop, White and Williams S.

HB12-1013 by Representative(s) Fields and Holbert, Massey; also Senator(s) Hudak and King K., Bacon--Concerning intervention services for middle-grade students.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	E
Boyd	Y	Heath	Y	Mitchell	Y	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Foster, Heath, Johnston, Newell, Nicholson, Roberts and Steadman.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1005 was made Special Orders at 9:15 a.m.

Committee of the Whole The hour of 9:15 a.m. having arrived, Senator Williams S. moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Williams S. was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB12-1005 by Representative(s) Pabon; also Senator(s) Harvey--Concerning investment of public funds.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Williams S., the report of the Committee of the Whole was adopted on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
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: HB12-1005.

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, March 6 was laid over until Wednesday, March 7, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1058, HB12-1247, HB12-1248, HB12-1249.
General Orders -- Second Reading of Bills: SB12-127, HB12-1031, SB12-129, HB12-1089, HB12-1090, HB12-1047, SB12-128, SB12-130, HB12-1008, SB12-116, SB12-134, SB12-059, HB12-1032, HB12-1033.
Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.
Consideration of House Amendments to Senate Bills: SB12-097, SB12-024, SB12-037.

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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

57th Legislative DayWednesday, March 7, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Aguilar.

Roll Call Present--34
Excused--1, King K.
Present later--1, King K.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Tuesday, March 6, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 6, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1290.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1063, amended as printed in House Journal, March 5, page 553.
HB12-1299, amended as printed in House Journal, March 5, page 553.
HB12-1083, amended as printed in House Journal, March 5, pages 533-534.
HB12-1126, amended as printed in House Journal, March 5, page 554.
HB12-1215, amended as printed in House Journal, March 5, page 554.
HB12-1236, amended as printed in House Journal, March 5, page 554.
HB12-1312, amended as printed in House Journal, March 5, page 555.

The House has passed on Third Reading and returns herewith SB12-111, 112, 113, 114, 115.

MESSAGE FROM THE REVISOR OF STATUTES

March 6, 2012

We herewith transmit:

Without comment, HB12-1290.
Without comment, as amended, HB12-1063, 1083, 1126, 1215, 1236, 1299, and 1312.

SENATE SERVICES REPORT

Correctly Reengrossed: SB12-023.
Correctly Revised: HB12-1005.
Correctly Rerevised: HB12-1013, 1018, 1074, 1077, 1079, 1117, 1120 and 1127.
Correctly Enrolled: SB12-029, 042 and 048.

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:

HB12-1005 by Representative(s) Pabon; also Senator(s) Harvey--Concerning investment of public funds.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Morse and Schwartz.

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

HB12-1058 by Representative(s) Joshi; also Senator(s) Nicholson--Concerning the requirement that the department of public health and environment provide infant eye prophylaxis.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 2, page 364 and placed in members' bill files.)

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

HB12-1247 by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning annual reductions in the amount of tobacco litigation settlement moneys that are allocated in the fiscal year in which the state receives them, and, in connection therewith, offsetting the reductions with tobacco litigation settlement cash fund moneys made available by the repeal of the short-term innovative health program grant fund.

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

HB12-1248 by Representative(s) Gerou, Becker, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning the receipt of certain moneys by the department of law.

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

HB12-1249 by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--
Concerning the manner in which tobacco litigation settlement moneys are allocated to the
state auditor's office for the costs of conducting program reviews and evaluations of the
performance of tobacco settlement programs.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 2, page 365 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 White, 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: HB12-1058 as amended, HB12-1247, HB12-1248, HB12-1249
as amended.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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

Senator Hodge moved that the Senate concur in House amendments to **SB12-097**, as
printed in House journal, March 5, page 509. The motion was **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		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-024 by Senator(s) Harvey; also Representative(s) Holbert--Concerning the obligations of a residential nonprofit corporation to its residential members, and, in connection therewith, clarifying open meeting provisions and limiting the conditions under which the corporation must refund moneys paid by a residential member.

Senator Harvey moved that the Senate concur in House amendments to **SB12-024**, as printed in House journal, March 5, page 510. The motion was **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		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-037 by Senator(s) King S., Aguilar; also Representative(s) Young--Concerning the ability to dispense a controlled substance based on an electronically transmitted prescription drug order.

Senator King S. moved that the Senate concur in House amendments to **SB12-037**, as printed in House journal, March 5, page 510. The motion was **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		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: Cadman, Guzman, Lambert and Roberts.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-016 and 017.

INTRODUCTION OF BILLS -- FIRST READING

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

- 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.
Transportation
- HB12-1105

by Representative(s) Becker; also Senator(s) Tochtrop--Concerning wind energy property rights.
Local Government
- HB12-1123

by Representative(s) Conti, Becker, Brown, DelGrosso, Holbert, Murray, Nikkel, Ramirez, Scott, Summers, Swalm, Szabo; also Senator(s) Williams S.--Concerning an increase in the transparency of proceedings before the public utilities commission by requiring the commission to report annually to the general assembly regarding matters discussed on the record in energy rate cases.
State, Veterans & Military Affairs
- HB12-1125

by Representative(s) Ramirez, Sonnenberg; also Senator(s) Steadman--Concerning procedures related to the costs of impounded animals.
Judiciary

HB12-1149	by Representative(s) Beezley, Holbert, Acree, Balmer, Becker, Murray, Ramirez, Summers; also Senator(s) Johnston--Concerning parents' authority to request interventions for low-performing schools. State, Veterans & Military Affairs	1 2 3 4 5 6
HB12-1172	by Representative(s) Swalm, Conti; also Senator(s) Harvey--Concerning the rates charged to consumers for electricity, and, in connection therewith, prohibiting the imputation of certain costs associated with reductions in greenhouse gas emissions. State, Veterans & Military Affairs	7 8 9 10 11 12
HB12-1216	by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--Concerning the financing of the division of motor vehicles in the department of revenue, and, in connection therewith, making and reducing appropriations. Appropriations	13 14 15 16 17 18
HB12-1222	by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the recreation of the department of transportation renovation fund to be used for transportation-related purposes. Appropriations	19 20 21 22 23 24
HB12-1224	by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--Concerning the creation of a consolidated communications system authority. Appropriations	25 26 27 28 29
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. Local Government	30 31 32 33 34
HB12-1269	by Representative(s) Kerr J.; also Senator(s) Roberts--Concerning the threshold amount of campaign activity by a candidate committee in connection with a special district election that triggers disclosure requirements under the "Fair Campaign Practices Act". State, Veterans & Military Affairs	35 36 37 38 39 40
HB12-1283	by Representative(s) Barker; also Senator(s) Giron--Concerning the department of public safety, and, in connection therewith, renaming and reorganizing certain existing entities. Judiciary	41 42 43 44 45 46 47
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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 7 was laid over until Thursday, March 7, retaining its place on the calendar.		49 50 51
General Orders -- Second Reading of Bills: HB12-1181, SB12-127, HB12-1031, SB12-129, HB12-1089, HB12-1090, HB12-1047, SB12-128, SB12-130, HB12-1008, SB12-116, SB12-134, SB12-059, HB12-1032, HB12-1033.		52 53 54
Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1004.		55
Consideration of Memorials: SJM12-001, SM12-002.		56 57 58
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TRIBUTES		60
Honoring:		61 62
Gabriela Lopez -- by Senator Aguilar.		63
Alyson Pillard -- by Senator Bacon.		64
Hannah Aarestad -- by Senator Boyd.		65
Courtney Ross -- by Senator Brophy.		66
Abby Wigglesworth -- by Senator Cadman.		67
Jill Hoffman -- by Senator Carroll.		68
Madeleine Alms -- by Senator Foster.		69
Kristyna Arguello -- by Senator Giron.		70 71 72

- Emily Reynolds -- by Senator Grantham.
- Kate Holguín -- by Senator Guzman.
- Paige Dzengelewski -- by Senator Harvey.
- Morgan Selby -- by Senator Heath.
- Anahi Flores - by Senator Hodge.
- Giovanna Finamore -- by Senator Hudak.
- Brenda De La Torre -- by Senator Jahn.
- Yamilet Roque-Jimenez -- by Senator Johnston.
- Ashlyn Riley -- by Senator K. King.
- Hayleigh Myers -- by Senator S. King.
- Charis Steenmeyer -- by Senator Lambert.
- Amanda Laib -- by Senator Lundberg.
- Savannah Terry -- by Senator Morse.
- Tamiko Ohkawa -- by Senator Mitchell.
- Ashlyn Higgins -- by Senator Neville.
- Daphney Parra -- by Senator Newell.
- Abbey Gothman -- by Senator Nicholson.
- Makenzie Harris -- by Senator Renfroe.
- Emily Rockensock -- by Senator Roberts.
- Kori Barber -- by Senator Scheffel.
- Brooke Beasley -- by Senator Schwartz.
- Ashley Degen -- by Senator Shaffer.
- Sydney Alie -- by Senator Spence.
- Angelica Rodriguez -- by Senator Steadman.
- Bridget Lynch -- by Senator Tochtrop.
- Kinlie Brennise -- by Senator White.
- Jade Keomanivong -- by Senator Williams.
- Windsor High School Wrestling Team -- by Senator Renfroe.
- Eagle Scout Erik Ramirez -- by Senator Bacon.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 8, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

58th Legislative Day Thursday, March 8, 2012

Prayer By the chaplain, Reverend Cynthia James, Mile Hi Church, Lakewood.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Renfroe.

Roll Call Present--34
Excused--1, Roberts.
Present later--1, Roberts.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Wednesday, March 7, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1288** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB12-019** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, after line 10 insert:

"**SECTION 4.** In Colorado Revised Statutes, **add** 2-3-208 as follows:
2-3-208. Colorado on-time budget advisory committee - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
(a) "ADVISORY COMMITTEE" MEANS THE COLORADO ON-TIME BUDGET ADVISORY COMMITTEE CREATED IN SUBSECTION (2) OF THIS SECTION.
(b) "CRITICAL BUDGET BILLS" MEANS THE ANNUAL GENERAL APPROPRIATION ACT, THE ANNUAL PUBLIC SCHOOL FINANCE ACT, OR SIMILAR BILLS FROM OTHER STATES.
(c) "STATE BUDGET PROCESS" MEANS THE MANNER IN WHICH THE GENERAL ASSEMBLY OR OTHER STATE LEGISLATURE PASSES CRITICAL BUDGET BILLS OR OTHER SIMILAR BILLS.
(2) THERE IS HEREBY CREATED THE COLORADO ON-TIME BUDGET ADVISORY COMMITTEE FOR THE PURPOSE OF PROVIDING GUIDANCE RELATED TO THE STATE BUDGET PROCESS AND MEASURES TO ENSURE THE TIMELY PASSAGE OF CRITICAL BUDGET BILLS.
(3) (a) THE ADVISORY COMMITTEE CONSISTS OF TWELVE MEMBERS APPOINTED NO LATER THAN JUNE 1, 2012, FOR A TERM ENDING JUNE 30, 2013, AS FOLLOWS:
(I) FOUR MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO OF WHOM ARE APPOINTED BY THE MINORITY

LEADER OF THE HOUSE OF REPRESENTATIVES;
(II) FOUR MEMBERS OF THE SENATE, TWO OF WHOM ARE APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM ARE APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND
(III) FOUR PERSONS APPOINTED BY THE GOVERNOR WHO HAVE EXPERTISE IN THE STATE BUDGET PROCESS.
(b) THE ADVISORY COMMITTEE IS REQUIRED TO MEET AT LEAST SIX TIMES IN ORDER TO UNDERTAKE ITS DUTIES.
(4) THE ADVISORY COMMITTEE SHALL:
(a) REVIEW THE CURRENT STATE BUDGET PROCESS;
(b) ANALYZE THE STATE BUDGET PROCESS IN OTHER STATES;
(c) ANALYZE METHODS FROM OTHER STATES TO ENSURE THE TIMELY PASSAGE OF CRITICAL BUDGET BILLS, INCLUDING THE SUSPENSION OF PAYMENTS TO MEMBERS OF A STATE LEGISLATURE;
(d) CONSIDER ALTERNATIVES TO THE CURRENT STATE BUDGET PROCESS;
(e) CONSIDER ALTERNATIVES TO ENSURE THE TIMELY PASSAGE OF CRITICAL BUDGET BILLS; AND
(f) MAKE RECOMMENDATIONS REGARDING THE BEST STATE BUDGET PROCESS AND METHODS TO ENSURE THE TIMELY PASSAGE OF CRITICAL BUDGET BILLS.
(5) (a) ON OR BEFORE JANUARY 1, 2013, THE ADVISORY COMMITTEE SHALL PREPARE A REPORT REGARDING ITS FINDINGS AND RECOMMENDATIONS AND DISTRIBUTE THE REPORT TO ALL MEMBERS OF THE GENERAL ASSEMBLY. NO LATER THAT JANUARY 15, 2013, THE ADVISORY COMMITTEE SHALL PRESENT THE REPORT TO THE JOINT BUDGET COMMITTEE AND THE FINANCE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
(b) (I) PRIOR TO FINALIZING THE REPORT, THE ADVISORY COMMITTEE SHALL PRESENT ITS PROPOSED FINDINGS AT AT LEAST THREE PUBLIC MEETINGS AT LOCATIONS THROUGHOUT THE STATE AND TAKE PUBLIC COMMENT ON THE PROPOSED FINDINGS. THE ADVISORY COMMITTEE SHALL CONSIDER THE PUBLIC COMMENTS WHEN FINALIZING THE REPORT.
(II) THE MEETINGS REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) ARE IN ADDITION TO THE MEETINGS REQUIRED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.
(6) NONLEGISLATIVE MEMBERS OF THE ADVISORY COMMITTEE MAY BE REIMBURSED FOR ALL NECESSARY AND ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.
(7) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES MAY PROVIDE STAFF SUPPORT TO THE ADVISORY COMMITTEE.
(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013. PRIOR TO THE REPEAL OF THIS SECTION, THE ADVISORY COMMITTEE IS REQUIRED TO BE REVIEWED AS PROVIDED IN SECTION 2-3-1203 (3), C.R.S.
SECTION 5. In Colorado Revised Statutes, 2-3-1203, **add** (3) (z) (VIII) as follows:
2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:
(z) July 1, 2013:
(VIII) THE COLORADO ON-TIME BUDGET ADVISORY COMMITTEE CREATED IN SECTION 2-3-208 (2), C.R.S."

Renumber succeeding section accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1040** be postponed indefinitely.

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1169 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	1
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Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1207 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	7
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Education	After consideration on the merits, the Committee recommends that HB12-1124 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.	11
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Judiciary	After consideration on the merits, the Committee recommends that SB12-070 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36
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INTO A RENTAL AGREEMENT ON HIS OR HER BEHALF SHALL PROVIDE NOTICE OF THE CHANGE ON THE LANDLORD'S OR AUTHORIZED PERSON'S WEB SITE OR AT A PUBLIC AREA OF THE RESIDENTIAL PREMISES. THIS SECTION EXTENDS TO AND IS ENFORCEABLE AGAINST ANY SUCCESSOR LANDLORD, OWNER, OR MANAGER.

38-12-513. Access. (1) A TENANT SHALL NOT UNREASONABLY WITHHOLD CONSENT TO THE LANDLORD TO ENTER INTO THE DWELLING UNIT IN ORDER TO INSPECT THE PREMISES, MAKE NECESSARY OR AGREED REPAIRS, DECORATIONS, ALTERATIONS, OR IMPROVEMENTS, SUPPLY NECESSARY OR AGREED SERVICES, OR EXHIBIT THE DWELLING UNIT TO PROSPECTIVE OR ACTUAL PURCHASERS, MORTGAGEES, TENANTS, WORKMEN, OR CONTRACTORS.

(2) A LANDLORD MAY ENTER THE DWELLING UNIT WITHOUT CONSENT OF THE TENANT IN CASE OF EMERGENCY IF SUCH CONDUCT IS REASONABLE UNDER THE CIRCUMSTANCES.

(3) A LANDLORD SHALL NOT ABUSE THE RIGHT OF ACCESS OR USE IT TO HARASS THE TENANT. EXCEPT IN CASE OF EMERGENCY AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION OR IF THE TENANT EXPRESSLY CONSENTS TO A SHORTER NOTICE WITH RESPECT TO A PARTICULAR ENTRY, THE LANDLORD SHALL GIVE THE TENANT AT LEAST FORTY-EIGHT HOURS' WRITTEN OR OTHER VERIFIABLE FORM OF NOTICE OF HIS OR HER INTENT TO ENTER AND MAY ENTER ONLY AT REASONABLE TIMES.

(4) A LANDLORD HAS NO OTHER RIGHT OF ACCESS EXCEPT:
(a) PURSUANT TO COURT ORDER; OR
(b) UNLESS THE TENANT HAS ABANDONED OR SURRENDERED THE PREMISES.

(5) IF THE TENANT REFUSES TO ALLOW LAWFUL ACCESS, THE LANDLORD MAY OBTAIN INJUNCTIVE RELIEF TO COMPEL ACCESS, OR TERMINATE THE RENTAL AGREEMENT. IN EITHER CASE THE LANDLORD MAY RECOVER ACTUAL DAMAGES AND REASONABLE ATTORNEY FEES AND COSTS.

(6) IF THE LANDLORD MAKES AN UNLAWFUL ENTRY OR A LAWFUL ENTRY IN AN UNREASONABLE MANNER, THE TENANT MAY OBTAIN INJUNCTIVE RELIEF TO PREVENT THE RECURRENCE OF THE CONDUCT OR TERMINATE THE RENTAL AGREEMENT. IN EITHER CASE THE TENANT MAY RECOVER ACTUAL DAMAGES NOT LESS THAN AN AMOUNT EQUAL TO ONE MONTH'S RENT AND REASONABLE ATTORNEY FEES AND COSTS.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 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 the ninety-day period after final adjournment of the general assembly, 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.

(2) The provisions of this act apply to rental agreements entered into or extended or renewed on and after the applicable effective date of this act."

Page 1, line 101, strike "TENANTS, AND, IN" and substitute "TENANTS."

Page 1, strike lines 102 and 103.

JudiciaryAfter consideration on the merits, the Committee recommends that **HB12-1095** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

JudiciaryAfter consideration on the merits, the Committee recommends that **HB12-1114** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 4, strike "(8)" and substitute "(8) (a)".

Page 2, after line 8 insert:

"(b) THIS SUBSECTION (8) SHALL BE KNOWN AND MAY BE CITED AS "VONNIE'S LAW".".

Judiciary After consideration on the merits, the Committee recommends that **HB12-1151** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, after line 15 insert:
"(V) A DEFENDANT MAY PETITION THE COURT FOR THE SEALING OF CONVICTION RECORDS PURSUANT TO THIS SECTION ONLY ONCE DURING ANY TWELVE-MONTH PERIOD. THE COURT SHALL DISMISS A SECOND OR SUBSEQUENT PETITION FILED WITHIN ANY TWELVE-MONTH PERIOD.".

SENATE SERVICES REPORT

Correctly Revised: HB12-1058, 1247, 1248 and 1249.
Correctly Rerevised: HB12-1005.

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:

HB12-1058 by Representative(s) Joshi; also Senator(s) Nicholson--Concerning the requirement that the department of public health and environment provide infant eye prophylaxis.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

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

Co-sponsors added: Boyd, Tochtrop and Williams S.

HB12-1247 by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert-- Concerning annual reductions in the amount of tobacco litigation settlement moneys that are allocated in the fiscal year in which the state receives them, and, in connection therewith, offsetting the reductions with tobacco litigation settlement cash fund moneys made available by the repeal of the short-term innovative health program grant fund.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

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

HB12-1248 by Representative(s) Gerou, Becker, Levy; also Senator(s) Lambert, Hodge, Steadman-- Concerning the receipt of certain moneys by the department of law.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	E		

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

HB12-1249 by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert-- Concerning the manner in which tobacco litigation settlement moneys are allocated to the state auditor's office for the costs of conducting program reviews and evaluations of the performance of tobacco settlement programs.

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

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

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

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

HB12-1163 by Representative(s) Waller; also Senator(s) Morse--Concerning limited peace officer authority designations.

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

HB12-1233 by Representative(s) Labuda, Barker, Casso, Gardner B., Pabon; also Senator(s) Carroll--Concerning the ability of a court to enter a decree of legal separation in certain circumstances without the appearance of the parties.

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

HB12-1217 by Representative(s) Tyler; also Senator(s) Aguilar--Concerning the authority of an organization that maintains a regularly established inspection department to conduct inspections of its own pressure-retaining items.

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

SB12-152 by Senator(s) Cadman, Morse, Shaffer B.; also Representative(s) Ferrandino, McNulty, Stephens--Concerning changes to the procedures for filing reports with the general assembly under the "Information Coordination Act".

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 6, page 384 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 Aguilar, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

The Committee of the Whole took the following action:

Passed on second reading: SB12-152 as amended, HB12-1163, HB12-1233, HB12-1217.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.

Laid over until Monday, March 12, retaining its place on the calendar.

HB12-1031 by Representative(s) Peniston, Labuda, Duran, Ramirez, Schafer S.; also Senator(s) Tochtrop, King S., Morse--Concerning the authority of the board of the fire and police pension association to make amendments to plans for the administration of benefits.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, March 1, page 341 and placed in members' bill files.)

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

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 Friday, March 9, retaining its place on the calendar.

HB12-1089 by Representative(s) Court; also Senator(s) Steadman--Concerning the specific wording related to a statewide ballot title.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 2, page 348 and placed in members' bill files.)

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

HB12-1090 by Representative(s) Pace; also Senator(s) Newell--Concerning the annual date for establishing the total pupil enrollment of each public school.

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

SB12-130 by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner, Peniston--Concerning governance of child development programs, and, in connection therewith, requiring a post-enactment review of the implementation of this act.

Laid over until Monday, March 12, retaining its place on the calendar.

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

	Laid over until Friday, March 9, retaining its place on the calendar.	1
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SB12-116	by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown, Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection therewith, establishing a misdemeanor penalty for possession of a cathinone.	3
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	<u>Amendment No. 1, Local Government Committee Amendment.</u>	7
	(Printed in Senate Journal, February 23, pages 233-234 and placed in members' bill files.)	8
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	10
	(Printed in Senate Journal, March 2, page 364 and placed in members' bill files.)	11
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	13
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HB12-1047	by Representative(s) Kefalas, Gardner B.; also Senator(s) Newell--Concerning the waiver of non-safety licensing standards for kinship foster care.	17
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	Ordered revised and placed on the calendar for third reading and final passage.	20
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SB12-134	by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; --Concerning financial assistance in Colorado hospitals.	23
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	Laid over until Friday, March 9, retaining its place on the calendar.	26
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SB12-059	by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning commercial vehicle standards applied to certain vehicles under twenty-six thousand one pounds.	29
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	<u>Amendment No. 1, Transportation Committee Amendment.</u>	32
	(Printed in Senate Journal, February 15, page 167 and placed in members' bill files.)	33
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	Ordered engrossed and placed on the calendar for third reading and final passage.	35
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HB12-1032	by Representative(s) Hamner; also Senator(s) Nicholson--Concerning continuation of forestry-related programs, and, in connection therewith, making an appropriation.	38
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	<u>Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.</u>	41
	(Printed in Senate Journal, February 24, page 278 and placed in members' bill files.)	42
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	As amended, ordered revised and placed on the calendar for third reading and final passage.	44
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HB12-1033	by Representative(s) Swalm; also Senator(s) Newell--Concerning conditions on the authority of the director of the division of workers' compensation to impose administrative fines as a result of compliance audits finding instances of late reporting of injuries under the "Workers' Compensation Act of Colorado".	48
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	Laid over until Friday, March 9, retaining its place on the calendar.	53
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	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-127, SB12-128) of Thursday, March 8, was laid over until Friday, March 9, retaining its place on the calendar.	58
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Aguilar, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

The Committee of the Whole took the following action:

Passed on second reading: SB12-116 as amended, SB12-059 as amended, HB12-1031, HB12-1089, HB12-1090, HB12-1047, HB12-1032 as amended.
Laid over until Friday, March 9: SB12-129, HB12-1008, SB12-134, HB12-1033, SB12-127, SB12-128.
Laid over until Monday, March 12: HB12-1181, SB12-130.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1005, 1010, 1015, 1022, 1050, 1054, 1096, 1147, 1158; SB12-029, 042 and 048.

MESSAGE FROM THE HOUSE

March 8, 2012

The House has adopted and transmits herewith HJR12-1015.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1015 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning recognition of March 8, 2012, as "National Agriculture Day".

On motion of Senator Schwartz, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron,
Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S.,
Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts,
Scheffel, Shaffer B., Spence, Steadman, 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 balance of the calendar of Thursday, March 8 was laid over
until Friday, March 9, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB12-156

by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Levy--
Concerning the authority of the department of personnel to expend gifts, grants, and
donations.
Appropriations
- SB12-157

by Senator(s) Scheffel and Tochtrop; also Representative(s) Williams A. and Murray--
Concerning the regulation of telecommunications service, and, in connection therewith,
enacting the "Telecommunications Modernization Act of 2012".
Business, Labor and Technology

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 9, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

59th Legislative Day Friday, March 9, 2012

Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Aguilar.
Roll Call	Present--25 Excused--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Mitchell, Steadman. Present later---10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Mitchell, Steadman.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Neville, reading of the Journal of Thursday, March 8, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB12-156 and 157.
Correctly Engrossed: SB12-059, 116 and 152.
Correctly Revised: HB12-1031, 1032, 1047, 1089, 1090, 1163, 1217 and 1233; HJR12-1015.
Correctly Rerevised: HB12-1058, 1247, 1248 and 1249.
Correctly Enrolled: SB12-024, 037, 097, 111, 112, 113, 114 and 115.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1104 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1065 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1028 be referred to the Committee of the Whole with favorable recommendation.
Education	After consideration on the merits, the Committee recommends that HB12-1072 be referred to the Committee of the Whole with favorable recommendation.
Finance	After consideration on the merits, the Committee recommends that HB12-1029 be referred to the Committee of the Whole with favorable recommendation.

Finance	After consideration on the merits, the Committee recommends that HB12-1002 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
Finance	After consideration on the merits, the Committee recommends that HB12-1246 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	6 7 8 9
Appropriations	After consideration on the merits, the Committee recommends that SB12-006 be postponed indefinitely.	10 11 12 13
Appropriations	After consideration on the merits, the Committee recommends that SB12-001 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 12, before line 8 insert: "SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of personnel, for the fiscal year beginning July 1, 2012, the sum of \$62,767 and 0.9 FTE, or so much thereof as may be necessary, for allocation to the state purchasing office in the division of accounts and control – controller for the promulgation of procurement rules related to the implementation of this act." Renumber succeeding section accordingly. Page 1, line 104, strike "CONTRACT." and substitute "CONTRACT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".	14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35
Appropriations	After consideration on the merits, the Committee recommends that SB12-086 be referred to the Committee of the Whole with favorable recommendation.	36 37 38 39
Appropriations	After consideration on the merits, the Committee recommends that SB12-109 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 16, after line 12 insert: "SECTION 11. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2012, the sum of \$366,958, or so much thereof as may be necessary, related to the implementation of this act." Renumber succeeding section accordingly. Page 1, line 102 strike "LISTS." and substitute "LISTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".	40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60
Appropriations	After consideration on the merits, the Committee recommends that HB12-1034 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend the Transportation Committee Report, dated February 28, 2012, page 1, line 10, strike "for the". Page 1, strike line 11 and substitute "for allocation to the waste tire	61 62 63 64 65 66 67 68 69

	program for reimbursement of processors and end users in fiscal year 2011-12."."	1
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1061 be referred to the Committee of the Whole with favorable recommendation.	5
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Appropriations	After consideration on the merits, the Committee recommends that SB12-124 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	9
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	Amend printed bill, page 2, line 19, strike " repeal " and substitute " amend ".	14
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	Page 3, line 8, strike "(2):" and substitute "(2) THE COMMISSION MAY APPROVE NO MORE THAN SIX PROJECTS PURSUANT TO THIS SUBSECTION (2).".	17
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Appropriations	After consideration on the merits, the Committee recommends that SB12-132 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	22
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	Amend printed bill, page 3, before line 19 insert:	27
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	" SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the stationary sources control fund created in section 25-7-114.7 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2012, the sum of \$196,901 and 2.5 FTE, or so much thereof as may be necessary, for allocation to air pollution control division for permitting activities of the stationary sources program related to the implementation of this act.".	29
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	Renumber succeeding section accordingly.	39
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	Page 1, line 102, strike " PERMITS. " and substitute " PERMITS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION. ".	41
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1216 be referred to the Committee of the Whole with favorable recommendation.	45
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Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	49
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	<u>MEMBERS OF THE COLORADO WATER CONSERVATION BOARD</u>	55
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	effective February 2, 2012 for terms expiring February 12, 2015:	58
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	Phyllis "Diane" Hoppe of Broomfield, Colorado, to serve as a representative of the South Platte drainage basin and as a Republican, appointed;	60
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	David H. "Ty" Wattenberg of Walden, Colorado, to serve as a representative of the North Platte drainage basin and as a Republican, appointed;	63
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	John Hawkins McCLOW of Gunnison, Colorado, to serve as a representative of the Gunnison-Uncompahgre drainage basin and as an Unaffiliated, reappointed.	66
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MESSAGE FROM THE GOVERNOR

AppointmentLetters of designation and appointment from Governor John Hickenlooper were read and assigned to committees as follows:

December 14, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

September 20, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit for your consideration, the following:

MEMBERS OF THE
COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2014:

- Kenneth Edward Maenpa of Thorton, Colorado, a representative of the statewide association of airport managers, appointed;
Joseph H. Thibodeau of Denver, Colorado, a representative of the statewide association of pilots, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Transportation

October 6, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration the following:

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Health and Human Services

June 13, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint, and submit to your consideration the following:

MEMBERS OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2014:

Grant Lyle Jackson, Edwards, Colorado, and occasioned by the resignation of Karyn P. Leible, M.D. of Thornton, Colorado to serve as a representative from the Second Congressional District and as a Democrat, appointed;

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 7/1/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Health and Human Services

February 29, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2015:

John M. Clouse of Denver, Colorado, a person with appropriate scientific and technical training or experience, and a Democrat, appointed;

Hon. Laura Doreen Teague of Fort Morgan, Colorado, a person with appropriate agricultural training or experience, and a Republican, appointed;

David Robert Brown of Highlands Ranch, Colorado, a person with appropriate technical and industrial training or experience, and a Republican, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 3/6/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Health and Human Services

June 13, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2015:

James R. Meurer of Golden, Colorado, reappointed;

Sondra W. Mercier of Denver, Colorado, reappointed;

for terms expiring July 1, 2012;

MaryKay Kelley of Silverthorne, Colorado, reappointed;

Diane M. DeVries of Wheat Ridge, Colorado, reappointed;

Lyle D. Hansen of Denver, Colorado, reappointed;

A. Louesa Maricle of Denver, Colorado reappointed;

Gregg A. Near of Wheat Ridge, Colorado, reappointed;

Amy J. Williams of Hayden, Colorado, engaged in agricultural, appointed.

Sincerely,
(signed)

John W. Hickenlooper

Governor

Rec'd: 7/1/2011

Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

December 15, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado and the execution of Executive Order A2011 077, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS 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;

Richard Estaban Martinez, Jr., Centennial, Colorado, to serve as a representative of bankers, and as a representative of a bank having less than one hundred fifty million dollars in total assets, appointed;

Adam P. Coyle of Parker, Colorado, to serve as a representative of the public, reappointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 12/15/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

July 26, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO BANKING BOARD

for a term expiring July 1, 2013:

Emily S. Robinson of Golden, Colorado, an executive officer of a state bank, with not less than five years' practical experience as an active executive officer of a bank, and occasioned by the resignation of Mary S. Reisher of Denver, Colorado, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 8/3/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

January 23, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint, and submit to your consideration, the following:

CHARTER SCHOOL INSTITUTE BOARD

That this Executive Order 2012 019 hereby replaces Executive Order 2011 253 and that the following named person be and he is hereby appointed to 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.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 1/25/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Education

December 15, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, and the execution of Executive Order A2011 094, I have the honor to designate, reappoint, and submit to your consideration, the following:

MEMBER OF THE
CHARTER SCHOOL INSTITUTE BOARD

Steven Richard Schneider, Colorado Springs, Colorado, a Republican who has experience as a public school administrator with experience working with charter schools and with other board or public service experience, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 12/15/2011
Cindi Markwell, Secretary of the Senate

Committee on Education

September 1, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBER OF THE
CHARTER SCHOOL INSTITUTE BOARD

for a term expiring July 1, 2012:

Anthony Scott Lewis of Longmont, Colorado to serve as a member with experience as a charter school board member or founder of a charter school, experience as a public school administrator with experience working with charter schools, other board or public service experience, and as a Democrat, and occasioned by the resignation of Amy B. Anderson of Denver, Colorado, a Democrat, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 9/15/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

October 17, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint, and submit to your consideration, the following:

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:

LaShay Canady of Aurora, Colorado, to serve as a parent, appointed;

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

Hilary A. Silver of Denver, Colorado, to serve as a member with knowledge of child abuse prevention/social work, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Health and Human Services

July 28, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBER OF THE
COAL MINE BOARD OF EXAMINERS

for a term expiring July 1, 2012:

Richard Clair Chermak of Hotchkiss, Colorado, to serve as a coal miner of known experience and practice in underground coal mining residing in the State of Colorado and actively engaged in the coal mining industry during the term of office, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 8/3/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

December 10, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBER OF THE
COAL MINE BOARD OF EXAMINERS

for a term expiring July 1, 2013:

Geral Justin Fedinec of Craig, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining industry, to fill the vacancy occasioned by the resignation of Lara A. Sims of Hayden, Colorado, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/12/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

November 4, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBER OF THE
COAL MINE BOARD OF EXAMINERS

for a term expiring July 1, 2013:

Alan Reed Bayles of Hotchkiss, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Daniel R. Meadors of Durango, Colorado, appointed;

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/6/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

August 9, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBER OF THE
COLLEGEINVEST BOARD OF DIRECTORS

for terms expiring July 31, 2015:

Ashley J. Burt of Gunnison, Colorado, reappointed;
Patrice M. Henning of Evergreen, Colorado, appointed;
Douglas W. Lyon of Durango, Colorado, appointed.

Sincerely,
(signed)
Joseph A. Garcia
Lt. Governor, acting on behalf of the State
while Governor John W. Hickenlooper
is absent from the State
Rec'd: 8/30/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

February 16, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO CHANNEL AUTHORITY
BOARD OF DIRECTORS

for terms expiring October 6, 2015:

Timothy Michael Ryan of Aurora, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed;

Ken Fellman of Arvada, Colorado, a Democrat, reappointed;

John W. Montgomery of Centennial, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, reappointed.

Sincerely,
(signed)

John W. Hickenlooper
Governor

Rec'd: 2/22/2012

Cindi L. Markwell, Secretary of the Senate

Committee on State, Veterans, and Military Affairs

December 15, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF TRUSTEES FOR COLORADO MESA UNIVERSITY

for terms expiring December 31, 2015:

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

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

Sincerely,
(signed)

John W. Hickenlooper
Governor

Rec'd: 12/27/2011

Cindi Markwell, Secretary of the Senate

Committee on Education

September 5, 2011	1
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To the Honorable	3
Colorado Senate	4
Colorado General Assembly	5
State Capitol Building	6
Denver, CO 80203	7
	8
Ladies and Gentlemen:	9
	10
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of	11
Colorado, I have the honor to designate, appoint, reappoint and submit to your	12
consideration, the following:	13
	14
MEMBER OF THE	15
<u>BOARD OF TRUSTEES FOR COLORADO MESA UNIVERSITY</u>	16
	17
for a term to expire December 31, 2013:	18
	19
Robert Glenn Wilson of Grand Junction, Colorado, a Republican and resident of Mesa	20
County and occasioned by the resignation of Jerome Gonzales of Grand Junction, a	21
Democrat, appointed.	22
	23
	24
Sincerely,	25
(signed)	26
John W. Hickenlooper	27
Governor	28
Rec'd: 9/15/2011	29
Cindi L. Markwell, Secretary of the Senate	30
	31
Committee on Education	32
	33
	34
December 16, 2011	35
	36
To the Honorable	37
Colorado Senate	38
Colorado General Assembly	39
State Capitol Building	40
Denver, CO 80203	41
	42
Ladies and Gentlemen:	43
	44
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of	45
Colorado, I have the honor to designate, appoint and submit to your consideration, the	46
following:	47
	48
MEMBERS OF THE	49
<u>BOARD OF GOVERNORS OF THE</u>	50
<u>COLORADO STATE UNIVERSITY SYSTEM</u>	51
	52
for terms expiring December 31, 2015:	53
	54
Donald M. Elliman, Jr. of Greenwood Village, Colorado, to serve as a Democrat,	55
reappointed;	56
	57
Russell Neil Johnson of Sterling, Colorado, to serve as a member who has substantial	58
experience in the production of agriculture, and as a Republican, appointed.	59
	60
Sincerely,	61
(signed)	62
John W. Hickenlooper	63
Governor	64
Rec'd: 12/27/2011	65
Cindi L. Markwell, Secretary of the Senate	66
	67
Committee on Education	68
	69

January 23, 2012 1

To the Honorable 2

Colorado Senate 3

Colorado General Assembly 4

State Capitol Building 5

Denver, CO 80203 6

Ladies and Gentlemen: 7

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 8

Colorado, I have the honor to designate, appoint and reappoint and submit to your 9

consideration, the following: 10

MEMBERS OF THE 11

STATE BOARD FOR COMMUNITY COLLEGES 12

AND OCCUPATIONAL EDUCATION 13

for terms expiring December 31, 2015: 14

Theresa Kathleen Pena of Denver, Colorado and a resident of the First Congressional 15

District, to serve as a Democrat, appointed; 16

Bernadette B. Marquez of Denver, Colorado and a resident of the First Congressional 17

District, to serve as a Democrat, reappointed. 18

Sincerely, 19

(signed) 20

John W. Hickenlooper 21

Governor 22

Rec'd: 1/27/2012 23

Cindi L. Markwell, Secretary of the Senate 24

Committee on Education 25

August 1, 2011 26

To the Honorable 27

Colorado Senate 28

Colorado General Assembly 29

State Capitol Building 30

Denver, CO 80203 31

Ladies and Gentlemen: 32

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 33

Colorado, I have the honor to designate, appoint, reappoint and submit to your 34

consideration, the following: 35

MEMBERS OF THE 36

COVERCOLORADO BOARD OF DIRECTORS 37

for terms expiring July 1, 2015: 38

Gary S. Carlson of Castle Rock, Colorado, representing individuals who are currently 39

insured under the program, reappointed; 40

Carrie S. Etherton of Denver, Colorado, an individual who is currently insured or who 41

has been insured under the program, appointed; 42

for a term expiring July 1, 2013: 43

Christopher Jon Miller of Denver, Colorado, a representative of an insurance carrier, 44

and occasioned by the resignation of John W. Martie of Littleton, Colorado, appointed; 45

for a term expiring July 1, 2014:

Keith Evans of Lonetree, Colorado, a representative of insurance carriers, and
occasioned by the resignation of Leo Tokar of Englewood, Colorado, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 8/3/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Heath and Human Services

October 12, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of
Colorado, I have the honor to designate, appoint and submit to your consideration, the
following:

MEMBERS OF THE:
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2015:

William Carl Sanden of Colorado Springs, Colorado, a Republican, appointed;
Cheryl Denise Cohen-Vader of Denver, Colorado, an Unaffiliated, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

July 7, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of
Colorado, I have the honor to designate, appoint, reappoint, and submit to your
consideration, the following:

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;

Thomas B. Fox of Steamboat Springs, Colorado, to serve as a general contractor actively engaged in the building industry, 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.

Sincerely,
(signed)

John W. Hickenlooper
Governor

Rec'd: 7/11/2011

Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

January 13, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
FINANCIAL SERVICES BOARD

for terms expiring July 1, 2015:

Claudia J. Milan of Arvada, Colorado to serve as an executive officer of a state credit union and as a Democrat, reappointed;

Horacio Peralta of Denver, Colorado, to serve as an executive officer of a state credit union and as a Democrat, reappointed.

Sincerely,
(signed)

John W. Hickenlooper
Governor

Rec'd: 1/19/2012

Cindi L. Markwell, Secretary of the Senate

Committee on Finance

September 29, 20111
2
To the Honorable3
Colorado Senate4
Colorado General Assembly5
State Capitol Building6
Denver, CO 802037
8
Ladies and Gentlemen:9
10
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of11
Colorado, I have the honor to designate, reappoint and submit to your consideration, the12
following:13
14
15MEMBERS OF THE
16FIRE AND POLICE PENSION ASSOCIATION
17BOARD OF DIRECTORS
18
19
for terms expiring September 1, 2015:20
21
Pamela M. Feely of Lakewood, Colorado to serve as a representative of a board of22
directors of a special district, appointed;23
24
Timothy J. Nash of Greeley, Colorado to serve as a representative of Colorado25
municipal employers, reappointed.26
27
Sincerely,28
(signed)29
John W. Hickenlooper30
Governor31
Rec'd: 10/27/201132
Cindi L. Markwell, Secretary of the Senate33
34
Committee on Business, Labor, and Technology35
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December 14, 201138
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Colorado Senate41
Colorado General Assembly42
State Capitol Building43
Denver, CO 8020344
45
Ladies and Gentlemen:46
47
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of48
Colorado, I have the honor to designate, appoint and submit to your consideration, the49
following:50
51
52MEMBER OF THE
53BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE
54
55
for a term expiring December 31, 2015:56
57
Steven Ray Short of Durango, Colorado to serve as a Republican, appointed.58
59
Sincerely,60
(signed)61
John W. Hickenlooper62
Governor63
Rec'd: 12/27/201164
Cindi L. Markwell, Secretary of the Senate65
66
Committee on Education67
68
69

July 6, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBERS OF THE
STATE BOARD OF THE
GREAT OUTDOORS COLORADO TRUST FUND

for terms expiring April 15, 2015:

James A. Smith of Denver, Colorado, to serve as an Unaffiliated from the First Congressional District, reappointed;

Matt J. Sugar of Winter Park, Colorado, to serve as a Democrat from the Second Congressional District west of the Continental Divide, reappointed;

Thomas Michael Burke of Grand Junction, Colorado, to serve as a Republican from the Third Congressional District, appointed;

Chana Gail Reed of Lamar, Colorado, to serve as a Republican from the Fourth Congressional District, appointed;

David Joseph Palanchar of Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, appointed; Thomas W. Swanson of Evergreen, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed.

Thomas W. Swanson of Evergreen, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed.

Jacy Tyler Jasmer Rock of Golden, Colorado, to serve as an Unaffiliated from the Seventh Congressional District, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 7/11/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

August 31, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
GROUND WATER COMMISSION

for terms expiring May 1, 2015:

George H. Schubert of Calhan, Colorado to serve as a resident agriculturist from the
Upper Big Sandy Basin, reappointed;

Charles "Max" Smith of Walsh, Colorado to serve as a resident agriculturist from the
Southern High Plains Basin, reappointed.

Sincerely,
(signed)
John W. Hickelooper
Governor
Rec'd: 9/15/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

September 9, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of
Colorado, I have the honor to designate, appoint, reappoint and submit to your
consideration, the following:

MEMBERS OF THE
COLORADO HEALTH FACILITIES AUTHORITY
BOARD OF DIRECTORS

for a term expiring June 30, 2013:

Ann C. Kiley of Denver, Colorado, reappointed;

for a term expiring June 30, 2015, appointed;

John L. Vigil of Pueblo, Colorado, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Health and Human Services

July 29, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 8/3/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

Call of the Senate. Call raised.

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:

HB12-1163 by Representative(s) Waller; also Senator(s) Morse--Concerning limited peace officer authority designations.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: King S., Newell and Nicholson.

HB12-1233 by Representative(s) Labuda, Barker, Casso, Gardner B., Pabon; also Senator(s) Carroll--Concerning the ability of a court to enter a decree of legal separation in certain circumstances without the appearance of the parties.

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

YES	33	NO	2	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	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Giron, Guzman and Nicholson.

HB12-1217 by Representative(s) Tyler; also Senator(s) Aguilar--Concerning the authority of an organization that maintains a regularly established inspection department to conduct inspections of its own pressure-retaining items.

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: Tochtrop

SB12-152 by Senator(s) Cadman, Morse, Shaffer B.; also Representative(s) Ferrandino, McNulty, Stephens--Concerning changes to the procedures for filing reports with the general assembly under the "Information Coordination Act".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Lambert and Newell

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:

HB12-1031 by Representative(s) Peniston, Labuda, Duran, Ramirez, Schafer S.; also Senator(s) Tochtrop, King S., Morse--Concerning the authority of the board of the fire and police pension association to make amendments to plans for the administration of benefits.

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: Williams S.

HB12-1089 by Representative(s) Court; also Senator(s) Steadman--Concerning the specific wording related to a statewide ballot title.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Giron, Guzman, Heath, Hodge, Newell, Spence, Tochtrop and White.

HB12-1090 by Representative(s) Pace; also Senator(s) Newell--Concerning the annual date for establishing the total pupil enrollment of each public school.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Grantham, Guzman, Heath, Hudak, Johnston, King K., Lambert, Morse, Nicholson, Renfroe and Williams S.

SB12-116 by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown, Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection therewith, establishing a misdemeanor penalty for possession of a cathinone.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Giron, Grantham, King K., King S., Lambert, Neville, Newell, Nicholson, Roberts, White and Williams S.

HB12-1047 by Representative(s) Kefalas, Gardner B.; also Senator(s) Newell--Concerning the waiver of non-safety licensing standards for kinship foster care.

Laid over until Monday, March 12, retaining its place on the calendar.

SB12-059 by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning commercial vehicle standards applied to certain vehicles under twenty-six thousand one pounds.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Cadman, Grantham, Guzman, Heath, Jahn, King S., Lambert, Lundberg, Neville, Scheffel, Schwartz, Shaffer B., Tochtrop and White.

HB12-1032 by Representative(s) Hamner; also Senator(s) Nicholson--Concerning continuation of forestry-related 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	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Foster, Guzman, Heath and Williams S.

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

SB12-129 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.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, March 2, pages 347-348 and placed in members' bill files.)

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

- HB12-1008

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

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, February 24, page 250 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 2, page 364 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Jahn.

Amend reengrossed bill, page 3, line 10, after "ASSOCIATIONS," insert "LABOR ORGANIZATIONS, ENVIRONMENTAL ADVOCACY GROUPS, CONSUMER ADVOCATES,".

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

SB12-134

by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; --Concerning financial assistance in Colorado hospitals.

Laid over until Monday, March 12, retaining its place on the calendar.

HB12-1033

by Representative(s) Swalm; also Senator(s) Newell--Concerning conditions on the authority of the director of the division of workers' compensation to impose administrative fines as a result of compliance audits finding instances of late reporting of injuries under the "Workers' Compensation Act of Colorado".

Laid over until Monday, March 12, retaining its place on the calendar.

SB12-127

by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs.

Laid over until Monday, March 12, retaining its place on the calendar.

SB12-128

by Senator(s) Roberts; also Representative(s) Summers--Concerning achieving efficiencies in the medicaid long-term care program through greater utilization of alternative care facilities.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, March, pages 363-364 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

On motion of Senator Carroll, 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: SB12-129 as amended, HB12-1008 as amended, SB12-128 as amended.

Laid over until Monday, March 12: SB12-134, HB12-1033, SB12-127.

MESSAGE FROM THE GOVERNOR

March 8, 2012

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-008 CONCERNING POSTPONEMENT OF THE REPEAL OF REQUIREMENTS TO REPLACE WELL DEPLETIONS TO THE DENVER BASIN AQUIFERS

Approved March 8, 2012 at 12:43 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

MESSAGE FROM THE HOUSE

March 9, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1304, 1175.

MESSAGE FROM THE REVISOR OF STATUTES

March 9, 2012

We herewith transmit:

Without comment, HB12-1175 and 1304.

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-158 by Senator(s) Boyd; also Representative(s) Bradford--Concerning the consolidation of two public housing agencies within the division of housing in the department of local affairs.
Local Government

HB12-1239 by Representative(s) Vaad; also Senator(s) Carroll--Concerning required county approval for the expansion of special district domestic water or sanitary service into a county that has not previously approved the special district's service plan.
Judiciary

HB12-1299 by Representative(s) Singer; also Senator(s) Shaffer B.--Concerning the specification that a motor vehicle lessee is entitled to claim the innovative motor vehicle tax credit.
Finance

HB12-1312 by Representative(s) Sonnenberg, Levy; also Senator(s) Brophy and Johnston--Concerning the exclusion of land use issues addressed by local governing bodies from the public utilities commission's proper scope of review with respect to applications for certificates of public convenience and necessity for transmission lines.
Agriculture, Natural Resources, and Energy

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor John Hickenlooper were read and assigned to committees as follows:

June 13, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 7/1/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

May 19, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of
Colorado, I have the honor to designate, appoint, reappoint and submit to your
consideration, the following:

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;

Thomas A. Rennell of Castle Rock, Colorado, a member of a statewide organization of
health insurance carriers, appointed;

William Patrick Heller of Denver, Colorado, an employee of the state department,
appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 5/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Health and Human Services

July 26, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for a term expiring May 15, 2012:

Peggy Jordan Burnette of Denver, Colorado, an employee of a hospital in Colorado, and
occasioned by the resignation of Randolph W. Safady of Parker, Colorado, appointed;

for a term expiring May 15, 2015:

Michelle Lynn Joy of Sterling, Colorado, an employee of a rural hospital in Colorado,
and occasioned by the resignation of Thomas N. Henton of Monte Vista, Colorado,
appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 8/3/2011
Cindi Markwell, Secretary of the Senate

Committee on Health and Human Services

December 15, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, and the execution of Executive Order A2011 091, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO HOUSING AND FINANCE AUTHORITY
BOARD OF DIRECTORS

effective immediately for a term expiring July 1, 2011:

Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member representing the
public and occasioned by the resignation of Kevin Marchman, appointed;

effective July 2, 2011 for terms expiring July 1, 2015:

Charles Kenneth Knight of Denver, Colorado, to serve as a member representing the
public, appointed;

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Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member representing the public, reappointed; 1
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Samuel G. Betters of Loveland, Colorado, to serve as a member representing the public, reappointed. 4
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Sincerely, 7
(signed) 8
John Hickenlooper 9
Governor 10
Rec'd: 12/15/2011 11
Cindi L. Markwell, Secretary of the Senate 12
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Committee on Finance 14
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July 27, 2011 17
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To the Honorable 19
Colorado Senate 20
Colorado General Assembly 21
State Capitol Building 22
Denver, CO 80203 23
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Ladies and Gentlemen: 25
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following: 27
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MEMBER OF THE 32
COLORADO HOUSING AND FINANCE AUTHORITY 33
BOARD OF DIRECTORS 34
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effective immediately for a term expiring July 1, 2013: 36
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Jennifer Glau Lopez of Durango, Colorado, to serve as a member with experience in mortgage banking and occasioned by the resignation of Anita Padilla-Fitzgerald, appointed. 38
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Sincerely, 41
(signed) 42
John Hickenlooper 43
Governor 44
Rec'd: 8/3/2011 45
Cindi L. Markwell, Secretary of the Senate 46
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Committee on Finance 48
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August 18, 2011 51
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To the Honorable 53
Colorado Senate 54
Colorado General Assembly 55
State Capitol Building 56
Denver, CO 80203 57
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Ladies and Gentlemen: 59
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following: 61
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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;
- Youlon D. Savage of Denver, Colorado to serve as a public member, reappointed;
- Dave Long of New Raymer, Colorado to serve as a county commissioner, reappointed;
- Samuel Pace of Crestone, Colorado to serve as a county commissioner, reappointed;

for a term to expire March 1, 2013:

- Catherine Anne Silburn of Lakewood, Colorado to serve as a public member and occasioned by the resignation of Karen M. Studen of Pueblo, Colorado, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 8/30/2011
Cindi L. Markwell, Secretary of the Senate
Committee on Health and Human Services

June 27, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

COMMISSIONER OF INSURANCE

Effective July 1, 2011, for a term expiring at the pleasure of the Governor:

- James L. Reisberg of Greeley, Colorado, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 7/1/2011
Cindi L. Markwell, Secretary of the Senate
Committee on Business, Labor, and Technology

October 14, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO COMMISSION ON JUDICIAL DISCIPLINE

effective October 14, 2011 for a term t expire June 30, 2015:

David Lee Dill of Pueblo, Colorado to serve as a non attorney, occasioned by the resignation of Judy Weaver of Pueblo, Colorado, appointed;

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Judiciary

May 26, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO COMMISSION ON JUDICIAL DISCIPLINE

effective July 1, 2011 for a terms expiring June 30, 2015:

Albus Brooks of Denver, Colorado, to serve as a non attorney, occasioned by the resignation of Joe Samuel, appointed;

Judy Weaver of Pueblo, Colorado to serve as a non attorney, appointed;

David Kenney of Denver, Colorado, to serve as a non attorney, reappointed.

Federico C. Alvarez of Denver, Colorado, to serve as an attorney, reappointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 7/1/2011
Cindi Markwell, Secretary of the Senate

Committee on Judiciary

April 21, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2015:

Michele A. Bloom of Centennial, Colorado, to serve as a representative of public, primary or secondary education, and as a Democrat, reappointed;

Hon. Tom R. Gray of Craig, Colorado, to serve as a representative of local government and land use planning, and as a Republican, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 5/24/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

July 6, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit for your consideration, the following:

MEMBERS OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2012:

Charles J. Murphy of Colorado Springs, Colorado, to fill the vacancy occasioned by the removal of Florence E. Hunt to serve as a member from the 5th Congressional District representing registered electors, and as a Democrat, appointed;

for a term expiring July 1, 2013: 1
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Sheriff Douglas N. Darr of Thornton, Colorado, to fill the vacancy occasioned by the 3
removal of Chief Philip J. Baca of Commerce City, Colorado, to serve as a member 4
from the Second Congressional District, and a representative of law enforcement and as 5
a Democrat, appointed; 6
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for terms expiring July 1, 2014: 8
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Jannine Mohr of Loveland, Colorado, to serve as a member from the Fourth 10
Congressional District and to serve as an attorney and as a Democrat, appointed; 11
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Robert M. Webb of Golden, Colorado, to serve as a member from the Seventh 13
Congressional District and to serve as a representative for CPAs, corporate finance and 14
as a Libertarian, appointed; 15
16
Lowell R. Hutson of Denver, Colorado, to fill the vacancy occasioned by the removal 17
of Debbie J. Jessup of Centennial, Colorado, and to serve as member from the First 18
Congressional District and as a representative who has been engaged in business in a 19
management-level capacity for at least five years, and as a Republican, appointed. 20
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Sincerely, 22
(signed) 23
John W. Hickenlooper 24
Governor 25
Rec'd: 7/11/2011 26
Cindi L. Markwell, Secretary of the Senate 27
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Committee on Finance 29
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August 11, 2011 32
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To the Honorable 34
Colorado Senate 35
Colorado General Assembly 36
State Capitol Building 37
Denver, CO 80203 38
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Ladies and Gentlemen: 40
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 42
Colorado, I have the honor to designate, appoint and submit to your consideration, the 43
following: 44
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MEMBER OF THE 46
COLORADO LOTTERY COMMISSION 47
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for a term expiring July 1, 2015: 49
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Margie Martinez Perusek of Greeley, Colorado, to serve as a representative of law 51
enforcement and as a Republican, appointed. 52
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Sincerely, 55
(signed) 56
Joseph A. Garcia 57
Lt. Governor, acting on behalf of the State 58
while Governor John W. Hickenlooper 59
is absent from the State. 60
Rec'd: 8/30/2011 61
Cindi L. Markwell, Secretary of the Senate 62
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Committee on Finance 64
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January 11, 2012	1
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To the Honorable	3
Colorado Senate	4
Colorado General Assembly	5
State Capitol Building	6
Denver, CO 80203	7
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Ladies and Gentlemen:	9
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of	11
Colorado, I have the honor to designate, appoint, reappoint, and submit to your	12
consideration, the following:	13
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MEMBERS OF THE	15
<u>BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER</u>	16
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for a term to expire December 31, 2012:	18
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John "Jack" P. Pogge of Greenwood Village, Colorado, to serve as an Unaffiliated, and	20
occasioned by the resignation of Adele F. Phelan of Denver, Colorado, appointed;	21
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for terms expiring December 31, 2015:	23
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Dawn P. Bookhardt of Aurora, Colorado, to serve as a Republican, reappointed;	25
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Robert Cohen of Greenwood Village, Colorado, to serve as an Unaffiliated,	27
reappointed;	28
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Melody Harris of Denver, Colorado, to serve as a Democrat, reappointed;	30
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Walter Louis Isenberg of Denver, Colorado, to serve as a Democrat, appointed.	32
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Sincerely,	34
(signed)	35
John W. Hickenlooper	36
Governor	37
Rec'd: 1/27/2012	38
Cindi L. Markwell, Secretary of the Senate	39
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Committee on Education	41
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December 15, 2011	44
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To the Honorable	46
Colorado Senate	47
Colorado General Assembly	48
State Capitol Building	49
Denver, CO 80203	50
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Ladies and Gentlemen:	52
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of	54
Colorado, and the execution of Executive Order A2011 062, I have the honor to designate,	55
appoint and reappoint and submit to your consideration, the following:	56
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MEMBERS OF THE	58
<u>OIL AND GAS CONSERVATION COMMISSION</u>	59
<u>OF THE STATE OF COLORADO</u>	60
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for terms expiring July 1, 2015:	62
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Tommy E. Holton of Fort Lupton, Colorado to fill the vacancy as occasioned by the	64
resignation of Tresi B. Houpt of Glenwood Springs, Colorado, and to serve as a local	65
government official and as a Republican, appointed;	66
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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;

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;

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;

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;

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.

Sincerely,
(signed)

John W. Hickenlooper
Governor

Rec'd: 12/15/2011

Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

June 27, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBER OF THE
STATE BOARD OF PAROLE

for a term expiring July 1, 2013:

Patricia Ann Waak, Erie, Colorado, to fill the vacancy occasioned by the resignation of Becky L. Lucero, Pueblo, Colorado, and to serve as a citizen representative, appointed;

for terms expiring July 1, 2014:

Anthony Young of Colorado Springs, Colorado, to serve as a citizen representative, appointed;

Edward P. Thomas of Denver, Colorado, to serve as a citizen representative, appointed;

Denise K. Balazic of Aurora, Colorado, to serve as a parole or probation representative, appointed;

further, effective July 1, 2011 for a term expiring at the pleasure of the Governor:

Anthony Young of Colorado Springs, Colorado, to serve as Chairperson of the State Board of Parole, appointed;

Patricia Ann Waak of Erie, Colorado, to serve as Vice Chairperson of the State Board of Parole, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 7/1/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Judiciary

July 6, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 7/11/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

October 28, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBER OF THE
EXAMINING BOARD OF PLUMBERS

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/6/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

October 12, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO RACING COMMISSION

for a term expiring July 1, 2015:

Charles D. Vail of Centennial, Colorado, to serve as a veterinarian and as a Republican from the Sixth Congressional District, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi Markwell, Secretary of the Senate

Committee on Finance

May 12, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBERS OF THE
READ-TO-ACHIEVE BOARD

for terms expiring April 1, 2014:

Joanne E. Scanlan of Colorado Springs, Colorado, to serve as a kindergarten, first, second or third grade elementary school teacher and as a Republican, reappointed;

Teresa L. Williams of Westminster, Colorado, to serve as a member with knowledge of and experience in public education in elementary grades and as a Democrat, reappointed;

Charlotte Macaluso of Pueblo, Colorado, to serve as a parent of a child who is enrolled in a public school at the time of appointment and as a Democrat, reappointed;

Jamie Lyn Marin, to serve as a RURAL kindergarten, first, second or third grade elementary school teacher and as an Unaffiliated, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 5/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

July 1, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF REAL ESTATE APPRAISERS

effective July 2, 2011, for terms expiring July 1, 2014:

Bruce Warren Willard of Greeley, Colorado to serve as a licensed or certified appraiser, appointed;

Robin B. Anderson of Denver, Colorado to serve as a licensed or certified appraiser, reappointed;

Frank R. Beltran of Pueblo, Colorado to serve as a county assessor in office, reappointed;

Deborah K. Delaney of Fort Collins, Colorado an officer or employee of a commercial bank experienced in real estate lending

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 7/11/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

July 6, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado,
I have the honor to designate, appoint, and submit to your consideration, the following:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REVENUE

effective July 18, 2011 for a term expiring at the pleasure of the Governor:

Barbara J. Brohl of Lakewood, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 7/11/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Finance

November 4, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/6/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

October 27, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/6/2011
Cindi L. Markwell, Secretary of the Senate
Committee on Health and Human Services

December 7, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration the following:

MEMBERS OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for terms expiring July 1, 2015:

Lewis H. Entz of Hooper, Colorado, to serve as a veteran and as a Republican, reappointed;

Justin A. Martinez of Highlands Ranch, Colorado, to serve as a member with expertise in nursing home operations, who is a nursing home administrator at the time of appointment, who is experienced in the financial operations of a nursing home and as an Unaffiliated voter, reappointed;

Shelley K. Hitt of Centennial, Colorado, the state long-term care ombudsman; reappointed;

James C. Bobick of Aurora, Colorado, a veteran and the designee of the State Board of Veterans Affairs; reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/12/2011
Cindi Markwell, Secretary of the Senate

Committee on State, Veterans, and Military Affairs

November 7, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2015:

Mark A. Arndt of Fort Morgan, Colorado to serve as a Republican from the Fourth Congressional District, and with substantial experience in agriculture or in the activities of 4-H clubs, reappointed;

Patty Shaw Castilian of Denver, Colorado to serve as a Democrat from the First Congressional District, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/6/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

December 15, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, and the execution of Executive Order A2011 147, I have the honor to designate, reappoint and submit to your consideration, the following:

STATEWIDE INTERNET PORTAL AUTHORITY

for terms to expire on June 1, 2015;

Louis J. Lago of Centennial, Colorado, an individual from the private sector who exhibits a background in information management and technology and who is a user of electronic information, products, and services or information technology services that are offered through the private sector, reappointed;

Hon. Ronny J. "Ron" May of Colorado Springs, Colorado to serve as a representative of the private sector, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 12/15/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

August 24, 2011

To the Honorable Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2012:

Troy Allan Rarick of Fruita, Colorado, to fill the vacancy occasioned by the resignation of James E. Durr, Eckert, Colorado, and to serve as a representative of tourism-related retail industry, small community, and small business, appointed;

for terms expiring June 1, 2015:

Timothy H. Wolfe of Littleton, Colorado, a representative of the hotel, motel, and lodging industry, reappointed;

Edwin A. Garcia of Aurora, Colorado, a representative of tourism-related transportation industries, reappointed;

Lawrence R. DiPasquale of Greenwood Village, Colorado, a representative of the food, beverage and restaurant industry, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 8/30/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

February 22, 2012

To the Honorable Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2014:

Robert Stinchcomb of Lafayette, Colorado, a representative of the ski industry and
occasioned by the resignation of Jeanne C. Mackowski of Carbondale, Colorado,
appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/6/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

June 27, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of
Colorado, I have the honor to designate, appoint, reappoint and submit for your
consideration, the following:

MEMBERS OF THE
TRANSPORTATION COMMISSION

for terms expiring July 1, 2015:

Heather M. Barry of Westminster, Colorado to serve as a commissioner from the fourth
district, reappointed;

Kathleen R. Gilliland of Livermore, Colorado to serve as a commissioner from the fifth
district, appointed;

Kathy I. Connell of Steamboat Springs, Colorado to serve as a commissioner from the
sixth district, appointed;

Leslie W. Gruen of Colorado Springs, Colorado to serve as a commissioner from the
ninth district, reappointed.

Kimbra L. Killin of Holyoke, Colorado to serve as a commissioner from the eleventh
district, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 7/1/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Transportation

October 5, 2011 1

To the Honorable 2
Colorado Senate 3
Colorado General Assembly 4
State Capitol Building 5
Denver, CO 80203 6

Ladies and Gentlemen: 7

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 8
Colorado, I have the honor to designate, appoint and submit for your consideration, the 9
following: 10

MEMBER OF THE 11
TRANSPORTATION COMMISSION 12

for a term expiring July 1, 2015: 13

Edward James Peterson of Lakewood, Colorado to serve as a commissioner from the 14
Second Transportation District, appointed. 15

Sincerely, 16
(signed) 17
John W. Hickenlooper 18
Governor 19
Rec'd: 10/27/2011 20
Cindi Markwell, Secretary of the Senate 21

Committee on Transportation 22

May 12, 2011 23

To the Honorable 24
Colorado Senate 25
Colorado General Assembly 26
State Capitol Building 27
Denver, CO 80203 28

Ladies and Gentlemen: 29

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 30
Colorado, I have the honor to designate, appoint, reappoint and submit to your 31
consideration, the following: 32

MEMBERS OF THE 33
COLORADO BOARD OF VETERANS AFFAIRS 34

for terms expiring June 30, 2015: 35

Franklin DB Jackson of Denver, Colorado, a Democrat and a veteran who has been 36
honorably released or separated from the armed forces of the United States, 37
reappointed; 38

Kathleen N. Dunemn of Littleton, Colorado, a Republican and a veteran who has been 39
honorably released or separated from the armed forces of the United States, appointed; 40

Sincerely, 41
(signed) 42
John Hickenlooper 43
Governor 44
Rec'd: 5/27/2011 45
Cindi L. Markwell, Secretary of the Senate 46

Committee on State, Veterans, and Military Affairs 47

December 20, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
WASTE TIRE ADVISORY COMMITTEE

for terms expiring on September 9, 2014:

Michael "Scott" Skorka of Golden, Colorado, to serve as a tire retailer, reappointed;

Trent A. Peterson of Durango, Colorado, to serve as a representative of waste tire monofills that are operating in compliance with their certificates of designation, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/5/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Transportation

July 13, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2014:

Peter Butler of Durango, Colorado to serve as a representative who lives west of the continental divide, reappointed;

Jill C. Harris McConaughy of Glenwood Springs, Colorado to serve as a representative who lives west of the continental divide, reappointed;

Lauren Elizabeth Evans of Lakewood, Colorado, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 8/3/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

January 12, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2015:

Frank J. Kugel of Gunnison, Colorado to serve as a member from the
Gunnison-Uncompahgre drainage basin, and with experience in water law, reappointed;

David "Ty" H. Wattenberg of Walden, Colorado to serve as a member from the North
Platte drainage basin, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/27/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

December 20, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2015:

George H. Delaney of Castle Rock, Colorado to serve as a Democrat, reappointed;

Linda A. Morton of Littleton, Colorado to serve as a Democrat, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/5/2012
Cindi Markwell, Secretary of the Senate

Committee on Education

February 14, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO WILDLIFE HABITAT STAMP COMMITTEE

Bryan J. Martin of Westminster, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife, reappointed;

Thomas L. Kenyon of Grand Junction, Colorado, to serve as a representative of the public at large, reappointed;

Dan C. Prenzlowl of Colorado Springs, Colorado, to serve as an ex officio member representing the Division of Wildlife, reappointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 2/15/2012
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

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, March 9 was laid over until Monday, March 10, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 12, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

62nd Legislative DayMonday, March 12, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator White.

Roll Call Present--34
Excused--1, Mitchell

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Friday, March 9, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 9, 2012

The House has voted to concur in the Senate amendments to HB12-1078, 1055 1177, 1221, 1074, and has repassed the bills as so amended.

The House voted to adhere to its position on HB12-1212. The bill is transmitted herewith.

SENATE SERVICES REPORT

Correctly Printed: SB12-158.
Correctly Engrossed: SB12-128 and 129.
Correctly Reengrossed: SB12-059, 116 and 152.
Correctly Revised: HB12-1008.
Correctly Rerevised: HB12-1031, 1032, 1089, 1090, 1163, 1217 and 1233.

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.

Laid over until Monday, March 19, retaining its place on the calendar.

HB12-1047
by Representative(s) Kefalas, Gardner B.; also Senator(s) Newell--Concerning the waiver of non-safety licensing standards for kinship foster care.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd and Jahn.

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 Thursday, March 15, retaining its place on the calendar.

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

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Brophy, Cadman, Grantham, King K., King S., Lambert, Lundberg, Neville, Scheffel, White and Williams S.

SB12-128
by Senator(s) Roberts; also Representative(s) Summers--Concerning achieving efficiencies in the medicaid long-term care program through greater utilization of alternative care facilities.

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

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	E	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	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-sponsors added: Aguilar, Boyd, Cadman, Foster, Grantham, Guzman, Jahn, Johnston, King K., King S., Lambert, Lundberg, Neville, Newell, Scheffel and Williams S.

Upon request of Senator Morse, **HB12-1124** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, March 12 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, March 12.

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

- HB12-1288**

by Representative(s) Murray; also Senator(s) Bacon--Concerning the administration of information technology projects in state government.

Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1169**

by Representative(s) Gardner B. and Duran; also Senator(s) Brophy and Morse--Concerning a clarification of the circumstances under which voting to elect leadership of a public body may be held by secret ballot in accordance with the state open meetings law.

Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1207**

by Representative(s) Labuda, Bradford, Fields, Gardner B., Lee, Swerdfeger, Szabo; also Senator(s) Aguilar--Concerning the repeal of the advisory committee on covering all children in Colorado.

Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1095**

by Representative(s) Waller; also Senator(s) Newell--Concerning electronic court documents.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Spence, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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	E	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: HB12-1288, HB12-1169, HB12-1207, HB12-1095.
Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday, March 12: HB12-1124.

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

SJR12-015 by Senator(s) Boyd and Roberts; also Representative(s) Bradford and Hamner--Concerning celebration of the 100th anniversary of Girl Scouts, and, in connection therewith, designating 2012 as the "Year of the Girl" in the state of Colorado.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Nicholson, Renfroe, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.

Laid over until Monday, March 19, retaining its place on the calendar.

- SB12-130** by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner, Peniston--Concerning governance of child development programs, and, in connection therewith, requiring a post-enactment review of the implementation of this act.
Laid over until Friday, March 16, retaining its place on the calendar.
- SB12-134** by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; also Representative(s) Acree--Concerning financial assistance in Colorado hospitals.
Laid over until Tuesday, March 13, retaining its place on the calendar.
- HB12-1033** by Representative(s) Swalm; also Senator(s) Newell--Concerning conditions on the authority of the director of the division of workers' compensation to impose administrative fines as a result of compliance audits finding instances of late reporting of injuries under the "Workers' Compensation Act of Colorado".
Ordered revised and placed on the calendar for third reading and final passage.
- SB12-127** by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs.
Laid over until Tuesday, March 13, retaining its place on the calendar.
- 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 Tuesday, March 13, retaining its place on the calendar.
- HB12-1114** by Representative(s) Hamner; also Senator(s) Schwartz--Concerning the crime of stalking.
Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 8, pages 402-403 and placed in members' bill files.)
As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB12-1151** by Representative(s) McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.; also Senator(s) King S.--Concerning the trafficking of human beings.
Laid over until Tuesday, March 13, retaining its place on the calendar.
- HB12-1124** by Representative(s) Massey, Fields, Hamner, Holbert, Levy, Peniston; also Senator(s) Johnston--Concerning a study of digital learning in Colorado.
Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 8, page 401 and placed in members' bill files.)
Amendment No. 2(L.005), by Senator Johnston.
Amend reengrossed bill, page 4, line 4, strike "JULY 1, 2012," and substitute "NINETY DAYS AFTER RECEIVING SUFFICIENT MONEYS TO IMPLEMENT THIS SECTION,".
Page 6, line 24, strike "MAY SEEK, ACCEPT," and substitute "IS NOT REQUIRED TO SOLICIT MONEYS FOR THE IMPLEMENTATION OF THIS SECTION, BUT THE DEPARTMENT MAY ACCEPT".
Page 7, line 5, strike "SEEKING OR".
Page 7, after line 11 insert:
"(c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE

CONTRARY, THE DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THIS SECTION UNTIL IT RECEIVES SUFFICIENT MONEYS TO IMPLEMENT THIS SECTION.".

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

On motion of Senator Spence, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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	E	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: HB12-1033, HB12-1114 as amended, HB12-1124 as amended.
Laid over until Tuesday, March 13: SB12-134, SB12-127, SB12-070, HB12-1151.
Laid over until Friday, March 16: SB12-130.
Laid over until Monday, March 19: HB12-1181.

MESSAGE FROM THE HOUSE

March 12, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB12-1146, amended as printed in House Journal, March 9, page 589.
HB12-1226, amended as printed in House Journal, March 9, page 589.
HB12-1116, amended as printed in House Journal, March 9, page 591.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB12-020, amended as printed in House Journal, March 9, pages 589-591.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-024, 037, 097, 111, 112, 113, 114 and 115.

MESSAGE FROM THE GOVERNOR

March 9, 2012

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB12-043 CONCERNING CLARIFICATION OF THE AGES OF CHILDREN WHO MAY ATTEND A CHILDREN'S RESIDENT CAMP.

Approved March 9, 2012 at 11:39 a.m.

SB12-094 CONCERNING CLARIFICATION OF THE DEFINITION OF FOOD USED IN STATE SALES TAX LAWS TO ENSURE THAT THE TREATMENT FOR SALES TAX PURPOSES OF A FOOD PRODUCT SOLD FOR DOMESTIC HOME CONSUMPTION BY A GROCERY STORE, SUPERMARKET, OR CONVENIENCE STORE DOES NOT CHANGE SOLELY BECAUSE THE STORE SELLS THE FOOD PRODUCT OR MARKETS THE FOOD PRODUCT FOR SALE AS A CONVENIENCE FOOD.

Approved March 9, 2012 at 11:34 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

March 9, 2012

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Resolution:

SJR12-003 CONCERNING APPROVAL OF WATER PROJECTS REVOLVING FUND ELIGIBILITY LISTS ADMINISTERED BY THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY.

Approved March 9, 2012 at 11:46 a.m.

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 Monday, March 12 was laid over until Tuesday, March 13, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 13, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

63rd Legislative Day Tuesday, March 13, 2012

Prayer	By the chaplain, Reverend Dr. Timothy Tyler, Shorter Community AME Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator White.
Roll Call	Present--34 Absent--1, Spence. Present later--1, Spence.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Nicholson, reading of the Journal of Monday, March 12, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1289 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1009 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1070 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 6, line 14, strike "PUBLIC" and substitute "COVERED STATE".
Judiciary	After consideration on the merits, the Committee recommends that HB12-1206 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Judiciary	After consideration on the merits, the Committee recommends that HB12-1085 be referred to the Committee of the Whole with favorable recommendation.
Judiciary	After consideration on the merits, the Committee recommends that HB12-1053 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 4, line 27, after "(1) (y)," insert "(1.6),".

Page 7, line 1, strike "OR A VICTIM'S".

Page 7, line 2, strike "DESIGNEE".

Page 7, line 3, strike "SECURED INSTITUTION OTHER THAN" and substitute "LOCAL COUNTY JAIL OR".

Page 7, strike lines 21 through 27 and substitute:

"(w) THE RIGHT TO HAVE THE DISTRICT ATTORNEY, A LAW ENFORCEMENT AGENCY, A PROBATION DEPARTMENT, A STATE OR PRIVATE CORRECTIONAL FACILITY, THE DEPARTMENT OF HUMAN SERVICES, OR THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO MAKE ALL REASONABLE EFFORTS TO EXCLUDE OR REDACT A VICTIM'S SOCIAL SECURITY NUMBER OR A WITNESS' SOCIAL SECURITY NUMBER FROM A CRIMINAL JUSTICE DOCUMENT OR RECORD CREATED OR COMPILED AS A RESULT OF A CRIMINAL INVESTIGATION WHEN THE DOCUMENT OR RECORD IS RELEASED TO ANYONE OTHER THAN THE VICTIM, THE DEFENSE ATTORNEY OF RECORD, THE DEFENSE ATTORNEY'S AGENT, OR A CRIMINAL JUSTICE AGENCY THAT HAS DUTIES UNDER THIS ARTICLE;"

Page 8, strike line 1.

Page 8, after line 6 insert:

"(1.6) THE RIGHT TO BE INFORMED OF THE EXISTENCE OF A CRIMINAL PROTECTION ORDER UNDER SECTION 18-1-1001, C.R.S., OR SECTION 19-2-707, C.R.S., AND, UPON REQUEST OF THE VICTIM, INFORMATION ABOUT PROVISIONS THAT MAY BE ADDED OR MODIFIED, AND THE PROCESS FOR REQUESTING SUCH AN ADDITION OR MODIFICATION."

Page 8, line 19, strike "(6) (a)," and substitute "(9) (f), (9) (g),".

Page 8, line 21, strike "add," and substitute "add (9) (h),".

Page 8, strike lines 24 through 27.

Page 9, strike lines 1 through 13.

Page 9, after line 13 insert:

"**crimes.** (9) The district attorney and any law enforcement agency shall inform each victim as to the availability of the following services:

(f) Interpretation services and information printed in languages other than the English language; and

(g) Child care services to enable a victim or the victim's immediate family to give testimony or otherwise cooperate in the prosecution of a criminal proceeding; AND

(h) THE EXISTENCE OF A CRIMINAL PROTECTION ORDER UNDER SECTION 18-1-1001, C.R.S., OR SECTION 19-2-707, C.R.S., AND, UPON REQUEST OF THE VICTIM, INFORMATION ABOUT PROVISIONS THAT MAY BE ADDED OR MODIFIED AND THE PROCESS FOR REQUESTING SUCH AN ADDITION OR MODIFICATION."

Page 14, line 1, strike "THE VICTIM".

Page 14, strike lines 2 through 5.

Page 15, strike lines 20 through 27.

Page 16, strike lines 1 and 2 and substitute:

"**SECTION 4.** In Colorado Revised Statutes, 24-4.1-108, **repeal** (1) (f) as follows:

24-4.1-108. Awarding compensation. (1) A person is entitled to an award of compensation under this part 1 if:

(f) ~~The application for an award of compensation under this part~~

~~It is filed with the board within one year of the date of injury to the victim or within such further extension of time as the board, for good cause shown, allows."~~

MESSAGE FROM THE HOUSE

March 12, 2012

The House has adopted and returns herewith SJR12-015.

MESSAGE FROM THE REVISOR OF STATUTES

March 12, 2012

We herewith transmit:

Without comment, as amended, HB12-1116, 1146, and 1226.
Without comment, as amended, SB12-020.

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-015.
Correctly Reengrossed: SB12-128.
Correctly Revised: HB12-1033, 1095, 1114, 1124, 1169, 1207 and 1288.
Correctly Rerevised: HB12-1008 and 1047.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SJR12-018 by Senator(s) Boyd; also Representative(s) Pabon--Concerning honoring Coloradans living with multiple sclerosis, and, in connection therewith, recognizing March 14 as "Multiple Sclerosis Awareness Day".

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

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:

HB12-1288 by Representative(s) Murray; also Senator(s) Bacon--Concerning the administration of information technology projects in state government.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Newell and Williams S.

HB12-1169 by Representative(s) Gardner B. and Duran; also Senator(s) Brophy and Morse--Concerning a clarification of the circumstances under which voting to elect leadership of a public body may be held by secret ballot in accordance with the state open meetings law.

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: King S.

HB12-1207 by Representative(s) Labuda, Bradford, Fields, Gardner B., Lee, Swerdfeger, Szabo; also Senator(s) Aguilar--Concerning the repeal of the advisory committee on covering all children in Colorado.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Cadman and Lundberg.

HB12-1095 by Representative(s) Waller; also Senator(s) Newell--Concerning electronic court documents.

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: King S.

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:

HB12-1033 by Representative(s) Swalm; also Senator(s) Newell--Concerning conditions on the authority of the director of the division of workers' compensation to impose administrative fines as a result of compliance audits finding instances of late reporting of injuries under the "Workers' Compensation Act of Colorado".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Cadman, Jahn and White.

HB12-1114 by Representative(s) Hamner; also Senator(s) Schwartz--Concerning the crime of stalking.

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

HB12-1124 by Representative(s) Massey, Fields, Hamner, Holbert, Levy, Peniston; also Senator(s) Johnston--Concerning a study of digital learning in Colorado.

A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on Legislative Council.

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

HB12-1104 by Representative(s) Swerdfeger, Acree, Conti, Hullinghorst, Kagan, Kefalas, Pabon, Swalm; also Senator(s) Giron--Concerning a change to the voluntary contribution designation benefiting the Colorado breast and women's reproductive cancers fund, and, in connection therewith, changing the name of the fund to the Colorado cancer fund and expanding the purpose of the fund to include furtherance of the Colorado Cancer Coalition's work on behalf of the cancer community.

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

HB12-1065 by Representative(s) Lee; also Senator(s) Nicholson--Concerning the deadline for an advanced practice nurse who was granted prescriptive authority prior to July 1, 2010, to develop an articulated plan for purposes of retaining prescriptive authority.

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 Guzman, 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	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1104, HB12-1065.

Committee of the Whole	On motion of Senator Guzman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Guzman was called to the chair to act as Chairman.	1 2 3 4
GENERAL ORDERS -- SECOND READING OF BILLS		5 6
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:		7 8 9 10
SB12-134	by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; also Representative(s) Acree--Concerning financial assistance in Colorado hospitals. Laid over until Wednesday, March 14, retaining its place on the calendar.	11 12 13 14 15 16 17
SB12-127	by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs. Laid over until Wednesday, March 14, retaining its place on the calendar.	18 19 20 21 22 23 24
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 Wednesday, March 14, retaining its place on the calendar.	25 26 27 28 29 30 31
HB12-1151	by Representative(s) McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.; also Senator(s) King S.--Concerning the trafficking of human beings. <u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, March 8, page 403 and placed in members' bill files.) As amended, ordered revised and placed on the calendar for third reading and final passage.	32 33 34 35 36 37 38 39 40 41
HB12-1028	by Representative(s) Gerou; also Senator(s) Steadman--Concerning the continuation of energy-related assistance to low-income households from the operational account of the severance tax trust fund. Ordered revised and placed on the calendar for third reading and final passage.	42 43 44 45 46 47 48
HB12-1072	by Representative(s) Massey and Fields, Holbert; also Senator(s) Bacon and King K., Hudak--Concerning credit for prior learning in higher education. Ordered revised and placed on the calendar for third reading and final passage.	49 50 51 52 53 54
HB12-1029	by Representative(s) Holbert; also Senator(s) Scheffel--Concerning an economic stimulus through a property tax exemption for business personal property, and, in connection therewith, enacting the "Save Colorado Jobs Act". Ordered revised and placed on the calendar for third reading and final passage.	55 56 57 58 59 60 61
HB12-1002	by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the rules of state agencies applicable to applications for permits. Laid over until Wednesday, March 14, retaining its place on the calendar.	62 63 64 65 66 67

SB12-001	by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract.	1 2 3 4 5 6 7 8
	Laid over until Wednesday, March 14, retaining its place on the calendar.	9
SB12-086	by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado.	10 11 12 13 14
	Laid over until Wednesday, March 14, retaining its place on the calendar.	15
SB12-109	by Senator(s) Johnston; also Representative(s) Coram--Concerning requirements governing the regular maintenance of voter registration lists.	16 17 18 19 20
	Laid over until Wednesday, March 14, retaining its place on the calendar.	21
HB12-1034	by Representative(s) Looper, Fischer, Hamner, Jones, Ramirez, Tyler, Vaad, Young; also Senator(s) Spence, Hudak, King S., Williams S.--Concerning continuing the processors and end users fund that encourages recycling of waste tires, and, in connection therewith, making an appropriation.	22 23 24 25 26 27 28 29 30 31 32 33 34 35
	<u>Amendment No. 1, Transportation Committee Amendment.</u> (Printed in Senate Journal, February 29, pages 325-326 and placed in members' bill files.)	36 37 38 39 40 41
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, March 9, pages 412-413 and placed in members' bill files.)	42 43 44 45 46 47 48
	As amended, ordered revised and placed on the calendar for third reading and final passage.	49 50 51 52 53 54 55
HB12-1061	by Representative(s) Kagan; also Senator(s) Newell--Concerning requiring a report of the correlation between the educational credentials issued and the state's workforce needs.	56 57 58 59 60 61 62 63 64 65
	Ordered revised and placed on the calendar for third reading and final passage.	
SB12-124	by Senator(s) Harvey, Scheffel, Aguilar, Carroll, Foster, Giron, Jahn, Lambert, Newell, Schwartz; --Concerning the elimination of the limit on the number of regional tourism projects that the Colorado economic development commission may approve.	
	Laid over until Wednesday, March 14, retaining its place on the calendar.	
SB12-132	by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits.	
	Laid over until Wednesday, March 14, retaining its place on the calendar.	
HB12-1216	by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--Concerning the financing of the division of motor vehicles in the department of revenue, and, in connection therewith, making and reducing appropriations.	
	Ordered revised and placed on the calendar for third reading and final passage.	

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Guzman, 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: HB12-1151 as amended, HB12-1028, HB12-1072, HB12-1029, HB12-1034 as amended, HB12-1061, HB12-1216.
Laid over until Wednesday, March 14: SB12-134, SB12-127, SB12-070, HB12-1002, SB12-001, SB12-086, SB12-109, SB12-124, SB12-132.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

effective February 2, 2012 for terms expiring February 12, 2015:

Phyllis "Diane" Hoppe of Broomfield, Colorado, to serve as a representative of the South Platte drainage basin and as a Republican, appointed;

David H. "Ty" Wattenberg of Walden, Colorado, to serve as a representative of the North Platte drainage basin and as a Republican, appointed;

John Hawkins McClow of Gunnison, Colorado, to serve as a representative of the Gunnison-Uncompahgre drainage basin and as an Unaffiliated, 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		

SENATE RECEDES ON HB12-1212

HB12-1212 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the designation of an on-line education program as a multi-district program if
the program is authorized by a board of cooperative services.

Senator Hodge moved that the that the Senate recede from its position on HB12-1212.
The motion was 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		

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 **repassed**.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1013, 1018, 1071, 1077, 1079, 1117, 1120, 1127, 1139,
1231.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, March 12, 2012, at 11:27 a.m.:
SB12-029, 042 and 048.

INTRODUCTION OF BILLS -- FIRST READING

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

		1
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		5
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.	6
	Local Government	7
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HB12-1026	by Representative(s) Coram; also Senator(s) Roberts--Concerning peace officer status for certain municipality prosecuting attorneys.	12
	Judiciary	13
		14
		15
		16
HB12-1036	by Representative(s) Kerr J.; also Senator(s) Boyd--Concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files.	17
	Judiciary	18
		19
		20
HB12-1063	by Representative(s) Ramirez; also Senator(s) Schwartz--Concerning the state veterans nursing home at Homelake, Colorado.	21
	State, Veterans & Military Affairs	22
		23
		24
		25
HB12-1083	by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning maintenance of the current fee structure on certain feeding operations under the "Colorado Water Quality Control Act".	26
	Agriculture, Natural Resources, and Energy	27
		28
		29
		30
		31
HB12-1126	by Representative(s) Gerou; also Senator(s) Roberts--Concerning on-site wastewater treatment systems, and, in connection therewith, making an appropriation.	32
	Health and Human Services	33
		34
		35
		36
HB12-1175	by Representative(s) Stephens; also Senator(s) Cadman--Concerning the encouragement of a state agency to pursue Colorado-specific solutions in lieu of federal regulation whenever possible, and, in connection therewith, requiring a state agency to report annually regarding opportunities for waiver from newly adopted federal regulations.	37
	Health and Human Services	38
		39
		40
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		43
HB12-1220	by Representative(s) Becker; also Senator(s) Bacon--Concerning changes to the governance structure of the board of governors of the Colorado state university system, and, in connection therewith, establishing the governance structure for Colorado state university - global campus.	44
	Education	45
		46
		47
		48
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HB12-1228	by Representative(s) DelGrosso, McCann; also Senator(s) Steadman--Concerning criminal background checks for neighborhood youth organizations seeking to obtain a license.	51
	Business, Labor and Technology	52
		53
		54
		55
HB12-1236	by Representative(s) Summers, Holbert; also Senator(s) Jahn, Boyd--Concerning the regulation of charitable solicitations, and, in connection therewith, making an appropriation.	56
	Finance	57
		58
		59
		60
HB12-1262	by Representative(s) Gardner B.; also Senator(s) Roberts--Concerning enactment of amendments to the secured transactions provisions of the "Uniform Commercial Code".	61
	Judiciary	62
		63
		64
		65
		66
		67

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.	1
	Finance	2
		3
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		5
		6
HB12-1304	by Representative(s) Barker; also Senator(s) Newell--Concerning measures to prevent organized retail theft.	7
	Business, Labor and Technology	8
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	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 13 was laid over until Wednesday, March 14, retaining its place on the calendar.	14
		15
		16
		17
	Consideration of Resolutions: SJR12-006, HJR12-1004.	18
	Consideration of Memorials: SJM12-001, SM12-002.	19
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	On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 14, 2012.	24
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	Approved:	27
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	Brandon C. Shaffer	31
	President of the Senate	32
		33
	Attest:	34
		35
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		37
	Cindi L. Markwell	38
	Secretary of the Senate	39

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

64th Legislative DayWednesday, March 14, 2012

Prayer By the chaplain, Father Eamon Kelly, Pontifical Institute of Notre Dame, Jerusalem, Israel.

Call to Order By the President at 9:00 a.m.

Pledge By Senator White.

Roll Call Present--33
Excused--2, Mitchell, Spence.
Present later--1, Spence.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Tuesday, March 13, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SJR12-018.
Correctly Revised: HB12-1028, 1029, 1034, 1061, 1065, 1072, 1104, 1151 and 1216.
Correctly Rerevised: HB12-1033, 1095, 1169, 1207 and 1288.

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:

HB12-1104 by Representative(s) Swerdfeger, Acree, Conti, Hullinghorst, Kagan, Kefalas, Pabon, Swalm; also Senator(s) Giron--Concerning a change to the voluntary contribution designation benefiting the Colorado breast and women's reproductive cancers fund, and, in connection therewith, changing the name of the fund to the Colorado cancer fund and expanding the purpose of the fund to include furtherance of the Colorado Cancer Coalition's work on behalf of the cancer community.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Jahn, King S., Morse, Newell, Nicholson, Tochtrop and Williams S.

HB12-1065 by Representative(s) Lee; also Senator(s) Nicholson--Concerning the deadline for an advanced practice nurse who was granted prescriptive authority prior to July 1, 2010, to develop an articulated plan for purposes of retaining prescriptive authority.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Cadman, Foster, Giron, Hodge, Jahn, Johnston, Lundberg, Newell, Schwartz, Steadman, Tochtrop, White and Williams S.

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:

HB12-1114 by Representative(s) Hamner; also Senator(s) Schwartz--Concerning the crime of stalking.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

HB12-1151 by Representative(s) McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.; also Senator(s) King S.--Concerning the trafficking of human beings.

Laid over until Thursday, March 15, retaining its place on the calendar.

HB12-1028 by Representative(s) Gerou; also Senator(s) Steadman--Concerning the continuation of energy-related assistance to low-income households from the operational account of the severance tax trust fund.

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

YES	24	NO	10	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	E	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Heath, Hudak, Jahn, Johnston, King S., Morse, Newell, Schwartz, Tochtrop and Williams S.

HB12-1072 by Representative(s) Massey and Fields, Holbert; also Senator(s) Bacon and King K., Hudak--Concerning credit for prior learning in higher education.

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

YES	33	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	*	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	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		

* Abstaining from voting under Senate Rule 17(c) -- Senator Lambert.

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

Co-sponsors added: Aguilar, Boyd, Cadman, Giron, Grantham, Guzman, Heath, Hodge, Jahn, Johnston, King S., Lambert, Neville, Newell, Renfroe, Roberts, Schwartz, Shaffer B., Spence, Tochtrop, White and Williams S.

HB12-1029 by Representative(s) Holbert; also Senator(s) Scheffel--Concerning an economic stimulus through a property tax exemption for business personal property, and, in connection therewith, enacting the "Save Colorado Jobs Act".

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Cadman, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Neville, Newell, Renfroe, Roberts, Shaffer B., Spence, Tochtrop and Williams S.

HB12-1034 by Representative(s) Looper, Fischer, Hamner, Jones, Ramirez, Tyler, Vaad, Young; also Senator(s) Spence, Hudak, King S., Williams S.--Concerning continuing the processors and end users fund that encourages recycling of waste tires, and, in connection therewith, making an appropriation.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Heath and Jahn.

HB12-1061 by Representative(s) Kagan; also Senator(s) Newell--Concerning requiring a report of the correlation between the educational credentials issued and the state's workforce needs.

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

YES	25	NO	9	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	E	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Heath, Hodge, Hudak, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

HB12-1216 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman-- Concerning the financing of the division of motor vehicles in the department of revenue, and, in connection therewith, making and reducing appropriations.

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

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	E	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.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-019 by Senator(s) Brophy, Schwartz; also Representative(s) McKinley--Concerning the contribution of wind energy to Colorado's economy.

On motion of Senator Brophy, the resolution was **adopted** by the following roll call vote:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Morse, Newell, Nicholson, Shaffer B., Steadman and Williams S.

SJR12-018 by Senator(s) Boyd; also Representative(s) Pabon--Concerning honoring Coloradans living with multiple sclerosis, and, in connection therewith, recognizing March 14 as "Multiple Sclerosis Awareness Day".

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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

Senator Aguilar moved that the Senate not concur in House amendments to **SB12-020**, as printed in House journal, March 9, pages 589-591, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

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	E	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 President appointed Senators Aguilar, chair, Carroll, Roberts as Senate conferees on the first conference committee on **SB12-020**.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **HB12-1229** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government After consideration on the merits, the Committee recommends that **HB12-1094** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government After consideration on the merits, the Committee recommends that **HB12-1285** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Trans- portation After consideration on the merits, the Committee recommends that **HB12-1012** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 12 through 15 and substitute:

"(I) FOR A PROJECT ADMINISTERED OR OVERSEEN BY THE DEPARTMENT OF TRANSPORTATION, FIFTY THOUSAND DOLLARS;".

Trans- portation	After consideration on the merits, the Committee recommends that HB12-1030 be postponed indefinitely.	1 2 3 4
Finance	After consideration on the merits, the Committee recommends that SB12-150 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend printed bill, page 6, line 18, after "OTHER" insert "CONTRACT, AGREEMENT, OR". Page 6, line 19, after "BY" insert "OR IN SUPPORT OF SUCH OBLIGATIONS OF". Page 6, line 23, after "OTHER" insert "CONTRACT, AGREEMENT, OR". Page 6, line 24, after "BY" insert "OR IN SUPPORT OF SUCH OBLIGATIONS OF". Page 14, line 18, strike "EQUAL". Page 14, line 19, strike "TO" and substitute "DETERMINED BY THE STATE TREASURER NOT TO EXCEED". Page 15, line 5, strike "THE" and substitute "TO THE EXTENT PERMITTED BY BOND COUNSEL, THE".	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28
Finance	After consideration on the merits, the Committee recommends that HB12-1178 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	29 30 31 32 33
Finance	After consideration on the merits, the Committee recommends that SB12-149 be referred to the Committee of the Whole with favorable recommendation.	34 35 36 37 38 39
<hr/>		40 41 42 43
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 Wednesday, March 14 was laid over until Thursday, March 15, retaining its place on the calendar.		44 45 46 47 48 49
General Orders -- Second Reading of Bills: SB12-134, SB12-127, SB12-070, HB12-1002, SB12-001, SB12-086, SB12-109, SB12-124, SB12-132. Consideration of Resolutions: SJR12-006, HJR12-1004. Consideration of Memorials: SJM12-001, SM12-002.		50 51 52 53 54 55
<hr/>		56 57 58 59 60 61 62 63 64 65 66 67 68 69
TRIBUTES		
Honoring:		
Sergeant Anderson Alec -- by Senators Cadman and Shaffer. Specialist Arrand Brain Alan -- by Senators Cadman and Shaffer. Staff Sergeant Arreola Matthew David -- by Senators Cadman and Shaffer. Sergeant Behr John Allen -- by Senators Cadman and Shaffer. Specialist Black Paul Eugene Jr -- by Senators Cadman and Shaffer. Specialist Bronson Alexander Jay -- by Senators Cadman and Shaffer. Specialist Brown Blake Jared -- by Senators Cadman and Shaffer. Sergeant Brown Christopher Laurence - by Senators Cadman and Shaffer. Sergeant Borden Brian Gene -- by Senators Cadman and Shaffer. Specialist Bradley Keith D -- by Senators Cadman and Shaffer. Sergeant Burbank Andrea M -- by Senators Cadman and Shaffer. Specialist Calvert Dustin R -- by Senators Cadman and Shaffer. Specialist Carter Charles N -- by Senators Cadman and Shaffer. Specialist Chacon Erin L -- by Senators Cadman and Shaffer.		

Staff Sergeant Chacon Jose Ramon -- by Senators Cadman and Shaffer.	1
Sergeant Coonts Matthew Paul -- by Senators Cadman and Shaffer.	2
Specialist Corbett Douglas Sean -- by Senators Cadman and Shaffer.	3
Sergeant First Class Cordell Clifford Eugene -- by Senators Cadman and Shaffer.	4
Sergeant Crumpacker Jacob Adam -- by Senators Cadman and Shaffer.	5
Specialist Daugherty Michael -- by Senators Cadman and Shaffer.	6
Staff Sergeant Davis Steven R -- by Senators Cadman and Shaffer.	7
Specialist Dawson Patrick M -- by Senators Cadman and Shaffer.	8
Specialist Debaugh Andrew Ryan -- by Senators Cadman and Shaffer.	9
Specialist Dilullo Dominick M -- by Senators Cadman and Shaffer.	10
Sergeant Dorais Shane Robert -- by Senators Cadman and Shaffer.	11
Sergeant Duffield Steven M -- by Senators Cadman and Shaffer.	12
Specialist Duran Anthony S -- by Senators Cadman and Shaffer.	13
Staff Sergeant Dwelle Eric J -- by Senators Cadman and Shaffer.	14
Specialist Echeverri Elkin Fernando -- by Senators Cadman and Shaffer.	15
Staff Sergeant Eddings Gerald Wayne -- by Senators Cadman and Shaffer.	16
Specialist Edwards Michael Jon -- by Senators Cadman and Shaffer.	17
Specialist Ekwall Caleb J -- by Senators Cadman and Shaffer.	18
Specialist Estes Cole D -- by Senators Cadman and Shaffer.	19
Private First Class Gambrell Lacree L -- by Senators Cadman and Shaffer.	20
Sergeant Golden Benjamin Levi -- by Senators Cadman and Shaffer.	21
Sergeant Good Bryan -- by Senators Cadman and Shaffer.	22
Staff Sergeant Graves Eric Lynn -- by Senators Cadman and Shaffer.	23
Staff Sergeant Guthmiller Melissa R -- by Senators Cadman and Shaffer.	24
Sergeant First Class Hall Earl Anthony -- by Senators Cadman and Shaffer.	25
Sergeant Han Young Tek -- by Senators Cadman and Shaffer.	26
Specialist Harper Deighton M -- by Senators Cadman and Shaffer.	27
2 Lieutenant Harris Daniel J - by Senators Cadman and Shaffer.	28
Specialist Hart Zachary T -- by Senators Cadman and Shaffer.	29
Specialist Heck William M -- by Senators Cadman and Shaffer.	30
Specialist Heffner Barry J -- by Senators Cadman and Shaffer.	31
Specialist Hill William Dean -- by Senators Cadman and Shaffer.	32
Sergeant Hillary Daniel Paul -- by Senators Cadman and Shaffer.	33
Specialist Hislop Ronny Angel -- by Senators Cadman and Shaffer.	34
Sergeant First Class Hoffman Harvey L -- by Senators Cadman and Shaffer.	35
Specialist Horton Aaron B -- by Senators Cadman and Shaffer.	36
Captain Hunter Mark Leonard -- by Senators Cadman and Shaffer.	37
Specialist Hyatt Corey J -- by Senators Cadman and Shaffer.	38
Private First Class Im Johnny -- by Senators Cadman and Shaffer.	39
Specialist Jenkins Daniel E -- by Senators Cadman and Shaffer.	40
Specialist Johnson Kyle Leonard -- by Senators Cadman and Shaffer.	41
Sergeant Johnston Joseph Phillip -- by Senators Cadman and Shaffer.	42
Private First Class Jones Christopher -- by Senators Cadman and Shaffer.	43
Specialist Juarez Jesse J -- by Senators Cadman and Shaffer.	44
Sergeant Justesen Erik -- by Senators Cadman and Shaffer.	45
Specialist Keck Jason -- by Senators Cadman and Shaffer.	46
Specialist Kennedy Joseph E -- by Senators Cadman and Shaffer.	47
Sergeant Kim Daniel J -- by Senators Cadman and Shaffer.	48
Specialist Klouzek Aleisha Leigh -- by Senators Cadman and Shaffer.	49
Sergeant Langston Clayton Hale -- by Senators Cadman and Shaffer.	50
Sergeant Lasalle Efrain Michael -- by Senators Cadman and Shaffer.	51
Specialist Lavelle Joseph D -- by Senators Cadman and Shaffer.	52
Private First Class Leong Naomi M -- by Senators Cadman and Shaffer.	53
1 Lieutenant Lewis Anna Laura -- by Senators Cadman and Shaffer.	54
1 Lieutenant Lojewski Mark E -- by Senators Cadman and Shaffer.	55
Specialist Machamer Kraig W -- by Senators Cadman and Shaffer.	56
Specialist Mangold Andrew Laurence -- by Senators Cadman and Shaffer.	57
Staff Sergeant Martin Barry J -- by Senators Cadman and Shaffer.	58
Specialist Martinez Benjamin J -- by Senators Cadman and Shaffer.	59
Sergeant Martinez Gabriel P -- by Senators Cadman and Shaffer.	60
Specialist Mastin Phillip Neal -- by Senators Cadman and Shaffer.	61
Specialist Mcatee Matthew -- by Senators Cadman and Shaffer.	62
Staff Sergeant Mcgee John B -- by Senators Cadman and Shaffer.	63
Sergeant Mendoza Ryan M -- by Senators Cadman and Shaffer.	64
Sergeant Moore Derek Allan -- by Senators Cadman and Shaffer.	65
Sergeant Murten Amy Rose -- by Senators Cadman and Shaffer.	66
Specialist Muth Samuel M -- by Senators Cadman and Shaffer.	67
Specialist Ngo John V -- by Senators Cadman and Shaffer.	68
Specialist Ocampo Donald Marino -- by Senators Cadman and Shaffer.	69

- Specialist Orthwein Charles F -- by Senators Cadman and Shaffer. 1
- Sergeant First Class Pallone Kenneth W -- by Senators Cadman and Shaffer. 2
- 1 Lieutenant Pederson Lawrence Gene -- by Senators Cadman and Shaffer. 3
- Private First Class Rangel Roberto C -- by Senators Cadman and Shaffer. 4
- Specialist Rau Daryl R -- by Senators Cadman and Shaffer. 5
- Specialist Reese Edwin Gary -- by Senators Cadman and Shaffer. 6
- Specialist Rojo Michael W -- by Senators Cadman and Shaffer. 7
- Sergeant First Class Romero Christopher W -- by Senators Cadman and Shaffer. 8
- Specialist Ruffley Kurt Erik -- by Senators Cadman and Shaffer. 9
- Specialist Russell Joe D -- by Senators Cadman and Shaffer. 10
- Specialist Seibel Joel P -- by Senators Cadman and Shaffer. 11
- Specialist Sell Lee Ryan -- by Senators Cadman and Shaffer. 12
- Specialist Sharrock Travis A -- by Senators Cadman and Shaffer. 13
- Private First Class Silva Abisai J -- by Senators Cadman and Shaffer. 14
- Specialist Sly Jonathan R -- by Senators Cadman and Shaffer. 15
- Sergeant Sotomayor Johnny -- by Senators Cadman and Shaffer. 16
- Sergeant First Class Sours Anthony Allan -- by Senators Cadman and Shaffer. 17
- Staff Sergeant Sours Tresa Lynnette -- by Senators Cadman and Shaffer. 18
- Specialist Speaks Joseph R -- by Senators Cadman and Shaffer. 19
- Specialist Strzebala Richard N -- by Senators Cadman and Shaffer. 20
- Sergeant Studdard Paul William -- by Senators Cadman and Shaffer. 21
- Sergeant Sturchio Nathan Joel -- by Senators Cadman and Shaffer. 22
- Specialist Tautges Christopher Wayne -- by Senators Cadman and Shaffer. 23
- Sergeant Thomas Elizabeth Diana -- by Senators Cadman and Shaffer. 24
- Specialist Tilton Daniel A -- by Senators Cadman and Shaffer. 25
- Specialist Turner Trevor Alexander -- by Senators Cadman and Shaffer. 26
- Corporal Borden, Amie M - by Senators Cadman and Shaffer. 27
- Private First Class Vasquez Vicente F -- by Senators Cadman and Shaffer. 28
- Private First Class Villanueva Hijinio E -- by Senators Cadman and Shaffer. 29
- Staff Sergeant Vincent David Matthew -- by Senators Cadman and Shaffer. 30
- Specialist Walsh Nicholas Frank -- by Senators Cadman and Shaffer. 31
- Sergeant Widener Jeremy T -- by Senators Cadman and Shaffer. 32
- Specialist Williams Jordan P -- by Senators Cadman and Shaffer. 33
- Sergeant Wiroll Charles Arthur -- by Senators Cadman and Shaffer. 34
- Specialist Zamarripa Jamie -- by Senators Cadman and Shaffer. 35

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 15, 2012. 40

Approved: 43

Brandon C. Shaffer 47
President of the Senate 48

Attest: 50

Cindi L. Markwell 54
Secretary of the Senate 55

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

65th Legislative Day Thursday, March 15, 2012

Prayer By the chaplain, Pastor Michael Dent, Trinity United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator White.

Roll Call Present--34
Excused--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Wednesday, March 14, 2012 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-154** 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 8, strike "THE" and substitute "EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, THE".

Page 3, line 12, after the period add "THE STATE LICENSING AUTHORITY SHALL NOT ACT ON ANY APPLICATIONS MADE UNDER THIS SECTION UNTIL JULY 1, 2012. AN APPROVED TRAINING PROGRAM DESIGNATION SHALL BE VALID FOR TWO YEARS FROM THE DATE IT IS ISSUED.".

Page 4, after line 14 insert:
"(4) THE STATE LICENSING AUTHORITY SHALL NOT APPROVE A TRAINING PROGRAM OFFERED BY:
(a) A PERSON WITH A FINANCIAL INTEREST IN A BUSINESS LICENSED OR APPLYING FOR LICENSE PURSUANT TO ARTICLE 43.3 OF TITLE 12;
(b) A PERSON WHO IN THE PREVIOUS TWO YEARS WAS AN EMPLOYEE OF A BUSINESS LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12;
(c) A PERSON WHO IN THE PREVIOUS TWO YEARS WAS AN EMPLOYEE OF AN ASSOCIATION OF BUSINESSES LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12 OR AN EMPLOYEE OF AN ORGANIZATION FOR EMPLOYEES OF BUSINESSES LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12;
(d) A PERSON WHO WAS EMPLOYED TO APPROVE PROGRAMS UNDER THIS SECTION; OR
(e) A PERSON WHO IS NOT A RESIDENT OF THE STATE OF COLORADO.".

Judiciary After consideration on the merits, the Committee recommends that **HB12-1125** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike line 5 and substitute:

"(II) TO THE EXTENT PRACTICABLE, WITHIN SEVENTY-TWO".

Page 3, line 7, strike "AN" and substitute "UPON REQUEST FROM THE OWNER OR CUSTODIAN OF THE IMPOUNDED ANIMAL, THE".

Page 3, line 9, strike "ANIMAL," and substitute "ANIMAL AT A TIME AND PLACE SELECTED BY THE IMPOUND AGENCY,".

Page 3, line 11, strike "FOLLOWING SUCH".

Page 3, strike lines 12 through 18.

Page 4, strike line 12 and substitute "REASONABLE AND NECESSARY, WHICH COSTS SHALL BE SPECIFICALLY ITEMIZED BY THE IMPOUND AGENCY PRIOR TO THE DATE OF THE HEARING AND SHALL INCLUDE, AT A MINIMUM, AN ACCOUNTING OF THE COSTS OF UPKEEP AND VETERINARY SERVICES;".

Page 4, after line 25 insert:

"(V) THE JUDGE PRESIDING OVER AN IMPOUNDMENT HEARING CONDUCTED UNDER THIS PARAGRAPH (c) MAY, IN THE JUDGE'S DISCRETION, WAIVE ALL OR A PORTION OF THE IMPOUNDMENT, CARE, AND PROVISION COSTS UPON MAKING A DETERMINATION THAT THE OWNER OR CUSTODIAN OF THE IMPOUNDED ANIMAL IS INDIGENT. THE JUDGE MAY ALSO, IN HIS OR HER DISCRETION, MAKE ARRANGEMENTS FOR PERIODIC PAYMENTS BY AN OWNER OR CUSTODIAN.".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB12-1041** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 5, before "HEALTH" insert "HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE".

Page 3, line 7, strike "ITS SUCCESSOR COMMITTEE," and substitute "THEIR SUCCESSOR COMMITTEES,".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB12-1052** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

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

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

(a) It is important for the state of Colorado to collect accurate and up-to-date health care professional data on a statewide basis in order to determine the medically underserved areas of the state and to accurately guide the education and training needs for health care professionals in this state;

(b) In order to successfully collect the needed data, the department of regulatory agencies and the department public health and environment need to work together.

(2) Therefore, it is the intent of the general assembly to encourage the department of regulatory agencies and the department of public health and environment to work together in a timely manner to accomplish the goals of collecting and analyzing health care professional data in order to help meet the health care professional needs for all of Colorado.".

Renumber succeeding sections accordingly.

Page 2, line 20, strike "DATA, AS" and substitute "DATA".

Page 3, line 1, strike "SECTION, CONCERNING:" and substitute "SECTION. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS HAS FINAL APPROVAL AUTHORITY REGARDING THE FORM AND MANNER OF THE DATA COLLECTED. THE DATA COLLECTED CONCERNS:".

Page 3, line 14, after the comma insert "THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES,".

Page 3, line 27, after the period insert "THE DIRECTOR OF THE DIVISION OF REGISTRATIONS HAS FINAL APPROVAL AUTHORITY REGARDING THE STRUCTURE OF THE DATA ELEMENTS.".

Page 5, after line 11 insert:

"**SECTION 4.** In Colorado Revised Statutes, 25-3-103.7, **amend** (6) as follows:

25-3-103.7. Employment of physicians - when permissible - conditions - definitions. (6) When applying for initial facility licensure and upon each application for license renewal, every health care facility licensed or certified by the department that employs a physician shall report to the department the number of physicians on the health care facility's medical staff. The report shall separately identify the number of ~~such~~ THOSE physicians who are employed by the health care facility under separate contract to the health care facility and independent of the health care facility. ~~A health care facility that is a FQHC, rural health clinic, school-based health center, or PACE organization that employs a physician shall report the information required by this subsection (6) to the department by January 1 of each year."~~

Renumber succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-155** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 11, after "DATE" insert "EITHER".

Page 5, line 14, strike "SECTION 1-10-105 (1)" and substitute "SECTION 1-11-103, 1-11-104, 1-11-105,".

Page 5, line 15, strike "APPLICABLE." and substitute "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.".

Page 5, strike lines 16 through 27 and substitute:

"(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".

Page 6, line 6, after "BALLOTS." add "EXCEPT AS SPECIFIED IN THIS PARAGRAPH (b), NOTHING IN THIS SECTION IS INTENDED NOR OTHERWISE SHALL BE CONSTRUED TO AFFECT THE CONDUCT OF A RECOUNT AS PROVIDED BY LAW OR THE RIGHTS OF AN INTERESTED PARTY IN CONNECTION WITH SUCH RECOUNT.".

MESSAGE FROM THE HOUSE

March 14, 2012
The House has postponed indefinitely SB12-058. The bill is returned herewith.
The House has adopted and returns herewith SJR12-019, SJR12-018.

SENATE SERVICES REPORT

Correctly Printed: SJR12-019.
Correctly Engrossed: SJR12-018 and 019.
Correctly Rerevised: HB12-1028, 1029, 1034, 1061, 1065, 1072, 1104, 1114 and 1216.

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:

SB12-129

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 Friday, March 15, retaining its place on the calendar.

HB12-1151

by Representative(s) McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.; also Senator(s) King S.--Concerning the trafficking of human beings.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., Lambert, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, 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 Memorials.

CONSIDERATION OF MEMORIALS

SM12-002 by Senator(s) Foster and Steadman; --Memorializing former Senator Robert S. Wham.

On motion of Senator Steadman, the memorial was read at length.

Senate in recess. Senate reconvened.

On motion of Senator Foster, the memorial was adopted by the following roll call vote:

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop, White and Williams S.

Senate in recess. Senate reconvened.

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

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

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

HB12-1289 by Representative(s) Nikkel, DelGrosso; also Senator(s) Jahn, Cadman--Concerning complaints to the division of insurance on certain adverse actions of auto insurers.

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

HB12-1206 by Representative(s) Acree, Baumgardner, Becker, Ramirez, Scott, Solano; also Senator(s) Morse--Concerning the implementation of sunset review of the cold case task force.

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

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	E	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	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1289, HB12-1206.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB12-127 by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 1, page 342 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Newell.

Amend printed bill, page 5, after line 17 insert:

"(5) DUALY ELIGIBLE CLIENTS MAY VOLUNTARILY ELECT TO PARTICIPATE IN A RECOGNIZED MEDICARE COORDINATED CARE SYSTEM AND MAY VOLUNTARILY ELECT TO PARTICIPATE IN THE STATE DEPARTMENT'S MEDICAID COORDINATED CARE SYSTEM."

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

SB12-109 by Senator(s) Johnston; also Representative(s) Coram--Concerning requirements governing the regular maintenance of voter registration lists.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 23, page 233 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 9, page 412 and placed in members' bill files.)

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

SB12-124 by Senator(s) Harvey, Scheffel, Aguilar, Carroll, Foster, Giron, Jahn, Lambert, Newell, Schwartz; --Concerning the elimination of the limit on the number of regional tourism projects that the Colorado economic development commission may approve.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 9, page 413 and placed in members' bill files.)

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

HB12-1070 by Representative(s) Peniston; also Senator(s) Hodge--Concerning the modification of statutory provisions governing the ethical conduct of persons involved in government for the purpose of harmonizing such provisions with section 3 (5) of article XXIX of the state constitution.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 13, page 469 and placed in members' bill files.)

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

HB12-1085 by Representative(s) Fields; also Senator(s) Carroll and Hudak--Concerning an exception to the hearsay rule to allow testimony from persons with developmental disabilities.

Ordered revised 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 (SB12-134, SB12-070, HB12-1002, SB12-001, SB12-086, SB12-132, HB12-1053) of Thursday, March 15 was laid over until Friday, March 16 retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	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	E	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: SB12-127 as amended, SB12-109 as amended, SB12-124 as amended, HB12-1070 as amended, HB12-1085.
Laid over until Friday, March 16: SB12-134, SB12-070, HB12-1002, SB12-001, SB12-086, SB12-132, HB12-1053.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, March 14, 2012 at 2:16 p.m.:
SB12-024, 037, 097, 111, 112, 113, 114 and 115.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for the Recall of SB12-116. The roll call was taken with the following result:

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	E	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		

RECALL OF SB12-116

SB12-116 by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown, Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection therewith, establishing a misdemeanor penalty for possession of a cathinone.

Senator Morse moved for recall of **SB12-116** from the House for purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**. The bill was ordered recalled.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB12-1116** by Representative(s) Murray, Summers, Barker, Baumgardner, Brown, Casso, Holbert, McCann, Miklosi, Williams A.; also Senator(s) Nicholson--Concerning deceptive trade practices related to time share resale transactions.
Judiciary
- HB12-1140** by Representative(s) Jones; also Senator(s) Newell--Concerning the duties of the department of public health and environment as coordinator for suicide prevention programs throughout the state.
Health and Human Services
- 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.
Education
- HB12-1215** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning changes to the "Nonadmitted Insurance Act" to conform it to the requirements of the federal "Nonadmitted and Reinsurance Reform Act of 2010".
Appropriations
- HB12-1226** by Representative(s) Barker; also Senator(s) Aguilar--Concerning a surcharge on persons convicted of crimes against at-risk persons, and, in connection therewith, making an appropriation.
Judiciary

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 Thursday, March 15 was laid over until Friday, March 16, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Request for Conference Committee: SB12-020.

MESSAGE FROM THE HOUSE

March 15, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1307.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1150, amended as printed in House Journal, March 9, pages 591-592.
HB12-1241, amended as printed in House Journal, March 12, pages 616-617.
HB12-1131, amended as printed in House Journal, March 12, page 618.
HB12-1153, amended as printed in House Journal, March 12, page 618.

The House has passed on Third Reading and returns herewith SB12-072, 079, 064, 096, 011.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB12-146, amended as printed in House Journal, March 12, page 618.
SB12-007, amended as printed in House Journal, March 12, page 618.

The House has voted to concur in the Senate amendments to HB12-1058, 1249,
1031, 1032, 1089, and has repassed the bills as so amended.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 16,
2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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

66th Legislative Day Friday, March 16, 2012

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge Lead by President Shaffer and joined by University of Colorado at Boulder school mascot Chip and University of Colorado at Colorado Springs school mascot Clyde.

Roll Call Present--34
Excused--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Thursday, March 15, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **HB12-1144** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1224** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, after line 23 insert:

"(a) LEVY ANY TAXES;"

Reletter succeeding paragraphs accordingly.

Page 5, line 27, strike "NINETEEN" and substitute "TWENTY".

Page 6, line 1, after "(a)" insert "(I)".

Page 6, line 3, strike "(I)" and substitute "(A)".

Page 6, strike line 5 and substitute "APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a);".

Page 6, line 6, strike "(II)" and substitute "(B)".

Page 6, strike lines 7 and 8 and substitute "WHO ARE APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a);".

Page 6, line 9, strike "(III)" and substitute "(C)".

Page 6, line 14, strike "(IV)" and substitute "(D)".

Page 6, strike line 15 and substitute "REGIONS, WHO ARE APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a);".

Page 6, line 16, strike "(V)" and substitute "(E)".

Page 6, line 19, strike "(VI)" and substitute "(F)".

Page 6, after line 22 insert:

"(II) FOR THE MEMBERS REPRESENTING THE ENTITIES DESCRIBED IN SUB-SUBPARAGRAPHS (A), (B), AND (D) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EACH ENTITY MAY NOMINATE ONE OR MORE PERSONS TO THE GOVERNOR FOR APPOINTMENT TO THE POSITIONS. THE GOVERNOR SHALL CONSIDER GEOGRAPHIC REPRESENTATION AND TECHNICAL EXPERTISE IN CHOOSING WHICH NOMINEES TO APPOINT. THE GOVERNOR SHALL NOTIFY THE ENTITIES IN WRITING REGARDING THE APPOINTMENTS MADE. EACH APPOINTEE SERVES AT THE PLEASURE OF THE GOVERNOR. SUCH APPOINTMENTS ARE NOT SUBJECT TO THE CONSENT OF THE SENATE."

Page 7, line 10, strike "ONE MEMBER" and substitute "TWO MEMBERS".

Page 7, line 11, strike "WHO IS" and substitute "ONE" and strike "THE" and substitute "EACH OF THE TWO".

Page 7, line 12, after "(6)" insert "(a)".

Page 7, after line 15 insert:

"(b) THE MEMBERS OF THE BOARD APPOINTED OR SELECTED PURSUANT TO PARAGRAPHS (a) AND (c) OF SUBSECTION (5) OF THIS SECTION SERVE AT THE PLEASURE OF THE APPOINTING OR SELECTING AUTHORITY."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-044** 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 the Transportation Committee Report, dated February 14, 2012, page 3, line 10, strike "MEANS." and substitute "MEANS."

Page 3, after line 10 insert:

"SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the driver's license administrative revocation account in the highway users tax fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2011, the sum of \$14,800 cash funds, or so much thereof as may be necessary, to be allocated for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2011, the sum of \$14,800, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 2011, the sum of \$2,324 cash funds, or so much thereof as may be necessary, related to the implementation of this act. Of said sum, \$2,302 is from the penalty assessments collected and retained for administrative purposes pursuant to section 42-1-217 (2), Colorado Revised Statutes, and \$22 is from administrative processing fees associated with outstanding judgments and warrants collected pursuant to section 42-2-118 (3) (c), Colorado Revised Statutes.

SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of revenue,

for the fiscal year beginning July 1, 2012, the sum of \$28,639 cash funds and 0.8 FTE, or so much thereof as may be necessary, related to the implementation of this act. Of said sum, \$22,224 is from the driver's license administrative revocation account of the highway users tax fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes, \$6,355 is from the penalty assessments collected and retained for administrative purposes pursuant to section 42-1-217 (2), Colorado Revised Statutes, and \$60 is from administrative processing fees associated with outstanding judgments and warrants collected pursuant to section 42-2-118 (3) (c), Colorado Revised Statutes."."

Page 3, line 12, strike ""SECTION 7." and substitute ""SECTION 9.".

Page 3, after line 14 insert:

"Page 1 of the bill, line 102, strike "PAYMENT." and substitute "PAYMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

- Appropriations

After consideration on the merits, the Committee recommends that **SB12-156** 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 **HB12-1222** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1204** be referred to the Committee on Appropriations with favorable recommendation.
- Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1097** be referred to the Committee of the Whole with favorable recommendation.
- Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1210** be postponed indefinitely.
- Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-078** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 16 through 19 and substitute:

- "(2) "Caretaker" means a person ~~as such term is defined in subsection (5) of this section~~, who:
- (a) Is responsible for the care of an at-risk adult ~~as such term is defined in subsection (1) of this section~~, as a result of a family or legal relationship;
 - (b) ~~or who~~ Has assumed responsibility for the care of an at-risk adult; OR
 - (c) IS PAID TO PROVIDE CARE OR SERVICES TO AN AT-RISK ADULT."

Page 3, strike line 1.

Page 3, strike lines 4 through 22 and substitute:

- "(4) "EXPLOITATION" MEANS AN ACT OR OMISSION COMMITTED BY A PERSON THAT:
- (a) USES DECEPTION, HARASSMENT, INTIMIDATION, OR UNDUE INFLUENCE TO PERMANENTLY OR TEMPORARILY DEPRIVE AN AT-RISK

ADULT OF THE USE, BENEFIT, OR POSSESSION OF HIS OR HER MONEY, ASSETS, OR PROPERTY;
(b) IN THE ABSENCE OF LEGAL AUTHORITY:
(I) EMPLOYS THE SERVICES OF A THIRD PARTY FOR THE PROFIT OR ADVANTAGE OF THE PERSON OR ANOTHER PERSON TO THE DETRIMENT OF THE AT-RISK ADULT; OR
(II) FORCES, COMPELS, COERCES, OR ENTICES AN AT-RISK ADULT TO PERFORM SERVICES FOR THE PROFIT OR ADVANTAGE OF THE PERSON OR ANOTHER PERSON AGAINST THE WILL OF THE AT-RISK ADULT;
(c) MISUSES THE PROPERTY OF AN AT-RISK ADULT IN A MANNER THAT ADVERSELY AFFECTS THE AT-RISK ADULT'S ABILITY TO RECEIVE HEALTH CARE OR HEALTH CARE BENEFITS OR TO PAY BILLS FOR BASIC NEEDS OR OBLIGATIONS; OR
(d) BREACHES A FIDUCIARY DUTY EXISTING UNDER A POWER OF ATTORNEY, CONSERVATORSHIP, OR GUARDIANSHIP."

Page 5, line 14, strike "for" and substitute "for,".

Page 6, strike lines 10 and 11 and substitute:

"(I) Physicians, surgeons, physicians' assistants, ~~or~~ osteopaths, ~~including~~ physicians in training, PODIATRISTS, AND OCCUPATIONAL THERAPISTS;"

Page 6, strike line 13 and substitute:

"(III) Registered nurses, ~~or~~ licensed practical nurses, AND NURSE PRACTITIONERS;"

Page 6, line 25, strike "AND".

Page 6, strike lines 26 and 27 and substitute:

~~"(XIV) State and local long-term care ombudsmen.~~
(XV) ~~Any~~ A caretaker, staff member, or employee of or volunteer or consultant for ~~any~~ A licensed OR CERTIFIED care facility, agency, home, or governing board, INCLUDING BUT NOT LIMITED TO HOME HEALTH PROVIDERS; AND
(XVI) ATTORNEYS."

Page 7, strike lines 1 and 2.

Page 8, line 10, after "report" insert "OR FAILS TO MAKE A REPORT".

Page 8, strike line 12 and substitute "testimony, or participation in making such report, OR ON ACCOUNT OF SUCH FAILURE TO REPORT, so long as such action OR INACTION".

Page 8, line 13, after "taken" insert "OR NOT TAKEN".

Page 8, line 16, after "report" insert "OR FAILS TO MAKE A REPORT".

Page 8, line 17, strike "mistreatment" and substitute "mistreatment,".

Page 8, strike lines 25 through 27 and substitute:

~~"(b) Disclosure of the name and address of an at-risk adult or member of said adult's family and other identifying~~ A REPORT OF THE MISTREATMENT, SELF-NEGLECT, OR EXPLOITATION OF AN AT-RISK ADULT AND information ~~contained in~~ RELATING TO AN INVESTIGATION OF SUCH a report shall be permitted only when authorized by a court for good".

Page 9, line 3, strike "or" and substitute "~~or~~".

Page 9, line 21, strike the second "AND" and substitute "AN".

Page 9, line 25, strike "PROVISIONS" and substitute "PROVISION".

Page 10, line 2, strike "Each county" and substitute "EACH COUNTY".

Page 10, line 3, strike "district attorney's office," and substitute "DISTRICT ATTORNEY'S OFFICE,".

Page 11, line 8, strike "WRITTEN" and substitute "EXECUTION OF A PRIOR WRITTEN CONSENT FORM BY THE AT-RISK ADULT, IN ACCORDANCE WITH SECTION 6-21-103, C.R.S.".

Page 11, strike line 9.

Page 11, line 16, strike "services." and substitute "services, WHICH SERVICES SHALL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF 28 CFR PART 35, SUBPART B.".

Page 12, strike lines 17 through 20 and substitute:

"26-3.1-107. Background check. EACH COUNTY DEPARTMENT SHALL REQUIRE EACH EMPLOYEE HIRED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO COMPLETE A".

Page 12, line 23, strike "PROSPECTIVE".

Page 13, strike lines 10 and 11 and substitute:

"SECTION 2. Repeal of relocated and nonrelocated provisions in this act. In Colorado Revised Statutes, **repeal** part 2 of article 3.1 of title 26; of which 26-3.1-201 through 26-3.1-205 and 26-3.1-208 are not relocated.".

Page 13, strike lines 15 through 17 and substitute:

"ELDER ABUSE TASK FORCE
26-3.1-301. Elder abuse task force - legislative declaration - creation - duties - report - repeal. (1) THE GENERAL".

Page 13, line 20, strike "AT-RISK ADULTS; AND" and substitute "ELDERLY AT-RISK ADULTS;".

Page 13, strike line 21 and substitute:

"(b) AT-RISK ELDERLY ADULTS MAY BE SUBJECTED TO MISTREATMENT AND EXPLOITATION, AND THE STATE HAS A RESPONSIBILITY TO PROTECT THESE PERSONS;

(c) ISSUES RELATED TO PROTECTIONS FOR AT-RISK ELDERLY ADULTS ARE A".

Page 13, strike line 23 and substitute "GENERAL ASSEMBLY; AND

(d) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE RECOMMENDATIONS OF THE TASK FORCE CREATED IN THIS SECTION WILL LEAD TO THE IMPLEMENTATION OF A COMPLETE SYSTEM OF REPORTING OF MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS BY SEPTEMBER 1, 2013.".

Page 13, strike line 24 and substitute:

"(2) THERE IS HEREBY CREATED THE ELDER ABUSE".

Page 13, line 25, strike "PROTECTIVE SERVICES".

Page 13, line 27, strike "ASSEMBLY TO" and substitute "ASSEMBLY.".

Page 14, strike lines 1 through 11 and substitute:

"(3) THE TASK FORCE SHALL STUDY THE PROBLEM OF MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS IN COLORADO AND PREPARE RECOMMENDATIONS FOR THE CONSIDERATION OF THE GENERAL ASSEMBLY, WHICH RECOMMENDATIONS, AT A MINIMUM, SHALL INCLUDE:

(a) RECOMMENDATIONS CONCERNING HOW TO REQUIRE CERTAIN PERSONS, ON AND AFTER SEPTEMBER 1, 2013, TO REPORT KNOWN OR

SUSPECTED MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS;

(b) RECOMMENDATIONS CONCERNING THE PROVISION OF PROTECTIVE SERVICES BY COUNTY DEPARTMENTS TO AT-RISK ELDERLY ADULTS WHO ARE MISTREATED OR EXPLOITED;

(c) RECOMMENDATIONS CONCERNING THE MINIMUM AGE FOR A PERSON TO BE CONSIDERED AN "AT-RISK ELDERLY ADULT" FOR THE PURPOSES OF THIS PART 3;

(d) AN ESTIMATE OF THE COSTS TO BE INCURRED BY THE STATE DEPARTMENT, COUNTY DEPARTMENTS, AND LAW ENFORCEMENT AGENCIES OF THE STATE AS A RESULT OF REQUIRING CERTAIN PERSONS, ON AND AFTER SEPTEMBER 1, 2013, TO REPORT KNOWN OR SUSPECTED MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS;

(e) IDENTIFICATION OF SUSTAINABLE SOURCES OF FUNDING, INCLUDING BUT NOT LIMITED TO NEW REVENUES, THAT MAY BE USED TO OFFSET THE COSTS TO BE INCURRED BY THE STATE DEPARTMENT, COUNTY DEPARTMENTS, AND LAW ENFORCEMENT AGENCIES OF THE STATE AS A RESULT OF REQUIRING CERTAIN PERSONS, ON AND AFTER SEPTEMBER 1, 2013, TO REPORT KNOWN OR SUSPECTED MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS;

(f) RECOMMENDATIONS FOR TRAINING EMPLOYEES OF THE STATE DEPARTMENT AND COUNTY DEPARTMENTS TO USE OUTCOME-BASED BEST PRACTICES IN THE PROVISION OF PROTECTIVE SERVICES TO AT-RISK ELDERLY ADULTS;

(g) RECOMMENDATIONS REGARDING THE ADEQUACY OR INADEQUACY OF EXISTING CRIMINAL PENALTIES FOR OFFENSES AGAINST AT-RISK ADULTS, AS DESCRIBED IN ARTICLE 6.5 OF TITLE 18, C.R.S.; AND

(h) RECOMMENDATIONS CONCERNING THE RECONCILIATION OF THE DEFINITION OF "AT-RISK ADULT" IN SECTION 26-3.1-101 WITH THE DEFINITION OF "AT-RISK ADULT" IN SECTION 18-6.5-102 (1), C.R.S.

(4) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING MEMBERS:

(a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OR HIS OR HER DESIGNEE; AND

(b) THE FOLLOWING MEMBERS, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT:".

Renumber succeeding subsections accordingly.

Page 14, strike lines 12 through 14.

Renumber succeeding subparagraphs accordingly.

Page 14, strike line 16 and substitute "WORKERS;".

Page 14, strike lines 17 and 18.

Renumber succeeding subparagraphs accordingly.

Page 14, strike lines 21 through 25 and substitute "NEGLECT, OR EXPLOITATION OF AT-RISK ADULTS;".

Renumber succeeding subparagraphs accordingly.

Page 14, line 27, strike "ADULTS, TO BE APPOINTED BY" and substitute "ADULTS;".

Page 15, strike lines 1 through 4 and substitute:

"(IV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF PERSONS WHO PROVIDE LEGAL ADVICE TO AT-RISK ADULTS;".

Page 15, strike lines 6 through 12 and substitute "BANKS AND OTHER FINANCIAL ENTITIES;

(VI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF LAW ENFORCEMENT OFFICERS;".

Renumber succeeding subparagraphs accordingly.

Page 15, strike lines 14 through 18 and substitute "CARE

PROFESSIONALS;".

Renumber succeeding subparagraphs accordingly.

Page 15, line 19, strike "DESIGNEE." and substitute "DESIGNEE;".

Page 15, after line 19 insert:

"(IX) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF ELDERLY PERSONS;

(X) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF CRIME VICTIMS;

(XI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF PERSONS WITH DISABILITIES;

(XII) A REPRESENTATIVE OF COUNTY DEPARTMENTS WHO HAS EXPERIENCE IN THE PROVISION OF PROTECTIVE SERVICES TO AT-RISK ADULTS; AND

(XIII) A REPRESENTATIVE OF STATE AND LOCAL LONG-TERM CARE OMBUDSMEN.".

Page 16, line 4, strike "AUGUST 2, 2012." and substitute "JULY 18, 2012.".

Page 16, strike line 14 and substitute:

"(9) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO THE TASK FORCE.

(10) THIS PART 3 IS REPEALED, EFFECTIVE NOVEMBER 2, 2013.".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB12-1276** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 23, strike "REQUEST OR A NEGATIVE LICENSING ACTION," and substitute "REQUEST,".

Page 4, line 18, strike "NEGATIVE LICENSING" and substitute "DENIAL OF A WAIVER".

Page 4, line 19, strike "ACTION".

Page 4, strike line 20 and substitute "APPEAL IS FINAL.".

Page 4, strike lines 21 through 27.

MESSAGE FROM THE HOUSE

March 15, 2012

In response to the request of the Senate for the recall of SB12-116, the bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 15, 2012

We herewith transmit:

Without comment, HB12-1307.
Without comment, as amended, HB12-1131, 1150, 1153, and 1241.
Without comment, as amended, SB12-007 and 146.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-109, 124 and 127; SM12-002.
Correctly Revised: HB12-1070, 1085, 1206 and 1289.
Correctly Rerevised: HB12-1151.
Correctly Enrolled: SJR12-015, 018 and 019; SM12-002.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-020 by Senator(s) Heath; also Representative(s) Waller--Concerning the recognition of achievements by the university of Colorado.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SJR12-021 by Senator(s) Harvey, Scheffel, Grantham, Hodge, Schwartz, Shaffer B.; also Representative(s) Holbert, McNulty, Murray, Looper, Ryden, Sonnenberg--Concerning recognition of the 50th anniversary of Parker water and sanitation district and construction of the Rueter-Hess Reservoir.

Laid over until Tuesday, March 20, retaining its place on the calendar.

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:

HB12-1289 by Representative(s) Nikkel, DelGrosso; also Senator(s) Jahn, Cadman--Concerning complaints to the division of insurance on certain adverse actions of auto insurers.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar and King S.

HB12-1206 by Representative(s) Acree, Baumgardner, Becker, Ramirez, Scott, Solano; also Senator(s) Morse--Concerning the implementation of sunset review of the cold case task force.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Giron, Jahn, King S., Newell, Roberts and Tochtrop.

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:

SB12-129 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, March 19, retaining its place on the calendar.

SB12-127
by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs.

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

Third Reading Amendment No. 1(L.004), by Senator Newell.

Amend engrossed bill, page 4, line 3, after "A" insert "PROVIDER OR".

The amendment was **passed** on the following roll call vote:

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Giron, Hudak, Jahn, Roberts and Williams S.

SB12-109
by Senator(s) Johnston; also Representative(s) Coram--Concerning requirements governing the regular maintenance of voter registration lists, and, in connection therewith, making an appropriation.

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

YES	24	NO	10	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	E	Spence	N
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Brophy, Hodge, Jahn, King S., Schwartz and Tochtrop.

SB12-124 by Senator(s) Harvey, Scheffel, Aguilar, Carroll, Foster, Giron, Jahn, Lambert, Newell, Schwartz; --Concerning the elimination of the limit on the number of regional tourism projects that the Colorado economic development commission may approve.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	N	Heath	N	Mitchell	E	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Grantham, Roberts and Williams S.

Senators Aguilar, Carroll, and Giron, requested their names be removed as sponsors on SB12-124.

HB12-1070 by Representative(s) Peniston; also Senator(s) Hodge--Concerning the modification of statutory provisions governing the ethical conduct of persons involved in government for the purpose of harmonizing such provisions with section 3 (5) of article XXIX of the state constitution.

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

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	E	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: Steadman

HB12-1085 by Representative(s) Fields; also Senator(s) Carroll and Hudak--Concerning an exception to the hearsay rule to allow testimony from persons with developmental disabilities.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hodge, Jahn, Johnston, King S., Morse, Newell, Nicholson, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for the Reconsideration of SB12-116. The roll call was taken with the following result:

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	E	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		

RECONSIDERATION OF SB12-116

SB12-116 by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown, Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection therewith, establishing a misdemeanor penalty for possession of a cathinone.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-116.

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

THIRD READING OF BILLS -- FINAL PASSAGE -cont'd

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

SB12-116 by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown, Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection therewith, establishing a misdemeanor penalty for possession of a cathinone.

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

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Jahn and Schwartz.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor John Hickenlooper were read and assigned to committees as follows:

October 17, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF TRUSTEES FOR THE
UNIVERSITY OF NORTHERN COLORADO

effective January 1, 2012 for a term expiring December 31, 2012:

Jerry L. Morgensen of Greeley, Colorado to serve as a Republican, reappointed;

effective January 1, 2012 for terms expiring December 31, 2014:

Richard James "Jim" Chavez of Highlands Ranch, Colorado to serve as a Democrat, reappointed;

Richard S. Gast of Timnath, Colorado to serve as a Democrat, reappointed;

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

Paul E. Washington of Boulder, Colorado to serve as an Unaffiliated, appointed;

Susan E. Carparelli of Highlands Ranch, Colorado to serve as a Democrat, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

July 13, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
SECURITIES BOARD

for terms expiring July 1, 2014:

Paul E. Washington of Boulder, Colorado, a member of the public at large,
reappointed;

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 8/3/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

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, March 16 was laid over
until Monday, March 19, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1229,
HB12-1094, HB12-1285, HB12-1178.
General Orders -- Second Reading of Bills: SB12-134, SB12-070, HB12-1002,
SB12-001, SB12-086, SB12-132, HB12-1053, SB12-130, SB12-149.
Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Requests for Conference Committee: SB12-020.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 19, 2012.	1
	2
	3
Approved:	4
	5
	6
	7
Brandon C. Shaffer	8
President of the Senate	9
	10
Attest:	11
	12
	13
	14
Cindi L. Markwell	15
Secretary of the Senate	16

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

69th Legislative Day	Monday, March 19, 2012
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Prayer	By the chaplain, Pastor Charles Johnson, Heart of Worship Ministries, Colorado Springs.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Giron.
Roll Call	Present--34 Excused--1, King K. Present later--1, King K.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Roberts, reading of the Journal of Friday, March 16, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance	After consideration on the merits, the Committee recommends that HB12-1236 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Finance	After consideration on the merits, the Committee recommends that HB12-1299 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1312 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1083 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

MESSAGE FROM THE HOUSE

March 16, 2012

The House has adopted and returns herewith SJR12-020.

In response to the request of the Senate, the Speaker has appointed Representatives Summers, chairman, Waller, and Lee as House conferees on the First Conference Committee on SB12-020.

SENATE SERVICES REPORT

Correctly Printed: SJR12-020 and 021.
Correctly Engrossed: SJR12-020.
Correctly Reengrossed: SB12-109, 116, 124 and 127.
Correctly Rerevised: HB12-1070, 1085, 1206 and 1289.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading of Bills -- Final Passage Calendar (SB12-015, SB12-129) of Monday, March 19 was laid over until Friday, March 23, retaining its place on the calendar.

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

HB12-1229 by Representative(s) Murray; also Senator(s) Scheffel--Concerning publication requirements for a newspaper in which a legal notice or advertisement is printed.
Ordered revised and placed on the calendar for third reading and final passage.

HB12-1094 by Representative(s) Kerr A.; also Senator(s) King S.--Concerning increasing the fine for parking in front of a fire hydrant in an unincorporated area of a county.
Ordered revised and placed on the calendar for third reading and final passage.

HB12-1285 by Representative(s) Gerou; also Senator(s) Jahn--Concerning modifications to statutory provisions governing intergovernmental cooperation to address wildland fire mitigation where a municipality owns land inside a county for utility purposes.
Ordered revised and placed on the calendar for third reading and final passage.

HB12-1178 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the deadline for filing notice for reimbursement of tax payments for lost gasoline or special fuel.
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 Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1229, HB12-1094, HB12-1285, HB12-1178.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of corrections.

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

SB12-130 by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner, Peniston--Concerning governance of child development programs, and, in connection therewith, requiring a post-enactment review of the implementation of this act.

Laid over until Tuesday, March 20, retaining its place on the calendar.

SB12-134 by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; also Representative(s) Acree-- Concerning financial assistance in Colorado hospitals.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 24, pages 275-276 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Aguilar.

Amend the Health and Human Services Committee Report, dated February 23, 2012, page 2, line 1, strike "SHALL" and substitute "SHALL, AT A MINIMUM,".

Page 2, strike lines 8 though 10 and substitute:

"(III) WHO RECEIVED A SERVICE AT A HOSPITAL FOR WHICH THE "COLORADO INDIGENT CARE PROGRAM" ESTABLISHED IN PART 1 OF ARTICLE 3 OF TITLE 25.5, C.R.S. WAS NOT AVAILABLE.".

Page 2, line 11, strike "HOSPITALS" and substitute "A HOSPITAL".

Page 2, line 15, strike "PAYER." and substitute "HEALTH PLAN.".

Page 2, strike line 29 and substitute "HOSPITAL LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1) (a) (II).".

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

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".	1 2 3 4
	Laid over until Tuesday, March 20, retaining its place on the calendar.	5 6 7
HB12-1002	by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the rules of state agencies applicable to applications for permits.	8 9 10
	<u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u> (Printed in Senate Journal, February 23, page 231 and placed in members' bill files.)	11 12 13
	<u>Amendment No. 2(L.031), by Senator Jahn.</u>	14 15
	Amend reengrossed bill, page 3, line 21, before the first "FEDERAL" insert "STATE OR".	16 17 18 19
	As amended, ordered revised and placed on the calendar for third reading and final passage.	20 21 22 23
SB12-001	by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract.	24 25 26 27 28
	Laid over until Friday, March 23, retaining its place on the calendar.	29 30 31
SB12-086	by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado.	32 33 34
	Laid over until Tuesday, March 20, retaining its place on the calendar.	35 36 37
SB12-132	by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits.	38 39 40 41
	Laid over until Tuesday, March 20, retaining its place on the calendar.	42 43 44
HB12-1053	by Representative(s) Gardner B.; also Senator(s) Giron--Concerning the victims' rights act.	45 46
	Laid over until Tuesday, March 20, retaining its place on the calendar.	47 48 49
SB12-149	by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in which the board of a defined benefit plan or system created by a local government may modify retirement benefit provisions of the plan or system.	50 51 52 53
	Laid over until Tuesday, March 20, retaining its place on the calendar.	54 55 56
SB12-154	by Senator(s) Tochtrop; --Concerning standards for responsible medical marijuana vendors.	57 58
	<u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u> (Printed in Senate Journal, March 15, page 491 and placed in members' bill files.)	59 60 61
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	62 63 64 65
HB12-1125	by Representative(s) Ramirez, Sonnenberg; also Senator(s) Steadman--Concerning procedures related to the costs of impounded animals.	66 67 68
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, March 15, pages 491-492 and placed in members' bill files.)	69 70 71 72

Amendment No. 2(L.031), by Senator Steadman.

Amend the Judiciary Committee Report, dated March 14, 2012, page 1, strike lines 13 through 16.

Page 2, strike lines 1 through 4.

As amended, ordered revised 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".

Laid over until Friday, March 23, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, 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: SB12-134 as amended, SB12-154 as amended, HB12-1181, HB12-1002 as amended, HB12-1125 as amended.
Laid over until Tuesday, March 20: SB12-130, SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149.
Laid over until Friday, March 23: SB12-001, SB12-155.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-007 by Senator(s) Hudak and Spence, Williams S.; also Representative(s) Hamner--Concerning the standardization of the procedural requirements for the issuance of special license plates.

Senator Hudak moved that the Senate concur in House amendments to **SB12-007**, as printed in House journal, March 12, page 618. The motion was **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		

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

YES	34	NO	1	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	N	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, as amended, was **repassed**.

SB12-146 by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action.

Senator Hodge moved that the Senate concur in House amendments to **SB12-146**, as printed in House journal, March 12, page 618. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	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	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1033, 1047, 1055, 1074, 1078, 1090, 1095, 1163, 1177, 1217, 1221, 1233, 1247, 1248.

MESSAGE FROM THE GOVERNOR

March 15, 2012

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB12-048: CONCERNING THE CREATION OF THE "COLORADO COTTAGE FOODS ACT" FOR LOCALLY PRODUCED HOME FOODS SOLD DIRECTLY TO CONSUMERS.

Approved March 15, 2012 at 4:27 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR12-022 by Senator(s) Jahn; --Concerning recognition of "Single Parents' Day" .

Laid over until Wednesday, March 21, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-159 by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program.
Health and Human Services

SB12-160 by Senator(s) Hudak; --Concerning parent involvement in education.
Education

SB12-161 by Senator(s) Nicholson, King S.; also Representative(s) Bradford--Concerning measures to reduce health care costs in correctional facilities.
Health and Human Services

SB12-162 by Senator(s) Tochtrop; --Concerning verification of remediation performed on property contaminated by an illegal drug laboratory.
Business, Labor and Technology

HB12-1131 by Representative(s) Labuda; also Senator(s) Tochtrop--Concerning the creation of a child loss awareness license plate, and, in connection therewith, making an appropriation.
Transportation

HB12-1150	by Representative(s) Priola, Holbert, DelGrosso, Gardner B., Becker, Murray, Nikkel, Sonnenberg; also Senator(s) Lambert--Concerning an increase in the number of years used to calculate the highest average salary of a member of the public employees' retirement association for the purpose of determining the amount of the member's retirement benefit. Finance	1 2 3 4 5 6 7
HB12-1153	by Representative(s) Soper; also Senator(s) Lambert--Concerning the creation of a special license plate commemorating recipients of the distinguished flying cross, and, in connection therewith, making an appropriation. Transportation	8 9 10 11 12 13
HB12-1241	by Representative(s) Ferrandino, Hullinghorst, Court, Fischer, Labuda, Levy, Pabon, Singer; also Senator(s) Heath--Concerning enterprise zone designations. Finance	14 15 16 17 18
HB12-1307	by Representative(s) Kerr J. and Summers; also Senator(s) Roberts--Concerning the authority of a nonlawyer trustee of a certain size trust to represent the trust before the board of assessment appeals. Judiciary	19 20 21 22 23 24 25 26
<hr/>		27
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, March 19 was laid over until Tuesday, March 20, retaining its place on the calendar.		28 29 30
Consideration of Resolutions: SJR12-006, HJR12-1004. Consideration of Memorials: SJM12-001.		31 32 33
<hr/>		34 35 36
On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 20, 2012.		37 38 39
Approved:		40 41 42 43
Brandon C. Shaffer President of the Senate		44 45 46
Attest:		47 48 49 50
Cindi L. Markwell Secretary of the Senate		51 52

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

70th Legislative Day Tuesday, March 20, 2012

Prayer By the chaplain, Reverend Dr. Timothy Tyler, Shorter Community AME Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Giron.

Roll Call Present--34
Excused--1, Jahn.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Roberts, reading of the Journal of Monday, March 19, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB12-1168** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 13, line 17, strike "and (9) (c)".

Page 14, strike lines 5 through 14.

Judiciary After consideration on the merits, the Committee recommends that **HB12-1239** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 21, strike "A" and substitute "EXCEPT AS OTHERWISE DESCRIBED IN PARAGRAPH (d) OF THIS SUBSECTION (2), A".

Page 3, line 24, strike "AND THAT HAS".

Page 3, strike lines 25 and 26.

Page 3, line 27, strike "FROM THE SPECIAL DISTRICT".

Page 4, line 8, strike "AT" and substitute "PRIOR TO".

Page 4, line 10, after "REQUESTS." add "FAILURE TO PROVIDE INFORMATION AS REQUESTED BY THE BOARD IS GROUNDS FOR THE BOARD TO DELAY THE PUBLIC HEARING UNTIL THE BOARD RECEIVES THE INFORMATION. THE BOARD SHALL EITHER APPROVE OR DENY THE PROPOSED ACTION WITHIN ONE HUNDRED TWENTY DAYS OF THE PUBLIC HEARING."

Page 5, line 4, strike "WHEN:" and substitute "IN THE FOLLOWING CIRCUMSTANCES:".

	Page 5, strike line 8 and substitute "OWNERS;"	1
		2
	Page 5, line 12, strike "DISTRICT; OR" and substitute "DISTRICT, PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT;"	3
		4
		5
	Page 5, line 14, strike "COUNTY." and substitute "COUNTY; OR	6
	(IV) DOMESTIC WATER SERVICE AND SANITARY SEWER SERVICE IS	7
	BEING PROVIDED, OR A WATER OR SANITARY SEWER SERVICE AREA	8
	EXTENSION HAS BEEN APPROVED BY THE COUNTY INTO WHICH THE	9
	SERVICE AREA IS TO BE EXPANDED, WITHIN UNINCORPORATED TERRITORY	10
	LOCATED IN THE COUNTY AS OF THE EFFECTIVE DATE OF THIS	11
	SUBPARAGRAPH (IV)."	12
		13
		14
		15
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1115 be postponed indefinitely.	16
		17
		18
		19
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		21
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1269 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	22
		23
		24
		25
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1159 be postponed indefinitely.	28
		29
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		33
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1270 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.	34
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		38
		39
	Amend reengrossed bill, page 3, strike line 5 and substitute "(2) (a) introductory portion as follows:"	40
		41
		42
	Page 3, line 6, strike "EXCEPT AS"	43
		44
	Page 3, strike line 7 and substitute "Every person"	45
		46
	Page 3, line 10, strike "title. except that, " and substitute "title; except that, during a"	47
		48
		49
	Page 3, line 11, strike "(a.5) (I) During a THE 2013"	50
		51
	Page 3, line 13, strike "ONE" and substitute "TWO"	52
		53
	Page 3, strike lines 14 through 27.	54
		55
	Page 4, strike lines 1 through 5.	56
		57
	Page 4, strike line 7 and substitute "(3) (a) introductory portion as follows:"	58
		59
		60
	Page 4, line 8, strike "EXCEPT AS PROVIDED IN"	61
		62
	Page 4, strike line 9 and substitute "Every person selling alcohol"	63
		64
	Page 4, line 12, strike "title." and substitute "title; except that, during a"	65
		66
	Page 4, strike line 13.	67

Page 4, line 14, strike "(a.5) (I) During a THE 2013".
Page 4, line 16, strike "ONE" and substitute "TWO".
Page 4, strike lines 17 through 27.
Page 5, strike lines 1 through 8.
Page 5, strike line 10 and substitute "(2) (a) introductory portion as follows:".
Page 5, line 11, strike "EXCEPT".
Page 5, strike line 12 and substitute "Every person".
Page 5, line 15, strike "title. ~~except that,~~" and substitute "title; except that, during a".
Page 5, line 16, strike "(a.5) (I) During a THE 2013".
Page 5, line 18, strike "ONE" and substitute "TWO".
Page 5, strike lines 19 through 27.
Page 6, strike lines 1 through 10.
Page 6, strike line 12 and substitute "(4) (a) introductory portion as follows:".
Page 6, line 13, strike "EXCEPT AS PROVIDED IN".
Page 6, strike line 14 and substitute "Every person selling alcohol".
Page 6, strike line 17 and substitute "this title; except that, during a".
Page 6, line 18, strike "(a.5) (I) During a THE 2013".
Page 6, line 20, strike "ONE" and substitute "TWO".
Page 6, strike lines 21 through 27.
Page 7, strike lines 1 through 12.
Page 7, strike line 14 and substitute "(2) (a) introductory portion as follows:".
Page 7, line 15, strike "EXCEPT AS PROVIDED IN".
Page 7, strike line 16 and substitute "Every person selling alcohol".
Page 7, strike line 19 and substitute "title; except that, during a".
Page 7, line 20, strike "(a.5) (I) During a THE 2013".
Page 7, line 22, strike "ONE" and substitute "TWO".
Page 7, strike lines 23 through 27.
Page 8, strike lines 1 through 14.
Page 8, strike line 16 and substitute "(a) introductory portion as follows:".
Page 8, line 17, strike "EXCEPT AS".
Page 8, strike line 18 and substitute "Every person selling".
Page 8, strike line 22 and substitute "this title; except that, during a".

Page 8, line 23, strike "(a.5) (I) During a THE 2013".
Page 8, line 24, strike "ONE" and substitute "TWO".
Page 8, strike lines 25 through 27.
Page 9, strike lines 1 through 16.

MESSAGE FROM THE HOUSE

March 19, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB12-1300, amended as printed in House Journal, March 16, pages 676-682, and
amended on Third Reading as printed in House Journal, March 19.
HB12-1019, amended as printed in House Journal, March 16, page 683, and
amended on Third Reading as printed in House Journal, March 19.
HB12-1205, amended as printed in House Journal, March 16, pages 683-684.
HB12-1271, amended as printed in House Journal, March 16, pages 684-685.
HB12-1130, amended as printed in House Journal, March 16, page 685.

The House has passed on Third Reading and returns herewith SB12-035.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB12-030, amended as printed in House Journal, March 16, pages 682-683.
SB12-033, amended as printed in House Journal, March 16, page 684, and amended on
Third Reading as printed in House Journal, March 19.

The Speaker has announced a sponsor change on HB12-1271. Senator Neville
is added as Senate co-prime sponsor with Senator Giron.

MESSAGE FROM THE REVISOR OF STATUTES

March 19, 2012

We herewith transmit:

Without comment, as amended, HB12-1019, 1130, 1205, 1271, and 1300.
Without comment, as amended, SB12-030 and 033.

SENATE SERVICES REPORT

Correctly Printed: SB12-159, 160, 161 and 162; SJR12-022.
Correctly Engrossed: SB12-134 and 154.
Correctly Revised: HB12-1002, 1094, 1125, 1178, 1181, 1229 and 1285.
Correctly Enrolled: SB12-011, 064, 072, 079 and 096; SJR12-015, 018, 019 and 020;
SM12-002.

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:

HB12-1229 by Representative(s) Murray; also Senator(s) Scheffel--Concerning publication requirements for a newspaper in which a legal notice or advertisement is printed.

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

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	E	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**.

HB12-1094 by Representative(s) Kerr A.; also Senator(s) King S.--Concerning increasing the fine for parking in front of a fire hydrant in an unincorporated area of a county.

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

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	E	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**.

HB12-1285 by Representative(s) Gerou; also Senator(s) Jahn--Concerning modifications to statutory provisions governing intergovernmental cooperation to address wildland fire mitigation where a municipality owns land inside a county for utility purposes.

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

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	E	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, King S., Newell, Nicholson and Schwartz.

HB12-1178 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the deadline for filing notice for reimbursement of tax payments for lost gasoline or special fuel.

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

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	E	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning a supplemental appropriation to the department of corrections.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	E	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: Guzman

SB12-134 by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; also Representative(s) Acree-- Concerning financial assistance in Colorado hospitals.

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

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	E	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Giron, Guzman, Mitchell, Morse, Schwartz and Steadman.

HB12-1002 by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the rules of state agencies applicable to applications for permits.

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

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	E	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Grantham, King K., King S., Lambert, Lundberg, Mitchell, Neville, Newell, Renfroe, Roberts, Scheffel, White and Williams S.

SB12-154 by Senator(s) Tochtrop; --Concerning standards for responsible medical marijuana vendors.

Laid over until Wednesday, March 21, retaining its place on the calendar.

HB12-1125 by Representative(s) Ramirez, Sonnenberg; also Senator(s) Steadman--Concerning procedures related to the costs of impounded animals.

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

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	E	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman and Tochtrop.

RECONSIDERATION OF HB12-1094

HB12-1094 by Representative(s) Kerr A.; also Senator(s) King S.--Concerning increasing the fine for parking in front of a fire hydrant in an unincorporated area of a county.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1094.

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

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR -- cont'd

HB12-1094 by Representative(s) Kerr A.; also Senator(s) King S.--Concerning increasing the fine for parking in front of a fire hydrant in an unincorporated area of a county.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	E	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 declared **passed**.

RECONSIDERATION OF HB12-1181

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of corrections.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1181.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1181 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of corrections.

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

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	E	Newell	Y	White	Y
Foster	N	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 declared **passed**.

CONSIDERATION OF RESOLUTIONS

SJR12-021 by Senator(s) Harvey, Scheffel, Grantham, Hodge, Schwartz, Shaffer B.; also Representative(s) Holbert, McNulty, Murray, Looper, Ryden, Sonnenberg--Concerning recognition of the 50th anniversary of Parker water and sanitation district and construction of the Rueter-Hess Reservoir.

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

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	E	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Guzman, Heath, Hudak, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Spence, Steadman, Tochtrop, White and Williams S.

MESSAGE FROM THE HOUSE

March 20, 2012

The House has postponed indefinitely SB12-003. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1103.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1118, amended as printed in House Journal, March 19, pages 717-718.
HB12-1263, amended as printed in House Journal, March 19, page 718.
HB12-1111, amended as printed in House Journal, March 19, page 718.
HB12-1275, amended as printed in House Journal, March 19, page 718-719.
HB12-1059, amended as printed in House Journal, March 19, page 719-720.

The House has passed on Third Reading and returns herewith SB12-077, 099, 066.

MESSAGE FROM THE GOVERNOR

March 19, 2012

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB 12-029: CONCERNING THE ENACTMENT OF COLORADO REVISED STATUTES 2011 AS THE POSITIVE AND STATUTORY LAW OF THE STATE OF COLORADO.

Approved March 19, 2012 at 10:08 a.m.

SB 12-042: CONCERNING BRINGING CERTAIN STATUTORY PROVISIONS RELATED TO CHILD SUPPORT INTO COMPLIANCE WITH FEDERAL LAW.

Approved March 19, 2012 at 10:09 a.m.

SB 12-111: CONCERNING DEPARTMENTAL REPORTING OF FULL-TIME EQUIVALENT EMPLOYEES.

Approved March 19, 2012 at 10:09 a.m.

SB 12-112: CONCERNING THE HEADNOTE DEFINITION OF FULL-TIME EQUIVALENT EMPLOYEES USE IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

Approved March 19, 2012 at 10:09 a.m.

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SB 12-113: CONCERNING THE DESIGNATION IN THE ANNUAL GENERAL APPROPRIATIONS ACT OF THE PORTION TO BE REDISTRICTED TO THE COUNTIES OF THE STATE'S SHARE OF RECOVERIES FOR PUBLIC ASSISTANCE PAID FOR FAMILY SUPPORT OBLIGATIONS.

Approved March 19, 2012 at 10:10 a.m.

SB 12-114: CONCERNING THE CREDITING OF ALL DISPUTED PAYMENTS RECEIVED BY THE STATE PURSUANT TO THE TOBACCO SETTLEMENT AGREEMENT ON OR AFTER JULY 1, 2008, TO THE STATE GENERAL FUND.

Approved March 19, 2012 at 10:10 a.m.

SB 12-115: CONCERNING A REQUIREMENT THAT THE LIMITED GAMING CONTROL COMMISSION TAKE INTO ACCOUNT THE IMPACT ON ALL AUTHORIZED RECIPIENTS OF GAMING TAX REVENUE WHEN CONSIDERING CHANGES IN RULES GOVERNING THE TAXES ON LIMITED GAMING ACTIVITY.

Approved March 19, 2012 at 10:11 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-015, 018, 019 and 020; SM12-002.

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, March 20 was laid over until Wednesday, March 21, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB12-044, SB12-156, HB12-1222.
General Orders -- Second Reading of Bills: SB12-130, SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149, HB12-1144, HB12-1224, HB12-1097, SB12-078, HB12-1276.
Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Conference Committees to Report: SB12-020.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

March 20, 2012
The House has adopted and returns herewith SJR12-021.

MESSAGE FROM THE REVISOR OF STATUTES

March 20, 2012

We herewith transmit:

Without comment, HB12-1103.
Without comment, as amended, HB12-1059, 1111, 1118, 1263, and 1275.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB12-163

by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes, and, in connection therewith, establishing a misdemeanor penalty for possession of controlled substances, requiring a post-enactment review of the implementation of this act, and making an appropriation.
Judiciary
- 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 and 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 in connection therewith, making and reducing appropriations.
Transportation

- HB12-1059** by Representative(s) Looper; also Senator(s) King K.--Concerning the authority of a person credentialed in another state whose residence is determined by military orders to practice an occupation regulated by Colorado law.
State, Veterans & Military Affairs
- HB12-1103** by Representative(s) Vaad; also Senator(s) Tochtrop--Concerning an authorization for a board of county commissioners to exclude its county from the enhanced automobile inspection and readjustment emissions program area if the excluded county does not violate applicable national ambient air quality standards.
State, Veterans & Military Affairs
- HB12-1111** by Representative(s) Szabo and Summers; also Senator(s) Mitchell--Concerning the definition of identification for election-related purposes.
State, Veterans & Military Affairs
- HB12-1118** by Representative(s) Conti, Becker, Beezley, DelGrosso, Gerou, Holbert, Murray, Nikkel, Ramirez, Scott, Summers, Szabo; also Senator(s) Harvey--Concerning ensuring transparency in collective bargaining negotiations between school district boards of education and school employees.
State, Veterans & Military Affairs
- HB12-1130** by Representative(s) Joshi, Holbert, Acree, Baumgardner, Bradford, Brown, Murray; also Senator(s) Mitchell--Concerning offenses against an unborn child.
Judiciary
- HB12-1205** by Representative(s) Fields, Labuda, Soper; also Senator(s) Tochtrop--Concerning the regulation of persons who engage in business related to persons with hearing impairments, and, in connection therewith, implementing the department of regulatory agencies' sunset review recommendations for audiologists and hearing aid providers, and, in connection therewith, making an appropriation.
Business, Labor and Technology
- HB12-1263** by Representative(s) Levy; also Senator(s) Steadman--Concerning reducing barriers to employment by state of Colorado agencies for people with criminal records.
Judiciary
- HB12-1271** by Representative(s) Nikkel and McCann, Levy; also Senator(s) Giron and Neville--Concerning charging of juveniles by direct file of information or indictment in district court.
Judiciary
- HB12-1275** by Representative(s) Pace; also Senator(s) White--Concerning the encouragement of outdoor recreational opportunities, and, in connection therewith, creating the wildlife sporting license plate, and, in connection therewith, making an appropriation.
Transportation
- HB12-1300** by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Aguilar--Concerning professional review committees, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.
Health and Human Services

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MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor John Hickenlooper were read and assigned to committees as follows:

March 9, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2016:

Marvin R. Adams of Fountain, Colorado, to serve as a representative of state (or local) government entities and as a Republican, appointed;

Diann L. Rice of Loveland, Colorado, to serve as a representative of the community at large and as an Unaffiliated, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/19/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Judiciary

March 7, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and reappoint and submit to your consideration the following:

MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY TRUST FUND BOARD

for a term expiring June 30, 2014:

Timothy R. Hurtado, D.O. of Colorado Springs, Colorado, reappointed;

for a term expiring June 30, 2015:

Sena K. Harjo of Lakewood, Colorado, appointed;

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/13/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Health and Human Services

March 1, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
ENERGY AND MINERAL IMPACT ASSISTANCE
ADVISORY COMMITTEE

for terms expiring August 24, 2015:

Karla Jean Distel of Durango, Colorado, appointed;

Susan B. Alvillar of Grand Junction, Colorado, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/6/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 21, 2012.

Approved:

Bob Bacon
Senior Senator

Attest:

Cindi L. Markwell
Secretary of the Senate

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

71st Legislative DayWednesday, March 21, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Giron.

Roll Call Present--31
Absent--2, King K., King S.
Excused--2, Mitchell, Steadman.
Present later--4, King K., King S., Mitchell, Steadman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Roberts, reading of the Journal of Tuesday, March 20, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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

Judiciary After consideration on the merits, the Committee recommends that **HB12-1026** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB12-1262** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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

Finance After consideration on the merits, the Committee recommends that **HB12-1052** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend the Health and Human Services Committee Report, dated March 14, 2012, page 2, line 3, after "AGENCIES," insert "OR HIS OR HER DESIGNEE,".

SENATE SERVICES REPORT

Correctly Printed: SB12-163.
Correctly Reengrossed: SB12-134; SJR12-021.
Correctly Rerevised: HB12-1002, 1094, 1125, 1178, 1181, 1229 and 1285.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SR12-002by Senator(s) Brophy and Hudak; --Concerning modifications to the rules of the Senate.
State, Veterans & Military Affairs

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:

SB12-154by Senator(s) Tochtrop; also Representative(s) Duran--Concerning standards for responsible medical marijuana vendors.

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	E
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	Y	King S.	N	Roberts	Y		

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

Co-sponsors added: Boyd, Guzman and Williams S.

IMMEDIATE RECONSIDERATION OF SB12-154

SB12-154by Senator(s) Tochtrop; also Representative(s) Duran--Concerning standards for responsible medical marijuana vendors.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-154.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

SB12-154by Senator(s) Tochtrop; also Representative(s) Duran--Concerning standards for responsible medical marijuana vendors.

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

YES	24	NO	11	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	Y
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	Y	King S.	N	Roberts	Y		

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

Upon request of Senator Morse, **SB12-044** was removed from the General Orders--Second Reading of Bills Consent Calendar of Wednesday, March 21 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Wednesday, March 21.

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

SB12-156 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Levy-- Concerning the authority of the department of personnel to expend gifts, grants, and donations.

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

HB12-1222 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the recreation of the department of transportation renovation fund to be used for transportation-related purposes.

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

HB12-1299 by Representative(s) Singer; also Senator(s) Shaffer B.--Concerning the specification that a motor vehicle lessee is entitled to claim the innovative motor vehicle tax credit.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1312 by Representative(s) Sonnenberg, Levy; also Senator(s) Brophy and Johnston--Concerning the exclusion of land use issues addressed by local governing bodies from the public utilities commission's proper scope of review with respect to applications for certificates of public convenience and necessity for transmission lines.

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 Grantham, 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: SB12-156, HB12-1222, HB12-1299, HB12-1312.
Laid over to the end of the General Orders -- Second Reading of Bills calendar,
Wednesday, March 21: SB12-044.

CONSIDERATION OF RESOLUTIONS

SJR12-022 by Senator(s) Jahn; also Representative(s) Williams A.--Concerning recognition of "Single Parents' Day".

On motion of Senator Jahn, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-033 by Senator(s) Guzman; also Representative(s) Massey--Concerning adding near fatalities to the responsibilities of the department of human services child fatality review team.

Senator Guzman moved that the Senate concur in House amendments to **SB12-033**, as printed in House journal, March 16, page 684, and amended on Third Reading as printed in House journal, March 19, pages 714-716. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: Cadman, King K. and White.

SB12-030 by Senator(s) Jahn; also Representative(s) Liston--Concerning administrative matters related to a foreclosure sale.

Senator Guzman moved that the Senate concur in House amendments to **SB12-030**, as printed in House journal, March 16, pages 682-683. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

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 Wednesday, March 21 was laid over until Thursday, March 22, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-130, SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149, HB12-1144, HB12-1224, HB12-1097, SB12-078, HB12-1276, SB12-044.
Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Conference Committees to Report: SB12-020.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 21, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

72nd Legislative Day Thursday, March 22, 2012

Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Giron.
Roll Call	Present--33 Absent--1, Tochtrop. Excused--1, Mitchell. Present later--1, Tochtrop.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Roberts, reading of the Journal of Wednesday, March 21, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:
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MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2015:

David "Ty" H. Wattenberg of Walden, Colorado to serve as a member from the North Platte drainage basin, reappointed;

Frank J. Kugel of Gunnison, Colorado to serve as a member from the Gunnison-Uncompahgre drainage basin, and with experience in water law, reappointed.

Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:
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MEMBER OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2014:

Lauren Elizabeth Evans of Lakewood, Colorado, appointed.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COAL MINE BOARD OF EXAMINERS

for a term expiring July 1, 2012:

Richard Clair Chermak of Hotchkiss, Colorado, to serve as a coal miner of known experience and practice in underground coal mining residing in the State of Colorado and actively engaged in the coal mining industry during the term of office, appointed.

for a term expiring July 1, 2013:

Geral Justin Fedinec of Craig, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining industry, to fill the vacancy occasioned by the resignation of Lara A. Sims of Hayden, Colorado, appointed;

Alan Reed Bayles of Hotchkiss, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Daniel R. Meadors of Durango, Colorado, appointed.

Education After consideration on the merits, the Committee recommends that **HB12-1220** 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 2, line 11, strike "UPPER DIVISION".

Local Government After consideration on the merits, the Committee recommends that **HB12-1244** 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 2, line 13, strike "REGISTERED AGENT, WHO IS" and substitute "AGENT".

Page 2, after line 20 insert:

- "(a) "AGENT" MEANS:
- (I) FOR A SPECIAL DISTRICT CREATED PURSUANT TO TITLE 32, C.R.S., THE SPECIAL DISTRICT'S DESIGNATED LOCAL GOVERNMENT CONTACT PERSON, AS REPORTED ANNUALLY BY THE SPECIAL DISTRICT AND INCLUDED IN THE DATABASE BY THE DEPARTMENT; OR
- (II) FOR ALL OTHER LOCAL GOVERNMENTAL ENTITIES, A PERSON DESIGNATED BY A LOCAL GOVERNMENTAL ENTITY TO RECEIVE A FILING OF A NOTICE OF CLAIM PURSUANT TO SECTION 24-10-109 (3).".

Reletter succeeding paragraphs accordingly.

Page 3, strike lines 8 through 10.

Page 3, line 26, strike "REGISTERED" and substitute "LOCAL GOVERNMENTAL ENTITY'S".

Page 3, line 27, strike "REGISTERED".

Page 4, line 6, after "NOTICE" insert "OF A CLAIM PURSUANT TO SECTION 24-10-109" and strike "REGISTERED" and substitute "LOCAL GOVERNMENTAL ENTITY'S".

Local Government	After consideration on the merits, the Committee recommends that HB12-1007 be postponed indefinitely.	1 2 3 4
Judiciary	After consideration on the merits, the Committee recommends that HB12-1307 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Judiciary	After consideration on the merits, the Committee recommends that HB12-1116 be postponed indefinitely.	9 10 11 12
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB12-157 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	13 14 15 16 17
	Amend printed bill, page 5, line 8, strike "PAGING SERVICE,".	18
	Page 7, line 1, strike "MAY" and substitute "SHALL".	19 20
	Page 7, line 12, strike "THE AREA" and substitute "THAT GEOGRAPHIC AREA".	21 22 23 24
	Page 13, line 11, strike "THE AREA" and substitute "THAT GEOGRAPHIC AREA".	25 26 27
	Page 64, strike line 27.	28
	Page 65, strike lines 1 and 2 and substitute:	29 30
	"(4) THE FOLLOWING ENTITIES ARE ELIGIBLE TO BID INTO A RFP:	31
	(a) ANY COOPERATIVE ELECTRIC ASSOCIATION OR WHOLLY OWNED	32
	SUBSIDIARY OF A COOPERATIVE ELECTRIC ASSOCIATION; AND	33
	(b) ANY BROADBAND PROVIDER THAT IS REGISTERED IN GOOD	34
	STANDING WITH THE COLORADO SECRETARY OF STATE'S OFFICE AS OF	35
	DECEMBER 31, 2012.".	36 37 38
	Page 65, line 4, strike "PUBLIC-PRIVATE PARTNERSHIPS,".	39
	Page 65, strike lines 8 through 11.	40 41
	Page 65, line 12, strike "(7)" and substitute "(6)".	42 43 44 45
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1123 be postponed indefinitely.	46 47 48 49 50 51
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1172 be postponed indefinitely.	52 53 54 55 56 57
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1063 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	58 59 60 61 62
	Amend reengrossed bill, page 3, strike lines 5 through 7 and substitute "FORCES OF THE UNITED STATES.".	63 64 65
	Page 3, strike line 18 and substitute "MAY RESERVE PLOTS THERE FOR THE BURIAL AND INTERMENT OF THEMSELVES AND THEIR SPOUSES. IN ADOPTING".	66 67 68 69 70 71

State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2015:

Lewis H. Entz of Hooper, Colorado, to serve as a veteran and as a Republican, reappointed.

MESSAGE FROM THE HOUSE

March 21, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1313, HCR12-1001.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1323, amended as printed in House Journal, March 20, page 729.
HB12-1318, amended as printed in House Journal, March 20, page 729.
HB12-1209, amended as printed in House Journal, March 20, page 731.
HB12-1274, amended as printed in House Journal, March 20, pages 731-732.
HB12-1292, amended as printed in House Journal, March 20, page 732.
HB12-1302, amended as printed in House Journal, March 20, page 732.
HB12-1238, amended as printed in House Journal, March 20, pages 733-738.
HB12-1321, amended as printed in House Journal, March 20, pages 738-739, and amended on Third Reading as printed in House Journal, March 21.

The House has passed on Third Reading and returns herewith SB12-133, 062, 023.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-055, amended as printed in House Journal, March 20, page 732.

The House has adopted and returns herewith SJR12-022.

The House has postponed indefinitely SB12-122, 147. The bills are returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 21, 2012

We herewith transmit:

Without comment, HB12-1313.
Without comment, HCR12-1001.
Without comment, as amended, HB12-1209, 1238, 1274, 1302, 1318, 1321, and 1323.
Without comment, as amended, SB12-055.
With comment, as amended, HB12-1292.

SENATE SERVICES REPORT

Correctly Printed: SR12-002.
Correctly Engrossed: SB12-156; SJR12-022.
Correctly Reengrossed: SB12-154.
Correctly Revised: HB12-1222, 1299 and 1312.
Correctly Enrolled: SB12-007 and 146; SJR12-021.

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-156 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Levy--
Concerning the authority of the department of personnel to expend gifts, grants, and
donations.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	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.

HB12-1222 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the recreation of the department of transportation renovation fund to be used for
transportation-related purposes.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	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.

HB12-1299 by Representative(s) Singer; also Senator(s) Shaffer B.--Concerning the specification that a
motor vehicle lessee is entitled to claim the innovative motor vehicle tax credit.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	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

HB12-1312 by Representative(s) Sonnenberg, Levy; also Senator(s) Brophy and Johnston--Concerning the exclusion of land use issues addressed by local governing bodies from the public utilities commission's proper scope of review with respect to applications for certificates of public convenience and necessity for transmission lines.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	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: White

Committee of the Whole On motion of Senator King K., the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator King K. 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:

HB12-1269 by Representative(s) Kerr J.; also Senator(s) Roberts--Concerning the threshold amount of campaign activity by a candidate committee in connection with a special district election that triggers disclosure requirements under the "Fair Campaign Practices Act".

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1270 by Representative(s) Ryden, Jones, Liston, Miklosi, Tyler, Wilson; also Senator(s) Heath--
Concerning an increase in the limit on the amount of alcohol beverages a person licensed to
sell alcohol beverages for on-premises consumption may purchase from a licensed alcohol
beverage retailer.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 20, pages 526-528 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 King K., the report of the Committee of the Whole was **adopted** on
the following roll call vote:

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	E	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: HB12-1269, HB12-1270 as amended.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-011, 064, 072, 079 and 096; HB12-1028, 1029, 1031,
1032, 1058, 1061, 1065, 1072, 1089, 1104, 1169, 1207, 1212, 1249, 1288.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 22, 2012 at 8:22 a.m.:
SB12-011, 064, 072, 079 and 096.

Committee of the Whole On motion of Senator King K., the Senate resolved itself into the Committee of the
Whole for consideration of General Orders--Second Reading of Bills and
Senator King K. 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:

SB12-130	by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner, Peniston--Concerning governance of child development programs, and, in connection therewith, requiring a post-enactment review of the implementation of this act.	1 2 3 4 5
	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u>	6
	(Printed in Senate Journal, February 27, pages 281-307 and placed in members' bill files.)	7 8 9
	<u>Amendment No. 2(L.009), by Senator Newell.</u>	10
	Amend the corrected Health and Human Services Committee Report, dated February 23, 2012, page 2, line 29, strike "CHILDREN AND" and substitute "CHILDREN, AND THEIR".	11 12 13 14 15
	Page 2, line 33, after "AND" insert "THEIR".	16 17
	Page 4, line 18, after "SERVICES" insert "AND THE STATE BOARD OF EDUCATION".	18 19 20
	Page 5, line 1, after "BOARD" insert "AND THE STATE BOARD OF EDUCATION".	21 22 23
	Page 5, line 8, after "BOARD" insert "AND THE STATE BOARD OF EDUCATION".	24 25 26
	Page 9, line 17, after the period, add "AFTER THE STATE BOARD APPROVES THE STATE PLAN, THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL IMPLEMENT THE STATE PLAN; EXCEPT THAT THEY SHALL NOT IMPLEMENT THE SECTIONS OF THE STATE PLAN THAT AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND SCHOOL DISTRICTS UNTIL THE STATE BOARD OF EDUCATION APPROVES SAID SECTIONS AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3)."	27 28 29 30 31 32 33 34 35 36
	Page 9, after line 17 insert:	37 38
	"(c) WHEN IT SUBMITS THE STATE PLAN TO THE STATE BOARD FOR APPROVAL, THE OFFICE SHALL ALSO SUBMIT THE STATE PLAN TO THE STATE BOARD OF EDUCATION FOR APPROVAL OF THOSE SECTIONS OF THE STATE PLAN THAT AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND SCHOOL DISTRICTS. THE STATE BOARD OF EDUCATION MAY APPROVE SAID SECTIONS OF THE STATE PLAN AS SUBMITTED OR WITH CHANGES. THE OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL IMPLEMENT SAID SECTIONS OF THE STATE PLAN UPON APPROVAL BY THE STATE BOARD OF EDUCATION."	39 40 41 42 43 44 45 46 47 48 49 50
	Reletter succeeding paragraphs accordingly.	51 52
	Page 9, strike lines 26 and 27 and substitute "STATE PLAN TO THE STATE BOARD FOR APPROVAL AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3) AND SHALL SUBMIT THE SECTIONS OF THE REVISED STATE PLAN THAT AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND SCHOOL DISTRICTS TO THE STATE BOARD OF EDUCATION FOR APPROVAL AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3)."	53 54 55 56 57 58 59 60
	Page 11, line 4, strike the second "AND".	61 62
	Page 11, line 6, strike "COUNCILS." and substitute "COUNCILS; AND".	63 64
	Page 11, after line 6, insert:	65 66
	"(f) THE INCREASED EFFICIENCIES AND ECONOMIES OF SCALE AND THE COST SAVINGS THAT RESULT FROM THE CONSOLIDATION OF EARLY CHILDHOOD PROGRAMS AT THE STATE LEVEL AND ANY RESULTING OR RECOMMENDED REALLOCATION OF STAFFING."	67 68 69 70 71
	Page 13, line 2, after "THE" insert "STATE".	72

Page 13, line 26, after "THE" insert "STATE".

As amended, laid over until Friday, March 23, retaining its place on the calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149, HB12-1144, HB12-1224, HB12-1097, SB12-078, HB12-1276, SB12-044, HB12-1168, HB12-1239) of Thursday, March 22 was laid over until Friday, March 23 retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator King K., the report of the Committee of the Whole was **adopted** on the following roll call vote:

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	E	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	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Laid over until Friday, March 23: SB12-130 as amended, SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149, HB12-1144, HB12-1224, HB12-1097, SB12-078, HB12-1276, SB12-044, HB12-1168, HB12-1239.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SCR12-001 by Senator(s) Steadman; also Representative(s) Ferrandino--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction.
Judiciary

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 Thursday, March 22 was laid over until Friday, March 23, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Conference Committees to Report: SB12-020.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 23, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

73rd Legislative Day	Friday, March 23, 2012
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Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Giron.
Roll Call	Present--33 Excused--2, Mitchell, Renfroe. Present later--2, Mitchell, Renfroe.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Roberts, reading of the Journal of Thursday, March 22, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Trans- portation	After consideration on the merits, the Committee recommends that HB12-1019 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Finance	After consideration on the merits, the Committee recommends that HB12-1006 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Finance	After consideration on the merits, the Committee recommends that HB12-1241 be referred to the Committee on <u>Legislative Council</u> with favorable recommendation.
Finance	After consideration on the merits, the Committee recommends that HB12-1290 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1126 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1175 be postponed indefinitely.
Appro- priations	After consideration on the merits, the Committee recommends that HB12-1204 be referred to the Committee of the Whole with favorable recommendation.
Appro- priations	After consideration on the merits, the Committee recommends that HB12-1083 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Page 558	Senate Journal-73rd Day-March 23, 2012	
Appropriations	After consideration on the merits, the Committee recommends that HB12-1009 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB12-121 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	5 6 7 8 9
Appropriations	After consideration on the merits, the Committee recommends that SB12-004 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13 14
	Amend printed bill, page 6, after line 11 insert:	15 16
	" SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of personnel, for the fiscal year beginning July 1, 2012, the sum of \$198,830 and 2.7 FTE, or so much thereof as may be necessary, for allocation to the state purchasing office in the division of accounts and control – contoller, for promulgation and management of rules and to support certification of vendor eligibility related to the implementation of this act.".	17 18 19 20 21 22 23 24 25
	Renumber succeeding section accordingly.	26 27
	Page 1, line 103, strike " STATES. " and substitute " STATES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION. ".	28 29 30 31
Appropriations	After consideration on the merits, the Committee recommends that HB12-1052 be referred to the Committee of the Whole with favorable recommendation.	32 33 34 35
Appropriations	After consideration on the merits, the Committee recommends that SB12-150 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36 37 38 39 40
	Amend printed bill, page 5, line 6, strike "12-____," and substitute "12-150,".	41 42 43
	Page 5, line 9, strike "12-____" and substitute "12-150".	44 45
	Page 16, after line 22 insert:	46 47
	" SECTION 4. Appropriation - adjustments in 2012 long bill. For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the department of personnel for the fiscal year beginning July 1, 2012, for the division of accounts and control - controller, office of the state controller, is decreased by \$42,961 and 0.5 FTE.".	48 49 50 51 52 53 54
	Renumber succeeding section accordingly.	55 56
	Page 1, line 102, strike " FINANCING. " and substitute " FINANCING, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION. ".	57 58 59 60
Appropriations	After consideration on the merits, the Committee recommends that HB12-1012 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	61 62 63 64 65 66

Appropriations	After consideration on the merits, the Committee recommends that SB12-068 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5 6 7
	Amend printed bill, page 5, after line 25 insert:	8
	" SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$6,800, or so much thereof as may be necessary, for allocation to the federal nutrition programs for consulting services related to the implementation of this act."	9 10 11 12 13 14 15
	Renumber succeeding section accordingly.	16 17
	Page 1, line 103, strike " SCHOOLS. " and substitute " SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION. ".	18 19 20 21
Appropriations	After consideration on the merits, the Committee recommends that HB12-1215 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	22 23 24 25 26
Appropriations	After consideration on the merits, the Committee recommends that HB12-1246 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	27 28 29 30 31
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1027 be postponed indefinitely.	32 33 34 35 36 37
Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	38 39 40 41
	<u>MEMBERS OF THE WATER QUALITY CONTROL COMMISSION</u>	42 43 44 45
	for terms expiring February 15, 2014:	46 47
	Peter Butler of Durango, Colorado to serve as a representative who lives west of the continental divide, reappointed;	48 49 50
	Jill C. Harris McConaughy of Glenwood Springs, Colorado to serve as a representative who lives west of the continental divide, reappointed.	51 52 53 54
Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	55 56 57 58 59
	<u>MEMBERS OF THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO</u>	60 61 62 63 64
	for terms expiring July 1, 2015:	65 66
	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;	67 68 69

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;

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;

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.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for terms expiring December 31, 2015:

Bryan J. Martin of Westminster, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife, reappointed;

Thomas L. Kenyon of Grand Junction, Colorado, to serve as a representative of the public at large, reappointed;

Dan C. Prenzlowl of Colorado Springs, Colorado, to serve as an ex officio member representing the Division of Wildlife, reappointed.

MESSAGE FROM THE HOUSE

March 22, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1267, amended as printed in House Journal, March 22, page 729.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-031, amended as printed in House Journal, March 22, pages 729-730.

MESSAGE FROM THE REVISOR OF STATUTES

March 22, 2012

We herewith transmit:

Without comment, as amended, SB12-031.
With comment, as amended, HB12-1267.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines:

The Monday, March 26 deadline (the 76th legislative day) for introduction of the long appropriation bill in the House is extended until Wednesday, April 4, 2012 (the 85th legislative day).

The Friday, March 30 deadline (the 80th legislative day) for passage of the long appropriation bill in the House is extended until Thursday, April 12, 2012 (the 93rd legislative day).

The Friday, April 6 deadline (the 87th legislative day) for passage of the long appropriation bill in the Senate is extended until Thursday, April 19, 2012 (the 100th legislative day).

The Friday, April 13 deadline (the 94th legislative day) for adoption of the conference committee report on the long appropriation bill is extended until Thursday, April 26, 2012 (the 107th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
Representative McNulty
Speaker of the House of Representatives

(signed)
Senator Shaffer
President of the Senate

(signed)
Representative Stephens
House Majority Leader

(signed)
Senator Morse
Senate Majority Leader

(signed)
Representative Ferrandino
House Minority Leader

(signed)
Senator Cadman
Senate Minority Leader

SENATE SERVICES REPORT

Correctly Printed: SCR12-001.
Correctly Reengrossed: SB12-156.
Correctly Revised: HB12-1269 and 1270.
Correctly Rerevised: HB12-1222, 1299 and 1312.
Correctly Enrolled: SB12-030, 033, 066, 077 and 099.

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 to an expression of personal privilege.

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:

HB12-1269 by Representative(s) Kerr J.; also Senator(s) Roberts--Concerning the threshold amount of campaign activity by a candidate committee in connection with a special district election that triggers disclosure requirements under the "Fair Campaign Practices Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Giron, Grantham, Guzman, Heath, Jahn, Lambert, Lundberg, Mitchell and Williams S.

HB12-1270 by Representative(s) Ryden, Jones, Liston, Miklosi, Tyler, Wilson; also Senator(s) Heath--Concerning an increase in the limit on the amount of alcohol beverages a person licensed to sell alcohol beverages for on-premises consumption may purchase from a licensed alcohol beverage retailer.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Guzman, King S., Schwartz, 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 Third Reading of Bills -- Final Passage Calendar (SB12-015, SB12-129) of Friday, March 23 was laid over until Monday, April 2, retaining its place on the calendar.

Committee of the Whole On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Bacon 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:

HB12-1026 by Representative(s) Coram; also Senator(s) Roberts--Concerning peace officer status for certain municipality prosecuting attorneys.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1262 by Representative(s) Gardner B.; also Senator(s) Roberts--Concerning enactment of amendments to the secured transactions provisions of the "Uniform Commercial Code".

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 Bacon, 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: HB12-1026, HB12-1262.

Committee of the Whole On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Bacon was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1224	by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--	1
	Concerning the creation of a consolidated communications system authority.	2
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	5
	(Printed in Senate Journal, March 16, pages 501-502 and placed in members' bill files.)	6
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	As amended, ordered revised and placed on the calendar for third reading and final	8
	passage.	9
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SB12-001	by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also	11
	Representative(s) Duran and Ryden--Concerning contracting preferences for persons who	12
	employ at least a specified percentage of Colorado residents to perform the requirements of	13
	a government contract.	14
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	Laid over until Monday, March 26, retaining its place on the calendar.	16
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SB12-155	by Senator(s) Heath and White; also Representative(s) Court and Murray--Concerning	21
	procedures to protect transparency in elections while preserving the integrity of ballots in	22
	connection with a request for public inspection of ballots under the "Colorado Open	23
	Records Act".	24
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	Laid over until Monday, March 26, retaining its place on the calendar.	26
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SB12-130	by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner,	31
	Peniston--Concerning governance of child development programs, and, in connection	32
	therewith, requiring a post-enactment review of the implementation of this act.	33
		34
	<u>Amendment No. 1, General Orders Amendment.</u>	35
	(Amended in general orders as printed in Senate journal, March 22, pages 554-555.)	36
		37
	As amended, ordered engrossed and placed on the calendar for third reading and final	38
	passage.	39
		40
SB12-070	by Senator(s) Aguilar; also Representative(s) Wilson, Solano--Concerning residential	41
	landlords and tenants, and, in connection therewith, enacting the "Uniform Residential	42
	Landlord and Tenant Act".	43
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	Laid over until Monday, March 26, retaining its place on the calendar.	45
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SB12-086	by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory	51
	compliance for businesses in Colorado.	52
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	Laid over until Monday, March 26, retaining its place on the calendar.	54
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SB12-132	by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg,	61
	Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely	62
	issuance of environmental control permits.	63
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	Laid over until Monday, March 26, retaining its place on the calendar.	65
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HB12-1053	by Representative(s) Gardner B.; also Senator(s) Giron--Concerning the victims' rights act.	71
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	Laid over until Monday, March 26, retaining its place on the calendar.	73
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SB12-149	by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in	81
	which the board of a defined benefit plan or system created by a local government may	82
	modify retirement benefit provisions of the plan or system.	83
		84
	Laid over until Monday, March 26, retaining its place on the calendar.	85
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HB12-1144 by Representative(s) Fischer, Duran, Hamner, Hullinghorst, Kefalas, Kerr A., Peniston, Ryden, Schafer S., Solano, Tyler, Young; also Senator(s) Bacon--Concerning authorizing institutions of higher education to enter into employment contracts for non-tenure-track classroom teachers.

Laid over until Monday, March 26, retaining its place on the calendar.

HB12-1097 by Representative(s) Summers; also Senator(s) Jahn--Concerning civil penalties for retail food establishments.

Ordered revised and placed on the calendar for third reading and final passage.

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, March 16, pages 503-507 and placed in members' bill files.)

Amendment No. 2(L.016), by Senator Hudak.

Amend the Senate Health and Human Services Committee Report, dated March 15, 2012, page 2, line 4, after "ADULT;", add "OR".

Page 2, strike lines 8 through 10 and substitute "NEEDS OR OBLIGATIONS."."

Page 2, strike line 19.

Page 2, strike lines 25 and 26 and substitute "PROVIDERS."."

Page 3, line 26, after "EACH", insert "PROTECTIVE SERVICES".

Page 4, after line 2, insert:

"Page 12, line 24, strike "CHECK." and substitute "CHECK UNLESS THE COUNTY DEPARTMENT CHOOSES TO PAY THE COST."."

Page 5 of the committee report, line 10, strike "AND" and substitute "OR".

Page 5 of the committee report, line 18, strike "COSTS" and substitute "COSTS, INCLUDING WORKLOAD IMPACTS,"."

Page 6 of the committee report, strike lines 12 and 13 and substitute:

"Page 14, line 20, strike "MISTREATMENT," and substitute "MISTREATMENT".

Page 14, strike lines 21 through 25 and substitute "OR EXPLOITATION OF AT-RISK ADULTS."."

Amendment No. 3(L.015), by Senator Williams S.

Amend the Senate Health and Human Services Committee Report, dated March 15, 2012, page 7, line 12, strike "AND".

Page 7, strike line 14 and substitute:"OMBUDSMEN;

(XIV) A REPRESENTATIVE OF A HOSPICE CARE ORGANIZATION; AND

(XV) A REPRESENTATIVE OF ONE OR MORE AGENCIES THAT PROVIDE NON-MEDICAL HOME CARE TO AT-RISK ADULTS."."

Amendment No. 4(L.017), by Senator Boyd.

Amend the Williams S. floor amendment (SB078_L.015), page 1, line 4, strike "AND".

Page 1, line 6, strike "ADULTS."." and substitute "ADULTS; AND"

(XVI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT REPRESENTS COUNTIES."."."

As amended, laid over until Monday, March 26, retaining its place on the calendar.

HB12-1168 by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.
Laid over until Monday, March 26, 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 (HB12-1276, SB12-044, HB12-1239) of Friday, March 23 was laid over until Monday, March 26, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Bacon, 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: SB12-130 as amended, HB12-1224 as amended, HB12-1097.
Laid over until Monday, March 26: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, HB12-1053, SB12-149, HB12-1144, SB12-078 as amended, HB12-1276, SB12-044, HB12-1168, HB12-1239.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-021 and 022.

MESSAGE FROM THE HOUSE

March 23, 2012

The House has postponed indefinitely SB12-093, 141. The bills are returned herewith.

The House has voted to concur in the Senate amendments to HB12-1125, and has repassed the bill as so amended.

MESSAGE FROM THE GOVERNOR

March 22, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB 12-024: CONCERNING THE OBLIGATIONS OF A RESIDENTIAL NONPROFIT CORPORATION TO ITS RESIDENTIAL MEMBERS, AND, IN CONNECTION THEREWITH, CLARIFYING OPEN MEETING PROVISIONS AND LIMITING THE CONDITIONS UNDER WHICH THE CORPORATION MUST REFUND MONEYS PAID BY A RESIDENTIAL MEMBER.

Approved March 22, 2012 at 12:40 p.m.

SB 12-037: CONCERNING THE ABILITY TO DISPENSE A CONTROLLED SUBSTANCE BASED ON AN ELECTRONICALLY TRANSMITTED PRESCRIPTION DRUG ORDER.

Approved March 22, 2012 at 12:43 p.m.

SB 12-097: CONCERNING A SIMPLIFIED PROCEDURE FOR THE ADJUDICATION OF CERTAIN CHANGES OF THE POINTS OF DIVERSION OF WATER RIGHTS.

Approved March 22, 2012 at 1:17 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committees indicated:

- SJR12-023** by Senator(s) Hudak, Bacon, Heath, Johnston, King K., Spence, Williams S.; also Representative(s) Todd, Hamner, Kerr A., Peniston, Schafer S., Solano--Concerning the recognition of public school teachers in Colorado.
Education
- SJR12-024** by Senator(s) Bacon, Schwartz, Renfroe; also Representative(s) Sonnenberg, Brown, Vigil-- Concerning the abatement of environmental contaminants in and demolition of structures on land located in the city of Pueblo, adjacent to the Colorado State Fair grounds.
Agriculture, Natural Resources, and Energy
- SJR12-025** by Senator(s) Grantham; also Representative(s) McKinley--Concerning recognition of the Amtrak Southwest Chief.
Transportation

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.
State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB12-164 by Senator(s) Heath and King K.; also Representative(s) Massey and Todd--Concerning the
operation of private postsecondary institutions in Colorado.
Education

HB12-1209 by Representative(s) Gardner B.; also Senator(s) Carroll--Concerning the "Uniform
Electronic Legal Material Act", and, in connection therewith, making an appropriation.
Judiciary

HB12-1267 by Representative(s) Coram; also Senator(s) Grantham--Concerning the simplification of
certain preelection procedures in order to reduce the cost of administering elections.
State, Veterans & Military Affairs

HB12-1274 by Representative(s) Swerdfeger; also Senator(s) Jahn--Concerning the regulation of
notaries public, and, in connection therewith, making and reducing appropriations.
State, Veterans & Military Affairs

HB12-1292 by Representative(s) Murray; also Senator(s) Heath--Concerning technical modifications to
laws relating to the administration of elections, and, in connection therewith, harmonizing
current laws with federal law, altering the time periods within which certain actions must be
taken, raising certain fees, and deleting obsolete references.
State, Veterans & Military Affairs

HB12-1302 by Representative(s) Massey; also Senator(s) Tochtrop--Concerning the creation of a flight
for life Colorado license plate, and, in connection therewith, making an appropriation.
Transportation

HB12-1313 by Representative(s) Szabo; also Senator(s) Bacon--Concerning procedures related to the
statewide initiative title board.
State, Veterans & Military Affairs

HB12-1318 by Representative(s) Brown, Sonnenberg, Vigil; also Senator(s) Schwartz, Bacon, Renfroe--
Concerning the development of guidelines regarding the eligibility of controlled
maintenance funding for state facilities.
Finance

HB12-1321 by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.--
Concerning the state personnel system, and, in connection therewith, enacting the
"Modernization of the State Personnel System Act".
State, Veterans & Military Affairs

HB12-1323	by Representative(s) Coram; also Senator(s) Roberts--Concerning the associate county	1
	judge for Montrose county.	2
	Judiciary	3
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	On motion of Senator Morse, and with a majority of those elected to the Senate having	8
	voted in the affirmative, the balance of the calendar of Friday, March 23 was laid over	9
	until Monday, March 26, retaining its place on the calendar.	10
		11
	Consideration of Resolutions: SJR12-006, HJR12-1004.	12
	Consideration of Memorials: SJM12-001.	13
	Conference Committees to Report: SB12-020.	14
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	On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 26,	19
	2012.	20
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	Approved:	22
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	Brandon C. Shaffer	26
	President of the Senate	27
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	Attest:	29
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	Cindi L. Markwell	33
	Secretary of the Senate	34

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

76th Legislative Day Monday, March 26, 2012

Prayer By the chaplain, Rabbi Yossi Serebryanski, Chabad of South Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Friday, March 23, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB12-164; SJR12-023, 024 and 025.
Correctly Engrossed: SB12-130.
Correctly Revised: HB12-1026, 1097, 1224 and 1262.
Correctly Rerevised: HB12-1269 and 1270.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-026 by Senator(s) Newell, Hudak; also Representative(s) Gardner B.--Concerning recognition of October as "Conflict Resolution Month" in Colorado.

On motion of Senator Newell, the resolution was adopted by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Jahn, Morse, Nicholson, Roberts, Schwartz, Shaffer B., Tochtrop, White and Williams S.

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:

HB12-1026 by Representative(s) Coram; also Senator(s) Roberts--Concerning peace officer status for certain municipality prosecuting attorneys.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Guzman, King S. and Newell.

HB12-1262 by Representative(s) Gardner B.; also Senator(s) Roberts--Concerning enactment of amendments to the secured transactions provisions of the "Uniform Commercial Code".

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: Guzman.

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:

HB12-1224 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--Concerning the creation of a consolidated communications system authority.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Heath and Schwartz.

SB12-130 by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner, Peniston--Concerning governance of child development programs, and, in connection therewith, requiring a post-enactment review of the implementation of this act.

A majority of those elected to the Senate having voted in the affirmative, Senator Newell was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.018), by Senator Newell.

Amend engrossed bill, page 12, after line 16, insert:

"(6) PARTICIPATION IN A PROGRAM ADMINISTERED BY THE OFFICE IS VOLUNTARY. THE OPERATIONS OF THE OFFICE AND THE IMPLEMENTATION OF THE PROGRAMS ADMINISTERED BY THE OFFICE ARE NOT DESIGNED OR INTENDED TO INTERFERE WITH THE RIGHTS OF PARENTS TO RAISE THEIR CHILDREN."

The amendment was **passed** on the following roll call vote:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	N	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	N	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	12	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	Y
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	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Boyd, Foster, Giron, Heath, Spence, Tochtrop and Williams S.

HB12-1097 by Representative(s) Summers; also Senator(s) Jahn--Concerning civil penalties for retail food establishments.

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: Williams S.

RECONSIDERATION OF HB12-1262

HB12-1262 by Representative(s) Gardner B.; also Senator(s) Roberts--Concerning enactment of amendments to the secured transactions provisions of the "Uniform Commercial Code".

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage -- Consent Calendar, on HB12-1262.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR - cont'd

HB12-1262 by Representative(s) Gardner B.; also Senator(s) Roberts--Concerning enactment of amendments to the secured transactions provisions of the "Uniform Commercial Code".

A majority of those elected to the Senate having voted in the affirmative, Senator Roberts was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.001), by Senator Roberts.

Amend revised bill, page 19, line 15, strike "12-____," and substitute "12-1262,".

Page 19, line 18, strike "12-____," and substitute "12-1262,".

Page 19, line 21, strike "12-____," and substitute "12-1262,".

Page 19, line 26, strike "12-____," and substitute "12-1262,".

Page 20, line 2, strike "12-____," and substitute "12-1262,".

Page 20, line 10, strike "12-____," and substitute "12-1262,".

Page 20, line 13, strike "12-____," and substitute "12-1262,".

Page 20, line 21, strike "12-____," and substitute "12-1262,".

Page 21, line 2, strike "12-____," and substitute "12-1262,".

Page 21, line 3, strike "12-____," and substitute "12-1262,".

Page 21, line 13, strike "12-____," and substitute "12-1262,".

Page 21, line 23, strike "12-____," and substitute "12-1262,".

Page 22, line 3, strike "12-____," and substitute "12-1262,".

Page 22, line 14, strike "12-____," and substitute "12-1262,".

Page 22, line 26, strike "12-____," and substitute "12-1262,".

Page 23, line 4, strike "12-____," and substitute "12-1262,".

Page 23, line 8, strike "12-____," and substitute "12-1262,".

Page 23, line 16, strike "12-____," and substitute "12-1262,".

Page 24, line 3, strike "12-____," and substitute "12-1262,".

Page 24, line 8, strike "12-____," and substitute "12-1262,".

Page 24, line 25, strike "12-____," and substitute "12-1262,".

Page 25, line 27, strike "12-____," and substitute "12-1262,".

Page 26, line 11, strike "12-____," and substitute "12-1262,".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

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.

Upon request of Senator Morse, **HB12-1220** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, March 26 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, March 26.

Committee of the Whole On motion of Senator Williams S., the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Williams S. 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1244 by Representative(s) Scott; also Senator(s) Foster--Concerning an inventory of local governmental entities maintained by the department of local affairs, and, in connection therewith, requiring the inclusion of certain information in the inventory.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 22, page 548 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 Williams S., 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: **HB12-1244** as amended.
Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday, March 26: **HB12-1220**.

Committee of the Whole On motion of Senator Williams S., the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Williams S. 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:

SB12-044 by Senator(s) Guzman; also Representative(s) Pabon--Concerning failure to present valid evidence of mass transit fare payment, and, in connection therewith, making an appropriation.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 15, pages 165-167 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 16, pages 502-503 and placed in members' bill files.)

Amendment No. 3(L.004), by Senator Guzman.

Amend printed bill, page 3, line 18, strike "THE COUNTY OR CITY AND".

Page 3, strike lines 19 and 20.

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

Amendment No. 1, General Orders Amendment.

(Printed in Senate Journal, March 23, pages 565-566 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-001 by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract.

Laid over until Tuesday, March 27, retaining its place on the calendar.

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".

Laid over until Tuesday, March 27, retaining its place on the calendar.

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 Tuesday, March 27, retaining its place on the calendar.

SB12-086 by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado.

Laid over until Tuesday, March 27, retaining its place on the calendar.

SB12-132	by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits.	1 2 3 4
	Laid over until Tuesday, March 27, retaining its place on the calendar.	5 6 7
HB12-1053	by Representative(s) Gardner B.; also Senator(s) Giron--Concerning the victims' rights act.	8 9
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, March 13, pages 469-471 and placed in members' bill files.)	10 11 12
	<u>Amendment No. 2(L.031), by Senators King S. and Newell.</u>	13 14
	Amend the Judiciary Committee Report, dated March 12, page 2, strike lines 26 through 29.	15 16 17
	Page 3 of the committee report, strike lines 1 through 6 and substitute:	18 19
	"Page 16 of the bill, strike lines 1 and 2 substitute: "MAY INCLUDE BUT IS NOT LIMITED TO CIRCUMSTANCES IN WHICH A CRIME HAS REMAINED UNSOLVED FOR MORE THAN ONE YEAR."."	20 21 22 23
	As amended, ordered revised and placed on the calendar for third reading and final passage.	24 25 26 27
SB12-149	by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in which the board of a defined benefit plan or system created by a local government may modify retirement benefit provisions of the plan or system.	28 29 30 31
	Laid over until Tuesday, March 27, retaining its place on the calendar.	32 33 34
HB12-1144	by Representative(s) Fischer, Duran, Hamner, Hulinghorst, Kefalas, Kerr A., Peniston, Ryden, Schafer S., Solano, Tyler, Young; also Senator(s) Bacon--Concerning authorizing institutions of higher education to enter into employment contracts for non-tenure-track classroom teachers.	35 36 37 38 39
	Ordered revised and placed on the calendar for third reading and final passage.	40 41 42
HB12-1168	by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.	43 44 45
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, March 20, page 525 and placed in members' bill files.)	46 47 48
	As amended, ordered revised and placed on the calendar for third reading and final passage.	49 50 51 52
HB12-1276	by Representative(s) Duran, Summers, Fields, McCann, Casso, Hulinghorst, Massey, Swerdfeger, Vigil; also Senator(s) Newell--Concerning child care licensure waivers for materials related to a child care center's curriculum.	53 54 55 56
	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u> (Printed in Senate Journal, March 16, page 507 and placed in members' bill files.)	57 58 59
	As amended, ordered revised and placed on the calendar for third reading and final passage.	60 61 62 63
HB12-1239	by Representative(s) Vaad; also Senator(s) Carroll--Concerning required county approval for the expansion of special district domestic water or sanitary service into a county that has not previously approved the special district's service plan.	64 65 66 67
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, March 20, pages 525-526 and placed in members' bill files.)	68 69 70
	As amended, ordered revised and placed on the calendar for third reading and final passage.	71 72

HB12-1307 by Representative(s) Kerr J. and Summers; also Senator(s) Roberts--Concerning the authority of a nonlawyer trustee of a certain size trust to represent the trust before the board of assessment appeals.

Amendment No. 1(L.004), by Senator Roberts.

Amend reengrossed bill, page 2, after line 1 insert:

"**SECTION 1. Legislative declaration.** The general assembly does not intend that any inference be drawn from this act that a trustee acting as a trustee is required to be represented by a lawyer under any circumstances."

Renumber succeeding sections accordingly.

Page 2, strike lines 6 and 7 and substitute "TRUSTEE OF A TRUST".

Page 2, line 14, strike "WITH TOTAL ASSETS OF".

Page 2, line 15, strike "LESS THAN THREE MILLION DOLLARS".

Page 2, line 16, strike "STATE OR" and substitute "STATE".

Page 2, line 17, strike "TRUST." and substitute "TRUST, OR BY THE TRUSTEE'S DESIGNEE".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1220 by Representative(s) Becker; also Senator(s) Bacon--Concerning changes to the governance structure of the board of governors of the Colorado state university system, and, in connection therewith, establishing the governance structure for Colorado state university - global campus.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 22, page 548, was **lost**.)

Ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Williams S., 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: SB12-044 as amended, SB12-078 as amended, HB12-1053 as amended, HB12-1144, HB12-1168 as amended, HB12-1276 as amended, HB12-1239 as amended, HB12-1307 as amended, HB12-1220.
Laid over until Tuesday, March 27: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-149.

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.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-055 by Senator(s) White, Aguilar, Giron, Guzman, Hudak, Newell, Nicholson, Spence, Steadman, Tochtrop, Williams S.; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund to appear on the state individual income tax return forms.

Senator White moved that the Senate concur in House amendments to **SB12-055**, as printed in House journal, March 20, page 732. The motion was **adopted** by the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Call of the Senate.
Call raised.

SB12-031 by Senator(s) White; also Representative(s) Bradford and Baumgardner--Concerning federal mineral lease districts.

Senator White moved that the Senate concur in House amendments to **SB12-031**, as printed in House journal, March 22, pages 729-730. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2015:

David "Ty" H. Wattenberg of Walden, Colorado to serve as a member from the North Platte drainage basin, reappointed;

Frank J. Kugel of Gunnison, Colorado to serve as a member from the Gunnison-Uncompahgre drainage basin, and with experience in water law, 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		

On motion of Senator Schwartz, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2014:

Lauren Elizabeth Evans of Lakewood, 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 Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COAL MINE BOARD OF EXAMINERS

for a term expiring July 1, 2012:

Richard Clair Chermak of Hotchkiss, Colorado, to serve as a coal miner of known experience and practice in underground coal mining residing in the State of Colorado and actively engaged in the coal mining industry during the term of office, appointed.

for a term expiring July 1, 2013:

Geral Justin Fedinec of Craig, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining industry, to fill the vacancy occasioned by the resignation of Lara A. Sims of Hayden, Colorado, appointed;

Alan Reed Bayles of Hotchkiss, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Daniel R. Meadors of Durango, 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 Heath, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2015:

Lewis H. Entz of Hooper, Colorado, to serve as a veteran and as a Republican, 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	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE HOUSE

The House has adopted and returns herewith SJR12-026.

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, March 26 was laid over until Tuesday, March 27, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Conference Committees to Report: SB12-020.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 27, 2012.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

77th Legislative DayTuesday, March 27, 2012

Prayer By the chaplain, Pastor Robert Schlipp, The Worship Center of Brighton.

Call to Order By the President at 9:00 a.m.

Pledge By Abigail Schlipp, student at Belle Creek Charter School, Henderson.

Roll Call Present--32
Excused--3, Brophy, Johnston, Williams S.
Present later--2, Johnston, Williams S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Monday, March 26, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary The Committee on Judiciary has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed with a favorable recommendation:

**MEMBERS OF THE
STATE BOARD OF PAROLE**

for a term expiring July 1, 2013:

Patricia Ann Waak, Erie, Colorado, to fill the vacancy occasioned by the resignation of Becky L. Lucero, Pueblo, Colorado, and to serve as a citizen representative, appointed;

for terms expiring July 1, 2014:

Anthony Young of Colorado Springs, Colorado, to serve as a citizen representative, appointed;

Denise K. Balazic of Aurora, Colorado, to serve as a parole or probation representative, appointed;

further, effective July 1, 2011 for a term expiring at the pleasure of the Governor:

Anthony Young of Colorado Springs, Colorado, to serve as Chairperson of the State Board of Parole, appointed;

Patricia Ann Waak of Erie, Colorado, to serve as Vice Chairperson of the State Board of Parole, appointed.

Judiciary After consideration on the merits, the Committee recommends that **HB12-1226** be referred to the Committee on Finance with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB12-1271** be referred to the Committee of the Whole with favorable recommendation.

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
BOARD OF REAL ESTATE APPRAISERS

effective July 2, 2011, for terms expiring July 1, 2014:

Bruce Warren Willard of Greeley, Colorado to serve as a licensed or certified appraiser, appointed;

Robin B. Anderson of Denver, Colorado to serve as a licensed or certified appraiser, reappointed;

Frank R. Beltran of Pueblo, Colorado to serve as a county assessor in office, reappointed;

Deborah K. Delaney of Fort Collins, Colorado an officer or employee of a commercial bank experienced in real estate lending, reappointed.

SENATE SERVICES REPORT

Correctly Printed: SJR12-026.
Correctly Engrossed: SB12-044 and 078; SJR12-026.
Correctly Reengrossed: SB12-130.
Correctly Revised: HB12-1053, 1144, 1168, 1220, 1239, 1244, 1276 and 1307.
Correctly Rerevised: HB12-1026, 1097, 1224 and 1262.
Correctly Enrolled: SB12-023, 062 and 133.

MESSAGE FROM THE HOUSE

The House has postponed indefinitely SB12-021. The bill is returned herewith.

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR

On third reading, the titles of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB12-1244 by Representative(s) Scott; also Senator(s) Foster--Concerning an inventory of local governmental entities maintained by the department of local affairs, and, in connection therewith, requiring the inclusion of certain information in the inventory.

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	Y	Spence	Y
Brophy	E	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.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-044 by Senator(s) Guzman; also Representative(s) Pabon--Concerning failure to present valid evidence of mass transit fare payment, and, in connection therewith, making an appropriation.

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	Y	Spence	Y
Brophy	E	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.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Giron, King S., Newell, Schwartz and Steadman.

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	10	EXCUSED	2	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	Y
Brophy	E	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.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Foster, Giron, Heath, Hodge, Morse, Nicholson and Schwartz.

HB12-1053 by Representative(s) Gardner B.; also Senator(s) Giron--Concerning the victims' rights act.

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	Y	Spence	Y
Brophy	E	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.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Heath, Hodge, Hudak, Jahn, King S., Newell, Nicholson, Roberts, Schwartz and Tochtrop.

HB12-1144 by Representative(s) Fischer, Duran, Hamner, Hulinghorst, Kefalas, Kerr A., Peniston, Ryden, Schafer S., Solano, Tyler, Young; also Senator(s) Bacon--Concerning authorizing institutions of higher education to enter into employment contracts for non-tenure-track classroom teachers.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	12	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	E	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	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, Heath, Hodge, Hudak, Morse and Steadman.

HB12-1168 by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Hodge, King S., Newell and Williams S.

HB12-1276 by Representative(s) Duran, Summers, Fields, McCann, Casso, Hullinghorst, Massey, Swerdfeger, Vigil; also Senator(s) Newell--Concerning child care licensure waivers for materials related to a child care center's curriculum.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Heath, King K., Lundberg, Mitchell, Morse, Neville, Schwartz, Spence, White and Williams S.

HB12-1239 by Representative(s) Vaad; also Senator(s) Carroll--Concerning required county approval for the expansion of special district domestic water or sanitary service into a county that has not previously approved the special district's service plan.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	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.

HB12-1307 by Representative(s) Kerr J. and Summers; also Senator(s) Roberts--Concerning the authority of a nonlawyer trustee of a certain size trust to represent the trust before the board of assessment appeals.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Jahn and King S.

HB12-1220 by Representative(s) Becker; also Senator(s) Bacon--Concerning changes to the governance structure of the board of governors of the Colorado state university system, and, in connection therewith, establishing the governance structure for Colorado state university - global campus.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Foster, Heath, King K., Lundberg, Newell, Schwartz, Spence and Williams S.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2014:

Peter Butler of Durango, Colorado to serve as a representative who lives west of the continental divide, reappointed;

Jill C. Harris McConaughy of Glenwood Springs, Colorado to serve as a representative who lives west of the continental divide, 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	E	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 Morse, the appointments to the oil and gas conservation commission of the state of Colorado were laid over until Wednesday, March 28, retaining their place on the calendar.

MEMBERS OF THE
OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

for terms 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;

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;

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;

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.

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for terms expiring December 31, 2015:

Bryan J. Martin of Westminster, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife, reappointed;

Thomas L. Kenyon of Grand Junction, Colorado, to serve as a representative of the public at large, reappointed;

Dan C. Prenzlowl of Colorado Springs, Colorado, to serve as an ex officio member representing the Division of Wildlife, 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	E	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		

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-007, 030, 033, 066, 077, 099 and 146.

MESSAGE FROM THE GOVERNOR

March 26, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-011: CONCERNING THE DIFFERENTIAL RESPONSE PILOT PROGRAM FOR CHILD ABUSE OR NEGLECT CASES OF LOW OR MODERATE RISK.

Approved March 24, 2012 at 8:26 a.m.

SB12-064: CONCERNING THE COLORADO CHILDREN'S TRUST FUND.

Approved March 24, 2012 at 8:27 a.m.

SB12-072: CONCERNING THE COLORADO MOUNTED RANGERS.

Approved March 24, 2012 at 8:28 a.m.

SB12-079: CONCERNING REVISIONS TO THE SAFE2TELL PROGRAM RELATING TO ADVANCES IN COMMUNICATIONS TECHNOLOGY.

Approved March 24, 2012 at 8:28 a.m.

**SB12-096: CONCERNING THE CONTINUATION OF THE OFFICE OF
INFORMATION TECHNOLOGY'S AUTHORITY TO AMEND EXISTING
CONTRACTS FOR INFORMATION TECHNOLOGY RESOURCES.**

Approved March 24, 2012 at 8:29 a.m.

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 was laid over until , retaining its
place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1083,
SB12-121, HB12-1012, HB12-1215, HB12-1246.
General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070,
SB12-086, SB12-132, SB12-149, HB12-1204, HB12-1009, SB12-004, HB12-1052,
SB12-150, SB12-068.
Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Conference Committees to Report: SB12-020.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF HB12-1168

Senator Morse gave notice of intent to reconsider HB12-1168.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 28,
2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

78th Legislative Day

Wednesday, March 28, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Guzman, reading of the Journal of Tuesday, March 27, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.
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COMMITTEE OF REFERENCE REPORTS

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO BOARD OF VETERANS AFFAIRS

for terms expiring June 30, 2015:

Franklin DB Jackson of Denver, Colorado, a Democrat and a veteran who has been honorably released or separated from the armed forces of the United States, reappointed;

Kathleen N. Dunemn of Littleton, Colorado, a Republican and a veteran who has been honorably released or separated from the armed forces of the United States, appointed.

State, Veterans. & After consideration on the merits, the Committee recommends that **SM12-003** be referred to the Senate for final action.

Local Government	After consideration on the merits, the Committee recommends that HB12-1017 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar.
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Local Government	After consideration on the merits, the Committee recommends that HB12-1237 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.
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Amend reengrossed bill, page 2, line 11, change the comma to a semicolon.

	Page 2, strike lines 12 through 14 and substitute:	1
		2
	"(b) RECORDS OF CLAIMS FOR CONSTRUCTION DEFECTS AND AMOUNTS RECEIVED PURSUANT TO SETTLEMENT OF THOSE CLAIMS;".	3
		4
	Reletter succeeding paragraphs accordingly.	5
		6
	Page 2, line 21, after "BOARD" insert "WITHOUT A MEETING".	7
		8
	Page 3, line 1, strike "(d)" and substitute "(e)".	9
		10
	Page 3, line 25, strike everything after the semicolon.	11
		12
	Page 3, strike lines 26 and 27.	13
		14
	Page 4, strike line 1.	15
		16
	Page 5, after line 11 insert:	17
		18
	"(a) ARCHITECTURAL DRAWINGS, PLANS, AND DESIGNS, UNLESS RELEASED UPON THE WRITTEN CONSENT OF THE LEGAL OWNER OF THE DRAWINGS, PLANS, OR DESIGNS;".	19
		20
	Reletter succeeding paragraphs accordingly.	21
		22
	Page 5, line 13, strike "OTHER".	23
		24
	Page 5, line 14, strike "SIMILAR COMMERCIAL".	25
		26
		27
		28
		29
		30
Local Government	After consideration on the merits, the Committee recommends that SB12-158 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.	31
		32
		33
		34
		35
	Amend printed bill, page 10, strike lines 25 through 27.	36
		37
	Strike page 11 and substitute:	38
		39
	" SECTION 8. 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.".	40
		41
		42
		43
		44
Local Government	After consideration on the merits, the Committee recommends that HB12-1160 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	45
		46
		47
		48
		49
	Amend reengrossed bill, strike everything below the enacting clause and substitute:	50
		51
		52
	" SECTION 1. In Colorado Revised Statutes, 40-2-123, amend (3.3) as follows:	53
		54
	40-2-123. New energy technologies - consideration by commission - incentives - demonstration projects - definitions - legislative declaration - repeal. (3.3) In its consideration of generation acquisitions for electric utilities, the commission may give the fullest possible consideration to the cost-effective implementation of new energy technologies for the generation of electricity from methane produced biogenically in geologic strata as a result of human intervention AND FROM COAL MINE METHANE GAS CAPTURED FROM ACTIVE AND INACTIVE COAL MINES.	55
		56
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		62
		63
	SECTION 2. In Colorado Revised Statutes, add 40-2-124.5 as follows:	64
		65
	40-2-124.5. Greenhouse gas mitigation projects - coal mine methane gas - legislative declaration - definitions. (1) THE GENERAL	66
		67

ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE MITIGATION OF GREENHOUSE GAS EMISSIONS IS ESSENTIAL TO THE LONG-TERM HEALTH AND WELL-BEING OF COLORADO CITIZENS. REDUCING GREENHOUSE GAS EMISSIONS INTO THE ATMOSPHERE PROVIDES BENEFITS TO THE STATE'S AIR QUALITY AND TO ITS ECONOMIC HEALTH BY PROVIDING NEW JOBS FOR COLORADANS AND REVENUE TO LOCAL COMMUNITIES. THE CAPTURE OF THE POTENT GREENHOUSE GAS METHANE FOR THIS PURPOSE REDUCES GREENHOUSE GAS EMISSIONS, IMPROVES AIR QUALITY, AND PROVIDES A LOCAL, CLEAN ENERGY SOURCE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COAL MINE METHANE GAS" MEANS THE GREENHOUSE GAS METHANE CAPTURED FROM ACTIVE AND INACTIVE COAL MINES, WHERE IT IS DETERMINED THAT THE METHANE IS ESCAPING TO THE ATMOSPHERE. AT ACTIVE MINES, ONLY METHANE VENTED IN THE NORMAL COURSE OF MINE OPERATIONS AND SAFETY PROCEDURES, AND, AT INACTIVE MINES, ONLY METHANE THAT IS NATURALLY ESCAPING TO THE ATMOSPHERE, IS COAL MINE METHANE GAS. THE CAPTURE AND COMBUSTION OF COAL MINE METHANE GAS AS A CLEAN ENERGY SOURCE MAY BE VERIFIED BY A QUALIFIED THIRD PARTY FOLLOWING ESTABLISHED CARBON OFFSET PROTOCOLS FOR CLIMATE PROTECTION.

(b) "GREENHOUSE GAS MITIGATION" MAY INCLUDE THE COLLECTION AND USE OF COAL MINE METHANE GAS FOR ELECTRICITY GENERATION.

(3) EACH KILOWATT-HOUR OF ELECTRICITY GENERATED FROM COAL MINE METHANE GAS RESOURCES IN COLORADO MAY BE COUNTED AS THREE-FOURTHS OF ONE KILOWATT HOUR FOR PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY CREDIT UNDER SECTION 40-2-124 AS A RENEWABLE ENERGY RESOURCE.

(4) ONLY GENERATION FACILITIES WITH A NAMEPLATE RATING OF THIRTY MEGAWATTS OR LESS ARE ELIGIBLE FOR THE RENEWABLE ENERGY CREDIT UNDER SUBSECTION (3) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 39-29-105, **amend** (1) (b) as follows:

39-29-105. Tax on severance of oil and gas. (1) (b) In addition to any other tax, there shall be levied, collected, and paid for each taxable year commencing on or after January 1, 2000, a tax upon the gross income attributable to the sale of oil and gas severed from the earth in this state; except that oil produced from any wells that produce fifteen barrels per day or less of oil and gas produced from wells that produce ninety thousand cubic feet or less of gas per day for the average of all producing days for such oil or gas production during the taxable year, AND ANY METHANE GAS CAPTURED FROM ACTIVE OR INACTIVE COAL MINES, shall be exempt from the tax. The tax for oil and gas shall be at the following rates of the gross income:

Under \$25,000	2%
\$25,000 and under \$100,000	3%
\$100,000 and under \$300,000	4%
\$300,000 and over	5%

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."

Judiciary After consideration on the merits, the Committee recommends that **SCR12-001** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed concurrent resolution, page 2, strike lines 7 through 20.

Page 3, strike lines 1 through 3.

Trans- After consideration on the merits, the Committee recommends that **HB12-1275** be referred to the Committee on Finance with favorable recommendation.

portation

Trans- After consideration on the merits, the Committee recommends that **HB12-1131** be referred to the Committee on Finance with favorable recommendation.

portation

SENATE SERVICES REPORT

Correctly Reengrossed: SB12-044 and 078.
Correctly Rerevised: HB12-1053, 1144, 1168, 1220, 1239, 1244, 1276 and 1307.

MESSAGE FROM THE HOUSE

March 27, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1080, 1108.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1162, amended as printed in House Journal, March 23, page 767.
HB12-1297, amended as printed in House Journal, March 23, page 767, and amended on Third Reading as printed in House Journal, March 27.
HB12-1068, amended as printed in House Journal, March 23, pages 769-770.
HB12-1303, amended as printed in House Journal, March 23, pages 770-771.

The House has passed on Third Reading and returns herewith SB12-148, 022, 057, 095.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-074, amended as printed in House Journal, March 23, pages 767-768.
SB12-131, amended as printed in House Journal, March 23, page 768.
SB12-040, amended as printed in House Journal, March 23, page 769.
SB12-045, amended as printed in House Journal, March 23, page 769.
SB12-091, amended as printed in House Journal, March 23, page 769.
SB12-056, amended as printed in House Journal, March 23, page 771.
SB12-061, amended as printed in House Journal, March 23, page 771.

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB12-092, amended on Third Reading as printed in House Journal March 27.

The House has adopted and transmits herewith HJR12-1016.

MESSAGE FROM THE REVISOR OF STATUTES

March 27, 2012

We herewith transmit:

Without comment, HB12-1080 and 1108.
Without comment, as amended, HB12-1068, 1162, 1297, and 1303.
Without comment, as amended, SB12-040, 045, 056, 061, 074, 091, 092, and 131.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

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.
State, Veterans & Military Affairs

Committee of the Whole On motion of Senator Nicholson the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Nicholson 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:

HB12-1083 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning maintenance of the current fee structure on certain feeding operations under the "Colorado Water Quality Control Act".
Ordered revised and placed on the calendar for third reading and final passage.

SB12-121 by Senator(s) King K.; also Representative(s) Massey--Concerning charter schools.
Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 23, pages 231-232 and placed in members' bill files.)
As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB12-1012 by Representative(s) Williams A.; also Senator(s) Guzman and White--Concerning authorization for reimbursement for up to fifty thousand dollars of actual, reasonable, and necessary business reestablishment expenses to be paid by a state agency in connection with the reestablishment of an operation displaced by a department of transportation project or a project with department of transportation oversight.
Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, March 14, page 486 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1215 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning changes to the "Nonadmitted Insurance Act" to conform it to the requirements of the federal "Nonadmitted and Reinsurance Reform Act of 2010".

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1246 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a reversal of the annual payday shift as it applies to state employees paid on a biweekly basis, and making an appropriation in connection therewith.

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 Nicholson, 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: SB12-121 as amended, HB12-1083, HB12-1012 as amended, HB12-1215, HB12-1246.

Committee of the Whole On motion of Senator Nicholson the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Nicholson 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:

SB12-001 by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract.

Laid over until Thursday, March 29, retaining its place on the calendar.

- 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".
Laid over until Thursday, March 29, retaining its place on the calendar.
- 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 Thursday, March 29, retaining its place on the calendar.
- SB12-086** by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado.
Laid over until Thursday, March 29, retaining its place on the calendar.
- SB12-132** by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits.
Laid over until Thursday, March 29, retaining its place on the calendar.
- SB12-149** by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in which the board of a defined benefit plan or system created by a local government may modify retirement benefit provisions of the plan or system.
Amendment No. 1(L.001), by Senator Steadman.
Amend printed bill, page 4, after line 5 insert:
"(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2017."
As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB12-1204** by Representative(s) McCann, Kefalas, Young; also Senator(s) Boyd--Concerning the continuation of the regulation of hemodialysis technicians, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.
Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1009** by Representative(s) Gerou; also Senator(s) Lambert--Concerning a report related to the federal moneys received by the executive branch.
Ordered revised and placed on the calendar for third reading and final passage.
- SB12-004** by Senator(s) Foster, Shaffer B.; also Representative(s) Miklosi--Concerning the creation of a procurement preference to be granted for materials manufactured in the United States.
Laid over until Thursday, March 29, retaining its place on the calendar.

HB12-1052 by Representative(s) Summers; also Senator(s) Boyd and Roberts--Concerning the collection of health care work force data from health care professionals, and, in connection therewith, making an appropriation.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, March 15, pages 492-493 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.

(Printed in Senate Journal, March 21, page 541 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB12-150 by Senator(s) Schwartz, Bacon, Renfroe; also Representative(s) Sonnenberg, Brown, Vigil--
Concerning the state treasurer's authority to manage state public financing, and, in
connection therewith, reducing an appropriation.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, March 14, page 487 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 23, page 558 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

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.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.

(Printed in Senate Journal, February 20, pages 214-215, was **lost**.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 23, page 559 and placed in members' bill files.)

As amended, laid over until Thursday, March 29, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Nicholson 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	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-149 as amended, SB12-150 as amended, HB12-1204, HB12-1009, HB12-1052 as amended.

Laid over until Thursday, March 29: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, SB12-068 as amended.

RECONSIDERATION OF HB12-1168

HB12-1168 by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage -- Consent Calendar, on HB12-1168.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

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:

HB12-1168 by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.

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.

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 Wednesday, March 28 was laid over until Thursday, March 29, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, HJR12-1004.

Consideration of Memorials: SJM12-001.

Consideration of Governor's Appointments:

Members of the Oil and Gas Conservation Commission of the State of Colorado.
Conference Committees to Report: SB12-020.

MESSAGE FROM THE HOUSE

March 28, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1282.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB12-1258, amended as printed in House Journal, March 23, page 768.
HB12-1295, amended as printed in House Journal, March 27, page 820.

The House has passed on Third Reading and returns herewith SB12-034, 102
152, 059.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB12-127, amended as printed in House Journal, March 27, pages 820-821.

TRIBUTES

Honoring:

- The 2012 Aspen High School Women's Nordic & Alpine Ski Teams, for Winning the
2012 Colorado High School State Ski Championship - by Senator Schwartz.
- The 2012 Aspen High School Men's Nordic & Alpine Ski Teams for Winning the 2012
Colorado High School State Ski Championship - by Senator Schwartz.
- Jake Marsing, for early completion of the GED - by Senator Shaffer.
- Mike Shaw, TIME Magazine Auto Dealer of the Year - by Senator Cadman.
- The opening of the Basalt Hydro Plant - by Senator Schwartz.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 29,
2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

79th Legislative Day Thursday, March 29, 2012

Prayer By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Wednesday, March 28, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for terms expiring September 1, 2015:

Pamela M. Feely of Lakewood, Colorado to serve as a representative of a board of directors of a special district, appointed;

Timothy J. Nash of Greeley, Colorado to serve as a representative of Colorado municipal employers, reappointed.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1304** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 9, after "in" insert "lost".

Page 2, strike lines 14 through 27 and substitute:

"**SECTION 2.** In Colorado Revised Statutes, 18-8-111, **amend** (1) (a) and (2) as follows:
18-8-111. False reporting to authorities. (1) A person commits false reporting to authorities, if:
(a) He OR SHE knowingly:
(I) Causes BY ANY MEANS, INCLUDING BUT NOT LIMITED TO ACTIVATION, a false alarm of fire or other emergency OR A FALSE EMERGENCY EXIT ALARM to SOUND OR TO be transmitted to or within an official or volunteer fire department, ambulance service, LAW ENFORCEMENT AGENCY, or any other government agency which deals with emergencies involving danger to life or property; or

	(II) PREVENTS BY ANY MEANS, INCLUDING BUT NOT LIMITED TO DEACTIVATION, A LEGITIMATE FIRE ALARM, EMERGENCY EXIT ALARM, OR OTHER EMERGENCY ALARM FROM SOUNDING OR FROM BEING TRANSMITTED TO OR WITHIN AN OFFICIAL OR VOLUNTEER FIRE DEPARTMENT, AMBULANCE SERVICE, LAW ENFORCEMENT AGENCY, OR ANY OTHER GOVERNMENT AGENCY THAT DEALS WITH EMERGENCIES INVOLVING DANGER TO LIFE OR PROPERTY; OR	1 2 3 4 5 6 7
	(2) False reporting to authorities is a class 3 misdemeanor; EXCEPT THAT IF IT IS COMMITTED IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, IT IS A CLASS 2 MISDEMEANOR."	8 9 10 11 12
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1228 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	13 14 15 16
Judiciary	After consideration on the merits, the Committee recommends that SB12-163 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	17 18 19 20 21
	Amend printed bill, page 3, line 5, strike "12-____," and substitute "12-163,".	22 23 24 25
	Page 3, line 21, strike "(2) (d)" and substitute "(2) (b.3), (2) (b.7), and (2) (d)".	26 27 28
	Page 3, line 26, strike "flunitrazepam, ketamine," and substitute " flunitrazepam, ketamine, ".	29 30 31
	Page 3, line 27, strike "or" and substitute " or ".	32 33
	Page 4, line 4, strike "flunitrazepam," and substitute " flunitrazepam, ".	34 35
	Page 4, line 5, strike "ketamine, or" and substitute " ketamine, or ".	36 37
	Page 4, line 9, after "methamphetamine" insert "OR GAMMA HYDROXYBUTYRATE [GHB]".	38 39 40
	Page 4, line 12, after "methamphetamine" insert "OR GAMMA HYDROXYBUTYRATE [GHB]".	41 42 43
	Page 4, after line 13 insert: "(b.3) (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHING TWO HUNDRED MILLIGRAMS OR LESS THAT CONTAINS ANY QUANTITY OF FLUNITRAZEPAM, COMMITS A CLASS 1 MISDEMEANOR. (II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHING MORE THAN TWO HUNDRED MILLIGRAMS THAT CONTAINS ANY QUANTITY OF FLUNITRAZEPAM, COMMITS A CLASS 6 FELONY. (b.7) (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHING EIGHT HUNDRED MILLIGRAMS OR LESS THAT CONTAINS ANY QUANTITY OF KETAMINE, COMMITS A CLASS 1 MISDEMEANOR. (II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHING MORE THAN EIGHT HUNDRED MILLIGRAMS THAT CONTAINS ANY QUANTITY OF KETAMINE, COMMITS A CLASS 6 FELONY."	44 45 46 47 48 49 50 51 52 53 54 55 56 57
	Page 4, line 27, strike " 12-____," and substitute "12-163,".	58 59
	Page 5, line 7, strike "12-____," and substitute "12-163,".	60 61
	Page 6, line 20, strike " 12-____," and substitute "12-163,".	62 63
	Page 6, line 27, strike " 12-____," and substitute " 12-163,".	64 65 66 67

Judiciary	After consideration on the merits, the Committee recommends that HB12-1323 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	1 2 3 4 5
Judiciary	After consideration on the merits, the Committee recommends that HB12-1209 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	6 7 8 9
State, Veterans, & Military Affairs	The Committee on <u>State, Veterans, and Military Affairs</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	10 11 12 13 14
<div>MEMBERS OF THE BOARD OF COMMISSIONERS OF STATE AND VETERANS NURSING HOMES</div>		15 16 17 18 19
	for terms expiring July 1, 2015:	20 21
	Justin A. Martinez of Highlands Ranch, Colorado, to serve as a member with expertise in nursing home operations, who is a nursing home administrator at the time of appointment, who is experienced in the financial operations of a nursing home and as an Unaffiliated voter, reappointed;	22 23 24 25 26
	James C. Bobick of Aurora, Colorado, a veteran and the designee of the State Board of Veterans Affairs; reappointed.	27 28 29 30
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1149 be postponed indefinitely.	31 32 33 34 35 36
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HCR12-1001 be referred to the Committee of the Whole with favorable recommendation.	37 38 39 40 41 42
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1321 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	43 44 45 46
	Amend reengrossed bill, page 12, line 10, strike "THE PERSONAL SERVICES LINE ITEM" and substitute "A LINE ITEM ENTITLED "PERSONAL SERVICES"".	47 48 49
	Page 14, line 4, strike "SUB-SUBPARAGRAPH (B) OF".	50 51
	Page 14, strike lines 24 through 27.	52 53
	Page 15, strike lines 1 through 3 and substitute:	54 55
	"(C) "PERSONAL SERVICES-RELATED LINE ITEM" MEANS A LINE ITEM ENTITLED "PERSONAL SERVICES", "GROUP HEALTH, LIFE, AND DENTAL INSURANCE", "SHORT-TERM DISABILITY INSURANCE", "AMORTIZATION EQUALIZATION DISBURSEMENTS", "SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENTS", "SALARY SURVEY", OR "SHIFT DIFFERENTIAL".	56 57 58 59 60 61
	(D) "QUALIFYING CASH FUND" MEANS A CASH FUND FOR WHICH THERE IS EXPRESS AUTHORIZATION FOR A REVERSION PURSUANT TO THIS PARAGRAPH (j) FROM THE CASH FUND TO THE STATE EMPLOYEE RESERVE FUND."	62 63 64 65 66
	Page 15, line 5, strike "MONEYS APPROPRIATED FOR" and substitute	67

"STATE MONEYS APPROPRIATED FROM THE GENERAL FUND OR A QUALIFYING CASH FUND FOR".

Page 15, line 6, strike "OPERATING LINE ITEM OF" and substitute "A LINE ITEM ENTITLED "OPERATING EXPENSES" IN".

Page 15, line 16, strike "BY THE STATE TREASURER".

Page 16, line 9, strike "A QUALIFYING" and substitute "THE GENERAL FUND OR A QUALIFYING CASH".

Page 16, strike lines 15 and 16.

Reletter succeeding sub-subparagraphs accordingly.

Page 20, line 17, strike "(3) (a), and (4) (a);" and substitute "(3), (4) (a), (4) (b), and (4) (c);".

Page 22, after line 4 insert:

"(b) Promotional ~~examinations~~ COMPARATIVE ANALYSIS shall be limited to qualified employees, including persons on reemployment lists. Performance evaluations may be utilized as part of a promotional ~~examination~~ COMPARATIVE ANALYSIS plan."

Page 22, after line 12 insert:

"(b) The state personnel director may convene an advisory panel of qualified human resource selection professionals, with one member selected by the aggrieved person, to assist the director in making a decision. Except as otherwise provided in paragraph (d) of this subsection (4), the director shall issue a written decision within ninety days after receipt of a timely appeal. The selection and ~~examination~~ COMPARATIVE ANALYSIS process action may be overturned only if the director finds the action to have been arbitrary, capricious, or contrary to rule or law. If the director fails to issue a decision within said ninety-day period, the original ~~examination~~ COMPARATIVE ANALYSIS and outcome shall be final. A written decision on any appeal filed pursuant to this subsection (4) or the outcome of an appeal resulting from the failure to issue such a decision shall be subject to judicial review pursuant to section 24-4-106, UNLESS THE MATTER IS APPEALED TO THE STATE PERSONNEL BOARD PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (4).

(c) The state personnel director shall establish a process for timely resolving appeals within the ninety-day period and criteria for advisory panel selection and service. The process for resolving appeals shall specify that if an employee who has filed an appeal with the state personnel director also files an appeal with the state personnel board pursuant to section 24-50-123 or the Colorado civil rights division pursuant to section 24-50-125.3, only if the appeal filed with the board or the civil rights division arises out of the same incident as the appeal filed with the director, and if the appeal is filed before the expiration of the ninety-day period and before the director has issued a written decision, the ninety-day period shall be tolled until there is a final agency action by the board. The board shall establish rules for certification of a person to a position when an appeal is pending relative to the selection and ~~examination~~ COMPARATIVE ANALYSIS process for that position."

Page 22, line 15, strike "SELECTION AND".

Page 22, line 20, strike "SELECTION AND".

Page 22, line 23, strike "SELECTION AND".

Page 24, line 13, strike "BY RULE".

Page 24, line 14, strike "PROCEDURES" and substitute "PROCEDURES, BY RULE,".

SENATE SERVICES REPORT

Correctly Engrossed: SB12-121, 149 and 150.
Correctly Revised: HB12-1009, 1012, 1052, 1083, 1204, 1215 and 1246.
Correctly Enrolled: SB12-031 and 055.

MESSAGE FROM THE REVISOR OF STATUTES

March 28, 2012
We herewith transmit:
Without comment, HB12-1282.
Without comment, as amended, HB12-1258 and 1295.
Without comment, as amended, SB12-127.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR12-027 by Senator(s) Bacon, Aguilar, Foster, Giron, Guzman, Hudak, Schwartz; also Representative(s) Pabon, Fischer, Kefalas, Pace, Todd--Concerning recognition of "César Chávez Day".

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB12-1295 by Representative(s) Priola; also Senator(s) Tochtrop--Concerning the creation of a Colorado Rockies license plate, and, in connection therewith, making an appropriation.
Finance

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:

HB12-1083 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning maintenance of the current fee structure on certain feeding operations under the "Colorado Water Quality Control Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB12-121 by Senator(s) King K.; also Representative(s) Massey--Concerning charter schools.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Lambert and White.

HB12-1012 by Representative(s) Williams A.; also Senator(s) Guzman and White--Concerning authorization for reimbursement for up to fifty thousand dollars of actual, reasonable, and necessary business reestablishment expenses to be paid by a state agency in connection with the reestablishment of an operation displaced by a department of transportation project or a project with department of transportation oversight.

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**.

HB12-1215 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning changes to the "Nonadmitted Insurance Act" to conform it to the requirements of the federal "Nonadmitted and Reinsurance Reform Act of 2010".

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.

HB12-1246 by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a reversal of the annual payday shift as it applies to state employees paid on a biweekly basis, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-149 by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in which the board of a defined benefit plan or system created by a local government may modify retirement benefit provisions of the plan or system.

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.

HB12-1204 by Representative(s) McCann, Kefalas, Young; also Senator(s) Boyd--Concerning the continuation of the regulation of hemodialysis technicians, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Foster, Newell and Tochtrop.

HB12-1009 by Representative(s) Gerou; also Senator(s) Lambert--Concerning a report related to the federal moneys received by the executive branch.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Cadman, Hodge, Mitchell and Steadman.

HB12-1052 by Representative(s) Summers; also Senator(s) Boyd and Roberts--Concerning the collection of health care work force data from health care professionals, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	9	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	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Foster, Heath, Hudak, Newell, Schwartz, Steadman, Tochtrop and Williams S.

SB12-150 by Senator(s) Schwartz, Bacon, Renfroe; also Representative(s) Sonnenberg, Brown, Vigil--Concerning the state treasurer's authority to manage state public financing, and, in connection therewith, reducing an appropriation.

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**.

CONSIDERATION OF MEMORIALS

SJM12-001 by Senator(s) Spence and Williams S., Aguilar, Roberts, Schwartz, White; also Representative(s) Todd and Conti, Acree, Hullinghorst, Labuda, Ryden, Schafer S., Solano, Williams A.--Memorializing Congress to support the establishment of a National Women's History Museum in Washington, D.C.

On motion of Senator Spence, the memorial was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: 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, Nicholson, Renfroe, Scheffel, Shaffer B., Steadman and Tochtrop.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-074 by Senator(s) Aguilar; also Representative(s) Gardner B.--Concerning services provided by a person designated by a person eligible for consumer-directed care services.

Senator Aguilar moved that the Senate concur in House amendments to **SB12-074**, as printed in House journal, March 23, pages 767-768. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Tochtrop.

SB12-131 by Senator(s) Guzman, Steadman; also Representative(s) Pabon--Concerning the responsibilities of a fiduciary with regard to the estate of a person who may have executed a designated beneficiary agreement.

Senator Guzman moved that the Senate concur in House amendments to **SB12-131**, as printed in House journal, March 23, page 768. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	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, as amended, was **repassed**.

Co-sponsors added: Bacon and Jahn.

SB12-040 by Senator(s) Bacon, Harvey, Renfroe, Schwartz; also Representative(s) Vigil, Brown, Sonnenberg--Concerning the qualification of certain state higher education facilities for state controlled maintenance funding.

Senator Bacon moved that the Senate concur in House amendments to **SB12-040**, as printed in House journal, March 23, page 769. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: Boyd, Heath and Williams S.

SB12-045 by Senator(s) Hudak and King K., Bacon; also Representative(s) Massey and Fields, Holbert--Concerning granting associate degrees to students who transfer from a two-year institution.

Senator Hudak moved that the Senate concur in House amendments to **SB12-045**, as printed in House journal, March 23, page 769. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: Roberts and White.

SB12-091 by Senator(s) Tochtrop; also Representative(s) Bradford--Concerning modifications to provisions governing the practice of nursing home administration, and, in connection therewith, modifying the criteria for nursing home administrators to qualify to serve on the board of examiners of nursing home administrators, modifying the experience requirements for persons applying to take the nursing home administrator licensure examination or to participate in the administrator-in-training program, and permitting a nursing home administrator who has passed a national examination and an examination in another state to sit for the Colorado licensure examination.

Senator Tochtrop moved that the Senate concur in House amendments to **SB12-091**, as printed in House journal, March 23, page 769. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: Aguilar and Guzman.

SB12-056 by Senator(s) Carroll; also Representative(s) Holbert--Concerning judicial appointments in domestic relations cases involving children.

Senator Carroll moved that the Senate concur in House amendments to **SB12-056**, as printed in House journal, March 23, page 771. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-061 by Senator(s) King K.; also Representative(s) Massey--Concerning procedures relating to the authorization of charter schools.

Senator King K. moved that the Senate concur in House amendments to **SB12-061**, as printed in House journal, March 23, page 771. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: Cadman, Grantham and White.

SB12-092 by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak, King S., Tochtrop; also Representative(s) Liston--Concerning the use of a video display in a motor vehicle that is being operated on a roadway.

Senator Jahn moved that the Senate concur in House amendments to **SB12-092**, as printed in House journal, March 27, pages 811-812. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: King K. and Williams S.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-023, 031 and 062.

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 Thursday, March 29 was laid over until Friday, March 30, retaining its place on the calendar.

- General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, SB12-068, HB12-1271.
- Consideration of Resolutions: SJR12-006, HJR12-1004.
- Consideration of Governor's Appointments:
 - Members of the Oil and Gas Conservation Commission of the State of Colorado.
 - Members of the State Board of Parole.
 - Members of the Board of Real Estate Appraisers.
- Conference Committees to Report: SB12-020.

Senate in recess.Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

FinanceThe Committee on Finance has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REVENUE

effective July 18, 2011 for a term expiring at the pleasure of the Governor:
Barbara J. Brohl of Lakewood, Colorado.

FinanceThe Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2012:

Charles J. Murphy of Colorado Springs, Colorado, to fill the vacancy occasioned by the removal of Florence E. Hunt to serve as a member from the 5th Congressional District representing registered electors, and as a Democrat, appointed;

for terms expiring July 1, 2014:

Jannine Mohr of Loveland, Colorado, to serve as a member from the Fourth Congressional District and to serve as an attorney and as a Democrat, appointed;

Robert M. Webb of Golden, Colorado, to serve as a member from the Seventh Congressional District and to serve as a representative for CPAs, corporate finance and as a Libertarian, appointed;

Lowell R. Hutson of Denver, Colorado, to fill the vacancy occasioned by the removal of Debbie J. Jessup of Centennial, Colorado, and to serve as member from the First Congressional District and as a representative who has been engaged in business in a management-level capacity for at least five years, and as a Republican, appointed.

FinanceAfter consideration on the merits, the Committee recommends that HB12-1295 be referred to the Committee on Appropriations with favorable recommendation.

FinanceAfter consideration on the merits, the Committee recommends that HB12-1318 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

FinanceAfter consideration on the merits, the Committee recommends that HB12-1063 be referred to the Committee on Appropriations with favorable recommendation.

FinanceAfter consideration on the merits, the Committee recommends that HB12-1023 be referred to the Committee on Appropriations with favorable recommendation.

MESSAGE FROM THE HOUSE

March 29, 2012

The House has postponed indefinitely SB12-109. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1014, amended as printed in House Journal, March 28, pages 828-829. HB12-1240, amended as printed in House Journal, March 28, page 829.

MESSAGE FROM THE REVISOR OF STATUTES

March 29, 2012

We herewith transmit:

Without comment, as amended, HB12-1014.
With comment, as amended, HB12-1240.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB12-165 by Senator(s) Schwartz; also Representative(s) Baumgardner--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.
Agriculture, Natural Resources, and Energy

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 30, 2012.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

80th Legislative Day Friday, March 30, 2012

Prayer By the chaplain, Elder Larry Henry, Word Alive Ministries, Thornton.

Call to Order By the President at 9:00 a.m.

Pledge By Rex, Lucy, and Ozzie Foster, grandchildren of Senator Foster.

Roll Call Present--34
Excused--1, Aguilar.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Thursday, March 29, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

for terms 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;

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.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that SJR12-024 be referred to the Senate for final action.

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
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.

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:	1
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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:	20
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Education	After consideration on the merits, the Committee recommends that SB12-160 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.	30
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Education	After consideration on the merits, the Committee recommends that HB12-1146 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	47
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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:

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.

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
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.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-108** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 2 through 5 and substitute "POSTPARTUM PERIOD."

Page 4, strike lines 10 through 19 and substitute "PREGNANCY AND POSTPARTUM PERIOD SHALL INCLUDE:

- (I) ORAL HYGIENE EDUCATION AND INSTRUCTION;
- (II) ORAL EXAMINATION AND DIAGNOSIS, AS NEEDED;
- (III) PROPHYLAXIS;
- (IV) DEBRIDEMENT;
- (V) ROOT PLANING AND SCALING, WITHOUT PRIOR AUTHORIZATION;
- (VI) CARIOSTATIC AGENTS, WHEN RECOMMENDED BY THE TREATING DENTIST;
- (VII) RADIOGRAPHS, AS NEEDED;
- (VIII) DENTAL RESTORATION, INCLUDING AMALGAM AND COMPOSITE FILLINGS; AND
- (IX) EXTRACTIONS."

Page 626
Senate Journal-80th Day-March 30, 2012

Health & Human Services

After consideration on the merits, the Committee recommends that **SB12-139** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, **add** 26-2-138 as follows:

26-2-138. Colorado job support act - pilot program - legislative declaration - definitions - fund - notice of funding through gifts, grants, and donations - repeal. (1) **Short title.** THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO JOB SUPPORT ACT".

(2) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) A PARADOX EXISTS FOR COLORADO'S LOW-WAGE WORKERS WHO SEEK SERVICES FROM THE STATE'S SAFETY NET PROGRAMS IN THAT, WHILE THEY MAY INITIALLY QUALIFY FOR PUBLIC ASSISTANCE OR "WORK SUPPORT" BENEFITS THROUGH TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, MEDICAID, OR THE COLORADO CHILD CARE ASSISTANCE PROGRAM TO HELP COVER THE COST OF BASIC NECESSITIES, AS THEY INCREASE THEIR EARNINGS THEY BEGIN TO LOSE THESE SUBSIDIES. THE LOSS OF A SUBSIDY IS GENERALLY MORE OF A FINANCIAL SETBACK THAN THE VALUE OBTAINED FROM AN INCREASE IN PAY. UNDER THESE CIRCUMSTANCES, WORKERS CAN EARN MORE WHILE SEEING THEIR FINANCIAL SITUATION DETERIORATE. THIS PHENOMENON IS CHARACTERIZED AS THE "CLIFF EFFECT", AND IT IS A BARRIER TO ECONOMIC SELF-SUFFICIENCY AS WELL AS A PERVERSE INCENTIVE TO MAINTAIN EMPLOYMENT AT AN ECONOMIC LEVEL OF POVERTY.

(b) IT IS IN THE PUBLIC INTEREST FOR LOW-WAGE WORKERS TO PURSUE ECONOMIC OPPORTUNITY, WHICH BENEFITS THE INDIVIDUAL, THE FAMILY, THE COMMUNITY, AND THE STATE.

(c) IT IS IMPORTANT FOR THE DEPARTMENT OF HUMAN SERVICES TO CREATE FOR THE STATE-SUPERVISED, COUNTY ADMINISTERED COLORADO WORKS PROGRAM A PERFORMANCE MEASUREMENT SYSTEM OF DESIRED GOALS, SPECIFIC MEASURES, PERFORMANCE TARGETS, REVIEW PROCEDURES, IDENTIFIABLE OUTCOMES, AND, WHEN AVAILABLE, INCENTIVES.

(d) CURRENTLY, THE COLORADO WORKS PROGRAM LISTS THE FEDERAL WORK PARTICIPATION AS THE PRIMARY PERFORMANCE MEASURE, SO THERE IS A NEED TO ADD OTHER PERFORMANCE MEASURES BASED UPON CULTURALLY RELEVANT, LOCALLY GENERATED, PROMISING PRACTICES THAT LEAD TO PARTICIPANT SUCCESS IN THE LABOR MARKET, IN FAMILY STABILIZATION, IN THE INTERRUPTION OF THE CYCLE OF POVERTY, AND IN OTHER EVIDENCE-BASED RESULTS STEMMING FROM THE USE OF GOVERNMENTAL DOLLARS OR SERVICES.

(e) THE PROVISIONS OF THIS SECTION ARE DESIGNED TO SUPPORT LOW-WAGE WORKERS AS THEY MOVE FROM THE NEED FOR WORK SUPPORT TOWARD ECONOMIC SELF-SUFFICIENCY, WHICH IS THE AMOUNT OF INCOME REQUIRED FOR FAMILIES AND INDIVIDUALS TO MEET THEIR BASIC NEEDS. THE PILOT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION WILL PREPARE THESE WORKERS AS THEY MAKE THE TRANSITION AWAY FROM PUBLIC ASSISTANCE AND WILL CREATE OPPORTUNITIES FOR THEM TO PLAN AND IMPLEMENT THEIR INDIVIDUAL PATHS TO ECONOMIC SELF-SUFFICIENCY.

(3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CLIFF EFFECT" MEANS THE PARADOX THAT DISCOURAGES PERSONS WHO ARE RECEIVING PUBLIC ASSISTANCE OR SERVICES FROM ACCEPTING INCREASES IN WAGES OR INCOME BECAUSE THEY MAY LOSE CONSIDERABLY MORE IN PUBLIC ASSISTANCE OR SERVICES THAN THE INCREASE IN WAGES OR INCOME.

(b) "COMMITTEE" MEANS THE COLORADO JOB SUPPORT ACT COMMITTEE ESTABLISHED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(c) "FUND" MEANS THE COLORADO JOB SUPPORT PROGRAM FUND ESTABLISHED PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(d) "PILOT PROGRAM" MEANS THE COLORADO JOB SUPPORT PILOT PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(4) **Pilot program.** SUBJECT TO THE RECEIPT OF SUFFICIENT GIFTS, GRANTS, OR DONATIONS, THERE IS HEREBY ESTABLISHED IN THE STATE DEPARTMENT THE COLORADO JOB SUPPORT PILOT PROGRAM TO PROVIDE GRANTS TO COUNTIES, NONPROFIT ENTITIES, OR OTHER COMMUNITY-BASED ORGANIZATIONS TO ESTABLISH PILOT PROGRAMS TO ADDRESS ONE OR BOTH OF THE FOLLOWING:

(a) POST-EMPLOYMENT TRANSITION PROGRAMS THAT ADDRESS THE CLIFF EFFECT AS A SIGNIFICANT BARRIER FOR LOW-WAGE WORKERS MAKING A TRANSITION AWAY FROM THE COLORADO WORKS PROGRAM; OR

(b) SUBSIDIZED JOB-TRAINING PROGRAMS DESIGNED TO ASSIST UNEMPLOYED AND LOW-SKILLED AND MIDDLE-SKILLED WORKERS TO GAIN NECESSARY JOB SKILLS THROUGH ON-THE-JOB TRAINING AND WORK EXPERIENCE.

(5) **Committee.** (a) THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE COLORADO JOB SUPPORT PROGRAM COMMITTEE THAT SHALL CONSIST OF THE FOLLOWING NINE MEMBERS:

(I) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR HIS OR HER DESIGNEE, WHO SHALL SERVE AS THE CHAIR OF THE COMMITTEE, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, OR HIS OR HER DESIGNEE. THE EXECUTIVE DIRECTORS SHALL SERVE AS EX OFFICIO AND NONVOTING MEMBERS OF THE COMMITTEE.

(II) SEVEN MEMBERS APPOINTED, PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5), BY THE STATE BOARD AS FOLLOWS:

(A) THREE MEMBERS WHO REPRESENT COUNTIES, AT LEAST ONE OF WHOM IS A COUNTY COMMISSIONER; AND

(B) FOUR MEMBERS WHO REPRESENT PARTICIPANT ADVOCATES, PARTICIPANTS, OR FORMER PARTICIPANTS OF THE COLORADO WORKS PROGRAM, AT LEAST ONE OF WHOM IS A CURRENT OR FORMER PARTICIPANT OF THE COLORADO WORKS PROGRAM.

(b) IN MAKING APPOINTMENTS TO THE COMMITTEE, THE STATE BOARD SHALL SOLICIT APPLICATIONS FROM COUNTY DEPARTMENTS, ADVOCACY AGENCIES, AND OTHER INTERESTED PERSONS THROUGHOUT THE STATE. THE STATE DEPARTMENT SHALL ASSIST THE STATE BOARD IN REVIEWING THE APPLICATIONS RECEIVED AND IN SELECTING APPOINTEES. THE STATE BOARD SHALL ALSO SEEK APPOINTMENT RECOMMENDATIONS FROM A STATEWIDE ASSOCIATION THAT REPRESENTS COUNTIES IN COLORADO AND FROM PARTICIPANT ADVOCATES OF THE COLORADO WORKS PROGRAM. THE STATE BOARD SHALL, TO THE EXTENT PRACTICABLE, ENSURE THAT THE PERSONS APPOINTED TO THE COMMITTEE ARE SELECTED FROM AREAS THROUGHOUT THE STATE AND REPRESENT THE STATE'S RACIAL, ETHNIC, AND GENDER DIVERSITY. THE STATE BOARD MAY PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(c) (I) THE APPOINTED MEMBERS OF THE COMMITTEE SHALL SERVE FIVE-YEAR TERMS. THE STATE BOARD MAY APPOINT THE SAME PERSON TO SERVE MULTIPLE CONSECUTIVE TERMS.

(II) THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO COMPLETE ITS DUTIES AND SHALL ADOPT SUCH OPERATIONAL PROCEDURES AS MAY BE NECESSARY.

(III) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES; EXCEPT THAT THE COMMITTEE MEMBERS WHO ARE NOT PUBLIC EMPLOYEES MAY RECEIVE REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN SERVING AS MEMBERS OF THE COMMITTEE.

(IV) THE APPOINTED MEMBERS OF THE COMMITTEE MAY BE REMOVED BY THE STATE BOARD FOR CAUSE. IF A VACANCY ARISES AMONG THE APPOINTED MEMBERS OF THE COMMITTEE, THE STATE BOARD SHALL FILL THE VACANCY BY APPOINTMENT FOR THE REMAINDER OF THE TERM.

(d) THE COMMITTEE SHALL ADVISE THE STATE DEPARTMENT REGARDING THE PROCESS AND PROCEDURES FOR AWARDING GRANTS FROM THE FUND. THE COMMITTEE SHALL ALSO RECOMMEND ENTITIES TO RECEIVE GRANTS AND THE AMOUNT OF THE GRANTS.

(e) (I) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2018.

(II) PRIOR TO THE REPEAL OF THIS SUBSECTION (5), THE COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

(6) **Process.** (a) AFTER RECEIVING RECOMMENDATIONS FROM THE COMMITTEE, THE STATE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS FOR COUNTIES, NONPROFIT ENTITIES, OR OTHER COMMUNITY ORGANIZATIONS INTERESTED IN PARTICIPATING IN THE PILOT PROGRAM AND THE CRITERIA TO BE USED TO SELECT WHICH ENTITIES RECEIVE GRANTS. THE CRITERIA SHALL GIVE PREFERENCE TO AN APPLICATION THAT:

(I) MEETS AT LEAST ONE OF THE PURPOSES OF THE COLORADO WORKS PROGRAM SPECIFIED IN SECTION 26-2-705;

(II) UTILIZES EVIDENCE-BASED STRATEGIES THAT HAVE DEMONSTRATED EFFECTIVENESS IN ACHIEVING ONE OF MORE OF THE FOLLOWING GOALS:

(A) JOB ACQUISITION, RETENTION, AND ADVANCEMENT;

(B) MITIGATION OR AVOIDANCE OF THE CLIFF EFFECT;

(C) FINANCIAL LITERACY; OR

(D) EFFECTIVE CASE MANAGEMENT;

(III) SUPPORTS STRATEGIC ALLIANCES BETWEEN COUNTIES, NONPROFIT SERVICE PROVIDERS, ENGAGED EMPLOYERS, JOB TRAINING ORGANIZATIONS, THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND THE COLORADO WORK FORCE INVESTMENT PROGRAM; AND

(IV) CONTAINS A SYSTEM TO MEASURE AND DEMONSTRATE PERFORMANCE IN ADDITION TO THE FEDERAL WORK PARTICIPATION RATE.

(b) THE COMMITTEE SHALL REVIEW ALL APPLICATIONS RECEIVED AND SHALL MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR FOR AWARDS OF GRANTS FROM THE FUND. THE COMMITTEE SHALL RECOMMEND ONLY THOSE APPLICATIONS THAT HAVE BEEN APPROVED BY AT LEAST FIVE MEMBERS OF THE COMMITTEE.

(c) AFTER RECEIVING THE RECOMMENDATIONS OF THE COMMITTEE, THE EXECUTIVE DIRECTOR SHALL AWARD GRANTS TO RECIPIENTS.

(7) **Fund.** (a) (I) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO JOB SUPPORT FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION.

(II) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE STATE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE PILOT PROGRAM AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 2. In Colorado Revised Statutes, 2-3-1203, **add** (3) (ee) (V) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(ee) July 1, 2018:

(V) THE COLORADO JOB SUPPORT ACT COMMITTEE CREATED PURSUANT TO SECTION 26-2-138 (5), C.R.S.

SECTION 2. Accountability. Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act

utilizing the information contained in the legislative declaration set forth in section 1 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."

Page 1, line 101, strike "ACT"." and substitute "ACT", AND, IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-161** 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 Printed: SB12-165; SJR12-027
Correctly Engrossed: SJM-001.
Correctly Reengrossed: SB12-121, 149 and 150.
Correctly Rerevised: HB12-1009, 1012, 1052, 1083, 1204, 1215 and 1246.
Correctly Enrolled: SB12-022, 034, 057, 059, 095, 102 and 152.

MESSAGE FROM THE HOUSE

March 29, 2012

The House has postponed indefinitely SB12-143. The bill is returned herewith.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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.

Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB12-166 by Senator(s) Giron and Roberts; also Representative(s) Priola and Williams A.-- Concerning the coordination of various economic development reports, and, in connection therewith, requiring the Colorado office of economic development to report annually to the general assembly regarding the programs it administers.
Business, Labor and Technology

SB12-167 by Senator(s) Heath; also Representative(s) Pabon and Summers, Massey--Concerning the authority of state institutions of higher education regarding student health trusts.
Education

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SB12-168	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Levy--	2
	Concerning a trigger related to general fund obligations created in Senate Bill 09-228.	3
	Finance	4
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HB12-1068	by Representative(s) McKinley; also Senator(s) Grantham--Concerning the administration	7
	of a nonprofit cemetery corporation by persons who own the right to bury a deceased person	8
	within the cemetery.	9
	Local Government	10
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HB12-1080	by Representative(s) Vigil; also Senator(s) Schwartz--Concerning changing the name of	13
	Adams state college to Adams state university.	14
	Education	15
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HB12-1108	by Representative(s) Kagan, Brown, Holbert; also Senator(s) Scheffel--Concerning the	18
	authority of the Colorado department of transportation to have signs within rights-of-way on	19
	the highway system.	20
	Transportation	21
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HB12-1162	by Representative(s) Todd, Labuda, Looper, Solano, Soper, Ryden, Fields, Hulinghorst,	24
	McCann, Young; also Senator(s) Heath, Williams S.--Concerning the creation of an	25
	operation desert storm license plate, and, in connection therewith, making an appropriation.	26
	Transportation	27
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HB12-1258	by Representative(s) DelGrosso; also Senator(s) Jahn--Concerning regulation of public	30
	utilities in terms of alternative fuel vehicles.	31
	Transportation	32
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HB12-1282	by Representative(s) Ramirez; also Senator(s) Nicholson--Concerning the ability of the	35
	Colorado geological survey to exempt review of the geologic factors of a preliminary	36
	subdivision plan upon request from the board of county commissioners of a county.	37
	Local Government	38
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HB12-1297	by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Tochtrop--	41
	Concerning the committee on anticompetitive conduct, and, in connection therewith,	42
	continuing the committee's statutory authorization until September 1, 2013.	43
	Judiciary	44
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HB12-1303	by Representative(s) Schafer S., Hamner, Kerr J., Peniston, Summers, Young; also	47
	Senator(s) Spence, Jahn--Concerning the regulation of speech-language pathologists by the	48
	department of regulatory agencies, and, in connection therewith, making an appropriation.	49
	Education	50
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	On motion of Senator Morse, and with a majority of those elected to the Senate having	55
	voted in the affirmative, the Senate proceeded out of order for an expression of personal	56
	privilege.	57
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	Upon request of Senator Morse, HB12-1017 and HB12-1237 were removed from the	62
	General Orders--Second Reading of Bills Consent Calendar of Friday, March 30 and were	63
	placed at the end of the General Orders--Second Reading of Bills Calendar of Friday,	64
	March 30.	65
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Committee of the Whole On motion of Senator Neville, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Neville 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:

SB12-158 by Senator(s) Boyd; also Representative(s) Bradford--Concerning the consolidation of two public housing agencies within the division of housing in the department of local affairs.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 28, page 596 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 Neville, the report of the Committee of the Whole was adopted on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	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: SB12-158 as amended
Laid over to the end of the General Orders -- Second Reading of Bills calendar, Friday, March 30: HB12-1017, HB12-1237.

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

SJR12-027 by Senator(s) Bacon, Aguilar, Foster, Giron, Guzman, Hudak, Schwartz; also Representative(s) Pabon, Fischer, Kefalas, Pace, Todd--Concerning recognition of "César Chávez Day".

On motion of Senator Bacon, the resolution was read at length and adopted by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Boyd, Brophy, Cadman, Carroll, Grantham, Harvey, Heath, Hodge, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-127 by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs.

Senator Newell moved that the Senate concur in House amendments to **SB12-127** , as printed in House journal, March 27, pages 820-821. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	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, as amended, was **repassed**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Carroll, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD OF PAROLE

for terms expiring July 1, 2013:

Patricia Ann Waak, Erie, Colorado, to fill the vacancy occasioned by the resignation of Becky L. Lucero, Pueblo, Colorado, and to serve as a citizen representative, appointed;

for terms expiring July 1, 2014:

Anthony Young of Colorado Springs, Colorado, to serve as a citizen representative, appointed;

Denise K. Balazic of Aurora, Colorado, to serve as a parole or probation representative, appointed;

further, effective July 1, 2011 for a term expiring at the pleasure of the Governor:

Anthony Young of Colorado Springs, Colorado, to serve as Chairperson of the State Board of Parole, appointed;

Patricia Ann Waak of Erie, Colorado, to serve as Vice Chairperson of the State Board of Parole, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar		E 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
BOARD OF REAL ESTATE APPRAISERS

effective July 2, 2011, for terms expiring July 1, 2014:

Bruce Warren Willard of Greeley, Colorado to serve as a licensed or certified appraiser, appointed;

Robin B. Anderson of Denver, Colorado to serve as a licensed or certified appraiser, reappointed;

Frank R. Beltran of Pueblo, Colorado to serve as a county assessor in office, reappointed;

Deborah K. Delaney of Fort Collins, Colorado an officer or employee of a commercial bank experienced in real estate lending, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar		E 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 Heath, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO BOARD OF VETERANS AFFAIRS

for terms expiring June 30, 2015:

Franklin DB Jackson of Denver, Colorado, a Democrat and a veteran who has been honorably released or separated from the armed forces of the United States, reappointed;

Kathleen N. Dunemn of Littleton, Colorado, a Republican and a veteran who has been honorably released or separated from the armed forces of the United States, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar		E 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 Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for announcements.

MESSAGE FROM THE HOUSE

The House has adopted and transmits herewith HJR12-1018.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1018 by Representative(s) Murray and Schafer S., Acree, Bradford, Conti, Court, Duran, Fields, Gerou, Hamner, Hullinghorst, Labuda, Levy, Looper, McCann, Nikkel, Peniston, Ryden, Solano, Stephens, Szabo, Todd, Williams A.; also Senator(s) Williams S. and Spence, Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Morse, Nicholson, Roberts, Schwartz, Steadman, Tochtrop, White--Concerning the celebration of Colorado girls and women in sports and fitness.

On motion of Senator Spence, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar		E Guzman		Y	Lambert	Y	Scheffel
Bacon		Y Harvey		Y	Lundberg	Y	Schwartz
Boyd		Y Heath		Y	Mitchell	Y	Spence
Brophy		Y Hodge		Y	Morse	Y	Steadman
Cadman		Y Hudak		Y	Neville	Y	Tochtrop
Carroll		Y Jahn		Y	Newell	Y	White
Foster		Y Johnston		Y	Nicholson	Y	Williams S.
Giron		Y King K.		Y	Renfroe	Y	President
Grantham		Y King S.		Y	Roberts	Y	

Co-sponsors added: Brophy, Cadman, Grantham, Harvey, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Neville, Newell, Renfroe, Scheffel and Shaffer B.

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, March 30 was laid over until Monday, April 2, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-044, SB12-068, HB12-1271, HB12-1160, SCR12-001.
Consideration of Resolutions: SJR12-006, 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 10:00 a.m., Monday, April 2, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

83rd Legislative Day	Monday, April 2, 2012
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Prayer	By the chaplain, Pastor Bob Kaylor, Tri-Lakes United Methodist Church, Monument.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Guzman.
Roll Call	Present--34 Excused--1, Cadman.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator White, reading of the Journal of Friday, March 30, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB12-166, 167 and 168.
Correctly Engrossed: SB12-158; SJR12-027.
Correctly Revised: HJR12-1018.
Correctly Enrolled: SB12-040, 045, 056, 074, 091, 092, 131 and 148.

MESSAGE FROM THE HOUSE

March 30, 2012
The House has adopted and transmits herewith HJR12-1017.
The House has adopted and returns herewith SJR12-027.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR12-1017 by Representative(s) Priola and Kerr A., Waller; also Senator(s) Steadman and Roberts--
Concerning the designation of the Denver-Boulder Turnpike portion of United States
Highway 36 as the "Buffalo Highway".
State, Veterans & Military Affairs

THIRD READING OF BILLS -- FINAL PASSAGE --

CONSENT CALENDAR

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-158

by Senator(s) Boyd; also Representative(s) Bradford--Concerning the consolidation of two public housing agencies within the division of housing in the department of local affairs.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	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-sponsors added: Aguilar, Foster, Guzman, Hodge, Newell, Schwartz and Williams S.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading of Bills -- Final Passage Calendar (SB12-015, SB12-129) of Monday, April 2 was laid over until Monday, April 9, retaining its place on the calendar.

Committee of the Whole

On motion of Senator Schwartz, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Schwartz 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:

HB12-1228

by Representative(s) DelGrosso, McCann; also Senator(s) Steadman--Concerning criminal background checks for neighborhood youth organizations seeking to obtain a license.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1323

by Representative(s) Coram; also Senator(s) Roberts--Concerning the associate county judge for Montrose county.

Ordered revised and placed on the calendar for third reading and final passage.

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.

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 Schwartz, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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	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		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1228, HB12-1323, HB12-1318.

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 Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for terms expiring September 1, 2015:

Pamela M. Feely of Lakewood, Colorado to serve as a representative of a board of directors of a special district, appointed;

Timothy J. Nash of Greeley, Colorado to serve as a representative of Colorado municipal employers, 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	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 Heath, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for terms expiring July 1, 2015:

Justin A. Martinez of Highlands Ranch, Colorado, to serve as a member with expertise in nursing home operations, who is a nursing home administrator at the time of appointment, who is experienced in the financial operations of a nursing home and as an Unaffiliated voter, reappointed;

James C. Bobick of Aurora, Colorado, a veteran and the designee of the State Board of Veterans Affairs; 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	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 Johnston, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REVENUE

effective July 18, 2011 for a term expiring at the pleasure of the Governor:

Barbara J. Brohl of Lakewood, Colorado.

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	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 Johnston, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2012:

Charles J. Murphy of Colorado Springs, Colorado, to fill the vacancy occasioned by the removal of Florence E. Hunt to serve as a member from the 5th Congressional District representing registered electors, and as a Democrat, appointed;

for terms expiring July 1, 2014:

Jannine Mohr of Loveland, Colorado, to serve as a member from the Fourth Congressional District and to serve as an attorney and as a Democrat, appointed;

Robert M. Webb of Golden, Colorado, to serve as a member from the Seventh Congressional District and to serve as a representative for CPAs, corporate finance and as a Libertarian, appointed;

Lowell R. Hutson of Denver, Colorado, to fill the vacancy occasioned by the removal of Debbie J. Jessup of Centennial, Colorado, and to serve as member from the First Congressional District and as a representative who has been engaged in business in a management-level capacity for at least five years, and as a Republican, appointed.

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	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	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: HB12-1026, 1085, 1094, 1097, 1125, 1144, 1178, 1181, 1206, 1216, 1220, 1222, 1229, 1269, 1285, 1289, 1299, 1312.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, April 2, 2012 at 8:38 a.m.: SB12-007, 023, 030, 031, 033, 062, 066, 077, 099 and 146.

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 2 was laid over until Tuesday, April 3, retaining its place on the calendar.

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.
Consideration of Resolutions: SJR12-006, HJR12-1004, HJR12-1016.
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., Tuesday, April 2, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL

Sixty-eighth General Assembly

STATE OF COLORADO

Second Regular Session

84th Legislative Day

Tuesday, April 3, 2012

Prayer

By the chaplain, Rabbi Yossi Serebryanski, Chabad of South Denver.

Call to Order

By the President at 9:00 a.m.

Pledge

By Senator Guzman.

Roll Call

Present--33

Excused--2, Cadman, Mitchell.

Present later--1, Mitchell.

Quorum

The President announced a quorum present.

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.

COMMITTEE OF REFERENCE REPORTS

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

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.

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:

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.

Page 644	Senate Journal-84th Day-April 3, 2012	
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:	1 2 3 4 5 6 7 8 9 10
	<u>MEMBER OF THE COLORADO BANKING BOARD</u>	11 12 13 14
	for a term expiring July 1, 2015:	15
	Donald R. Sall, Colorado Springs, Colorado, to serve as a representative of the public, appointed.	16 17 18 19
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:	20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37
	<u>MEMBERS OF THE STATE ELECTRICAL BOARD</u>	38 39 40 41
	for terms expiring July 1, 2014:	42
	Nancy Kay White of Lakewood, Colorado, to serve as a representative of the public at large, appointed;	43 44 45
	John Thomas McCord III of Sadalia, Colorado, to serve as master electrician who is not an electrical contractor, appointed;	46 47 48 49
	Scott W. Berg of Highlands Ranch, Colorado, to serve as a building official from a political subdivision of the state performing electrical inspections, reappointed;	50 51 52 53
	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;	54 55 56 57 58
	Rory J. Berumen of Aurora, Colorado, to serve as a journeyman electrician who is not an electrical contractor, reappointed.	59 60 61 62 63 64
Appropriations	After consideration on the merits, the Committee recommends that HB12-1295 be referred to the Committee of the Whole with favorable recommendation.	65 66 67 68 69
Appropriations	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".	

	Page 8, line 8, strike "EACH" and strike "PLAN" and substitute "PLANS DEVELOPED PURSUANT TO THIS SECTION".	1
		2
		3
	Page 8, after line 9 insert:	4
		5
	"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.".	6
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	Renumber succeeding section accordingly.	11
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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.	14
		15
		16
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		18
	Amend printed bill, page 3, line 15, strike "instruct and".	19
		20
	Page 4, line 18, strike "SHALL" and substitute "MAY".	21
		22
	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:".	23
		24
		25
		26
	Page 4, line 22, strike "TO DEVELOP" and substitute "DEVELOP".	27
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	Page 5, line 22, strike "TO SERVE" and substitute "SERVE".	29
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	Page 5, line 25, strike "TO SUPPORT" and substitute "SUPPORT".	31
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	Page 6, line 1, strike "TO DEVELOP" and substitute "DEVELOP".	33
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	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".	35
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	Page 6, line 12, strike "THE PROGRAM" and substitute "A BUSINESS RETENTION AND EXPANSION PROGRAM CREATED PURSUANT TO THIS SECTION, IF ANY,".	39
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	Page 6, after line 13 insert:	43
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	"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.".	45
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	Renumber succeeding section accordingly.	50
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1290 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 HB12-1023 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 HB12-1041 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 HB12-1006 be referred to the Committee of the Whole with favorable recommendation.	65
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Page 646	Senate Journal-84th Day-April 3, 2012	
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.	1 2 3 4 5 6
	Amend reengrossed bill, page 7, after line 25 insert:	7 8
	" 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.".	9 10 11 12 13 14 15 16 17
	Renumber succeeding section accordingly.	18 19
	Page 1, line 102, strike " COLORADO. " and substitute " COLORADO, AND IN CONNECTION THEREWITH, MAKING AN APPROPRIATION. ".	20 21 22 23
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.	24 25 26 27 28
	Amend reengrossed bill, page 23, strike lines 21 through 27.	29 30
	Page 24, strike lines 1 through 9.	31 32
	Renumber succeeding sections accordingly.	33 34
	Page 24, line 17, strike "\$1,977,056." and substitute "\$1,945,348." and strike "\$1,938,360" and substitute "\$1,906,652".	35 36 37
	Page 24, line 20, strike "pursuant to" and substitute "created in".	38 39
	Page 24, strike lines 23 through 25 and substitute:	40 41
	"(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".	42 43 44 45 46 47 48
	Page 25, line 2, strike "(2)" and substitute "(3)".	49 50
	Page 25, line 3, strike "safety," and substitute "safety for capital construction,".	51 52 53
	Page 25, line 5, strike "capital construction,".	54 55
	Page 25, line 11, strike "(3)" and substitute "(4)".	56 57
	Page 25, line 17, strike "\$2,289,184" and substitute "\$2,636,427" and strike "\$2,250,488" and substitute "\$2,597,731".	58 59 60
	Page 26, line 7, strike "42-4-201 (3) (a) (V)," and substitute "43-4-201 (3) (a) (V),".	61 62 63
	Page 26, line 18, strike "state".	64 65
	Page 26, line 22, strike "subsection" and substitute "paragraph".	66 67
	Page 26, line 23, strike "section" and substitute "subsection".	68 69

Page 26, line 24, strike "subsection" and substitute "paragraph".

Page 26, line 25, strike "section." and substitute "subsection.".

Page 27, line 2, strike "\$136,659." and substitute "\$127,789.".

Page 27, line 18, strike "42-4-201 (3) (a) (V)," and substitute "43-4-201 (3) (a) (V),".

Page 28, line 5, strike "subsection (o) of this section." and substitute "paragraph (o) of this subsection.".

Page 28, line 9, strike "\$207,087" and substitute "\$207,882".

Page 29, line 5, strike "\$7,470,440" and substitute "\$7,407,914" and strike "\$7,260,230" and substitute "\$7,197,704".

Page 29, line 18, strike "state".

Page 29, line 20, strike "(4)" and substitute "(5)".

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),".

Page 30, line 2, strike "2012;" and substitute "2012.".

Page 30, strike line 3.

Page 1, line 107, strike "SAFETY AND" and substitute "SAFETY,".

Page 1, line 111, strike "IN CONNECTION THEREWITH,".

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, Renfroe-- 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	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: 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	Renfroe	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, Renfroe, 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

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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

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

85th Legislative DayWednesday, April 4, 2012

Prayer

By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order

By the President at 9:00 a.m.

Pledge

By Senator Guzman.

Roll Call

Present--34
Absent--1, Williams S.
Present later--1, Williams S.

Quorum

The President announced a quorum present.

Reading of Journal

On motion of Senator White, reading of the Journal of Tuesday, April 3, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Trans-
portation

After consideration on the merits, the Committee recommends that **HB12-1153** be referred to the Committee on Appropriations with favorable recommendation.

Local
Government

After consideration on the merits, the Committee recommends that **HB12-1105** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, line 1, strike everything after "LOCATED."

Page 3, strike lines 2 through 4 and substitute "THE WIND ENERGY AGREEMENT OR NOTICE OR MEMORANDUM EVIDENCING A WIND ENERGY AGREEMENT MUST INCLUDE THE NAME OF THE OWNER OF THE SURFACE ESTATE, THE NAME OF THE LESSEE, EASEMENT HOLDER, LICENSEE, OR CONTRACTING PARTY UNDER THE WIND ENERGY AGREEMENT, AND THE LEGAL DESCRIPTION OF THE PROPERTY. THE WIND ENERGY AGREEMENT OR NOTICE OR MEMORANDUM EVIDENCING A WIND ENERGY AGREEMENT MUST BE INDEXED IN BOTH THE GRANTOR AND GRANTEE INDICES UNDER THE NAME OF THE OWNER OF THE SURFACE ESTATE AND THE LESSEE, EASEMENT HOLDER, LICENSEE, OR CONTRACTING PARTY UNDER THE WIND ENERGY AGREEMENT."

Page 3, line 5, after "(3)" insert "(a)".

Page 3, line 7, after "AGREEMENT" insert "OR NOTICE OR MEMORANDUM EVIDENCING A WIND ENERGY AGREEMENT".

Page 3, line 9, after "LOCATED." insert "THE RELEASE MUST INCLUDE THE NAME OF THE OWNER OF THE SURFACE ESTATE, THE NAME OF THE LESSEE, EASEMENT HOLDER, LICENSEE, OR CONTRACTING PARTY UNDER THE WIND ENERGY AGREEMENT, THE LEGAL DESCRIPTION OF THE PROPERTY, AND THE ORIGINAL RECEPTION NUMBER OR BOOK AND PAGE NUMBER OF THE WIND ENERGY AGREEMENT. THE RELEASE MUST BE INDEXED IN BOTH THE

Page 654	Senate Journal-85th Day-April 4, 2012	
	GRANTOR AND GRANTEE INDICES UNDER THE NAME OF THE OWNER OF THE SURFACE ESTATE AND THE LESSEE, EASEMENT HOLDER, LICENSEE, OR CONTRACTING PARTY UNDER THE WIND ENERGY AGREEMENT."	1 2 3 4
	Page 3, line 10, after "ESTATE" insert "OR THE OWNER'S DESIGNEE".	5 6
	Page 3, strike lines 11 and 12 and substitute "AND DELIVER IT PERSONALLY OR BY CERTIFIED MAIL, FIRST CLASS POSTAGE PREPAID, RETURN RECEIPT REQUESTED, TO THE WIND ENERGY".	7 8 9 10
	Page 3, line 15, strike everything after "REQUEST."	11
	Page 3, strike lines 16 through 21 and substitute:	12 13 14
	"(b) THE WIND ENERGY DEVELOPER SHALL RECORD THE RELEASE WITHIN NINETY DAYS AFTER THE RECEIPT OF THE REQUEST. IF THE WIND ENERGY DEVELOPER FAILS TO RECORD THE RELEASE WITHIN NINETY DAYS AFTER THE RECEIPT OF THE REQUEST, THE WIND ENERGY DEVELOPER IS LIABLE TO THE OWNER OF THE SURFACE ESTATE FOR ANY DAMAGES CAUSED BY THE WIND ENERGY DEVELOPER'S FAILURE TO RECORD THE RELEASE. A COPY OF THE WRITTEN REQUEST HAS THE SAME FORCE AND EFFECT AS THE ORIGINAL REQUEST IN AN ACTION FOR DAMAGES."	15 16 17 18 19 20 21 22 23
	Page 4, strike lines 7 through 16 and substitute:	24
	"38-30.7-104. Reversion of easements. (1) UNLESS THE OWNER OF THE SURFACE ESTATE AND WIND ENERGY DEVELOPER OTHERWISE AGREE, ALL EASEMENT INTERESTS ACQUIRED AFTER JULY 1, 2012, FOR THE PURPOSE OF PRODUCING WIND ENERGY REVERT TO THE OWNER OF THE SURFACE ESTATE IF WIND ENERGY PRODUCTION HAS CEASED FOR A CONTINUOUS PERIOD OF FIFTEEN YEARS OR IF THE GENERATION OF ELECTRICITY BY A TURBINE HAS NOT COMMENCED WITHIN FIFTEEN YEARS AFTER THE EXECUTION OF A WIND ENERGY AGREEMENT. REVERSION OF AN INTEREST UNDER THIS SECTION DOES NOT TRANSFER ANY OBLIGATION TO RESTORE OR RECLAIM THE SURFACE ESTATE.	25 26 27 28 29 30 31 32 33 34
	(2) THE LESSEE, EASEMENT HOLDER, LICENSEE, OR CONTRACTING PARTY UNDER THE WIND ENERGY AGREEMENT SHALL RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER WHERE THE LAND SUBJECT TO THE WIND ENERGY AGREEMENT IS LOCATED AN AFFIDAVIT STATING THAT THE GENERATION OF ELECTRICITY BY A TURBINE HAS COMMENCED. IF NO SUCH AFFIDAVIT IS RECORDED, THEN THE WIND ENERGY AGREEMENT EXPIRES BY ITS OWN TERMS. IF NO TERMS ARE GIVEN, THE WIND ENERGY AGREEMENT EXPIRES NO MORE THAN FIFTEEN YEARS AFTER THE EXECUTION OF THE WIND ENERGY AGREEMENT. THE AFFIDAVIT MUST INCLUDE THE NAME OF THE OWNER OF THE SURFACE ESTATE, THE NAME OF THE LESSEE, EASEMENT HOLDER, LICENSEE, OR CONTRACTING PARTY UNDER THE WIND ENERGY AGREEMENT, THE LEGAL DESCRIPTION OF THE PROPERTY, AND THE ORIGINAL RECEPTION NUMBER OR BOOK AND PAGE NUMBER OF THE WIND ENERGY AGREEMENT. THE AFFIDAVIT MUST BE INDEXED IN BOTH THE GRANTOR AND GRANTEE INDICES UNDER THE NAME OF THE OWNER OF THE SURFACE ESTATE AND THE LESSEE, EASEMENT HOLDER, LICENSEE, OR CONTRACTING PARTY UNDER THE WIND ENERGY AGREEMENT."	35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53
Finance	After consideration on the merits, the Committee recommends that SB12-168 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	54 55 56 57 58
	Amend printed bill, page 4, line 10, after "IN" insert "ANNUAL".	59 60
	Page 4, line 12, after "NEXT" insert "CALENDAR YEAR THEREAFTER".	61 62
	Page 4, line 23, after "IN" insert "ANNUAL".	63 64
	Page 4, line 25, after "NEXT" insert "CALENDAR YEAR THEREAFTER".	65 66 67

Page 6, strike lines 2 through 11 and substitute:

"**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.".

SENATE SERVICES REPORT

Correctly Revised: HJR12-1016.
Correctly Rerevised: HB12-1228, 1318 and 1323.
Correctly Enrolled: SB12-061.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-028 by Senator(s) Newell and White; also Representative(s) Nikkel and McCann--Concerning recognition of April 2012 as Child Abuse Prevention Month in Colorado.

On motion of Senator Newell, 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, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and Williams S.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1295 was made Special Orders at 9:20 a.m.

Committee of the Whole The hour of 9:20 a.m. having arrived, Senator Heath moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Heath was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1295 by Representative(s) Priola; also Senator(s) Tochtrop--Concerning the creation of a Colorado Rockies license plate, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Heath, 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: HB12-1295.

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 Heath, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Heath 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:

SB12-161 by Senator(s) Nicholson, King S.; also Representative(s) Bradford--Concerning measures to reduce health care costs in correctional facilities.

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 Heath, 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: SB12-161.

Committee of the Whole On motion of Senator Heath, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Heath was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1271 by Representative(s) Nikkel and McCann, Levy; also Senator(s) Giron and Neville-- Concerning charging of juveniles by direct file of information or indictment in district court.

Ordered revised 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, SB12-068, HB12-1160, SCR12-001, HB12-1017, HB12-1237, HB12-1304, HCR12-1001, HB12-1146, SB12-160) of Wednesday, April 4 was laid over until Thursday, April 5, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Heath, the report of the Committee of the Whole was adopted on the following roll call vote:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1271.
Laid over until Thursday, April 5: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, SB12-068, HB12-1160, SCR12-001, HB12-1017, HB12-1237, HB12-1304, HCR12-1001, HB12-1146, SB12-160.

MESSAGE FROM THE HOUSE

April 4, 2012

The House has adopted and returns herewith SJM12-001.
The House has adopted and returns herewith SJR12-028.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1110, amended as printed in House Journal, April 2, pages 873-874.
HB12-1272, amended as printed in House Journal, April 2, page 874.
HB12-1043, amended as printed in House Journal, April 2, page 874.

The House has voted not to concur in the Senate amendments to HB12-1002 and requests that a conference committee be appointed. The Speaker has appointed Representatives Sonnenberg, chairman, Waller, and Williams as House conferees on the First Conference Committee on HB12-1002. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB12-1053 and requests that a conference committee be appointed. The Speaker has appointed Representatives Gardner, chairman, Barker, and Pace as House conferees on the First Conference Committee on HB12-1053. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB12-1168 and requests that a conference committee be appointed. The Speaker has appointed Representatives Young, chairman, Barker, and Gardner as House conferees on the First Conference Committee on HB12-1168. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

April 4, 2012

We herewith transmit:

Without comment, as amended, HB12-1043, 1110, and 1272.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-026 and 027; SB12-040, 045, 056, 061, 074, 091, 092 and 131.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR12-029 by Senator(s) Williams S., Bacon, Spence; also Representative(s) Todd, Court, Hamner, Kerr A., Massey, Peniston, Schafer S., Solano--Concerning a world language roadmap for Colorado.

Laid over until Wednesday, April 25, retaining its place on the calendar.

SJR12-030 by Senator(s) Morse, King S.; also Representative(s) Barker--Concerning declaring the week of May 13 - 19, 2012, as Police Week, and, in connection therewith, declaring May 15, 2012, as Peace Officers' Memorial Day.

Laid over until Wednesday, April 25, retaining its place on the calendar.

INTRODUCTION OF MEMORIALS

The following memorial was read by title and referred to the committee indicated:

SJM12-002 by Senator(s) Hudak; also Representative(s) Szabo and Pabon--Memorializing former Senator Jim Congrove.

Laid over until Tuesday, April 17, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

HB12-1014 by Representative(s) Baumgardner; also Senator(s) Neville--Concerning modification of the fee for late registration of a vehicle, and, in connection therewith, making an appropriation.
Transportation

HB12-1240 by Representative(s) Kerr A.; also Senator(s) Bacon and King K.--Concerning statutory changes to K-12 education.
Education

HB12-1261 by Representative(s) Solano, Massey, Todd; also Senator(s) Bacon--Concerning effective educators in low-performing, high-needs schools, and, in connection therewith, making an appropriation.
Education

HB12-1324 by Representative(s) Massey and Scott; also Senator(s) Johnston and King S., Bacon, Heath--Concerning Colorado Mesa university.
Education

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 Wednesday, April 4 was laid over until Thursday, April 5, retaining its place on the calendar.

Consideration of Resolutions: SJR12-006, SJR12-024, HJR12-1004.
Consideration of Memorials: SM12-003.
Conference Committees to Report: SB12-020.

TRIBUTES

Honoring:

Alexis Gerk, Boettcher Scholarship Winner -- by Senator Renfroe.
McKenzie Ramirez, Boettcher Scholarship Winner -- by Senator Renfroe.
Eagle Scout Jason Neil McAllister -- by Senator Cadman.
Eagle Scout John Logan Dally - by Senator Cadman.
Eagle Scout Scott Savage -- by Senator Cadman.
The Women's Foundation -- by Senator Hudak.
The Women and Family Action Network -- by Senator Hudak.
The Economic Opportunity and Poverty Reduction Task Force -- by Senator Hudak.
Amanda Komoczi of Prospect Valley Elementary, outstanding performance in the Wheat Ridge 6th Grade Essay Contest -- by Senator Jahn.
Alexis Lombardi of Maple Grove Elementary, outstanding performance in the Wheat Ridge 6th Grade Essay Contest -- by Senator Jahn.
Jacob Raache of Pennington Elementary, outstanding performance in the Wheat Ridge 6th Grade Essay Contest -- by Senator Jahn.
Breanna Blucher of Stober Elementary, outstanding performance in the Wheat Ridge 6th Grade Essay Contest -- by Senator Jahn.
John Potter of Kullerstrand Elementary, outstanding performance in the Wheat Ridge 6th Grade Essay Contest -- by Senator Jahn.
McKinnley Bartels of Wilmore-Davis Elementary, outstanding performance in the Wheat Ridge 6th Grade Essay Contest -- by Senator Jahn.
Dante Salamone of Wilmore-Davis Elementary, outstanding performance in the Wheat Ridge 6th Grade Essay Contest -- by Senator Jahn.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 5, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL

Sixty-eighth General Assembly

STATE OF COLORADO

Second Regular Session

86th Legislative Day

Thursday, April 5, 2012

Prayer

By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.

Call to Order

By the President at 9:00 a.m.

Pledge

By Senator Guzman.

Roll Call

Present--35

Quorum

The President announced a quorum present.

Reading of Journal

On motion of Senator White, reading of the Journal of Wednesday, April 4, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1297** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education

After consideration on the merits, the Committee recommends that **HB12-1080** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education

After consideration on the merits, the Committee recommends that **HB12-1081** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, strike line 27.

Page 8, strike lines 1 through 22.

Renumber succeeding sections accordingly.

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE

COLORADO HOUSING AND FINANCE AUTHORITY

BOARD OF DIRECTORS

effective immediately for a term expiring July 1, 2011:

Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member representing the public and occasioned by the resignation of Kevin Marchman, appointed;

effective immediately for a term expiring July 1, 2013:

Jennifer Glau Lopez of Durango, Colorado, to serve as a member with experience in mortgage banking and occasioned by the resignation of Anita Padilla-Fitzgerald, appointed.

effective July 2, 2011 for terms expiring July 1, 2015:

Charles Kenneth Knight of Denver, Colorado, to serve as a member representing the public, appointed;

Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member representing the public, reappointed;

Samuel G. Betters of Loveland, Colorado, to serve as a member representing the public, reappointed.

Finance The Committee on Finance has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLORADO RACING COMMISSION

for a term expiring July 1, 2015:

Charles D. Vail of Centennial, Colorado, to serve as a veterinarian and as a Republican from the Sixth Congressional District, reappointed.

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:

STATEWIDE INTERNET PORTAL AUTHORITY

for terms to expire on June 1, 2015;

Louis J. Lago of Centennial, Colorado, an individual from the private sector who exhibits a background in information management and technology and who is a user of electronic information, products, and services or information technology services that are offered through the private sector, reappointed;

Hon. Ronny J. "Ron" May of Colorado Springs, Colorado to serve as a representative of the private sector, reappointed.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SR12-002** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB12-1118** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB12-1111** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1059** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 5 and substitute:

"Regulation of Military Individuals and Spouses".

Page 3, line 22, after "36," insert "40,".

Page 4, strike lines 25 through 27.

Page 5, strike lines 1 through 8.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB12-165** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 10, after line 13 insert:

"SECTION 15. Management of the national hydrography dataset in Colorado - appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the personal services line item of the Colorado division of water resources, for the fiscal year beginning July 1, 2012, the sum of \$75,857, or so much thereof as may be necessary, for the division of water resources to continue management of the national hydrography dataset in Colorado and to provide geographic information system analysis support related to consumptive use analysis, water rights, dam break inundation, and interstate compacts.

(2) The moneys appropriated in subsection (1) of this section remain available for the designated purposes until June 30, 2013. All funds not expended by June 30, 2013, remain part of the Colorado water conservation board construction fund.

SECTION 16. In Colorado Revised Statutes, 37-60-121, **add** (4) (d) as follows:

37-60-121. Colorado water conservation board construction fund - creation of - nature of fund - funds for investigations - contributions - use for augmenting the general fund - funds created -repeal. (4) (d) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE BOARD MAY EXPEND UP TO SEVENTY-FIVE THOUSAND EIGHT HUNDRED FIFTY-SEVEN DOLLARS FOR THE PERSONAL SERVICE EXPENSES OF THE DIVISION OF WATER RESOURCES IN MANAGING THE NATIONAL HYDROGRAPHY DATASET AND PROVIDING GEOGRAPHIC INFORMATION SYSTEM SUPPORT FOR ACTIVITIES OF THE DIVISION OF WATER RESOURCES.

(II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JUNE 30, 2013.".

Renumber succeeding sections accordingly.

SENATE SERVICES REPORT

Correctly Printed: SJM12-002; SJR12-028, 029 and 030.
Correctly Engrossed: SB12-161; SJR12-028.
Correctly Revised: HB12-1271 and 1295.
Correctly Enrolled: SB12-067 and 127.

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-161 by Senator(s) Nicholson, King S.; also Representative(s) Bradford--Concerning measures to reduce health care costs in correctional facilities.

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, Carroll, Foster, Giron, Guzman, Hodge, Newell, Schwartz, Tochtrop, White and Williams S.

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:

HB12-1295 by Representative(s) Priola; also Senator(s) Tochtrop--Concerning the creation of a Colorado Rockies license plate, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	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	N	Morse	Y	Steadman	N
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, Guzman, Newell, Roberts, Shaffer B., Spence, White and Williams S.

HB12-1271

by Representative(s) Nikkel and McCann, Levy; also Senator(s) Giron and Neville--

Concerning charging of juveniles by direct file of information or indictment in district court.

A majority of those elected to the Senate having voted in the affirmative, Senator Mitchell

was given permission to offer a third reading amendment.

Senate in recess.

Call of the Senate.

Call raised.

Senate reconvened.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate

having voted in the affirmative, the rules were suspended for the consideration of a third

reading amendment on HB12-1271 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		

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1271

by Representative(s) Nikkel and McCann, Levy; also Senator(s) Giron and Neville--

Concerning charging of juveniles by direct file of information or indictment in district court.

Third Reading Amendment No. 1(L.017), by Senators Mitchell and King S.

Amend revised bill, page 2, strike lines 18 through 20.

Page 3, line 1, strike "PARAGRAPH (a), OR IS".

Page 3, line 25, after "~~or~~" insert "IS ALLEGED TO HAVE COMMITTED A
FELONY ENUMERATED AS A CRIME OF VIOLENCE PURSUANT TO SECTION
18-1.3-406, C.R.S., OTHER THAN A SEXUAL ASSAULT AS DESCRIBED IN
SUBPARAGRAPH (II) OF THIS PARAGRAPH (a).".

Page 5, strike line 27.

Page 6, strike lines 1 and 2.

Page 6, line 3, strike "RECEIPT OF THE MOTION,".

Page 6, line 4, strike "HEARING. THE COURT SHALL PERMIT" and substitute
"HEARING; UNLESS THE JUVENILE WAIVES HIS OR HER RIGHT TO THE
REVERSE-TRANSFER HEARING.".

Page 6, strike lines 5 through 8.

Page 8, strike lines 14 through 16 and substitute:
"(c) IF THE DISTRICT COURT DETERMINES BY CLEAR AND CONVINCING EVIDENCE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) THAT THE JUVENILE AND THE COMMUNITY WOULD BE BETTER SERVED BY ADJUDICATIVE PROCEEDINGS PURSUANT TO THIS ARTICLE,".

Page 8, line 17, strike " THIS ARTICLE,".

Page 9, line 3, after "~~waiver.~~" insert "IF, AFTER OR CONTEMPORANEOUSLY WITH THE FILING OF A DELINQUENCY PETITION AND AFTER CONSIDERATION OF THE FACTORS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (3), THE DISTRICT ATTORNEY BELIEVES THE CASE MAY BE APPROPRIATE FOR CHARGING BY DIRECT FILING, THE DISTRICT ATTORNEY SHALL FILE WITH THE JUVENILE COURT, WITH A COPY TO THE JUVENILE'S COUNSEL OF RECORD, OR TO THE JUVENILE IF THE JUVENILE HAS WAIVED COUNSEL OR IF THERE IS NO COUNSEL OF RECORD, A NOTICE OF CONSIDERATION OF DIRECT FILE. A DISTRICT ATTORNEY SHALL NOT ENGAGE A JUVENILE IN PLEA NEGOTIATIONS PRIOR TO FILING THE NOTICE OF CONSIDERATION OF DIRECT FILE.".

The amendment was lost on the following roll call vote:

YES	17	NO	18	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	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	N	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, Carroll, Foster, Guzman, Heath, Hudak, Jahn, Newell, Nicholson, Shaffer B., Steadman, Tochtrop 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 Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-006 by Senator(s) Roberts; also Representative(s) Brown--Concerning a prohibition on mandates to state and local governments without adequate funding.

On motion of Senator Roberts, 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: Bacon, Brophy, Cadman, Grantham, Guzman, Harvey, Hudak, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Neville, Newell, Renfroe, Scheffel, Shaffer B., Spence, Tochtrop, White and Williams S.

SJR12-024 by Senator(s) Bacon, Schwartz, Renfroe; also Representative(s) Sonnenberg, Brown, Vigil--Concerning the abatement of environmental contaminants in and demolition of structures on land located in the city of Pueblo, adjacent to the Colorado State Fair grounds.

On motion of Senator Bacon, the resolution was **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, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Roberts, Scheffel, Shaffer B., Spence, Steadman, 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 balance of the calendar of Thursday, April 5 was laid over until Monday, April 9, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1063, HB12-1019, HB12-1126.
- General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, SB12-068, HB12-1160, SCR12-001, HB12-1017, HB12-1237, HB12-1304, HCR12-1001, HB12-1146, SB12-160, SB12-144, SB12-005, HB12-1290, HB12-1023, HB12-1041, HB12-1006.
- Consideration of Resolutions: 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.

Member of the Securities Board.

Members of the Examining Board of Plumbers.
Member of the Colorado Banking Board.
Members of the State Electrical Board.
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 10:00 a.m., Monday, April 9, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL		1
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SENATE DID NOT CONVENE ON THIS DAY		23
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SENATE JOURNAL

Sixty-eighth General Assembly

STATE OF COLORADO

Second Regular Session

90th Legislative Day

Monday, April 9, 2012

Prayer

By the chaplain, Pastor Garrett Struessel, Lutheran Church of the Resurrection, Lakewood.

Call to Order

By the President at 10:00 a.m.

Pledge

By Senator King S.

Roll Call

Present--34

Excused--1, King K.

Present later--1, King K.

Quorum

The President announced a quorum present.

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.

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:

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.

Business, Labor and Technology

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.

Business, Labor and Technology

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 Tresl 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.

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."	1
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	Page 5, line 3, strike "2012," and substitute "2013,".	3
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	Page 5, strike lines 17 and 18 and substitute "EXISTING UPON SCHOOL GROUNDS."	5
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	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."	8
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	Page 6, line 2, strike "7, 2012," and substitute "8, 2012,".	12
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	15
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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.	19
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	Ordered revised and placed on the calendar for third reading and final passage.	23
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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.	26
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	Ordered revised and placed on the calendar for third reading and final passage.	36
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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.	39
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	<u>Amendment No. 1, Education Committee Amendment.</u>	43
	(Printed in Senate Journal, March 30, page 624 and placed in members' bill files.)	44
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	As amended, ordered revised and placed on the calendar for third reading and final passage.	46
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SB12-160	by Senator(s) Hudak; also Representative(s) Duran--Concerning parent involvement in public education advisory committees.	50
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	<u>Amendment No. 1, Education Committee Amendment.</u>	53
	(Printed in Senate Journal, March 30, page 624 and placed in members' bill files.)	54
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	56
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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.	60
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	Ordered revised and placed on the calendar for third reading and final passage.	64
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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.	67
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	Ordered revised and placed on the calendar for third reading and final passage.	70
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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:

Page 680	Senate Journal-90th Day-April 9, 2012	
		1
		2
	MEMBERS OF THE	3
	<u>BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER</u>	4
	for a term to expire December 31, 2012:	5
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	John "Jack" P. Pogge of Greenwood Village, Colorado, to serve as an Unaffiliated, and	7
	occasioned by the resignation of Adele F. Phelan of Denver, Colorado, appointed;	8
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	for a term to expire December 31, 2015:	10
		11
	Walter Louis Isenberg of Denver, Colorado, to serve as a Democrat, appointed.	12
		13
		14
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the	15
	following appointments and recommends that the appointments be confirmed:	16
		17
	MEMBER OF THE	18
	<u>HIGHER EDUCATION COMPETITIVE RESEARCH AUTHORITY BOARD OF</u>	19
	<u>DIRECTORS</u>	20
		21
	for a term expiring August 21, 2011:	22
		23
	Joseph A. Garcia of Pueblo, Colorado, to fill the vacancy occasioned by the resignation of	24
	D. Rico Munn of Denver, Colorado, appointed.	25
		26
	for a term expiring August 21, 2015;	27
		28
	Joseph A. Garcia of Pueblo, Colorado, reappointed.	29
		30
		31
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the	32
	following appointments and recommends that the appointments be confirmed:	33
		34
		35
	MEMBERS OF THE	36
	<u>COLORADO COMMISSION ON HIGHER EDUCATION</u>	37
		38
	for terms expiring July 1, 2015:	39
		40
	Patricia L. Pacey, Ph.D., of Boulder, Colorado, to serve as a representative of the Second	41
	Congressional District and as a Democrat, reappointed;	42
		43
	Larry B. Beckner of Grand Junction, Colorado, to serve as a member west of the	44
	Continental Divide, a representative of the Third Congressional District and as a	45
	Republican, reappointed;	46
		47
	Jeannette Autobee Garcia of Pueblo, Colorado, to serve as a representative of the Third	48
	Congressional District and as a Democrat, appointed;	49
		50
	Monte Moses, Ph.D. of Englewood, Colorado, to serve as a representative of the Sixth	51
	Congressional District and as a Republican, appointed;	52
		53
	Charles Hereford Percy of Arvada, Colorado, to serve as a representative of the Seventh	54
	Congressional District and as a Republican, reappointed.	55
		56
		57
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the	58
	following appointments and recommends that the appointments be confirmed:	59
		60
	MEMBERS OF THE	61
	<u>BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE</u>	62
		63
	for terms expiring December 31, 2015:	64
		65
	LeRoy J. Salazar of Manassa, Colorado, reappointed;	66
		67
	Valentin "Val" Vigil of Thornton, Colorado, appointed.	68
		69
		70

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:	1
		2
		3
		4
	MEMBERS OF THE	5
	<u>COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES</u>	6
		7
	effective January 1, 2012 for terms expiring December 31, 2015:	8
		9
	Vicki J. Cowart of Denver, Colorado to serve as a graduate and as a Democrat, reappointed;	10
		11
		12
	James R. Spaanstra of Lakewood, Colorado to serve as a non-graduate and as a Democrat, reappointed.	13
		14
		15
		16
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.	17
		18
		19
		20
		21
	Amend printed bill, strike everything below the enacting clause and substitute:	22
		23
		24
	" SECTION 1. In Colorado Revised Statutes, 22-28-103, add	25
	(1.5) and (1.7) as follows:	26
	22-28-103. Definitions. As used in this article, unless the context	27
	otherwise requires:	28
	(1.5) "CHARTER AUTHORIZER" MEANS A SCHOOL DISTRICT, THE	29
	STATE CHARTER SCHOOL INSTITUTE, OR THE BOARD OF THE COLORADO	30
	SCHOOL FOR THE DEAF AND THE BLIND ACTING IN THE CAPACITY OF	31
	AUTHORIZING A PUBLIC CHARTER SCHOOL.	32
	(1.7) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL	33
	AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, AN	34
	INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF	35
	ARTICLE 30.5 OF THIS TITLE, OR A CHARTER SCHOOL AUTHORIZED	36
	PURSUANT TO SECTION 22-80-102 (4) (b).	37
	SECTION 2. In Colorado Revised Statutes, add 22-28-104.5 as	38
	follows:	39
	22-28-104.5. Public charter school preschools.	40
	(1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE	41
	CONTRARY, A CHARTER SCHOOL THAT IS PERMITTED BY ITS CHARTER	42
	AUTHORIZER TO OPERATE A KINDERGARTEN PROGRAM MAY PLAN,	43
	DEVELOP, AND OPERATE A PUBLIC PRESCHOOL PROGRAM THAT IS	44
	CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.	45
	(2) A CHARTER SCHOOL THAT OPERATES A PUBLIC PRESCHOOL	46
	PROGRAM WITH FUNDING RECEIVED PURSUANT TO THIS ARTICLE OR,	47
	CONSISTENT WITH SECTION 22-28-104 (5) (b), WITHOUT SUCH FUNDING,	48
	SHALL ENSURE THAT THE PUBLIC PRESCHOOL PROGRAM:	49
	(a) ENROLLS STUDENTS CONSISTENT WITH SECTION 22-30.5-104	50
	(3) TO ENSURE A DIVERSE STUDENT BODY;	51
	(b) OPERATES IN A FACILITY APPROVED AND LICENSED FOR	52
	PRESCHOOL PURPOSES THAT IS THE SAME OR IN REASONABLE PROXIMITY	53
	TO THE FACILITY AT WHICH THE CHARTER SCHOOL OPERATES THE	54
	KINDERGARTEN PROGRAM, OR AT A LOCATION THAT IS APPROVED BY THE	55
	CHARTER AUTHORIZER; AND	56
	(c) GUARANTEES A STUDENT'S CONTINUED ENROLLMENT FROM	57
	PRESCHOOL TO KINDERGARTEN TO THE EXTENT ALLOWED BY LAW.	58
	SECTION 3. In Colorado Revised Statutes, 22-28-105, amend	59
	(1) (b) (III) (D) and (E); and add (1) (b) (III) (F) as follows:	60
	22-28-105. District preschool program advisory council -	61
	duties. (1) (b) The appointed members of the district advisory council	62
	shall include, but shall not be limited to, the following:	63
	(III) Representatives from the following:	64
	(D) Publicly funded early childhood education agencies located in the	65
	school district; and	66
	(E) Privately funded child care centers located in the school district ;	67
	DISTRICT; AND	68
	(F) A REPRESENTATIVE FROM A CHARTER SCHOOL LOCATED IN THE	69

Page 682	Senate Journal-90th Day-April 9, 2012	
	DISTRICT THAT HAS A PRESCHOOL PROGRAM.	1
	SECTION 4. Act subject to petition - effective date. This act	2
	takes effect at 12:01 a.m. on the day following the expiration of the	3
	ninety-day period after final adjournment of the general assembly (August	4
	8, 2012, if adjournment sine die is on May 9, 2012); except that, if a	5
	referendum petition is filed pursuant to section 1 (3) of article V of the	6
	state constitution against this act or an item, section, or part of this act	7
	within such period, then the act, item, section, or part will not take effect	8
	unless approved by the people at the general election to be held in	9
	November 2012 and, in such case, will take effect on the date of the	10
	official declaration of the vote thereon by the governor."	11
		12
	Page 1, line 101, strike "EDUCATION." and substitute "CHARTER SCHOOL	13
	PRESCHOOL PROGRAMS."	14
		15
Education	After consideration on the merits, the Committee recommends that SB12-164 be amended	16
	as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable	17
	recommendation.	18
		19
		20
	Amend printed bill, page 11, strike lines 14 through 17 and substitute:	21
		22
	"(b) The provisions of paragraph (a) of this subsection (1) shall	23
	not apply to a private college or university that, as of May 29, 2008, was	24
	authorized to do business in Colorado and that awarded degrees."	25
		26
	Page 11, line 18, strike "(d)" and substitute "(c)"	27
		28
		29
	Page 12, strike lines 20 through 22 and substitute "INFORMATION RELATED	30
	TO AN ACTION BY THE INSTITUTION'S ACCREDITING BODY CONCERNING THE	31
	INSTITUTION'S ACCREDITATION STATUS, INCLUDING BUT NOT LIMITED TO	32
	REAFFIRMATION OR LOSS OF ACCREDITATION, APPROVAL OF A REQUEST	33
	FOR CHANGE, A CAMPUS EVALUATION VISIT, A FOCUSED VISIT, OR	34
	APPROVAL OF ADDITIONAL LOCATIONS. IN ADDITION, THE INSTITUTION	35
	SHALL IMMEDIATELY NOTIFY THE DEPARTMENT IF THE INSTITUTION'S	36
	ACCREDITING BODY IS NO LONGER"	37
		38
	Page 13, strike lines 9 through 12 and substitute "section 23-2-104.5. The	39
	provisions of this subsection (4) shall not apply to a bible college or	40
	seminary that, as of May 29, 2008, was authorized to do business in	41
	Colorado and that awarded degrees."	42
		43
	Page 15, line 26, after "RECOMMEND" insert "THAT THE COMMISSION	44
	RENEW THE INSTITUTION'S AUTHORIZATION OR".	45
		46
	Page 16, line 11, strike "RECOMMENDATION AND PROVIDE" and substitute	47
	"RECOMMENDATION, AND THE DEPARTMENT AND THE COMMISSION SHALL	48
	PROCEED IN ACCORDANCE WITH THE PROVISIONS OF THE "STATE	49
	ADMINISTRATIVE PROCEDURE ACT",."	50
		51
	Page 16, strike lines 12 through 21.	52
		53
	Page 17, line 1, after "MORE" insert "OF".	54
		55
	Page 17, line 2, after "(2)" insert "OR (3)".	56
		57
	Page 17, line 26, after "(2)" insert "OR (3)".	58
		59
	Page 17, line 27, strike "SECTION." and substitute "SECTION, AND THE	60
	DEPARTMENT AND THE COMMISSION SHALL PROCEED IN ACCORDANCE	61
	WITH THE PROVISIONS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT",	62
	ARTICLE 4 OF TITLE 24, C.R.S."	63
		64
	Page 19, strike lines 10 through 27.	65
		66
	Page 21, line 12, strike "THAT THE INSTITUTION".	67
		68
	Page 21, strike lines 13 and 14 and substitute "THAT VIOLATES SECTION	69

	23-2-104 (4);".	1
		2
		3
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	4
		5
		6
		7
		8
		9
	MEMBERS OF THE	10
	<u>COLORADO CHILDREN'S TRUST FUND BOARD</u>	11
		12
	for a term expiring November 7, 2013:	13
		14
	Mark Christopher Tilden of Boulder, Colorado, to serve as a member with knowledge of child abuse prevention, appointed;	15
		16
		17
		18
	for terms expiring November 7, 2014:	19
		20
	Lori A. Moriarty of Golden, Colorado, to serve as a representative with knowledge of child abuse prevention, reappointed.	21
		22
		23
		24
		25
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	26
		27
		28
		29
		30
	MEMBER OF THE	31
	<u>COLORADO COMMISSION ON THE AGING</u>	32
		33
	for a term expiring July 1, 2014:	34
		35
	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.	36
		37
		38
		39
		40
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	41
		42
		43
		44
		45
	MEMBERS OF THE	46
	<u>HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD</u>	47
		48
	for terms expiring May 15, 2015:	49
		50
	Ann M. King of Denver, Colorado, a member of a statewide organization of hospitals, reappointed.	51
		52
		53
		54
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	55
		56
		57
		58
		59
	MEMBERS OF THE	60
	<u>STATE BOARD OF HUMAN SERVICES</u>	61
		62
	for terms expiring March 1, 2015:	63
		64
	Stephen W. Johnson of Fort Collins, Colorado to serve as a county commissioner, appointed;	65
		66
		67
	David A. Ervin of Colorado Springs, Colorado to serve as a public member, appointed;	68
		69

Page 684	Senate Journal-90th Day-April 9, 2012	
	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
		4
		5
		6
	for a term to expire March 1, 2013:	7
		8
		9
	Catherine Anne Silburn of Lakewood, Colorado to serve as a public member and	10
	occasioned by the resignation of Karen M. Studen of Pueblo, Colorado, appointed.	11
		12
Health &	The Committee on <u>Health and Human Services</u> has had under consideration and has had a	13
Human	hearing on the following appointments and recommends that the appointments be	14
Services	confirmed:	15
		16
	MEMBERS OF THE	17
	<u>COLORADO HEALTH FACILITIES AUTHORITY</u>	18
	<u>BOARD OF DIRECTORS</u>	19
		20
		21
	for a term expiring June 30, 2013:	22
		23
	Ann C. Kiley of Denver, Colorado, reappointed;	24
		25
		26
	for a term expiring June 30, 2015, appointed;	27
		28
	John L. Vigil of Pueblo, Colorado, appointed.	29
		30
		31
		32
		33
	INTRODUCTION OF RESOLUTIONS	34
		35
	The following resolution was read by title and referred to the committee indicated:	36
		37
		38
SCR12-002	by Senator(s) Williams S. and King S., Aguilar, Bacon, Carroll, Heath, Nicholson, Shaffer	39
	B., Spence; also Representative(s) Ramirez and Todd, Labuda, Miklosi, Sonnenberg, Soper,	40
	Swalm--Submitting to the registered electors of the state of Colorado an amendment to the	41
	Colorado constitution concerning assisting veterans by authorizing state-supervised lottery	42
	games to benefit the state veterans assistance grant program in order to provide services to	43
	United States veterans in Colorado.	44
	State, Veterans & Military Affairs	45
		46
		47
		48
		49
	INTRODUCTION OF BILLS -- FIRST READING	50
		51
	The following bills were read by title and referred to the committees indicated:	52
		53
		54
SB12-169	by Senator(s) Tochtrop; --Concerning the administration of county powers to maintain the	55
	landscape.	56
	Agriculture, Natural Resources, and Energy	57
		58
		59
HB12-1043	by Representative(s) Conti; also Senator(s) King K.--Concerning concurrent enrollment for	60
	students who may complete high school graduation requirements before the end of twelfth	61
	grade.	62
	Education	63
	Appropriations	64
		65
		66
		67
		68

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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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

91st Legislative Day Tuesday, April 10, 2012

Prayer By the chaplain, Pastor Michael Dent, Trinity United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator King S.

Roll Call Present--22
Excused--13, Bacon, Carroll, Giron, Grantham, Harvey, Heath, Hodge, Jahn, King K., Lambert, Lundberg, Nicholson, Steadman.
Present later--13, Bacon, Carroll, Giron, Grantham, Harvey, Heath, Hodge, Jahn, King K., Lambert, Lundberg, Nicholson, Steadman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Morse, reading of the Journal of Monday, April 9, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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
SECURITIES BOARD

for terms expiring July 1, 2014:

Paul E. Washington of Boulder, Colorado, a member of the public at large, reappointed.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1205** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 5, line 14, strike "hearing and any parts," and substitute "hearing; and any parts,".

Page 5, strike lines 15 and 16 and substitute "~~attachments, or accessories thereto, including ear molds but excluding batteries and cords; except that~~".

Page 7, line 4, strike "OR NEGOTIATING TO SELL,".

Page 7, line 5, strike "DIRECTLY OR INDIRECTLY,".

Page 7, line 8, strike "practice" and substitute "~~practice~~ TERM".

Page 7, strike line 9 and substitute "~~counseling and instruction pertaining to the selection, fitting, adaptation,~~".

Page 7, line 10, strike "or sale" and substitute "~~or sale~~ THE FITTING".

Page 8, after line 8 insert:

- "(3) NOTHING IN THIS ARTICLE PROHIBITS A LICENSEE FROM:
(a) HIRING EMPLOYEES TO ASSIST WITH CONDUCTING BUSINESS PRACTICES WITHOUT REQUIRING SUCH EMPLOYEES TO OBTAIN LICENSURE UNDER THIS ARTICLE, IF THE EMPLOYEES ARE PROPERLY SUPERVISED; OR
(b) PERFORMING TASKS THAT WOULD BE PERMISSIBLE IF THE LICENSEE WAS NOT LICENSED."

Page 16, line 17, after "ADMINISTRATION." insert "THE DIRECTOR SHALL NOT ADOPT ANY RULE THAT INCREASES THE REQUIREMENTS OF THIS ARTICLE."

Page 16, after line 22 insert:

- "(7) THE DIRECTOR SHALL NOT ENFORCE ANY PROVISIONS OF THIS ARTICLE OR RULES PROMULGATED PURSUANT THERETO THAT ARE HELD UNCONSTITUTIONAL, INVALID, OR INCONSISTENT WITH FEDERAL LAWS OR REGULATIONS, INCLUDING RULES PROMULGATED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION."

Page 26, line 12, after "made;" insert "AND".

Page 26, strike lines 13 through 18 and substitute:

- ~~"(III) Proof of having obtained a surety bond or an alternative, as authorized in section 11-35-101, C.R.S., in an amount not to exceed ten thousand dollars. Such surety bond shall require the surety to provide notice to the director within thirty days after receipt of a claim or payment made from such surety bond or if the bond is cancelled for any reason."~~

Page 26, line 19, strike "(IV)" and substitute "(IV) (III)".

Page 26, line 26, strike "PASS" and substitute "HAVE PASSED THE NATIONAL COMPETENCY EXAMINATION OF THE NATIONAL BOARD FOR CERTIFICATION IN HEARING INSTRUMENT SCIENCES (NBC-HIS) OR".

Page 28, line 2, after "audiologist;" insert "AND".

Page 28, strike lines 3 and 4 and substitute:

- ~~"(b) A trainee shall inform all consumers of his or her status as a trainee, and"~~

Page 28, line 5, strike "(c)" and substitute "(c) (b)".

Page 28, line 14, strike "specify" and substitute "Specify".

Page 37, line 22, strike "~~12-5.5-202~~ 12-32.5-303 (2) (b)," and substitute "~~12-5.5-202 (2) (b)~~;"

JudiciaryAfter consideration on the merits, the Committee recommends that **SB12-153** be postponed indefinitely.

State, Veterans, & Military AffairsAfter consideration on the merits, the Committee recommends that **HB12-1292** be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans, & Military AffairsAfter consideration on the merits, the Committee recommends that **HB12-1274** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 8, after line 8 insert:

"(d) THE FACT THAT A NOTARY ATTESTS TO AN INSTRUMENT RELATING TO REAL PROPERTY BY AFFIXING A NOTARY SEAL THAT IS NOT IN COMPLIANCE WITH THIS SECTION DOES NOT RENDER THE INSTRUMENT OR THE ATTESTATION INVALID OR INEFFECTIVE, NOR DOES IT RENDER A TITLE UNMARKETABLE."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1267** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, after line 1 insert:

"SECTION 1. In Colorado Revised Statutes, **add** 1-2-229 as follows:

1-2-229. Change in status of electors deemed "Inactive - failed to vote" - transfer to active status. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY REGISTERED ELECTOR WHOSE REGISTRATION RECORD HAS BEEN MARKED AS "INACTIVE - FAILED TO VOTE" AS OF THE EFFECTIVE DATE OF THIS SECTION SHALL FROM THAT DATE FORWARD BE DEEMED TO HOLD THE STATUS OF AN ACTIVE ELECTOR.

SECTION 2. In Colorado Revised Statutes, 1-2-605, **amend** (1) (a) (I), (1) (b), (3), (4) introductory portion, (6) (a), and (7); and **repeal** (2), (5), and (11) as follows:

1-2-605. Canceling registration - voter confirmation card.

(1) (a) (I) Communication by mail from the county clerk and recorder to the registered eligible electors of a county shall be in the form of a voter information card, including ~~but not limited to~~ the elector's name and address, precinct number, and polling place, which shall be mailed to the elector's address of record unless the elector has requested that the card be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k). The county clerk and recorder shall send a voter information card by forwardable mail to each active registered eligible elector of the county, as defined in section 1-1-104 (16). ~~and by nonforwardable mail to each inactive registered eligible elector, except an elector whose previous communication from the county clerk and recorder was returned by the United States postal service as undeliverable or an elector whose registration record was marked "Inactive" by the county clerk and recorder pursuant to subsection (2) of this section before the general election of 2006.~~

(b) For all electors whose communication pursuant to paragraph (a) of this subsection (1) is returned by the United States postal service as undeliverable at the elector's voting address, the county clerk and recorder ~~may~~ SHALL mark the registration record of that elector with the word ~~"Inactive"~~ PHRASE "INACTIVE - RETURNED MAIL".

~~(2) A registered elector who is deemed "Active" but who fails to vote in a general election shall have the elector's registration record marked "Inactive (insert date)" by the county clerk and recorder following the general election. In the case of a registered elector to whom the county clerk and recorder mailed a confirmation card pursuant to paragraph (a) of subsection (6) of this section no later than ninety days after the 2008 general election and was returned by the United States postal service as undeliverable, the county clerk and recorder shall mark the registration record of that elector with the words "Inactive = undeliverable".~~

(3) Any registered elector whose registration record has been marked ~~"Inactive"~~ "INACTIVE - RETURNED MAIL" shall be eligible to vote in any election where registration is required and the elector meets all other requirements.

(4) Any ~~"Inactive"~~ "INACTIVE - RETURNED MAIL" elector shall be deemed "Active" if:

~~(5) If a mail or mail-in ballot that was mailed pursuant to the requirements of this article to an elector who has been deemed "Active"~~

~~is returned to the county clerk and recorder by the United States postal service as undeliverable, the county clerk and recorder shall send to the elector's address of record, unless the elector has requested that such communication be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k), a notice pursuant to section 1-2-509 by forwardable mail and a postage prepaid, preaddressed form by which the elector may verify or correct the address information. If the elector verifies that he or she resides in a county other than the county mailing the mail or mail-in ballot, the county clerk and recorder shall forward the address information to the county clerk and recorder of the county in which the voter resides. If the elector fails to respond, the county clerk and recorder shall mark the registration record of that elector with the word "Inactive".~~

(6) (a) No later than ninety days after any general election, any registered elector whose registration record is marked "~~Inactive~~" "INACTIVE - RETURNED MAIL" and who has not previously been mailed a confirmation card shall be mailed a confirmation card by the county clerk and recorder.

(7) If the county clerk and recorder receives no response to the confirmation card and the elector has been designated "~~Inactive~~" "INACTIVE - RETURNED MAIL" for two general elections since the confirmation card was mailed pursuant to the requirements of this article, the county clerk and recorder shall cancel the registration record of the elector; except that, notwithstanding any other provision of law, no elector's registration record shall be canceled solely for failure to vote.

(11) ~~Notwithstanding any other provision of this section, requirements pertaining to the verification by a county clerk and recorder of the status of a registered elector who has been deemed "Inactive" in preparation for a mail ballot election shall be governed by the provisions of section 1-7.5-108.5."~~

Renumber succeeding sections accordingly.

Page 2, line 8, strike "EITHER forwardable OR" and substitute "forwardable".

Page 2, strike line 9 and substitute "mail".

Page 2, line 10, strike "RECORDER,".

Page 2, strike lines 11 through 17 and substitute "defined in section 1-1-104 (16). and by nonforwardable mail to each inactive registered eligible elector, except an elector whose previous communication from the county clerk and recorder was returned by the United States postal service as undeliverable or an elector whose registration record was marked "~~Inactive~~" by the county clerk and recorder pursuant to section 1-2-605 (2) before the general election of 2006:".

Page 3, line 18, before "as" insert "and (3) (a) (II) (A)".

Page 3, line 24, strike "EITHER forwardable OR NONFORWARDABLE" and substitute "forwardable".

Page 3, strike line 25 and substitute "mail to each".

Page 3, strike lines 26 and 27 and substitute "unaffiliated active registered eligible elector. and to each unaffiliated registered eligible elector whose registration record has been marked as".

Strike page 4 and substitute "~~"Inactive - failed to vote"~~".

(3) (a) (II) (A) If a primary election is conducted as a mail ballot election pursuant to this article, ~~in addition~~ A MAIL BALLOT PACKET SHALL BE MAILED to active registered electors who are affiliated with a political party. ~~the mail ballot packet shall be mailed to each registered elector who is affiliated with a political party and whose registration record has been marked as "Inactive - failed to vote"~~.

SECTION 7. In Colorado Revised Statutes, 1-7.5-108.5, **amend**

(2) (c); and **repeal** (1) and (2) (a); and **add** (3) as follows:

1-7.5-108.5. Voter information card - verification of active status - designation of inactive status - mailing of mail ballots. (1) Not less than ninety days before a mail ballot election conducted pursuant to this article, the county clerk and recorder shall mail a voter information card to any registered elector whose registration record has been marked "Inactive - failed to vote". For purposes of this section, "Inactive - failed to vote" shall mean a registered elector who is deemed "Active" but who failed to vote in a general election in accordance with the provisions of section 1-2-605 (2), except that the term "Inactive - failed to vote" shall not include an elector whose previous communication from the county clerk and recorder was returned by the United States postal service as undeliverable and is, accordingly, referred to in the registration records of the county as "Inactive - undeliverable" pursuant to section 1-2-605 (2). The voter information card required by this section may be sent as part of the voter information card required to be mailed pursuant to section 1-5-206 (1). The voter information card shall be sent to the elector's address of record unless the elector has requested that such communication be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k) and shall be marked "DO NOT FORWARD".

(2) (a) If the voter information card required to be sent to a registered elector whose registration record has been marked as "Inactive - failed to vote" pursuant to subsection (1) of this section is returned by the United States postal service as undeliverable, the county clerk and recorder shall mark the registration record of that elector with the words "Inactive - undeliverable".

(c) In any mail ballot election conducted on or after July 1, 2008, if a mail ballot sent to a registered elector is returned by the United States postal service as undeliverable, the county clerk and recorder shall mark the registration record of that elector with the words "Inactive - undeliverable" "INACTIVE - RETURNED MAIL". THE CLERK AND RECORDER SHALL MAIL A VOTER CONFIRMATION CARD PURSUANT TO SECTION 1-2-605 (6) (b) TO ANY ELECTOR WHOSE BALLOT WAS RETURNED BY THE UNITED STATES POSTAL SERVICE AS UNDELIVERABLE."

Page 5, after line 8 insert:

"SECTION 8. In Colorado Revised Statutes, 1-8-104.5, **add** (3) and (4) as follows:

1-8-104.5. Application for permanent mail-in voter status - legislative declaration. (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY ELIGIBLE ELECTOR WHOSE REGISTRATION RECORD HAS BEEN MARKED AS "INACTIVE - FAILED TO VOTE", WHOSE STATUS HAS BEEN CHANGED TO ACTIVE IN ACCORDANCE WITH SECTION 1-2-229, AND WHO HAD PREVIOUSLY SELECTED PERMANENT MAIL-IN VOTER STATUS PURSUANT TO THE REQUIREMENTS OF THIS SECTION SHALL HAVE THE STATUS OF PERMANENT MAIL-IN VOTER RESTORED AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (3).

(b) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) ARE NECESSARY TO CLARIFY EXISTING LAW AND TO ENSURE A UNIFORM APPLICATION OF THE RECENT JUDICIAL DETERMINATION THAT AN ELECTOR'S STATUS OF "INACTIVE - FAILED TO VOTE" DOES NOT OPERATE TO INVALIDATE, TERMINATE, OR SUSPEND THAT ELECTOR'S REGISTRATION.

(4) IN CONNECTION WITH ANY ELECTION CONDUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4), IF A MAIL-IN BALLOT SENT TO A REGISTERED ELECTOR IS RETURNED BY THE UNITED STATES POSTAL SERVICE AS UNDELIVERABLE, THE COUNTY CLERK AND RECORDER SHALL MARK THE REGISTRATION RECORD OF THAT ELECTOR WITH THE WORDS "INACTIVE - RETURNED MAIL". THE CLERK AND RECORDER SHALL MAIL A VOTER CONFIRMATION CARD PURSUANT TO SECTION 1-2-605 (6) (b) TO ANY ELECTOR WHOSE BALLOT WAS RETURNED BY THE UNITED STATES POSTAL SERVICE AS UNDELIVERABLE."

Renumber succeeding sections accordingly.

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1313 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	1 2 3 4 5 6
Appropriations	After consideration on the merits, the Committee recommends that SB12-026 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	7 8 9 10 11
Appropriations	After consideration on the merits, the Committee recommends that SB12-123 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.	12 13 14 15 16
Amend printed bill, page 9, after line 9 insert:		17 18
"SECTION 8. In Colorado Revised Statutes, add 24-21-113 as follows:		19 20
24-21-113. Secretary of state business software licensing - business computer systems maintenance and enhancement cash fund.		21 22
(1) THE SECRETARY OF STATE MAY CHARGE FEES FOR THE LICENSING OR SALE OF BUSINESS AND LICENSING SOFTWARE DEVELOPED BY THE DEPARTMENT OF STATE.		23 24 25
(2) THE SECRETARY OF STATE SHALL TRANSMIT ALL FEES COLLECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE BUSINESS COMPUTER SYSTEMS MAINTENANCE AND ENHANCEMENT CASH FUND, WHICH FUND IS HEREBY CREATED. THE SECRETARY OF STATE SHALL USE THE MONEYS CREDITED TO THE FUND ONLY FOR THE MAINTENANCE OR ENHANCEMENT OF THE DEPARTMENT OF STATE'S BUSINESS COMPUTER SYSTEMS. MONEYS TRANSFERRED TO THE FUND SHALL NOT BE DEPOSITED IN OR TRANSFERRED TO THE GENERAL FUND OF THIS STATE OR ANY OTHER FUND. THE MONEYS CREDITED TO THE FUND ARE AVAILABLE FOR APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF STATE IN THE GENERAL APPROPRIATION BILL."		26 27 28 29 30 31 32 33 34 35 36 37 38
Amend printed bill, page 9, after line 9 insert:		39 40
"SECTION 9. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2012, the sum of \$525,788, or so much thereof as may be necessary, for allocation to information technology services for contract computer programming services related to the implementation of this act."		41 42 43 44 45 46 47 48 49
Renumber succeeding sections.		50 51
Page 1, line 105, strike "MONTH." and substitute "MONTH AND MAKING AN APPROPRIATION."		52 53 54 55
Appropriations	After consideration on the merits, the Committee recommends that HB12-1209 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	56 57 58 59
Appropriations	After consideration on the merits, the Committee recommends that HB12-1236 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	60 61 62 63 64 65

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1321** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 14, after line 19 insert:

"(A) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT SPECIFIED IN SECTION 24-1-110."

Reletter succeeding sub-subparagraphs accordingly.

Page 15, line 15, strike "PRINCIPAL".

Page 16, line 22, strike "THE" and substitute "IN ORDER TO PROVIDE MONEYS TO A DEPARTMENT THAT IS UNABLE TO GENERATE SUBSTANTIAL REVERSION AMOUNTS BECAUSE OF THE MANNER IN WHICH MONEYS ARE APPROPRIATED TO THE DEPARTMENT OR OTHER FACTORS, THE".

Page 16, line 23, strike "FUND;"

Page 16, line 24, strike "EXCEPT THAT THE" and substitute "FUND. THE".

Appropriations

After consideration on the merits, the Committee recommends that **SB12-101** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 22 insert:

"SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$24,366, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$2,166 to the taxation business group, taxpayer service division for personal services; and

(b) \$22,200 for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$22,200, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section."

ReNUMBER succeeding section accordingly.

Page 1, line 101, strike "DISTRICT." and substitute "DISTRICT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-139** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB12-047** be referred to the Committee of the Whole with favorable recommendation.

Appropriations	After consideration on the merits, the Committee recommends that SB12-027 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB12-028 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that HB12-1153 be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12

SENATE SERVICES REPORT

Correctly Printed: SB12-169; SCR12-002.
Correctly Engrossed: SB12-068, 160 and 168.
Correctly Reengrossed: SB12-015.
Correctly Revised: HB12-1006, 1017, 1019, 1023, 1063, 1105, 1126, 1146 and 1290;
HCR12-1001.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SJR12-031	by Senator(s) Aguilar; also Representative(s) Kefalas--Concerning Hepatitis C Awareness Day.	23 24 25 26 27 28 29 30 31 32 33
	Laid over one day under Senate Rule 30(b).	34 35 36 37 38

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 Signing of Bills -- Resolutions -- Memorials, Delivery to the Governor, and Messages from the Governor.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-035, 067 and 127.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, April 9, 2012, at 3:29 p.m.:
SB12-022, 034, 040, 045, 055, 056, 057, 059, 061, 074, 091, 092, 095, 102, 131, 148 and 152.

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor John Hickenlooper was read and assigned to committee as follows:

April 2, 2012

To the Honorable Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBERS OF THE
RENEWABLE ENERGY AUTHORITY BOARD OF DIRECTORS**

effective immediately for a term expiring July 1, 2014:

Kenneth W. Lund of Lone Tree, Colorado, appointed;

effective immediately for terms expiring July 1, 2015:

Tanuj "TJ" Deora of Denver, Colorado, appointed;

Kimberley Beth Jordan of Fort Collins, Colorado, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 4/5/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

April 6, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

**SB12-007 CONCERNING THE STANDARDIZATION OF THE PROCEDURAL
REQUIREMENTS FOR THE ISSUANCE OF THE SPECIAL LICENSE PLATES.**

Approved April 6, 2012 at 10:43 a.m.

SB12-031 CONCERNING FEDERAL MINERAL LEASE DISTRICTS.

Approved April 6, 2012 at 10:41 a.m.

SB12-066 CONCERNING EXPANDING THOSE PERSONS ELIGIBLE AS GUARDIANS IN THE GUARDIANSHIP ASSISTANCE PROGRAM TO INCLUDE PERSONS ASCRIBED BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD.

Approved April 6, 2012 at 10:42 a.m.

SB12-077 CONCERNING THE REPEAL OF LAWS UNDER WHICH THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT REGULATED CERTAIN ACTIVITIES ASSOCIATED WITH YELLOW GREASE.

Approved April 6, 2012 at 10:42 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

Senate in recess.

Call of the Senate. Call raised.

Senate reconvened.

**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:

HB12-1063 by Representative(s) Ramirez; also Senator(s) Schwartz--Concerning the state veterans nursing home at Homelake, Colorado, and in connection therewith, making an appropriation.

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, Bacon, Boyd, Foster, Giron, Guzman, Heath, Lambert and Williams S.

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.

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: Hodge, Jahn, Lambert, Lundberg, Newell and Tochtrop.

HB12-1126 by Representative(s) Gerou; also Senator(s) Roberts--Concerning on-site wastewater treatment systems, and, in connection therewith, making an appropriation.

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: Boyd, Newell and Nicholson.

HB12-1105 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning wind energy property rights.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	9	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	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Aguilar, Bacon, Boyd, Guzman, Heath, Nicholson, Steadman and Williams S.

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:

SB12-068 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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	N
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	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Boyd, Carroll, Foster, Hudak, Nicholson, Tochtrop and Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	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, Foster, Guzman, Heath, Hodge, Morse, Newell, Nicholson, Roberts and Schwartz.

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.

Laid over until Tuesday, April 17, retaining its place on the calendar.

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.

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, Bacon, Boyd, Carroll, Foster, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Roberts, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

SB12-160 by Senator(s) Hudak; also Representative(s) Duran--Concerning parent involvement in public education advisory committees.

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: Foster, Newell, Schwartz, Tochtrop and Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Schwartz.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	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	N	Morse	Y	Steadman	N
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, Cadman, Giron, Harvey, Heath, Johnston, King K., Lambert,

Lundberg, Morse, Neville, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, White and Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Foster, Guzman, Heath, King S., Newell, Schwartz, Tochtrop and Williams S.

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.

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.

Committee of the Whole On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Carroll 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:

HB12-1297 by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Tochtrop--
Concerning the committee on anticompetitive conduct, and, in connection therewith,
continuing the committee's statutory authorization until September 1, 2013.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1080 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning changing the name of Adams state college to Adams state university.

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 Carroll, 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: HB12-1297, HB12-1080.

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 Carroll, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Carroll 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:

SB12-001 by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract.

Amendment No. 1, Local Government Committee Amendment.

Amendment NO. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 15, pages 167-168 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 9, page 412 and placed in members' bill files.)

Amendment No. 3(L.014), by Senator King K.

Amend printed bill, page 5, after line 26 insert:

"(6) IF THE REQUIREMENTS OF THIS SECTION RESULT IN INCREASED COSTS FOR BUILDING HIGHER EDUCATION FACILITIES, SUCH COSTS SHALL NOT BE PASSED ON TO STUDENTS THROUGH INCREASED TUITION OR FEES."

Page 9, after line 1 insert:

"(6) IF THE REQUIREMENTS OF THIS SECTION RESULT IN INCREASED COSTS FOR BUILDING HIGHER EDUCATION FACILITIES, SUCH COSTS SHALL NOT BE PASSED ON TO STUDENTS THROUGH INCREASED TUITION OR FEES."

Page 12, after line 7 insert:

"(7) IF THE REQUIREMENTS OF THIS SECTION RESULT IN INCREASED COSTS FOR BUILDING HIGHER EDUCATION FACILITIES, SUCH COSTS SHALL NOT BE PASSED ON TO STUDENTS THROUGH INCREASED TUITION OR FEES."

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.)

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 (SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059) of Tuesday, April 10 was laid over until Wednesday, April 11, retaining its place on the calendar.

Call of the Senate. Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-001 by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following Harvey floor amendment, (L.011) to SB 12-001, did pass.

Amend the Local Government Committee Report, dated February 14, 2012, page 2, line 5, strike "LAW." and substitute "LAW."
(7) (a) THE DIRECTOR OF THE DIVISION OF LABOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL REQUIRE EVERY CONTRACTOR THAT IS ALLOWED A PREFERENCE PURSUANT TO SUBSECTION (2) OF THIS SECTION TO SUBMIT DOCUMENTATION TO THE DIRECTOR THAT DEMONSTRATES THAT THE CONTRACTOR IS IN COMPLIANCE WITH THE EMPLOYMENT VERIFICATION REQUIREMENTS SPECIFIED IN 8 U.S.C. SEC. 1324a (b) AND DOCUMENTATION THAT THE CONTRACTOR HAS COMPLIED

WITH THE REQUIREMENTS OF SECTION 8-2-122 (2), C.R.S., AS OF THE DATE ON WHICH THE CONTRACTOR COMMENCES WORK ON THE PROJECT FOR WHICH A PREFERENCE WAS ALLOWED.

(b) A CONTRACTOR WHO, WITH RECKLESS DISREGARD, FAILS TO SUBMIT THE DOCUMENTATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (7), OR WHO, WITH RECKLESS DISREGARD, SUBMITS FALSE OR FRAUDULENT DOCUMENTATION, IS SUBJECT TO A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS FOR THE FIRST OFFENSE AND NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS FOR THE SECOND AND ANY SUBSEQUENT OFFENSE. THE MONEYS COLLECTED PURSUANT TO THIS PARAGRAPH (b) SHALL BE DEPOSITED IN THE EMPLOYMENT VERIFICATION CASH FUND CREATED IN SECTION 8-2-122 (4), C.R.S.".

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	17	NO	17	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	E	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	Y	Newell	Y	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	Y
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 Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	E	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-001 as amended.
Laid over until Wednesday, April 11: SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1009, 1083, 1204, 1215, 1246, HJR12-1015, 1016, 1018.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Giron, Chair, King S., and Carroll as Senate conferees on the first conference committee on **HB12-1053**.

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 10 was laid over until Wednesday, April 11, retaining its place on the calendar.

- Consideration of Resolutions: HJR12-1004.
- Consideration of Memorials: SM12-003.
- Consideration of Governor's Appointments:
 - Members of the Colorado Housing and Finance Authority Board of Directors.
 - Members of the Colorado Racing Commission.
 - Statewide Internet Portal Authority.
- Conference Committees to Report: SB12-020.
- Requests for Conference Committee: HB12-1002, HB12-1168.

Senate in recess. Senate reconvened.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SJR12-032 by Senator(s) Guzman, Carroll, Foster, Giron, Grantham, Harvey, Hodge, Hudak, Mitchell, Nicholson, Renfroe, Shaffer B.; also Representative(s) Waller, Court, Duran, Ferrandino, Kagan, Levy, McNulty, Nikkel, Pace, Schafer S., Singer, Todd--Concerning the declaration of April 16 through 22, 2012, as "Holocaust Awareness Week".

Laid over one day under Senate Rule 30(b).

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Jahn, Chair, Carroll, and Grantham as Senate conferees on the first conference committee on **HB12-1002**.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 11, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

92nd Legislative DayWednesday, April 11, 2012

Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	
Call to Order	By the President at 9:00 a.m.	
Pledge	By Senator King S.	
Roll Call	Present--34 Excused--1, Newell. Present later--1, Newell.	
Quorum	The President announced a quorum present.	
Reading of Journal	On motion of Senator Giron, reading of the Journal of Tuesday, April 10, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	

COMMITTEE OF REFERENCE REPORTS

Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	
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**MEMBERS OF THE
COLORADO CIVIL RIGHTS COMMISSION**

for terms expiring March 13, 2016:

Marvin R. Adams of Fountain, Colorado, to serve as a representative of state (or local) government entities and as a Republican, appointed;

Diann L. Rice of Loveland, Colorado, to serve as a representative of the community at large and as an Unaffiliated, reappointed.

Trans- portation	The Committee on <u>Transportation</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	
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**MEMBERS OF THE
COLORADO AERONAUTICAL BOARD**

for terms expiring December 19, 2014:

Kenneth Edward Maenpa of Thorton, Colorado, a representative of the statewide association of airport managers, appointed;

Joseph H. Thibodeau of Denver, Colorado, a representative of the statewide association of pilots, reappointed.

Trans- portation	After consideration on the merits, the Committee recommends that HB12-1302 be referred to the Committee on <u>Finance</u> with favorable recommendation.	1 2 3 4 5
Trans- portation	After consideration on the merits, the Committee recommends that HB12-1162 be referred to the Committee on <u>Finance</u> with favorable recommendation.	6 7 8 9
Trans- portation	After consideration on the merits, the Committee recommends that HB12-1258 be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13
Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	14 15 16 17
MEMBERS OF THE FINANCIAL SERVICES BOARD		18 19 20 21
for terms expiring July 1, 2015:		22 23
Claudia J. Milan of Arvada, Colorado to serve as an executive officer of a state credit union and as a Democrat, reappointed;		24 25 26
Horacio Peralta of Denver, Colorado, to serve as an executive officer of a state credit union and as a Democrat, reappointed.		27 28 29
Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	30 31 32 33 34
MEMBER OF THE COLORADO LOTTERY COMMISSION		35 36 37 38
for a term expiring July 1, 2015:		39 40
Margie Martinez Perusek of Greeley, Colorado, to serve as a representative of law enforcement and as a Republican, appointed.		41 42 43 44
Finance	After consideration on the merits, the Committee recommends that SB12-163 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	45 46 47 48 49
Amend printed bill, page 3, line 21, strike "(2) (d)" and substitute "(2) (d) and (2) (e)".		50 51 52
Page 4, strike line 2, and substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY.".		53 54 55 56
Page 4, line 10, strike "MISDEMEANOR." and substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY.".		57 58 59 60
Page 4, strike lines 14 through 22 and substitute:		61 62
"(d) IN ORDER FOR A DEFENDANT TO BE ABLE TO PARTICIPATE IN A TREATMENT COURT PROGRAM ESTABLISHED BY A CHIEF JUDGE IN A JUDICIAL DISTRICT, A DISTRICT ATTORNEY MAY FILE MISDEMEANOR CHARGES PURSUANT TO THIS SECTION IN DISTRICT COURT BY DIRECT INFORMATION WITHOUT THE CONSENT OF THE DISTRICT COURT.		63 64 65 66 67
(e) IF THE DISTRICT COURT SENTENCES A DEFENDANT TO PROBATION FOR A MISDEMEANOR VIOLATION OF THIS SECTION, THE		68 69

DEFENDANT SHALL BE SUPERVISED BY STATE PROBATION."

Amend the Judiciary Committee Report, dated March 28, 2012, page 1, line 17, strike "MISDEMEANOR." and substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY."

Page 2 of the committee report, line 6, strike "MISDEMEANOR." and substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY."

Finance

After consideration on the merits, the Committee recommends that **HB12-1131** be referred to the Committee on Appropriations with favorable recommendation.

SENATE SERVICES REPORT

Correctly Printed: SJR12-031 and 032.
Correctly Engrossed: SB12-001.
Correctly Reengrossed: SB12-068, 160 and 168.
Correctly Revised: HB12-1080 and 1297.
Correctly Rerevised: HB12-1006, 1017, 1019, 1023, 1063, 1105, 1126, 1146 and 1290.

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:

HB12-1297 by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Tochtrop-- Concerning the committee on anticompetitive conduct, and, in connection therewith, continuing the committee's statutory authorization until September 1, 2013.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	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: Aguilar.

HB12-1080 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning changing the name of Adams state college to Adams state university.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	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	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	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: Bacon, Giron, Guzman, Heath, Johnston and King 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:

SB12-001 by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	19	NO	16	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	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Aguilar, Carroll, Giron, Guzman, Morse, Nicholson, Schwartz, Tochtrop and Williams S.

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 Wednesday, April 11 was laid over until Thursday, April 12, retaining its place on the calendar.

IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, laying over the balance of the calendar.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

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

SJR12-031 by Senator(s) Aguilar; also Representative(s) Kefalas--Concerning Hepatitis C Awareness Day.

On motion of Senator Aguilar, 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: 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, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, 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 balance of the calendar of Wednesday, April 11 was laid over until Thursday, April 12, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB12-106.
- General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059.
- Consideration of Resolutions: SJR12-032, HJR12-1004.
- Consideration of Memorials: SM12-003.
- Consideration of Governor's Appointments:

Members of the Colorado Housing and Finance Authority.

Member of the Colorado Racing Commission.

Statewide Internet Portal Authority.

Members of the Board of Trustees of Metropolitan State College of Denver.

Member of the Higher Education Competitive Research Authority Board of Directors.

Members of the Colorado Commission on Higher Education.

Members of the Board of Trustees for Adams State College.

Members of the Colorado School of Mines, Board of Directors.

Members of the Colorado Children's Trust Fund Board.

Member of the Colorado Commission on the Aging.
Member of the Hospital Provider Fee Oversight and Advisory Board.
Members of the State Board of Human Services.
Members of the Colorado Health Facilities Authority Board of Directors.
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.
Requests for Conference Committee: HB12-1168.

Senate in recess.Senate reconvened.

TRIBUTES

Honoring:

- Joel Salomon, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Jacob Meismer, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Seth Villa, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Jacob Ring, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Josh Donkle, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Kennen Lanteri, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Troy Carroll, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Vinny Gonzales, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Brandon Brauser, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Cosme Martinez, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Jacob Winter, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Jack Kuck, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Robert Bishop-Cotner, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Jonathan Lewis, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Monte Trusty – Head Coach, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Richard Thomas - Coach, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.
Lewis Entz, Colorado Foundation for Water Education's President's Award for lifetime achievement in water education -- by Senator Schwartz.
Diane Hoppe, Colorado Foundation for Water Education's President's Award for lifetime achievement in water education -- by Senator Schwartz.
VelociRFTA for the First Rural Bus Rapid Transit System in the Nation -- by Senator Schwartz.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 12, 2012.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

93rd Legislative Day Thursday, April 12, 2012

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator King S.

Roll Call Present--30
Excused--5, Aguilar, Bacon, Mitchell, Renfroe, Schwartz.
Present later--5, Aguilar, Bacon, Mitchell, Renfroe, Schwartz.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Morse, reading of the Journal of Wednesday, April 11, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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
BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2015:

James R. Meurer of Golden, Colorado, reappointed;

Sondra W. Mercier of Denver, Colorado, reappointed;

for terms expiring July 1, 2012;

MaryKay Kelley of Silverthorne, Colorado, reappointed;

Diane M. DeVries of Wheat Ridge, Colorado, reappointed;

Lyle D. Hansen of Denver, Colorado, reappointed;

A. Louesa Maricle of Denver, Colorado reappointed;

Gregg A. Near of Wheat Ridge, Colorado, reappointed;

Amy J. Williams of Hayden, Colorado, engaged in agricultural, appointed.

Business, Labor, & Technology	<p>The Committee on <u>Business, Labor, and Technology</u> has had under consideration and has had a hearing on the following appointment and recommend that the appointment be confirmed:</p> <p style="text-align: center;"><u>MEMBER OF THE STATE ELECTRICAL BOARD</u></p> <p>for terms expiring July 1, 2014:</p> <p>Thomas B. Fox of Steamboat Springs, Colorado, to serve as a general contractor actively engaged in the building industry, appointed.</p>	1 2 3 4 5 6 7 8 9 10 11 12 13
Business, Labor, & Technology	<p>After consideration on the merits, the Committee recommends that SB12-166 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.</p>	14 15 16 17
Business, Labor, & Technology	<p>After consideration on the merits, the Committee recommends that SB12-162 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.</p> <p>Amend printed bill, strike everything below the enacting clause and substitute:</p> <p style="padding-left: 40px;">"SECTION 1. In Colorado Revised Statutes, 18-19-102, add (3) as follows:</p> <p style="padding-left: 40px;">18-19-102. Definitions. (3) "METHAMPHETAMINE OFFENDER" MEANS:</p> <p style="padding-left: 80px;">(a) A PERSON CONVICTED OF AN OFFENSE UNDER SECTION 18-18-403.5 (2) (b) OR AN ATTEMPT TO COMMIT SUCH OFFENSE AS PROVIDED BY PART 1 OF ARTICLE 2 OF THIS TITLE; AND</p> <p style="padding-left: 80px;">(b) A PERSON CONVICTED OF AN OFFENSE UNDER SECTION 18-18-405 (1) (a) WHEN THE CONTROLLED SUBSTANCE IS METHAMPHETAMINE.</p> <p style="padding-left: 40px;">SECTION 2. In Colorado Revised Statutes, add 18-19-103.7 as follows:</p> <p style="padding-left: 40px;">18-19-103.7. Methamphetamine laboratory clean-up surcharge. (1) IN ADDITION TO THE SURCHARGES ESTABLISHED IN SECTIONS 18-19-103 AND 18-19-103.5, EACH METHAMPHETAMINE OFFENDER WHO IS CONVICTED, OR WHO RECEIVES A DEFERRED SENTENCE PURSUANT TO SECTION 18-1.3-102, SHALL PAY A SURCHARGE TO THE CLERK OF THE COURT IN THE COUNTY IN WHICH THE CONVICTION OCCURS OR IN WHICH THE DEFERRED SENTENCE IS ENTERED. THE SURCHARGE IS IN AN AMOUNT DETERMINED BY THE JUDGE, BUT MUST NOT BE LESS THAN FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS.</p> <p style="padding-left: 40px;">(2) THE CLERK OF THE COURT SHALL DISBURSE THE SURCHARGE REQUIRED BY SUBSECTION (1) OF THIS SECTION AS FOLLOWS:</p> <p style="padding-left: 80px;">(a) THE CLERK SHALL RETAIN FIVE PERCENT FOR PURPOSES OF ADMINISTERING THE DISBURSAL OF THE SURCHARGE PURSUANT TO THIS SUBSECTION (2).</p> <p style="padding-left: 80px;">(b) THE CLERK SHALL DISBURSE NINETY-FIVE PERCENT TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE LOCAL GOVERNMENT ASSISTANCE ACCOUNT OF THE METHAMPHETAMINE LABORATORY CLEAN-UP CASH FUND CREATED IN SECTION 25-18.5-103.5, C.R.S.</p> <p style="padding-left: 40px;">(3) THE SURCHARGE IS MANDATORY, AND THE COURT MAY SUSPEND OR WAIVE THE SURCHARGE ONLY IF IT DETERMINES THAT THE DEFENDANT IS INDIGENT.</p> <p style="padding-left: 40px;">SECTION 3. In Colorado Revised Statutes, amend article 18.5 of title 25 as follows:</p> <p style="padding-left: 40px;">25-18.5-101. Definitions. As used in this article, unless the context otherwise requires:</p> <p style="padding-left: 80px;">(1) "Board" means the state board of health in the department of public health and environment.</p> <p style="padding-left: 80px;">(2) (Deleted by amendment, L. 2009, (SB-09-060), ch. 140, p. 600, § 1, effective April 20, 2009.) "CERTIFIED INDUSTRIAL HYGIENIST" OR "CIH" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN</p>	19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

BOARD OF INDUSTRIAL HYGIENE OR ITS SUCCESSOR.

(3) "CLEAN-UP STANDARDS" MEANS THE ACCEPTABLE STANDARDS FOR THE REMEDIATION OF AN ILLEGAL DRUG LABORATORY INVOLVING METHAMPHETAMINE, AS ESTABLISHED BY THE BOARD PURSUANT TO SECTION 25-18.5-102.

(4) "CONSULTANT" MEANS A CERTIFIED INDUSTRIAL HYGIENIST OR INDUSTRIAL HYGIENIST WHO IS NOT AN EMPLOYEE, AGENT, REPRESENTATIVE, PARTNER, JOINT VENTURE PARTICIPANT, SHAREHOLDER, PARENT, OR SUBSIDIARY COMPANY OF THE CONTRACTOR, AND WHO HAS BEEN CERTIFIED PURSUANT TO SECTION 25-18.5-106.

(5) "CONTRACTOR" MEANS ONE OR MORE INDIVIDUALS OR COMMERCIAL ENTITIES:

(a) HIRED TO DECONTAMINATE AN ILLEGAL DRUG LABORATORY IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE BOARD PURSUANT TO SECTION 25-18.5-102; AND

(b) CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 25-18.5-106.

(6) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

~~(2.5)~~ (7) "Governing body" means the agency or office designated by the city council or board of county commissioners where the property in question is located. If there is no such designation, the governing body shall be the county, district, or municipal public health agency, building department, and law enforcement agency with jurisdiction over the property in question.

~~(2.7)~~ (8) "Illegal drug laboratory" means the areas where controlled substances, as defined by section 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of such THE manufacturing, processing, cooking, disposal, use, or storing STORAGE.

(9) "INDUSTRIAL HYGIENIST" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-30-1402 (2.2), C.R.S.

~~(3)~~ (10) "Property" means anything that may be the subject of ownership, including ~~but not limited to~~, land, buildings, structures, and vehicles.

~~(4)~~ (11) "Property owner", for the purposes of real property, means the person holding record fee title to real property. "Property owner" also means the person holding the title to a manufactured home.

25-18.5-102. Illegal drug laboratories - rules. (1) The board shall promulgate ~~health-protective rules that establish procedures for testing and evaluation of contamination and the acceptable standards for the cleanup of illegal drug laboratories involving methamphetamine.~~ PURSUANT TO SECTION 24-4-103, C.R.S., AS NECESSARY TO IMPLEMENT THIS ARTICLE, INCLUDING:

(a) PROCEDURES FOR TESTING CONTAMINATION, EVALUATING CONTAMINATION, AND ESTABLISHING THE ACCEPTABLE STANDARDS FOR CLEANUP OF ILLEGAL DRUG LABORATORIES INVOLVING METHAMPHETAMINE;

(b) PROCEDURES FOR A TRAINING AND CERTIFICATION PROGRAM FOR INDIVIDUALS AND COMPANIES INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES. THE BOARD SHALL DEFINE "ASSESSMENT", "DECONTAMINATION", AND "SAMPLING" FOR PURPOSES OF THIS ARTICLE. THE BOARD MAY DEVELOP DIFFERENT LEVELS OF TRAINING AND CERTIFICATION REQUIREMENTS BASED ON AN INDIVIDUAL'S OR COMPANY'S PRIOR EXPERIENCE IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES.

(c) PROCEDURES FOR THE APPROVAL OF INDIVIDUALS AND COMPANIES THAT PROVIDE TRAINING FOR CONSULTANTS OR CONTRACTORS PERFORMING ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES.

(d) PROCEDURES FOR CONTRACTORS AND CONSULTANTS TO ISSUE CERTIFICATES OF COMPLIANCE TO PROPERTY OWNERS UPON COMPLETION OF ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES TO CERTIFY THAT THE REMEDIATION OF THE PROPERTY MEETS THE CLEAN-UP STANDARDS ESTABLISHED BY THE BOARD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) THE BOARD SHALL ESTABLISH FEES FOR THE FOLLOWING:

(a) CERTIFICATION OF INDIVIDUALS AND COMPANIES INVOLVED IN

THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES;

(b) MONITORING OF INDIVIDUALS AND COMPANIES INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES, IF NECESSARY TO ENSURE COMPLIANCE WITH THIS ARTICLE; AND

(c) APPROVAL OF INDIVIDUALS OR COMPANIES INVOLVED IN TRAINING FOR CONSULTANTS OR CONTRACTORS PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION.

(3) THE BOARD SHALL ADOPT RULES FOR DETERMINING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THIS ARTICLE, BASED ON THE FACTORS ENUMERATED IN SECTION 25-18.5-107 (2) (g).

25-18.5-103. Discovery of illegal drug laboratory - property owner - cleanup - liability. (1) (a) Upon notification from a peace officer that chemicals, equipment, or supplies indicative of an illegal drug laboratory are located on a property, or when an illegal drug laboratory used to manufacture methamphetamine is otherwise discovered and the property owner has received notice, the owner of any contaminated property shall meet the clean-up standards for property established by the board in section 25-18.5-102; except that a property owner may, at his or her option and subject to paragraph (b) of this subsection (1), elect instead to demolish the contaminated property. If the owner elects to demolish the contaminated property, the governing body or, if none has been designated, the county, district, or municipal public health agency, building department, or law enforcement agency with jurisdiction over the area where the property is located may require the owner to fence off the property or otherwise make it inaccessible to persons for occupancy or intrusion.

(b) An owner of any personal property within a structure or vehicle contaminated by illegal drug laboratory activity ~~shall have~~ HAS ten days after the date of discovery of the laboratory or contamination to remove or clean his or her personal property according to board rules. If the personal property owner fails to remove the personal property within ten days, the owner of the structure or vehicle may dispose of the personal property during the clean-up process without liability to the owner of the personal property for ~~such~~ THE disposition.

(2) (a) ~~EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2), once a property owner has met the clean-up standards and documentation requirements established by the board, as evidenced by a copy of the results provided to the governing body;~~ RECEIVED CERTIFICATES OF COMPLIANCE FROM A CONTRACTOR AND A CONSULTANT, PURSUANT TO SECTION 25-18.5-102 (1) (d), or has demolished the property:

(I) ~~compliance with subsection (1) of this section shall establish immunity for the property owner~~ HE OR SHE SHALL FURNISH COPIES OF THE CERTIFICATES OF COMPLIANCE TO THE GOVERNING BODY; AND

(II) HE OR SHE IS IMMUNE from a suit BROUGHT BY A CURRENT OR FUTURE OWNER, RENTER, OCCUPANT, OR NEIGHBOR OF THE PROPERTY for ~~alleged health-based civil actions brought by any future owner, renter, or other person who occupies such property, or a neighbor of such property, in which the alleged cause of the injury or loss is the existence of the illegal drug laboratory used to manufacture methamphetamine, except that immunity from a civil suit is not established for the~~ THAT ALLEGE INJURY OR LOSS ARISING FROM THE ILLEGAL DRUG LABORATORY. A PROPERTY OWNER WHO MET THE CLEAN-UP STANDARDS AND DOCUMENTATION REQUIREMENTS OF THIS SECTION AS IT EXISTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, IS LIKEWISE IMMUNE FROM SUIT.

(b) A person convicted for the ~~production~~ MANUFACTURE of methamphetamine OR FOR POSSESSION OF CHEMICALS, SUPPLIES, OR EQUIPMENT WITH INTENT TO MANUFACTURE METHAMPHETAMINE IS NOT IMMUNE FROM SUIT.

(3) A person who removes personal property or debris from a drug laboratory shall secure the property and debris to prevent theft or exposing another person to any toxic or hazardous chemicals until the property and debris is appropriately disposed of or cleaned according to board rules.

25-18.5-103.5. Methamphetamine laboratory clean-up cash fund - rules. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE

METHAMPHETAMINE LABORATORY CLEAN-UP CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE STATE TREASURER SHALL CREDIT MONEYS COLLECTED PURSUANT TO THIS ARTICLE TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE BOARD FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND ARE NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) GOVERNING BODIES MAY APPLY TO THE BOARD FOR REIMBURSEMENT FROM THE LOCAL GOVERNMENT ASSISTANCE ACCOUNT OF THE FUND, WHICH IS HEREBY CREATED, FOR COSTS INCURRED BY THE GOVERNING BODIES FOR METHAMPHETAMINE LABORATORY CLEAN-UP EFFORTS THAT FALL OUTSIDE OF THIS ARTICLE. THE BOARD SHALL PROMULGATE RULES FOR DETERMINING ELIGIBLE ACTIVITIES UNDERTAKEN BY GOVERNING BODIES AND PROCEDURES FOR REVIEWING APPLICATIONS AND REIMBURSING GOVERNING BODIES.

25-18.5-104. Entry into illegal drug laboratories. (1) If a structure or vehicle has been determined to be contaminated or if a governing body or law enforcement agency issues a notice of probable contamination, the owner of the structure or vehicle shall not permit any person to have access to the structure or vehicle unless:

(a) The person is trained or certified to handle contaminated property pursuant to board rules or federal law; OR

(b) UNTIL THE OWNER HAS RECEIVED CERTIFICATES OF COMPLIANCE PURSUANT TO SECTION 25-18.5-102 (1) (d).

25-18.5-105. Drug laboratories - governing body - authority. (1) ~~An~~ GOVERNING BODIES MAY DEEM AN illegal drug laboratory that has not met the clean-up standards set by the board in section 25-18.5-102 ~~shall be deemed~~ a public health nuisance.

(2) Governing bodies may enact ordinances or resolutions to enforce this article, including ~~but not limited to~~, preventing unauthorized entry into contaminated property; requiring contaminated property to meet clean-up standards before it is occupied; notifying the public of contaminated property; AND coordinating services and sharing information between law enforcement, building, public health, and social services agencies and officials. ~~and charging reasonable inspection and testing fees.~~

25-18.5-106. Powers and duties of department. (1) THE DEPARTMENT SHALL IMPLEMENT, COORDINATE, AND OVERSEE THE RULES PROMULGATED BY THE BOARD PURSUANT TO THIS ARTICLE, INCLUDING:

(a) THE CERTIFICATION OF INDIVIDUALS AND COMPANIES INVOLVED IN THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES, AS THE BOARD HAS DEFINED "ASSESSMENT", "DECONTAMINATION", AND "SAMPLING" PURSUANT TO SECTION 25-18.5-102.

(b) THE APPROVAL OF INDIVIDUALS AND COMPANIES THAT PROVIDE TRAINING FOR CONSULTANTS AND CONTRACTORS WHO PERFORM ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES.

25-18.5-107. Enforcement. (1) AN INDIVIDUAL OR A COMPANY THAT VIOLATES ANY OF THE RULES PROMULGATED BY THE BOARD PURSUANT TO SECTION 25-18.5-102 IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT TO EXCEED FIFTEEN THOUSAND DOLLARS PER DAY PER VIOLATION UNTIL THE VIOLATION IS CORRECTED.

(2) (a) WHENEVER THE DEPARTMENT HAS REASON TO BELIEVE THAT AN INDIVIDUAL OR A COMPANY HAS VIOLATED ANY OF THE RULES PROMULGATED BY THE BOARD PURSUANT TO SECTION 25-18.5-102, THE DEPARTMENT SHALL NOTIFY THE INDIVIDUAL OR COMPANY. THE DEPARTMENT SHALL SPECIFY IN THE NOTICE THE RULE ALLEGED TO HAVE BEEN VIOLATED AND THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION.

(b) THE DEPARTMENT SHALL EITHER:

(I) SEND THE NOTICE BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED, TO THE ALLEGED VIOLATOR'S LAST-KNOWN ADDRESS; OR

(II) PERSONALLY SERVE THE NOTICE UPON THE ALLEGED VIOLATOR OR THE ALLEGED VIOLATOR'S AGENT.

(c) THE ALLEGED VIOLATOR HAS THIRTY DAYS FOLLOWING RECEIPT OF THE NOTICE TO SUBMIT A WRITTEN RESPONSE CONTAINING DATA, VIEWS, AND ARGUMENTS CONCERNING THE ALLEGED VIOLATION AND POTENTIAL CORRECTIVE ACTIONS.

(d) WITHIN FIFTEEN DAYS AFTER RECEIVING NOTICE OF AN ALLEGED VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST AN INFORMAL CONFERENCE WITH DEPARTMENT PERSONNEL TO DISCUSS THE NOTICE. THE DEPARTMENT SHALL HOLD THE INFORMAL CONFERENCE WITHIN THE THIRTY-DAY PERIOD ALLOWED FOR A WRITTEN RESPONSE, AS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (2).

(e) AFTER CONSIDERATION OF ANY WRITTEN RESPONSE AND INFORMAL CONFERENCE, THE DEPARTMENT SHALL ISSUE A LETTER, WITHIN THIRTY DAYS AFTER THE DATE OF THE INFORMAL CONFERENCE OR WRITTEN RESPONSE, WHICHEVER IS LATER, AFFIRMING OR DISMISSING THE VIOLATION. IF THE DEPARTMENT AFFIRMS THE VIOLATION, THE DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE ORDER WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE TIME FOR A WRITTEN RESPONSE HAS EXPIRED. THE ADMINISTRATIVE ORDER MUST INCLUDE ANY REMAINING CORRECTIVE ACTIONS THAT THE VIOLATOR SHALL TAKE AND ANY ADMINISTRATIVE PENALTY THAT THE DEPARTMENT DETERMINES IS APPROPRIATE.

(f) THE DEPARTMENT SHALL SERVE AN ADMINISTRATIVE ORDER ISSUED PURSUANT TO THIS SECTION UPON THE INDIVIDUAL OR COMPANY THAT IS THE SUBJECT OF THE ORDER BY PERSONAL SERVICE OR BY REGISTERED MAIL, RETURN RECEIPT REQUESTED, AT THE INDIVIDUAL'S OR COMPANY'S LAST-KNOWN ADDRESS. AN ORDER MAY BE PROHIBITORY OR MANDATORY IN EFFECT. THE ORDER IS EFFECTIVE IMMEDIATELY UPON ISSUANCE, UNLESS OTHERWISE PROVIDED IN THE ORDER.

(g) IN DETERMINING THE AMOUNT OF AN ADMINISTRATIVE PENALTY, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:

(I) THE SERIOUSNESS OF THE VIOLATION;
(II) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR NEGLIGENT;

(III) ANY IMPACT ON, OR THREAT TO, THE PUBLIC HEALTH OR ENVIRONMENT AS A RESULT OF THE VIOLATION;

(IV) THE VIOLATOR'S DEGREE OF RECALCITRANCE, IF ANY;

(V) WHETHER THE VIOLATOR HAS HAD ANY PRIOR VIOLATIONS AND, IF SO, THE NATURE AND SEVERITY OF ANY PRIOR VIOLATION OR VIOLATIONS;

(VI) THE ECONOMIC BENEFIT THE VIOLATOR RECEIVED AS A RESULT OF THE VIOLATION;

(VII) WHETHER THE VIOLATOR VOLUNTARILY, TIMELY, AND COMPLETELY DISCLOSED THE VIOLATION BEFORE THE DEPARTMENT DISCOVERED IT;

(VIII) WHETHER THE VIOLATOR FULLY AND PROMPTLY COOPERATED WITH THE DEPARTMENT FOLLOWING DISCLOSURE OR DISCOVERY OF THE VIOLATION; AND

(IX) ANY OTHER RELEVANT AGGRAVATING OR MITIGATING CIRCUMSTANCES.

(3) WHENEVER THE DEPARTMENT DETERMINES THAT AN INDIVIDUAL OR A COMPANY HAS BEEN GROSSLY NONCOMPLIANT WITH THE RULES PROMULGATED BY THE BOARD PURSUANT TO SECTION 25-18.5-102, THE DEPARTMENT MAY:

(a) SUSPEND OR REVOKE THE INDIVIDUAL'S OR COMPANY'S CERTIFICATION FOR THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES, AS THE BOARD HAS DEFINED "ASSESSMENT", "DECONTAMINATION", AND "SAMPLING" PURSUANT TO SECTION 25-18.5-102; OR

(b) SUSPEND OR REVOKE THE APPROVAL OF AN INDIVIDUAL OR A COMPANY THAT PROVIDES TRAINING FOR CONSULTANTS OR CONTRACTORS PERFORMING ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES.

25-18.5-108. Judicial review. THE DEPARTMENT'S DECISIONS ARE SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

SECTION 4. In Colorado Revised Statutes, 38-35.7-103, **amend** (2) (c) and (4) as follows:

38-35.7-103. Disclosure - methamphetamine laboratory.

(2) (c) If the seller receives the notice referred to in paragraph (b) of this subsection (2) or if the seller receives the notice referred to in paragraph (a) of this subsection (2) and does not elect to have the property retested pursuant to paragraph (b) of this subsection (2), then an illegal drug laboratory used to manufacture methamphetamine shall be deemed to have been discovered. ~~and the owner shall be deemed to have received notice pursuant to section 25-18.5-103 (1) (a), C.R.S.~~ Nothing in this section ~~shall prohibit~~ PROHIBITS a buyer from purchasing the property and assuming liability pursuant to section 25-18.5-103, C.R.S., if, on the date of closing, the buyer provides notice to the department of public health and environment of the purchase and assumption of liability and if the remediation required by section 25-18.5-103, C.R.S., is completed within ninety days after the date of closing.

(4) If the seller ~~became~~ BECOMES aware that the property was once used for the production of methamphetamine and HE OR SHE REMEDIATES the property ~~was remediated~~ in accordance with the standards established pursuant to section 25-18.5-102, C.R.S., and ~~evidence of such remediation was received by the applicable governing body in~~ RECEIVES CERTIFICATES OF compliance with the documentation requirements established pursuant to section ~~25-18.5-102~~ 25-18.5-103, C.R.S., then:

(a) The seller ~~shall~~ IS not be required to disclose that the property was used as a methamphetamine laboratory to a buyer; and

(b) The property ~~shall be removed from~~ IS NO LONGER ELIGIBLE FOR INCLUSION IN any government-sponsored informational service listing properties that have been used for the production of methamphetamine.

SECTION 5. Applicability. The provisions of this act apply to offenses committed on or after the effective date of this act.

SECTION 6. 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."

Page 1, strike line 101 and substitute "**CONCERNING REMEDIATION PERFORMED ON**".

Judiciary

The Committee on Judiciary 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 JUDICIAL DISCIPLINE

effective July 1, 2011 for terms expiring June 30, 2015:

Albus Brooks of Denver, Colorado, to serve as a non attorney, occasioned by the resignation of Joe Samuel, appointed;

David Kenney of Denver, Colorado, to serve as a non attorney, reappointed;

Federico C. Alvarez of Denver, Colorado, to serve as an attorney, reappointed; and

effective October 14, 2011 for a term to expire June 30, 2015:

David Lee Dill of Pueblo, Colorado to serve as a non attorney, occasioned by the resignation of Judy Weaver of Pueblo, Colorado, appointed.

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1130** be postponed indefinitely.

Local
Government

After consideration on the merits, the Committee recommends that **HB12-1282** be referred to the Committee on Appropriations with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB12-1303** be referred to the Committee on Finance with favorable recommendation.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy 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 THE
GREAT OUTDOORS COLORADO TRUST FUND

for terms expiring April 15, 2015:

James A. Smith of Denver, Colorado, to serve as an Unaffiliated from the First Congressional District, reappointed;

Matt J. Sugar of Winter Park, Colorado, to serve as a Democrat from the Second Congressional District west of the Continental Divide, reappointed;

Thomas Michael Burke of Grand Junction, Colorado, to serve as a Republican from the Third Congressional District, appointed;

Chana Gail Reed of Lamar, Colorado, to serve as a Republican from the Fourth Congressional District, appointed;

David Joseph Palanchar of Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, appointed;

Thomas W. Swanson of Evergreen, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed.

Jacy Tyler Jasmer Rock of Golden, Colorado, to serve as an Unaffiliated from the Seventh Congressional District, appointed.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
ENERGY AND MINERAL IMPACT ASSISTANCE
ADVISORY COMMITTEE

for terms expiring August 24, 2015:

Karla Jean Distel of Durango, Colorado, appointed;

Susan B. Alvillar of Grand Junction, Colorado, appointed.

State, Veterans, & Military Affairs The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO CHANNEL AUTHORITY
BOARD OF DIRECTORS

for terms expiring October 6, 2015:

Timothy Michael Ryan of Aurora, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed;

Ken Fellman of Arvada, Colorado, a Democrat, reappointed;

John W. Montgomery of Centennial, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, reappointed.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HJR12-1017** be referred to the Senate for final action.

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-031.
Correctly Reengrossed: SB12-001.
Correctly Rerevised: HB12-1080 and 1297.

Upon request of Senator Morse, **SB12-106** was removed from the General Orders--Second Reading of Bills Consent Calendar of Thursday, April 12 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Thursday, April 12.

Committee
of the Whole

On motion of Senator Steadman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Steadman was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1313 by Representative(s) Szabo; also Senator(s) Bacon--Concerning procedures related to the statewide initiative title board.

Ordered revised and placed on the calendar for third reading and final passage.

SB12-026 by Senator(s) Cadman; --Concerning a state agency rule that creates a state mandate on a local government.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 1, pages 74-75 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-123 by Senator(s) Renfroe, Brophy, Cadman, Grantham, Harvey, King K., King S., Lambert, Lundberg, Mitchell, Neville, Roberts, Scheffel, Steadman, White; also Representative(s) Brown--Concerning the secretary of state's on-line business filing system, and, in connection therewith, authorizing enhancements to the system, the designation of commercial registered agents, and changes to a reporting entity's anniversary month and making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 10, page 692 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB12-1209 by Representative(s) Gardner B.; also Senator(s) Carroll--Concerning the "Uniform Electronic Legal Material Act", and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1236 by Representative(s) Summers, Holbert; also Senator(s) Jahn, Boyd--Concerning the regulation of charitable solicitations, and, in connection therewith, making an appropriation.

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 Steadman, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lundberg	Y	Schwartz	E
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	Renfro	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-026 as amended, SB12-123 as amended, HB12-1313, HB12-1209, HB12-1236.

Laid over to the end of the General Orders -- Second Reading of Bills calendar, Thursday, April 12: SB12-106.

Committee On motion of Senator Steadman, the Senate resolved itself into the Committee of the
of the Whole Whole for consideration of General Orders--Second Reading of Bills and
Senator Steadman was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB12-004 by Senator(s) Foster, Shaffer B.; also Representative(s) Miklosi--Concerning the creation of a procurement preference to be granted for materials manufactured in the United States, and, in connection therewith, making an appropriation.

Amendment No. 1, Local Government Committee Amendment.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 15, page 168 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 23, page 558 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB12-1321	by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.--	1
	Concerning the state personnel system, and, in connection therewith, enacting the	2
	"Modernization of the State Personnel System Act".	3
		4
	<u>Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.</u>	5
	(Printed in Senate Journal, March 29, pages 607-608 and placed in members' bill files.)	6
		7
	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	8
	(Printed in Senate Journal, April 10, page 693 and placed in members' bill files.)	9
		10
	<u>Amendment No. 1(L.025), by Senator Lambert.</u>	11
		12
	Amend the State, Veterans & Military Affairs Committee Report, dated	13
	March 28, 2012, page 1, strike lines 1 and 2.	14
		15
	Page 1 of the committee report, line 3, strike "Page" and substitute	16
	"Amend reengrossed bill, page".	17
		18
	Page 2 of the committee report, strike lines 1 and 2 and substitute: "Page	19
	15, line 6, strike "ITEM OR OPERATING LINE ITEM OF" and substitute "ITEM,	20
	A LINE ITEM ENTITLED "OPERATING EXPENSES", OR ANY SUCCESSOR LINE	21
	ITEM DESIGNATED BY THE JOINT BUDGET COMMITTEE FOR THE SAME	22
	PURPOSES IN".	23
		24
	Page 12 of the reengrossed bill, line 10, strike "IN THE PERSONAL	25
	SERVICES LINE ITEM".	26
		27
	Page 12 of the reengrossed bill, line 11, strike "ACT." and substitute "ACT	28
	IN SUITABLE PERSONAL SERVICES LINE ITEMS OR OTHER LINE ITEMS THAT	29
	INCLUDE SALARY APPROPRIATIONS."	30
		31
	Page 15 of the reengrossed bill, line 10, after "YEAR." insert "THE JOINT	32
	BUDGET COMMITTEE SHALL NOTIFY THE STATE CONTROLLER AND STATE	33
	TREASURER OF A SUCCESSOR LINE ITEM FROM WHICH THERE MAY BE A	34
	REVERSION AMOUNT."	35
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	As amended, ordered revised and placed on the calendar for third reading and final	38
	passage.	39
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	On motion of Senator Steadman, and with a majority of those elected to the Senate having	44
	voted in the affirmative, the balance of the General Orders -- Second Reading of Bills	45
	Calendar (SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001,	46
	HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059,	47
	SB12-101, SB12-139, SB12-047, SB12-027, SB12-028, HB12-1153, SB12-106) of	48
	Thursday, April 12 was laid over until Friday, April 13, retaining its place on the calendar.	49
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	ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE	54
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	On motion of Senator Steadman, the report of the Committee of the Whole was adopted	57
	on the following roll call vote:	58
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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-004 as amended, HB12-1321 as amended.
Laid over until Friday, April 13: SB12-155, SB12-070, SB12-086, SB12-132,
HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304,
HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027, SB12-028,
HB12-1153, SB12-106.

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 Thursday, April 12 was laid over
until Friday, April 13, retaining its place on the calendar.

- Consideration of Resolutions: SJR12-032, HJR12-1004.
Consideration of Memorials: SM12-003.
Consideration of Governor's Appointments:
Members of the Colorado Housing and Finance Authority.
Member of the Colorado Racing Commission.
Statewide Internet Portal Authority.
Members of the Board of Trustees of Metropolitan State College of Denver.
Member of the Higher Education Competitive Research Authority Board of
Directors.
Members of the Colorado Commission on Higher Education.
Members of the Board of Trustees for Adams State College.
Members of the Colorado School of Mines, Board of Directors.
Members of the Colorado Children's Trust Fund Board.
Member of the Colorado Commission on the Aging.
Member of the Hospital Provider Fee Oversight and Advisory Board.
Members of the State Board of Human Services.
Members of the Colorado Health Facilities Authority Board of Directors.
Member of the Securities Board.
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.
Requests for Conference Committee: HB12-1168.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1228, 1271, 1318, 1323.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 13, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

94th Legislative Day Friday, April 13, 2012

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator King S.

Roll Call Present--29
Excused--6, Aguilar, Brophy, Grantham, Mitchell, Renfroe, White.
Present later--3, Aguilar, Mitchell, Renfroe.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Thursday, April 12, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
GROUND WATER COMMISSION**

for terms expiring May 1, 2015:

George H. Schubert of Calhan, Colorado to serve as a resident agriculturist from the Upper Big Sandy Basin, reappointed;

Charles "Max" Smith of Walsh, Colorado to serve as a resident agriculturist from the Southern High Plains Basin, reappointed.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy 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 LAND COMMISSIONERS**

for terms expiring June 30, 2015:

Michele A. Bloom of Centennial, Colorado, to serve as a representative of public, primary or secondary education, and as a Democrat, reappointed;

Hon. Tom R. Gray of Craig, Colorado, to serve as a representative of local government and land use planning, and as a Republican, appointed.

Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	<div>MEMBERS OF THE COLORADO TOURISM OFFICE BOARD OF DIRECTORS</div>	1
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	for a term expiring June 1, 2015:		11
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Lawrence R. DiPasquale of Greenwood Village, Colorado, a representative of the food, beverage and restaurant industry, appointed.			21
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for terms expiring June 1, 2015:			31
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Timothy H. Wolfe of Littleton, Colorado, a representative of the hotel, motel, and lodging industry, reappointed.			41
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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:		<div>MEMBERS OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF NORTHERN COLORADO</div>	51
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effective January 1, 2012 for a term expiring December 31, 2012:			61
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Jerry L. Morgensen of Greeley, Colorado to serve as a Republican, reappointed;			71
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effective January 1, 2012 for terms expiring December 31, 2014:			81
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Richard James "Jim" Chavez of Highlands Ranch, Colorado to serve as a Democrat, reappointed;			91
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Richard S. Gast of Timnath, Colorado to serve as a Democrat, reappointed;			101
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effective January 1, 2012 for terms expiring December 31, 2015:			111
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Paul E. Washington of Boulder, Colorado to serve as an Unaffiliated, appointed;			121
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Susan E. Carparelli of Highlands Ranch, Colorado to serve as a Democrat, appointed.			131
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			140
The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:		<div>MEMBER OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM</div>	141
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for a term expiring December 31, 2015:			151
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Russell Neil Johnson of Sterling, Colorado, to serve as a member who has substantial experience in the production of agriculture, and as a Republican, appointed.			161
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After consideration on the merits, the Committee recommends that SJR12-023 be referred to the Senate for final action.			171
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Finance	After consideration on the merits, the Committee recommends that HB12-1275 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4 5 6
	Amend reengrossed bill, page 1, line 103, strike " PLATE, AND, IN CONNECTION " and substitute " PLATE AND ".	7 8 9
	Page 1, line 104, strike " THEREWITH ".	10 11
		12
	After consideration on the merits, the Committee recommends that HB12-1150 be postponed indefinitely.	13 14 15
		16
Finance	After consideration on the merits, the Committee recommends that HB12-1226 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	17 18 19
Finance	After consideration on the merits, the Committee recommends that SB12-164 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	20 21 22 23
Finance	After consideration on the merits, the Committee recommends that HB12-1162 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	24 25 26 27
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	28 29 30 31 32
	<div>MEMBERS OF THE AIR QUALITY CONTROL COMMISSION</div>	33 34 35
	for terms expiring January 31, 2015:	36 37
	John M. Clouse of Denver, Colorado, a person with appropriate scientific and technical training or experience, and a Democrat, appointed;	38 39 40
	Hon. Laura Doreen Teague of Fort Morgan, Colorado, a person with appropriate agricultural training or experience, and a Republican, appointed;	41 42 43
	David Robert Brown of Highlands Ranch, Colorado, a person with appropriate technical and industrial training or experience, and a Republican, appointed.	44 45 46
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	47 48 49 50 51
	<div>MEMBERS OF THE HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD</div>	52 53 54
	for a term expiring May 15, 2012:	55 56 57
	Peggy Jordan Burnette of Denver, Colorado, an employee of a hospital in Colorado, and occasioned by the resignation of Randolph W. Safady of Parker, Colorado, appointed.	58 59 60
		61
	After consideration on the merits, the Committee recommends that SB12-159 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	62 63 64 65
Health & Human Services	Amend printed bill, page 4, strike lines 21 through 23 and substitute "PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (8) BY THE CHILD'S LEAD THERAPIST OR OTHER TRAINED PROFESSIONALS AS DESIGNATED BY	66 67 68 69

THE DEPARTMENT."

Page 5, after line 10 insert:

"(f) THE ON-GOING EVALUATION OF CHILDREN RECEIVING SERVICES UNDER THE PROGRAM PURSUANT TO THIS SUBSECTION (8) SHALL NOT BE USED TO ALTER A CHILD'S ELIGIBILITY TO PARTICIPATE IN THE PROGRAM."

Page 6, strike lines 7 through 27 and substitute:

"program evaluation. (1) AS PART OF ITS REGULAR WAIVER REVIEW PROCESS, AND IN CONJUNCTION WITH A REQUEST FOR FEDERAL REAUTHORIZATION OF THE AUTISM WAIVER PROGRAM, THE STATE DEPARTMENT SHALL CONSULT WITH STAKEHOLDERS AND THE CENTER FOR MEDICARE AND MEDICAID SERVICES TO DESIGN PROGRAM ELIGIBILITY CRITERIA THAT ARE CONSISTENT WITH FEDERAL LAW AND THAT ENSURE THAT SERVICES PROVIDED PURSUANT TO THIS PART 8 ARE AVAILABLE TO THOSE CHILDREN WHO ARE MOST VULNERABLE TO INSTITUTIONALIZATION WITHOUT HOME- AND COMMUNITY-BASED SERVICES. IN ADDITION TO A DIAGNOSIS OF AUTISM, THE STATE DEPARTMENT'S ELIGIBILITY CRITERIA FOR A CHILD RECEIVING SERVICES UNDER THE PROGRAM SHALL INCLUDE SIGNIFICANT IMPAIRMENT IN THE CHILD'S INTELLECTUAL ABILITY OR SIGNIFICANT IMPAIRMENT IN THE CHILD'S ADAPTIVE BEHAVIOR.

(2) AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE STATE DEPARTMENT SHALL SUBMIT WRITTEN PROGRAM EVALUATIONS TO THE HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, AND TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEE, CONCERNING HOME- AND COMMUNITY-BASED SERVICES PROVIDED TO CHILDREN WITH AUTISM PURSUANT TO THIS PART 8. THE STATE DEPARTMENT SHALL DETERMINE THE APPROPRIATE PROCESS AND PROCEDURES FOR CONDUCTING THE EVALUATION, INCLUDING PROCEDURES TO PROTECT A PROGRAM PARTICIPANT'S INDIVIDUALLY IDENTIFYING INFORMATION.

(3) (a) ON OR BEFORE JUNE 1, 2013, THE STATE DEPARTMENT'S EVALUATION SHALL INCLUDE, AT A MINIMUM, INFORMATION CONCERNING:

(I) THE NUMBER OF ELIGIBLE CHILDREN RECEIVING SERVICES OR WHO HAVE RECEIVED SERVICES UNDER THE WAIVER PROGRAM;

(II) THE AVERAGE AND MEDIAN AGE OF ELIGIBLE CHILDREN WHEN THEY BEGIN RECEIVING SERVICES AND THE AVERAGE LENGTH OF TIME THAT CHILDREN RECEIVE SERVICES; AND

(III) THE AVERAGE COST OF SERVICES PROVIDED TO AN ELIGIBLE CHILD.

(b) ON OR BEFORE JUNE 1, 2014, THE STATE DEPARTMENT'S EVALUATION SHALL INCLUDE, AT A MINIMUM, INFORMATION CONCERNING THE DESIGN AND IMPLEMENTATION OF THE ON-GOING EVALUATION PROCESS PURSUANT TO SECTION 25.5-6-804 (8).

(c) (I) ON OR BEFORE JUNE 1, 2015, THE STATE DEPARTMENT'S EVALUATION SHALL INCLUDE AN EVALUATION OF ELIGIBLE CHILDREN'S CARE PLANS AND EVALUATIONS CONDUCTED AT THE BEGINNING AND ENDING OF SERVICES, AS WELL AS ON-GOING EVALUATIONS DURING THE COURSE OF SERVICES, TO DETERMINE WHETHER HOME- AND COMMUNITY-BASED SERVICES PROVIDED PURSUANT TO THIS PART 8 ARE EFFECTIVE IN MEETING THE GOALS OF THE WAIVER PROGRAM, WHICH GOALS INCLUDE, BUT ARE NOT LIMITED TO:

(A) SERVING THE CHILDREN MOST VULNERABLE TO INSTITUTIONALIZATION WITHOUT THE SERVICES PROVIDED PURSUANT TO THIS PART 8;

(B) KEEPING CHILDREN OUT OF INSTITUTIONS; AND

(C) DEMONSTRATING IMPROVEMENT IN THE CHILD'S EXPRESSIVE AND RECEPTIVE COMMUNICATION, ADAPTIVE SKILLS, SUCH AS DRESSING AND TOILETING, AND A REDUCTION IN THE SEVERITY OF THE CHILD'S MALADAPTIVE BEHAVIOR, INCLUDING SELF-INJURIOUS OR AGGRESSIVE BEHAVIOR AND TANTRUMS, THROUGH THE USE OF STANDARDIZED AND NORM-REFERENCED ASSESSMENTS.

(II) THE STATE DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT PROGRAM EVALUATOR WITH EXPERTISE IN REVIEWING TREATMENT PROGRESS REPORTS, INDIVIDUAL EVALUATIONS, AND MEDICAL RECORDS FOR PURPOSES OF CONDUCTING THE EVALUATION PURSUANT TO THIS PARAGRAPH (c) CONCERNING THE EFFECTIVENESS OF THE HOME- AND

Health &
Human
Services

COMMUNITY-BASED SERVICES PROVIDED PURSUANT TO THIS PART 8."

Strike page 7.

Page 8, strike lines 1 through 10.

After consideration on the merits, the Committee recommends that **HB12-1140** be referred to the Committee of the Whole with favorable recommendation.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-004, 026 and 123.
Correctly Revised: HB12-1209, 1236, 1313 and 1321.

MESSAGE FROM THE HOUSE

April 12, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1336, 1337, 1339.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1335, amended as printed in House Journal, April 11, pages 926-932.
HB12-1286, amended as printed in House Journal, April 11, page 932.
HB12-1315, amended as printed in House Journal, April 11, pages 933-934.
HB12-1338, amended as printed in House Journal, April 11, pages 934-935.
HB12-1340, amended as printed in House Journal, April 11, page 935.

MESSAGE FROM THE REVISOR OF STATUTES

April 12, 2012

We herewith transmit:

Without comment, HB12-1336, 1337, and 1339.
Without comment, as amended, HB12-1286, 1315, 1335, 1338, and 1340.

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.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

- SJR12-033

by Senator(s) Tochtrop; also Representative(s) Ryden--Concerning the "Colorado Day of Remembrance of the Armenian Genocide" on April 24, 2012.

Laid over until Thursday, April 19, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB12-170

by Senator(s) Aguilar; also Representative(s) Gerou--Concerning authorization for personalized license plates of one position to fund a program that helps persons with disabilities obtain benefits.
Local Government
- HB12-1286

by Representative(s) Massey and Ferrandino, Todd, Brown, Casso, Coram, Court, Duran, Fields, Fischer, Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Kerr J., Liston, McCann, Miklosi, Pabon, Pace, Peniston, Priola, Ryden, Schafer S., Singer, Soper, Summers, Swerdfeger, Vigil, Williams A., Wilson, Young; also Senator(s) Newell and White, Aguilar, Bacon, Boyd, Foster, Heath, Jahn, Morse, Nicholson, Shaffer B., Steadman, Williams S.--Concerning film production activities in Colorado, and, in connection therewith, making an appropriation.
Business, Labor and Technology
Appropriations
- HB12-1315

by Representative(s) Becker; also Senator(s) Steadman--Concerning the reorganization of the governor's energy office, and in connection therewith, making an appropriation.
State, Veterans & Military Affairs
Appropriations
- HB12-1335

by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.
Appropriations
- HB12-1336

by Representative(s) Becker and Levy, Gerou; also Senator(s) Steadman and Lambert, Hodge--Concerning authorization of a prison utilization analysis, and, in connection therewith, making an appropriation.
Appropriations
- HB12-1337

by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.
Appropriations
- HB12-1338

by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the transfer of general fund surplus moneys to the state education fund at the end of certain fiscal years.
Appropriations
- HB12-1339

by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--Concerning the Colorado benefits management system improvement and modernization project, and, in connection therewith, making an appropriation.
Appropriations

HB12-1340 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning a reduction in the general fund portion of the per diem rates paid to nursing
facilities, and, in connection therewith, reducing an appropriation.
Appropriations

**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:

HB12-1313 by Representative(s) Szabo; also Senator(s) Bacon--Concerning procedures related to the
statewide initiative title board.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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: Heath.

SB12-026 by Senator(s) Cadman; --Concerning a state agency rule that creates a state mandate on a
local government.

Laid over until Monday, April 16, retaining its place on the calendar.

SB12-123 by Senator(s) Renfroe, Brophy, Cadman, Grantham, Harvey, King K., King S., Lambert,
Lundberg, Mitchell, Neville, Roberts, Scheffel, Steadman, White; also Representative(s)
Brown--Concerning the secretary of state's on-line business filing system, and, in
connection therewith, authorizing enhancements to the system, the designation of
commercial registered agents, and changes to a reporting entity's anniversary month and
making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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.

HB12-1209 by Representative(s) Gardner B.; also Senator(s) Carroll--Concerning the "Uniform Electronic Legal Material Act", and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Williams S.

HB12-1236 by Representative(s) Summers, Holbert; also Senator(s) Jahn, Boyd--Concerning the regulation of charitable solicitations, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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.

THIRD READING OF BILLS -- FINAL PASSAGE

SB12-004 by Senator(s) Foster, Shaffer B.; also Representative(s) Miklosi--Concerning the creation of a procurement preference to be granted for materials manufactured in the United States, and, in connection therewith, making an appropriation.

Laid over until Monday, April 16, retaining its place on the calendar.

HB12-1321 by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.--
Concerning the state personnel system, and, in connection therewith, enacting the
"Modernization of the State Personnel System Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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: Bacon, Boyd, Cadman, Foster, Giron, Harvey, Heath, Hudak, Jahn, King S., Lambert, Lundberg, Mitchell, Morse, Newell, Scheffel, Shaffer B., Spence and Steadman.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Johnston, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO HOUSING AND FINANCE AUTHORITY
BOARD OF DIRECTORS

effective immediately for a term expiring July 1, 2011:

Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member representing the public and occasioned by the resignation of Kevin Marchman, appointed;

effective immediately for a term expiring July 1, 2013:

Jennifer Glau Lopez of Durango, Colorado, to serve as a member with experience in mortgage banking and occasioned by the resignation of Anita Padilla-Fitzgerald, appointed.

effective July 2, 2011 for terms expiring July 1, 2015:

Charles Kenneth Knight of Denver, Colorado, to serve as a member representing the public, appointed;

Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member representing the public, reappointed;

Samuel G. Betters of Loveland, Colorado, to serve as a member representing the public, reappointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

On motion of Senator Johnston, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
COLORADO RACING COMMISSION

for a term expiring July 1, 2015:

Charles D. Vail of Centennial, Colorado, to serve as a veterinarian and as a Republican from the Sixth Congressional District, reappointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

STATEWIDE INTERNET PORTAL AUTHORITY

for terms to expire on June 1, 2015;

Louis J. Lago of Centennial, Colorado, an individual from the private sector who exhibits a background in information management and technology and who is a user of electronic information, products, and services or information technology services that are offered through the private sector, reappointed;

Hon. Ronny J. "Ron" May of Colorado Springs, Colorado to serve as a representative of the private sector, reappointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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 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.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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
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.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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
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.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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 ADAMS STATE COLLEGE

for terms expiring December 31, 2015:

LeRoy J. Salazar of Manassa, Colorado, reappointed;

Valentin "Val" Vigil of Thornton, Colorado, appointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

On motion of Senator Morse, the appointments to the Colorado School of Mines, Board of Trustees were laid over until Monday, April 16, retaining their place on the calendar:

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.

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

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.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	E	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
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.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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
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.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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
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;
- Youlon D. Savage of Denver, Colorado to serve as a public member, reappointed;
- Dave Long of New Raymer, Colorado to serve as a county commissioner, reappointed;
- Samuel Pace of Crestone, Colorado to serve as a county commissioner, reappointed;

for a term to expire March 1, 2013:

Catherine Anne Silburn of Lakewood, Colorado to serve as a public member and occasioned by the resignation of Karen M. Studen of Pueblo, Colorado, appointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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
COLORADO HEALTH FACILITIES AUTHORITY
BOARD OF DIRECTORS

for a term expiring June 30, 2013:

Ann C. Kiley of Denver, Colorado, reappointed;

for a term expiring June 30, 2015:

John L. Vigil of Pueblo, Colorado, appointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	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:

Paul E. Washington of Boulder, Colorado, a member of the public at large, reappointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

On motion of Senator Carroll, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2016:

Marvin R. Adams of Fountain, Colorado, to serve as a representative of state (or local) government entities and as a Republican, appointed;

Diann L. Rice of Loveland, Colorado, to serve as a representative of the community at large and as an Unaffiliated, reappointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

On motion of Senator Hudak, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2014:

Kenneth Edward Maenpa of Thorton, Colorado, a representative of the statewide association of airport managers, appointed;

Joseph H. Thibodeau of Denver, Colorado, a representative of the statewide association of pilots, reappointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

On motion of Senator Johnston, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
FINANCIAL SERVICES BOARD

for terms expiring July 1, 2015:

Claudia J. Milan of Arvada, Colorado to serve as an executive officer of a state credit union and as a Democrat, reappointed;

Horacio Peralta of Denver, Colorado, to serve as an executive officer of a state credit union and as a Democrat, reappointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

On motion of Senator Johnston, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2015:

Margie Martinez Perusek of Greeley, Colorado, to serve as a representative of law enforcement and as a Republican, appointed.

YES	32	NO	0	EXCUSED	3	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	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	E	King S.	Y	Roberts	Y		

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-133.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Friday, April 13, 2012 at 8:17 a.m.:
SB12-035, 067, 127 and 133.

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor John Hickenlooper was read and assigned to committee as follows:

April 6, 2012
To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203
Ladies and Gentlemen:
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO BANKING BOARD

for a term expiring July 1, 2013:
James L. Basey of Denver, Colorado, to fill the vacancy occasioned by the resignation of Thomas L. Goding of Fort Collins, Colorado, and to serve as an executive officer of a state bank, with not less than five years' practical experience as an active executive officer of a bank, appointed.
Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 4/12/2012
Cindi Markwell, Secretary of the Senate
Committee on Business, Labor, and Technology
April 12, 2012
To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203
Ladies and Gentlemen:
I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:
SB12-033: CONCERNING ADDING NEAR FATALITIES TO THE RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES CHILD FATALITY REVIEW TEAM.
Approved April 12, 2012 at 12:40 p.m.
SB12-099: CONCERNING EXPANSION OF ACCESS TO SERVICES FOR JUVENILES AT THE ACADEMIC MODEL JUVENILE FACILITY.
Approved April 12, 2012 at 12:44 p.m.
SB12-146: CONCERNING LIMITATIONS ON THE ACCEPTANCE OF CERTAIN BENEFITS BY SPECIFIED GOVERNMENTAL ACTORS WHO ARE IN A POSITION TO REWARD PERSONS OFFERING SUCH BENEFITS WITH OFFICIAL ACTION.
Approved April 12, 2012 at 12:48 p.m.

SB12-023: CONCERNING THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY, AND, IN CONNECTION THEREWITH, ADDRESSING ENROLLMENT OF PERSONS WHO ARE ELIGIBLE FOR THE PACE PROGRAM AND ADDRESSING HOW THE PACE PROGRAM WORKS WITH INTEGRATIVE INITIATIVES INVOLVING THE MEDICAID POPULATION IN COLORADO.

Approved April 12, 2012 at 12:52 p.m.

SB12-030: CONCERNING ADMINISTRATIVE MATTERS RELATED TO A FORECLOSURE SALE.

Approved April 12, 2012 at 12:57 p.m.

SB12-062: CONCERNING PROCEDURES THAT FACILITATE VOTING BY MILITARY PERSONNEL.

Approved April 12, 2012 at 1:00 p.m.

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, April 13 was laid over until Monday, April 16, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1258.
General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086,
SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041,
HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027,
SB12-028, HB12-1153, SB12-106.
Consideration of Resolutions: SJR12-032, HJR12-1004.
Consideration of Memorials: SM12-003.
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.
Requests for Conference Committee: HB12-1168.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 16, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

97th Legislative Day	Monday, April 16, 2012
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Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Jahn.
Roll Call	Present--34 Excused--1, King K. Present later--1, King K.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Steadman, reading of the Journal of Friday, April 13, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations	After consideration on the merits, the Committee recommends that SB12-135 be referred to the Committee of the Whole with favorable recommendation.
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SENATE SERVICES REPORT

Correctly Printed: SB12-170; SJR12-033.
Correctly Reengrossed: SB12-123.
Correctly Rerevised: HB12-1209, 1236, 1313 and 1321.

MESSAGE FROM THE HOUSE

April 13, 2012

The Speaker has announced the following change in sponsorship to SB12-068-- Representative Duran to be added as dual prime sponsor with Representative Massey.

INTRODUCTION OF RESOLUTIONS

SJR12-034 by Senator(s) Carroll, Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Shaffer B., Steadman, Tochtrop, Williams S.; also Representative(s) Jones, Court, Casso, Duran, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, McCann, McKinley, Miklosi, Pabon, Pace, Peniston, Ryden, Schafer S., Singer, Solano, Soper, Todd, Tyler, Vigil, Williams A., Wilson, Young--Concerning the expression by the Colorado General Assembly of its strong opposition to recent federal court rulings affecting campaign finance and urging the reversal of the doctrine of corporate personhood as set forth in the case of Citizens United v. Federal Election Commission.

Laid over until Tuesday, April 17, retaining its place on the calendar.

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-026 by Senator(s) Cadman; --Concerning a state agency rule that creates a state mandate on a local government.

Laid over until Tuesday, April 17, retaining its place on the calendar.

CONSIDERATION OF RESOLUTIONS

HJR12-1004 by Representative(s) Massey and Kerr A., Todd, Summers, Kerr J., Beezley, Hamner, Holbert, Joshi, Murray, Peniston, Ramirez, Ryden, Schafer S., Solano; also Senator(s) Roberts and Johnston--Concerning teen suicide prevention in Colorado.

On motion of Senator Roberts, 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, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

SB12-129 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 23, retaining its place on the calendar.

SB12-004 by Senator(s) Foster, Shaffer B.; also Representative(s) Miklosi--Concerning the creation of a procurement preference to be granted for materials manufactured in the United States, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	15	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	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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, Guzman, Heath, Hudak, Morse, Nicholson, Steadman, Tochtrop and Williams S.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SJR12-029 was made Special Orders at 10:41 a.m.

SPECIAL ORDERS -- CONSIDERATION OF RESOLUTIONS

SJR12-029 by Senator(s) Williams S., Bacon, Spence; also Representative(s) Todd, Court, Hamner, Kerr A., Massey, Peniston, Schafer S., Solano--Concerning a world language roadmap for Colorado.

The hour of 10:41 a.m. having arrived, Senator Williams S. moved that the resolution be read at length. The resolution was 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, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop and White.

MESSAGE FROM THE GOVERNOR

April 13, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-022: CONCERNING MAINTAINING CHILD CARE ASSISTANCE FOR WORKING FAMILIES.

Approved April 13, 2012 at 3:10 p.m.

SB12-034: CONCERNING REPEAL OF THE RAPID SCREEN PROGRAM TO IDENTIFY HIGH-EMITTING MOTOR VEHICLES.

Approved April 13, 2012 at 3:10 p.m.

SB12-056: CONCERNING JUDICIAL APPOINTMENTS IN DOMESTIC RELATIONS CASES INVOLVING CHILDREN.

Approved April 13, 2012 at 3:11 p.m.

SB12-061: CONCERNING PROCEDURES RELATING TO THE AUTHORIZATION OF CHARTER SCHOOLS.

Approved April 13, 2012 at 3:11 p.m.

SB12-074: CONCERNING SERVICES PROVIDED BY A PERSON DESIGNATED BY A PERSON ELIGIBLE FOR CONSUMER-DIRECTED CARE SERVICES.

Approved April 13, 2012 at 3:11 p.m.

SB12-092: CONCERNING THE USE OF A VIDEO DISPLAY IN A MOTOR VEHICLE THAT IS BEING OPERATED ON A ROADWAY.

Approved April 13, 2012 at 3:12 p.m.

SB12-095: CONCERNING REQUIREMENTS FOR THE VALID TRANSFER OF TITLE TO A MOTOR VEHICLE.

Approved April 13, 2012 at 3:12 p.m.

SB12-102: CONCERNING THE REPEAL OF THE CRIME OF CRIMINAL LIBEL.

Approved April 13, 2012 at 3:13 p.m.

SB12-131: CONCERNING THE RESPONSIBILITIES OF A FIDUCIARY WITH REGARD TO THE ESTATE OF A PERSON WHO MAY HAVE EXECUTED A DESIGNATED BENEFICIARY AGREEMENT.

Approved April 13, 2012 at 3:13 p.m.

SB12-152: CONCERNING CHANGES TO THE PROCEDURES FOR FILING REPORTS WITH THE GENERAL ASSEMBLY UNDER THE "INFORMATION COORDINATION ACT".

Approved April 13, 2012 at 3:13 p.m.

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 Monday, April 16 was laid over until Tuesday, April 17, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1258, SB12-166.
- General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027, SB12-028, HB12-1153, SB12-106.
- Consideration of Resolutions: SJR12-032, HJR12-1017.
- Consideration of Memorials: SM12-003.
- Consideration of Governor's Appointments:
 - Members of the Colorado School of Mines, Board of Trustees.
 - Members of the Board of Assessment Appeals.
 - Members of the State Electrical Board.
 - Members of the Colorado Commission on Judicial Discipline.
 - Members of the State Board of the Great Outdoors Colorado Trust Fund.
 - Members of the Energy and Mineral Impact Assistance Advisory Committee.
 - Members of the Colorado Channel Authority Board of Directors.
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.
- Requests for Conference Committee: HB12-1168.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

April 16, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1341, 1343.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1342, amended as printed in House Journal, April 12, page 957.
HB12-1344, amended as printed in House Journal, April 12, page 957.

MESSAGE FROM THE REVISOR OF STATUTES

April 16, 2012

We herewith transmit:

Without comment, HB12-1341 and 1343.
Without comment, as amended, HB12-1342 and 1344.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committees indicated:

SJR12-035 by Senator(s) Giron and Aguilar, Bacon, Carroll, Foster, Guzman, Hodge, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Steadman, Tochtrop, Williams S.; also Representative(s) Bradford and Peniston, Acree, Fields, Hamner, Jones, Kerr A., Labuda, Levy, Massey, Nikkel, Ryden, Schafer S., Summers, Todd, Williams A., Wilson, Young-- Concerning the designation of April 17, 2012, as "Equal Pay Day" in Colorado, and, in connection therewith, acknowledging the persisting problem of wage disparity among various groups.

Laid over one day under Senate Rule 30(b).

SJR12-036 by Senator(s) Scheffel, Harvey; also Representative(s) Holbert--Concerning achievements by Rocky Vista University, including the graduation of its inaugural class of doctors.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

HB12-1341 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the repeal of the statewide strategic use fund.
Appropriations

HB12-1342 by Representative(s) Levy, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert-- Concerning a work therapy program in the department of human services, and, in connection therewith, making an appropriation.
Appropriations

HB12-1343 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the transfer of moneys from the state rail bank fund to the general fund.
Appropriations

HB12-1344 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning transfers of moneys relating to capital construction.
Appropriations

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJM12-001 and SJR12-028.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 17, 2012.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

98th Legislative Day Tuesday, April 17, 2012

Prayer By the chaplain, Reverend Cynthia James, Mile Hi Church, Lakewood.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--34
Excused--1, Boyd.
Present later--1, Boyd.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Steadman, reading of the Journal of Monday, April 16, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB12-1335** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 18 insert:

"(e) The controlled maintenance trust fund, created in section 34-75-302.5, Colorado Revised Statutes, up to a maximum of \$13,000,000;"

Reletter succeeding paragraphs accordingly.

Page 2, line 25, strike "\$100,500,000" and substitute "\$87,500,000".

Page 471, strike lines 3 and 4.

Adjust affected totals accordingly.

Page 546, after line 18 insert:

SECTION 18. Appropriation. In addition to any other appropriation, for the fiscal year beginning July 1, 2012, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the controlled maintenance trust fund created in section 24-75-302.5, Colorado Revised Statutes, the sum of \$13,000,000, for the purpose of increasing the principal in the fund."

Renumber succeeding section accordingly.

Page 20, line 8, in the ITEM & SUBTOTAL column strike "42,287,905" and substitute "42,363,061" and in the GENERAL FUND column strike "41,017,064" and substitute "41,092,220".

Page 20, line 9, in the ITEM & SUBTOTAL column strike "535,860" and substitute "537,151" and in the GENERAL FUND column strike "520,359" and substitute "521,650".

Page 20, line 11, in the ITEM & SUBTOTAL column strike "9,745,013" and substitute "9,768,352" and in the GENERAL FUND column strike "9,446,431" and substitute "9,469,770".
 Page 20, line 14, in the ITEM & SUBTOTAL column strike "8,320,697" and substitute "8,340,754" and in the GENERAL FUND column strike "8,064,103" and substitute "8,084,160".
 Adjust affected totals accordingly.
 Page 26, line 3, in the ITEM & SUBTOTAL column strike "16,730,205" and substitute "16,774,485".
 Page 26, line 4, in the ITEM & SUBTOTAL column strike "(279.4 FTE)" and substitute "(280.3 FTE)".
 Page 26, line 5, in the ITEM & SUBTOTAL column strike "4,961,740" and substitute "5,034,085".
 Page 26, line 7, in the ITEM & SUBTOTAL column strike "23,159,765" and substitute "23,276,390" and in the GENERAL FUND column strike "23,159,765" and substitute "23,276,390".
 Page 26, line 10, in the ITEM & SUBTOTAL column strike "159,930,305^a" and substitute "160,469,421^a" and in the GENERAL FUND column strike "159,927,358" and substitute "160,466,474".
 Page 26, line 11, in the GENERAL FUND column strike "(3,031.9 FTE)" and substitute "(3,052.1 FTE)".
 Page 26, line 12, in the ITEM & SUBTOTAL column strike "1,807,249" and substitute "1,829,858" and in the GENERAL FUND column strike "1,807,249" and substitute "1,829,858".
 Adjust affected totals accordingly.
 Page 27, line 8, in the ITEM & SUBTOTAL column strike "15,347,897" and substitute "15,590,439" and in the GENERAL FUND column strike "15,267,897" and substitute "15,510,439".
 Adjust affected totals accordingly.
 Page 28, line 2, in the ITEM & SUBTOTAL column strike "2,581,364" and substitute "2,590,939" and in the GENERAL FUND column strike "2,581,364" and substitute "2,590,939".
 Adjust affected totals accordingly.
 Page 29, line 2, in the ITEM & SUBTOTAL column strike "2,099,960" and substitute "2,118,511".
 Page 29, line 3, in the ITEM & SUBTOTAL column strike "4,338,153" and substitute "4,356,704" and in the GENERAL FUND column strike "4,338,153" and substitute "4,356,704".
 Page 29, line 8, in the ITEM & SUBTOTAL column strike "3,312,490" and substitute "3,347,725".
 Page 29, line 10, in the ITEM & SUBTOTAL column strike "13,942,895" and substitute "13,978,130" and in the GENERAL FUND column strike "13,942,895" and substitute "13,978,130".
 Page 30, line 6, in the ITEM & SUBTOTAL column strike "15,158,111" and substitute "15,280,425".
 Page 30, line 7, in the ITEM & SUBTOTAL column strike "(212.2 FTE)" and substitute "(214.9 FTE)".

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Page 30, line 8, in the ITEM & SUBTOTAL column strike "159,018" and substitute "159,680".

Page 30, line 9, in the ITEM & SUBTOTAL column strike "15,317,129" and substitute "15,440,105" and in the GENERAL FUND column strike "15,317,129" and substitute "15,440,105".

Page 30, line 14, in the ITEM & SUBTOTAL column strike "259,477" and substitute "260,123" and in the GENERAL FUND column strike "259,477" and substitute "260,123".

Adjust affected totals accordingly.

Page 31, line 6, in the ITEM & SUBTOTAL column strike "1,470,396" and substitute "1,498,362" and in the GENERAL FUND column strike "1,470,396" and substitute "1,498,362".

Adjust affected totals accordingly.

Page 35, line 4, in the ITEM & SUBTOTAL column strike "276,430" and substitute "277,405".

Page 35, line 5, in the ITEM & SUBTOTAL column strike "2,132,112" and substitute "2,133,087" and in the GENERAL FUND column strike "2,132,112" and substitute "2,133,087".

Adjust affected totals accordingly.

Page 37, line 1, in the ITEM & SUBTOTAL column strike "85,764" and substitute "88,052".

Page 37, line 2, in the ITEM & SUBTOTAL column strike "5,371,931" and substitute "5,374,219" and in the GENERAL FUND column strike "5,371,931" and substitute "5,374,219".

Page 37, line 5, in the ITEM & SUBTOTAL column strike "11,434,266" and substitute "11,542,516" and in the GENERAL FUND column strike "10,520,005" and substitute "10,628,255".

Page 37, line 6, in the GENERAL FUND column strike "(172.4 FTE)" and substitute "(174.2 FTE)".

Page 37, line 7, in the ITEM & SUBTOTAL column strike "2,444,298" and substitute "2,450,962" and in the CASH FUNDS column strike "1,833,283^{aa}" and substitute "1,839,947^{aa}".

Adjust affected totals accordingly.

Page 37, line 14, strike "\$1,321,815" and substitute "\$1,328,479".

Page 38, line 8, in the ITEM & SUBTOTAL column strike "69,276" and substitute "71,200" and in the CASH FUNDS column strike "69,276^{aa}" and substitute "71,200^{aa}".

Adjust affected totals accordingly.

Page 208, line 9, in the ITEM & SUBTOTAL column strike "3,703,167" and substitute "2,335,970" and in the GENERAL FUND column strike "1,367,197".

Adjust affected totals accordingly.

Page 23, line 13, in the ITEM & SUBTOTAL column strike "62,927,488" and substitute "63,927,488" and in the GENERAL FUND column strike "60,568,781" and substitute "61,568,781".

Adjust affected totals accordingly.

Page 25, line 12, in the ITEM & SUBTOTAL column strike "18,525,190" and substitute "20,025,190" and in the GENERAL FUND strike "17,474,356" and substitute "18,974,356".
Adjust affected totals accordingly.
Page 26, line 3, in the ITEM & SUBTOTAL column strike "16,730,205" and substitute "17,930,205".
Page 26, line 4, in the ITEM & SUBTOTAL column strike "(279.4 FTE)" and substitute "(299.5 FTE)".
Page 26, line 5, in the ITEM & SUBTOTAL column strike "4,961,740" and substitute "5,261,740".
Page 26, line 7, in the ITEM & SUBTOTAL column strike "23,159,765" and substitute "24,659,765" and in the GENERAL FUND column strike "23,159,765" and substitute "24,659,765".
Adjust affected totals accordingly.
Page 34, line 11, in the ITEM & SUBTOTAL column strike "2,566,619" and substitute "2,766,619" and in the GENERAL FUND column strike "2,182,278" and substitute "2,382,278".
Adjust affected totals accordingly.
Page 60, line 2, in the ITEM & SUBTOTAL column strike "3,313,657,170" and substitute "3,309,457,170" and in the GENERAL FUND column strike "2,487,067,253" and substitute "2,482,867,253".
Adjust affected totals accordingly.
Page 23, line 13, in the ITEM & SUBTOTAL column strike "62,927,488" and substitute "63,027,488" and in the GENERAL FUND column strike "60,568,781" and substitute "60,668,781".
Adjust affected total accordingly.
Page 293, line 8, in the ITEM & SUBTOTAL column strike "1,530,824" and substitute "1,430,824" and in the GENERAL FUND column strike "1,091,316" and substitute "991,316".
Adjust affected totals accordingly.
Page 255, line 3, in the ITEM & SUBTOTAL column strike "2,200,000" and substitute "2,000,000" and in the GENERAL FUND column strike "2,200,000" and substitute "2,000,000".
Adjust affected totals accordingly.
Page 327, line 5, in the ITEM & SUBTOTAL column strike "1,628,784" and substitute "1,619,588" and in the CASH FUNDS column strike "1,162,400^b" and substitute "1,153,204^b".
Adjust affected totals accordingly.
Page 327, line 13, strike "\$217,271" and substitute "\$208,075".
Page 329, line 11, in the ITEM & SUBTOTAL column strike "2,920,400" and substitute "2,976,008" and in the CASH FUNDS column strike "2,444,865^b" and substitute "2,500,473^b".
Adjust affected totals accordingly.
Page 330, line 4, strike "\$1,194,392" and substitute "\$1,250,000".

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Page 330, line 10, in the ITEM & SUBTOTAL column strike "3,027,267" and substitute "3,086,715" and in the CASH FUNDS column strike "1,922,003^a" and substitute "1,981,451^a".

Page 330, line 11, in the CASH FUNDS column strike "(22.9 FTE)" and substitute "(23.9 FTE)".

Page 330, line 12, in the ITEM & SUBTOTAL column strike "409,989" and substitute "414,659" and in the CASH FUNDS column strike "316,431^a" and substitute "321,101^a".

Adjust affected totals accordingly.

Page 331, line 2, strike "\$821,787" and substitute "\$885,905".

Page 332, line 12, in the ITEM & SUBTOTAL column strike "7,002,410" and substitute "7,420,896" and in the CASH FUNDS column strike "5,505,905^a" and substitute "5,924,391^a".

Page 332, line 13, in the CASH FUNDS column strike "(71.9 FTE)" and substitute "(77.9 FTE)".

Page 332, line 14, in the ITEM & SUBTOTAL column strike "433,520" and substitute "461,540" and in the CASH FUNDS column strike "416,167^a" and substitute "444,187^a".

Adjust affected totals accordingly.

Page 333, line 6, strike "\$5,874,967" and substitute "\$6,321,473".

Page 334, line 5, in the ITEM & SUBTOTAL column strike "2,066,244" and substitute "2,049,741" and in the CASH FUNDS column strike "928,391^b" and substitute "911,888^b".

Adjust affected totals accordingly.

Page 334, line 11, strike "\$66,503" and substitute "\$50,000".

Page 349, line 4, in the ITEM & SUBTOTAL column strike "3,607,548" and substitute "3,598,339" and in the CASH FUNDS column strike "994,865^a" and substitute "985,656^a".

Adjust affected totals accordingly.

Page 361, line 9, in the ITEM & SUBTOTAL column strike "2,443,597" and substitute "2,422,897" and in the CASH FUNDS column strike "1,120,115^a" and substitute "1,099,415^a".

Adjust affected totals accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1336** be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 9, after the period add "THE OFFICE SHALL NOT SELECT A VENDOR TO PERFORM THE CONTRACT IF THE VENDOR HAS A KNOWN CONFLICT OF INTEREST THAT MAY INTERFERE WITH ITS ABILITY TO PRODUCE AN OBJECTIVE REPORT."

Page 3, line 6, after the period, insert "IN ADDITION, THE OFFICE SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT REGARDING DEVELOPING THE OPTIONS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1)."

Page 3, line 16, after "FACILITIES," insert "OPTIMIZING STAFFING LEVELS,".

Page 3, after line 21, insert:

	"(d) THE OFFICE SHALL PROVIDE A STATUS REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE BY JANUARY 31, 2013."	1 2 3 4
	Page 4, after line 8, insert:	5 6
	"(h) IMPACT OF STAFFING LEVELS ON SAFETY, OUTCOMES, TURNOVER RATES, AND PAYROLL PRACTICES, INCLUDING OVERTIME AND COMPENSATION POLICIES;"	7 8 9 10
	Reletter succeeding paragraphs accordingly.	11 12
	Page 4, line 10, strike "EFFICIENCY" and substitute "EFFECTIVENESS" and strike "AND".	13 14 15
	Page 4, after line 10, insert:	16 17
	"(k) STATE CONSTITUTIONAL ISSUES RELATED TO THE STATE PERSONNEL SYSTEM; AND"	18 19 20
	Reletter succeeding paragraphs accordingly.	21 22 23
Appropriations	After consideration on the merits, the Committee recommends that HB12-1337 be referred to the Committee of the Whole with favorable recommendation.	24 25 26 27
Appropriations	After consideration on the merits, the Committee recommends that HB12-1338 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	28 29 30 31 32
	Amend reengrossed bill, page 2, line 10, after "CONSTITUTION" insert "FIFTY-NINE MILLION DOLLARS FROM".	33 34 35
	Page 2, strike lines 14 through 20 and substitute "PURSUANT TO SECTION 24-75-201.1 (1) (d)".	36 37 38 39
Appropriations	After consideration on the merits, the Committee recommends that HB12-1339 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	40 41 42 43 44
	Amend reengrossed bill, page 5, line 19, strike "health and medical care".	45 46
	Page 7, line 22, strike "health and medical care".	47 48 49
Appropriations	After consideration on the merits, the Committee recommends that HB12-1344 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50 51 52 53 54
	Amend reengrossed bill, page 3, strike lines 2 and 3 and substitute:	55 56
	"(y) ON JULY 1, 2012, FIFTY-NINE MILLION NINE HUNDRED NINETEEN THOUSAND THREE HUNDRED NINE DOLLARS, PLUS one hundred".	57 58 59 60
Appropriations	After consideration on the merits, the Committee recommends that SB12-002 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	61 62 63 64 65
	Amend printed bill, page 35, after line 10 insert:	66 67

"SECTION 27. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the vital statistics records cash fund created in section 25-2-121 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2012, the sum of \$10,978 cash funds and 0.2 FTE, or so much thereof as may be necessary, to be allocated to the health statistics and vital records subdivision, for implementation of this act as follows:

- (a) \$7,760 and 0.2 FTE for personal services expenses; and
- (b) \$3,218 for operating expenses.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$7,082, or so much thereof as may be necessary, for allocation to the Colorado benefits management system, for operating and contract expenses for the department of human services related to the implementation of this act. Said sum is from reappropriated funds received from the department of human services out of the appropriation made in subsection (2) of section 28.

SECTION 28. Appropriation - adjustments in 2012 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, for allocation to department of human services medicaid-funded programs for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The general fund appropriation for Colorado benefits management system is increased by \$1,302.

(b) The cash funds appropriation for Colorado benefits management system is increased by \$10. Of said sum, \$6 is from the old age pension fund created in section 1 of article XXIV of the state constitution, and \$4 is from the children's basic health plan trust created in section 25.5-8-105 (1), Colorado Revised Statutes.

(c) The federal funds appropriation for Colorado benefits management system is increased by \$1,311.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The general fund appropriation for Colorado benefits management system, operating expenses, is increased by \$1,738.

(b) The cash funds appropriation for Colorado benefits management system, operating expenses, is increased by \$329. Said sum shall be from the old age pension fund created in section 1 of article XXIV of the state constitution.

(c) The reappropriated funds appropriation for Colorado benefits management system, operating expenses, is increased by \$2,623. Said sum is from reappropriated funds received from the department of health care policy and financing out of the appropriations made in subsection (1) of this section.

(d) The federal funds appropriation for Colorado benefits management system, operating expenses, is increased by \$2,392."

Renumber succeeding sections accordingly.

Page 1, line 101, strike "UNIONS." and substitute "UNIONS, AND IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-159** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 8, before line 11, insert:

"SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2012, the

	sum of \$6,925, or so much thereof as may be necessary, for allocation to medical service premiums, medical and long-term care services for medicaid eligible individuals, for the implementation of this act. Of said sum, \$3,463 is from the Colorado autism treatment fund created in section 25.5-6-805 (1), Colorado Revised Statutes, and \$3,462 is anticipated to be received from federal funds. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds."	1
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	Renumber succeeding sections accordingly.	10
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	Page 1, line 103, strike " PROGRAM. " and substitute " PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION. ".	12
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Appropriations	After consideration on the merits, the Committee recommends that SB12-164 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	16
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	Amend printed bill, page 36, after line 4 insert:	21
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	" SECTION 15. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of higher education, for the fiscal year beginning July 1, 2012, the sum of \$75,500 cash funds, from fees paid by private colleges and universities pursuant to section 23-2-104.5, Colorado Revised Statutes, or so much thereof as may be necessary, for the implementation of this act."	23
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	Renumber succeeding section accordingly.	30
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	Page 1, line 102, strike " COLORADO. " and substitute " COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION. ".	32
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Appropriations	After consideration on the merits, the Committee recommends that SB12-165 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36
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	Amend printed bill, page 11, line 7, strike "CONTRIBUTIONS" and substitute "GRANTS AND DISTRIBUTIONS".	41
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	Page 11, line 11, strike "CONTRIBUTIONS" and substitute "GRANTS AND DISTRIBUTIONS".	44
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1131 be referred to the Committee of the Whole with favorable recommendation.	48
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1162 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 HB12-1275 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 reengrossed bill, page 5, line 21 strike "68,080" and substitute "\$68,080".	61
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1340 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.	1 2 3 4 5 6
	Amend reengrossed bill, page 2, line 17, strike "medical service".	7 8
	Page 2, line 18, strike "premiums," and substitute "medical and long-term care services for medicaid eligible individuals,".	9 10 11 12
	After consideration on the merits, the Committee recommends that HB12-1341 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	13 14 15 16 17
	After consideration on the merits, the Committee recommends that HB12-1342 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	18 19 20 21 22
	After consideration on the merits, the Committee recommends that HB12-1343 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	23 24 25 26 27
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SENATE SERVICES REPORT		29 30 31
Correctly Printed: SJR12-034, 035 and 036.		32
Correctly Engrossed: SJR12-029.		33
Correctly Reengrossed: SB12-004.		34
Correctly Revised: HJR12-1004.		35 36 37
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MESSAGE FROM THE HOUSE		39 40 41
April 16, 2012		42 43
The House has laid over SB12-087 until May 10, deeming it lost. The bill is returned herewith.		44 45 46
The Speaker has announced a change of sponsorship on SB12-038. Representative Priola replaces Representative Vaad as prime sponsor.		47 48 49
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THIRD READING OF BILLS -- FINAL PASSAGE -- CONSENT CALENDAR		53 54 55
On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:		56 57 58 59
SB12-026	by Senator(s) Cadman; also Representative(s) Vaad--Concerning a state agency rule that creates a state mandate on a local government.	60 61 62
	The question being "Shall the bill pass?", the roll call was taken with the following result:	63 64 65 66

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	E	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Aguilar, Brophy, Grantham, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Neville, Renfroe, Roberts, Scheffel, Spence and White.

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:

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.

Laid over until Wednesday, April 18, 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 Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-035 by Senator(s) Giron and Aguilar, Bacon, Carroll, Foster, Guzman, Hodge, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Steadman, Tochtrop, Williams S.; also Representative(s) Bradford and Peniston, Acree, Fields, Hamner, Jones, Kerr A., Labuda, Levy, Massey, Nikkel, Ryden, Schafer S., Summers, Todd, Williams A., Wilson, Young-- Concerning the designation of April 17, 2012, as "Equal Pay Day" in Colorado, and, in connection therewith, acknowledging the persisting problem of wage disparity among various groups.

On motion of Senator Aguilar, the resolution was read at length.

Amendment No. 1(L.001), by Senator Brophy.

Amend printed joint resolution, page 2, before line 1 insert:

"WHEREAS, Women that work in the White House earn 18% less than men who work in the White House; and".

Page 3, after line 6 add:

"Be It Further Resolved, That a copy of this Joint Resolution be sent to the White House at 1600 Pennsylvania Avenue, Washington, D.C.".

The amendment **passed** on the following roll call vote:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	N	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Aguilar, the memorial, as amended, was **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: Boyd, Brophy, Cadman, Grantham, Harvey, Heath, King K., King S., Lambert, Lundberg, Mitchell, Neville, Newell, Renfroe, Roberts, Scheffel, Shaffer B., Spence and White.

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 Memorials.

CONSIDERATION OF MEMORIALS

SJM12-002 by Senator(s) Hudak; also Representative(s) Szabo and Pabon--Memorializing former Senator Jim Congrove.

On motion of Senator Hudak, the memorial 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, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, 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 Consideration of the following Governor's Appointments for Tuesday, April 17 (Members of the Colorado School of Mines, Board of Trustees, Members of the Board of Assessment Appeals, Member of the State Electrical Board, Members of the Colorado Commission on Judicial Discipline, Members of the State Board of the Great Outdoors Colorado Trust Fund, Members of the Energy and Mineral Impact Assistance Advisory Committee, Members of the Colorado Channel Authority Board of Directors, Members of the Ground Water Commission, Members of the State Board of Land Commissioners, Members of the Colorado Tourism Office Board of Directors, Members of the Board of Trustees for the University of Northern Colorado, Member of the Board of Governors of the Colorado State University System, Members of the Air Quality Control Commission, Member of the Hospital Provider Fee Oversight and Advisory Board) were laid over until Wednesday, April 18, retaining their place on the calendar.

MESSAGE FROM THE GOVERNOR

April 16, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-040: CONCERNING THE QUALIFICATION OF CERTAIN STATE HIGHER EDUCATION FACILITIES FOR STATE CONTROLLED MAINTENANCE FUNDING.

Approved April 16, 2012 at 2:11 p.m.

SB12-055: CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE 9HEALTH FAIR FUND TO APPEAR ON THE STATE INDIVIDUAL INCOME TAX RETURN FORMS.

Approved April 16, 2012 at 2:13 p.m.

SB12-057: CONCERNING NATIVE AMERICAN LANGUAGE INSTRUCTION.

Approved April 16, 2012 at 2:17 p.m.

SB12-059: CONCERNING COMMERCIAL VEHICLE STANDARDS APPLIED TO CERTAIN VEHICLES UNDER TWENTY-SIX THOUSAND ONE POUNDS.

Approved April 16, 2012 at 2:04 p.m.

SB12-091: CONCERNING MODIFICATIONS TO PROVISIONS GOVERNING THE PRACTICE OF NURSING HOME ADMINISTRATION, AND, IN CONNECTION THEREWITH, MODIFYING THE CRITERIA FOR NURSING HOME ADMINISTRATORS TO QUALIFY TO SERVE ON THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS, MODIFYING THE EXPERIENCE REQUIREMENTS FOR PERSONS APPLYING TO TAKE THE NURSING HOME ADMINISTRATOR LICENSURE EXAMINATION OR TO PARTICIPATE IN THE ADMINISTRATOR-IN-TRAINING PROGRAM, AND PERMITTING A NURSING HOME ADMINISTRATOR WHO HAS PASSED A NATIONAL EXAMINATION AND AN EXAMINATION IN ANOTHER STATE TO SIT FOR THE COLORADO LICENSURE EXAMINATION.

Approved April 16, 2012 at 2:24 p.m.

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 Tuesday, April 17 was laid over until Wednesday, April 18, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1258, SB12-166.
General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027, SB12-028, HB12-1153, SB12-106, HB12-1140.
Consideration of Resolutions: SJR12-023, SJR12-032, SJR12-034, SJR12-036, HJR12-1017.
Consideration of Memorials: SM12-003.
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.
Requests for Conference Committee: HB12-1168.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 18, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

99th Legislative Day

Wednesday, April 18, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--34
Excused--1, Boyd.
Present later--1, Boyd.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Steadman, reading of the Journal of Tuesday, April 17, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB12-1267** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the State, Veterans and Military Affairs Committee Report, dated April 9, 2012, page 3, after line 29 insert:

"Page 3 of reengrossed bill, after line 16 insert:

"SECTION 6. In Colorado Revised Statutes, 1-5-505.5, **amend** (3) (a) and (3) (b) as follows:

1-5-505.5. State reimbursement to counties for ballot measure elections. (3) For any other odd- or even-numbered year election in which a state ballot issue or state ballot question is on the ballot of a particular county, the state shall reimburse such county for the cost of the duties performed by the county clerk and recorder that relate to conducting the election on the ballot issue or ballot question; except that the reimbursement shall be set at the following rates:

(a) For counties with ten thousand or fewer active registered electors, ~~eighty cents~~ NINETY CENTS for each active registered elector as of the time of the election;

(b) For counties with more than ten thousand active registered electors, ~~seventy cents~~ EIGHTY CENTS for each active registered elector as of the time of the election."

Renumber succeeding sections accordingly."

Page 5, after line 33 insert:

"Page 5 of the bill, before line 10 insert:

"SECTION 9. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department

of state, for the fiscal year beginning July 1, 2012, the sum of \$642,286, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$615,646 for local election reimbursement; and

(b) \$26,640 for the information technology services division, for reprogramming of the statewide Colorado voter registration and elections system."

Renumber succeeding sections accordingly.

Page 1 of the bill, line 103, strike "ELECTIONS." and substitute "ELECTIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR12-002** be postponed indefinitely.

SENATE SERVICES REPORT

Correctly Engrossed: SJM12-002; SJR12-035.
Correctly Reengrossed: SB12-026.

MESSAGE FROM THE HOUSE

April 17, 2012

The House has adopted and returns herewith SJM12-002.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

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.
Finance

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, HB12-1341, HB12-1342, HB12-1343, HB12-1344, and HB12-1335 were made Special Orders at 9:15 a.m.

Senate in recess. Senate reconvened.

Committee of the Whole The hour of 9:15 a.m. having arrived, Senator Boyd moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Boyd was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1336 by Representative(s) Becker and Levy, Gerou; also Senator(s) Steadman and Lambert, Hodge--Concerning authorization of a prison utilization analysis, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 17, pages 759-760 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Steadman.

Amend the Appropriations Committee Report, dated April 17, 2012, page 2, line 4, strike "ISSUES" and substitute "LIMITATIONS".

Amend reengrossed bill, page 4, after line 11 insert:

"(3) THIS SECTION IS EXEMPT FROM THE REQUIREMENTS OF SECTION 2-3-303.3, C.R.S.".

Renumber succeeding subsection accordingly.

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

Amendment No. 1(L.001), by Senators Guzman and Carroll.

Amend reengrossed bill, page 2, line 10, after the period add "THE DEPARTMENT SHALL ACTIVELY PURSUE OPTIONS TO SELL OR LEASE THE CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY, WHICH IS ALSO KNOWN AS COLORADO STATE PENITENTIARY II OR CSP II.".

Amendment No. 1(L.002), by Senator Harvey.

Amend the Guzman and Carroll floor amendment (HB1337_L.001), page 1, strike line 5 and substitute "OR CSP II. ANY PROCEEDS RECEIVED AS A RESULT OF A SALE OR LEASE OF CENTENNIAL SOUTH CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY SHALL BE FIRST APPLIED TO THE PAYMENT OF THE CERTIFICATES OF PARTICIPATION.".

(For further action, see amendments to the report of the Committee of the Whole.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1338 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the transfer of general fund surplus moneys to the state education fund at the end of certain fiscal years.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 760 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1339 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning the Colorado benefits management system improvement and modernization
project, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 760 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1340 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning a reduction in the general fund portion of the per diem rates paid to nursing
facilities, and, in connection therewith, reducing an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 763 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1341 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the repeal of the statewide strategic use fund.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1342 by Representative(s) Levy, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert--
Concerning a work therapy program in the department of human services, and, in
connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1343 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the transfer of moneys from the state rail bank fund to the general fund.

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.

HB12-1335 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, pages 755-759 and placed in members' bill files.)

Amendment No. 2(J.104), by Senators Brophy, Cadman, Schwartz, Tochtrop, Jahn, Renfroe, Scheffel, and Grantham.

Amend the Appropriations Committee Report, dated April 17, 2012, page 6, strike lines 13 through 16.

PURPOSE: Maintains that portion of House Amendment #18 (J.054) which increased the appropriation to the Water Resources Division in the Department of **Natural Resources** by \$100,000 General Fund to supplement moneys used to reimburse water commissioners for vehicle per-mile costs.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Natural Resources	\$100,000	\$0	\$0	\$0	\$100,000	0.0

Amendment No. 3(J.095), by Senators Boyd, Aguilar, Carroll, Giron, Tochtrop.

Amend the Appropriations Committee Report, dated April 17, 2012, page 6, strike lines 17 through 20.

PURPOSE: Increases the appropriation to the Department of **Local Affairs** for the Colorado Affordable Housing Construction Grants and Loans program by \$200,000 General Fund, which was reduced by \$200,000 General Fund in the Senate Appropriations Committee Report.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Local Affairs	\$200,000	\$0	\$0	\$0	\$200,000	0.0

Amendment No. 4(J.113), by Senators Newell, Heath, Williams, Aguilar, Bacon, Boyd, Carroll, Giron, Schwartz, and Tochtrop.

Amend reengrossed bill page 23, line 13, in the ITEM & SUBTOTAL column strike "62,927,488" and substitute "60,927,488" and in the GENERAL FUND column strike "60,568,781" and substitute "58,568,781".

Page 268, after line 14 insert:

	ITEM & SUBTOTAL \$	GENERAL FUND \$
"Mental Health, Employment, Housing and Other Veterans Services" ^{40a}	2,000,000	2,000,000".

Adjust affected totals accordingly.

Page 271, after line 8 insert:

"FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

40a Department of Military and Veterans Affairs, Division of Veterans Affairs, Mental Health, Employment, Housing and Other Veterans Services -- It is the intent of the General Assembly that these moneys be granted to non-profit or governmental entities that provide mental health, family counseling, job training, employment, housing, and other services to veterans; and that the Colorado Board of Veterans Affairs assist the Division in developing grant-making criteria and selecting grant recipients."

PURPOSE: Appropriates \$2.0 million General Fund to the Department of **Military and Veterans Affairs** for Mental Health, Employment, Housing and Other Veterans Services. Adds a footnote stating the General Assembly's intent that this money be granted to entities that provide mental health, family counseling, job training, employment, housing, and other services to veterans. Reduces by \$2.0 million the General Fund appropriation for private prisons in the Department of **Corrections**.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Corrections	(\$2,000,000)	\$0	\$0	\$0	(\$2,000,000)	0.0
Military and Veterans Affairs	2,000,000	0	0	0	2,000,000	0.0
	\$0	\$0	\$0	\$0	\$0	0.0

Amendment No. 5(J.094), by Senators Hudak, Jahn, Giron, and Tochtrop.

Amend reengrossed bill, page 54, line 13, in the ITEM & SUBTOTAL column strike "6,357,743" and substitute "357,743" and in the CASH FUNDS column strike "6,357,743" and substitute "357,743".

Adjust affected totals accordingly.

Page 60, line 2, in the GENERAL FUND column strike "2,487,067,253" and substitute "2,481,067,253" and in the CASH FUNDS column strike "514,387,293" and substitute "520,387,293".

Page 61, line 1, strike "\$189,922,411" and substitute "\$195,922,411".

Adjust affected totals accordingly.

Page 84, line 2, in the ITEM & SUBTOTAL column strike "1,295,168" and substitute "1,595,168" and in the GENERAL FUND column strike "84,522" and substitute "384,522".

Page 85, line 4, in the ITEM & SUBTOTAL column strike "1,092,280" and substitute "6,792,280" and in the GENERAL FUND column strike "1,013,764" and substitute "6,713,764".

Adjust affected totals accordingly.

PURPOSE: Increases General Fund appropriations for the **Governor's**

Office of Economic Development and International Trade by \$5.7 million for the Economic Development Commission, by \$0.3 million for Small Business Development Centers, and reduces funds for the Department of **Education's** development of science and social studies assessments and updating existing assessments by the same amount.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Education	(\$6,000,000)	\$0	\$0	\$0	(\$6,000,000)	0.0
Gov - EDC	5,700,000	0	0	0	5,700,000	0.0
Gov - SBDC	300,000	0	0	0	300,000	0.0
	\$0	\$0	\$0	\$0	\$0	0.0

Amendment No. 6(J.063), by Senator Nicholson.

Amend reengrossed bill, page 103, line 9, in the TOTAL column strike "3,996,326,887" and substitute "3,994,685,293", in the GENERAL FUND column strike "1,055,920,704(M)" and substitute "1,055,118,623(M)", in the CASH FUNDS column strike "651,221,580^b" and substitute "651,202,864^b", and in the FEDERAL FUNDS column strike "1,973,766,639" and substitute "1,972,945,842".

Adjust affected totals accordingly.

Page 104, line 1, strike "\$482,163,583" and substitute "\$482,144,867".

PURPOSE: Reduces the Department of **Health Care Policy and Financing** appropriation for Medical Service Premiums by a total of \$1.6 million, including \$802,081 General Fund, for the following changes to dental benefits: (1) limiting orthodontics coverage to cases where the client has a severely handicapping malocclusion; (2) requiring prior authorization review for preparatory diagnostics (casts, x-rays, etc); and, (3) converting from upfront reimbursements to installment payments for orthodontia.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Health Care Policy and Financing	(\$802,081)	(\$18,716)	\$0	(\$820,797)	(\$1,641,594)	0.0

Amendment No. 7(J.105), by Senator King S. and Spence.

Amend reengrossed bill, page 206, line 13, strike "3,000 hours" and substitute "2,204 hours", in the ITEM & SUBTOTAL column strike "231,750" and substitute "170,259", and in the GENERAL FUND column strike "231,750" and substitute "170,259".

Adjust affected totals accordingly.

Page 235, line 5, in the ITEM & SUBTOTAL column strike "3,035,765" and substitute "3,049,837" and in the GENERAL FUND column insert "14,072".

Adjust affected totals accordingly.

Page 238, line 12, in the ITEM & SUBTOTAL column strike "20,571,790" and substitute "20,510,299".

Page 239, line 1, in the TOTAL column strike "25,193,421" and substitute "25,131,930" and in the REAPPROPRIATED FUNDS column strike "24,912,845^b" and substitute "24,851,354^b".

Adjust affected totals accordingly.

Page 239, line 9, in the ITEM & SUBTOTAL column strike "2,803,273" and substitute "2,816,528" and in the GENERAL FUND column strike "1,378,032" and substitute "1,391,287".

Page 239, line 13, in the ITEM & SUBTOTAL column strike "2,677,889" and substitute "2,703,455" and in the GENERAL FUND column strike "2,164,263" and substitute "2,189,829".

Adjust affected totals accordingly.

Page 243, line 15, in the ITEM & SUBTOTAL column strike "2,158,697" and substitute "2,167,295" and in the GENERAL FUND column strike "919,506" and substitute "928,104".

Adjust affected totals accordingly.

PURPOSE: Increases the General Fund appropriation to the Department of Law by \$61,491 to reinstate a portion of the 1.0 percent base personal services reduction, including: \$14,072 for Administration, Personal Services; \$13,255 for the Special Prosecutions Unit; \$25,566 for the Appellate Unit; and \$8,598 for the Consumer Protection and Antitrust Unit. Reduces by \$61,491 the General Fund appropriation to the **Judicial** Department for the purchase of legal services, thereby reducing the number of hours of service that can be purchased from the Department of Law by 796. Makes an corresponding \$61,491 reduction in the Department of Law’s reappropriated funds spending authority related to the provision of legal services to the Judicial Department.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Judicial	(\$61,491)	\$0	\$0	\$0	(\$61,491)	0.0
Law	61,491	0	(61,491)	0	0	0.0
	\$0	\$0	(\$61,491)	\$0	(\$61,491)	0.0

Amendment No. 8(J.096), by Senator Neville.

Amend reengrossed bill, page 262, line 10, strike "Recovery" and substitute "Recovery^{40a}".

Page 264, after line 1 insert:

"FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

^{40a} Department of Local Affairs, Division of Emergency Management, Disaster Response and Recovery -- It is the intent of the General Assembly that a portion of these funds be utilized to offset the impacts of the Lower North Fork Fire and that the Governor designate moneys in the Controlled Maintenance Trust Fund for this purpose."

PURPOSE: Adds a footnote to the Department of **Local Affairs** clarifying the General Assembly's intent that the Governor designate via Executive Order that Controlled Maintenance Trust Fund dollars be transferred to the Disaster Emergency Fund and spent to offset the impacts of the Lower North Fork Fire.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Local Affairs	\$0	\$0	\$0	\$0	\$0	0.0

Amendment No. 9(J.097), by Senator Carroll.

Amend reengrossed bill, page 273, line 13, in the ITEM & SUBTOTAL column strike "3,103,483" and substitute "3,106,375" and in the CASH FUNDS column strike "2,720,167^b" and substitute "2,723,059^b".

Adjust affected totals accordingly.

Page 274, line 13, strike "\$26,446,186" and substitute "\$26,449,078".

Page 280, line 7, in the ITEM & SUBTOTAL column strike "6,468,382" and substitute "6,793,342" and in the CASH FUNDS column strike "6,468,382^a" and substitute "6,793,342^a".

Page 280, line 8, in the CASH FUNDS column strike "(74.0 FTE)" and substitute "(78.0 FTE)".

Adjust affected totals accordingly.

Page 281, line 8, strike "\$3,256,350" and substitute "\$3,581,310".

PURPOSE: Increases the cash funds and FTE appropriation to the Department of **Natural Resources** to allow the Oil and Gas Conservation Commission to hire four additional field inspectors for FY 2012-13.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Natural Resources	\$0	\$327,852	\$0	\$0	\$327,852	4.0

Amendment No. 10(J.089), by Senators Morse and Cadman.

Amend reengrossed bill, page 471, line 14 strike "Relocation to 1525 Sherman Street" and substitute "Relocation to 1525 Sherman Street, Legislative Department 6th and 7th Floors, Executive Department Remaining Floors".

PURPOSE: Clarifies the project name for the Capital Construction Fund appropriation to the Department of **Personnel and Administration** for the relocation to 1525 Sherman Street to indicate that the 6th and 7th floors will be occupied by the Legislative Department while the remaining floors will be occupied by the Executive Department.

Fiscal Impact of Amendment							
Department	GF	CCF	CF	RF	FF	Total	FTE
Personnel and Administration	\$0	\$0	\$0	\$0	\$0	\$0	0.0

As amended, ordered revised 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.)

HB12-1344 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning transfers of moneys relating to capital construction.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 760 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

Senator Steadman moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 12-1337 did pass.

Amend reengrossed bill, page 2, line 8, after "HOUSE" insert "COLORADO".

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 **passed** on the following roll call vote:

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	E
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

HB12-1335 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.

Senator Foster moved to amend the Report of the Committee of the Whole to show that the following Foster floor amendment, (Amendment 2 - J.092) to HB 12-1335, did pass.

Amend the Appropriations Committee Report, dated April 17, 2012, page 1, line 3, strike "\$13,000,000;". and substitute "\$12,805,014;".

Page 1 of the committee report, line 5, strike ""\$87,500,000"." and substitute ""\$87,694,986"."

Page 1 of the committee report, line 13, strike "\$13,000,000," and substitute "\$12,805,014,."

Page 8 of the committee report, after line 8 insert:

"Page 103 of the bill, line 9, in the TOTAL column strike "3,996,326,887" and substitute "3,996,716,859", in the GENERAL

FUND column strike "1,055,920,704(M)" and substitute "1,056,115,690(M)", and in the FEDERAL FUNDS column strike "1,973,766,639" and substitute "1,973,961,625".

Adjust affected totals accordingly."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	E
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	Y	Hodge	N	Morse	N	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	N
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

Senators Williams, Newell, Bacon, and Heath moved to amend the Report of the Committee of the Whole to show that the following Newell, Heath, Williams, Aguilar, Bacon, Boyd, Carroll, Giron, Schwartz, and Tochtrop floor amendment, (Amendment 6 - J.107) to HB 12-1335, did pass.

Amend the Appropriations Committee Report, dated April 17, 2012, page 1, line 3, strike "\$13,000,000;". and substitute "\$11,000,000;".

Page 1 of the committee report, line 5, strike ""\$87,500,000"." and substitute ""\$89,500,000"."

Page 1 of the committee report, line 13, strike "\$13,000,000," and substitute "\$11,000,000,".

Page 8 of the committee report, after line 8 insert:

"Page 268 of the reengrossed bill, after line 14 insert:

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
Mental Health, Employment, Housing and Other Veterans Services ^{40a}	2,000,000	2,000,000".

Adjust affected totals accordingly.

Page 271 of the reengrossed bill, after line 8 insert:

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

40a Department of Military and Veterans Affairs, Division of Veterans Affairs, Mental Health, Employment, Housing and Other Veterans Services -- It is the intent of the General Assembly that these moneys shall be granted to non-profit or governmental entities that provide mental health, family counseling, job training, employment, housing, and other services to veterans; and that the Colorado Board of Veterans Affairs shall assist the

Division in developing grant-making criteria and selecting grant recipients".".

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	E
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	N	Morse	N	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

Senators Lambert, Hodge, and Steadman moved to amend the Report of the Committee of the Whole to show that the following Boyd, Aguilar, Carroll, Giron, and Tochtrop floor amendment, (Amendment 11 - J.095) to HB 12-1335, did not pass.

Amend the Appropriations Committee Report, dated April 17, 2012, page 6, strike lines 17 through 20.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	E
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	N	Steadman	Y
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		

Senators Lambert, Hodge, and Steadman moved to amend the Report of the Committee of the Whole to show that the following Newell, Heath, Williams, Aguilar, Bacon, Boyd, Carroll, Giron, Schwartz, and Tochtrop floor amendment, (Amendment 13 - J.113) to HB 12-1335, did not pass.

Amend reengrossed bill page 23, line 13, in the ITEM & SUBTOTAL column strike "62,927,488" and substitute "60,927,488" and in the GENERAL FUND column strike "60,568,781" and substitute "58,568,781".

Page 268, after line 14 insert:

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
"Mental Health, Employment, Housing and Other Veterans Services ^{40a}	2,000,000	2,000,000".

Adjust affected totals accordingly.

Page 271, after line 8 insert:

"FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

40a Department of Military and Veterans Affairs, Division of Veterans Affairs, Mental Health, Employment, Housing and Other Veterans Services -- It is the intent of the General Assembly that these moneys be granted to non-profit or governmental entities that provide mental health, family counseling, job training, employment, housing, and other services to veterans; and that the Colorado Board of Veterans Affairs assist the Division in developing grant-making criteria and selecting grant recipients."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	E
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	N	Steadman	Y
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senator Cadman moved to amend the Report of the Committee of the Whole to show that the following Cadman, Grantham, White, Renfroe, Brophy, Scheffel, Lundberg, and King S. floor amendment, (Amendment 18 - J.111) to HB 12-1335, did pass.

Amend reengrossed bill, page 165, line 2, strike "Service" and substitute "Service^{26a}".

Page 201, after line 2 insert:

"26a Department of Human Services, Office of Self Sufficiency, Special Purpose Welfare Programs, Electronic Benefits Transfer Service -- In order to comply with the federal Middle Class Tax Relief and Job Creation Act of 2012 and to avert a loss in federal funding, it is the intent of the General Assembly that the Department of Human Services ensure that cash assistance is not withdrawn from ATMs located in casinos, strip clubs, or liquor stores."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	14	NO	20	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Lambert	N	Scheffel	E
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	N	Spence	N
Brophy	Y	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Senators Lambert, Hodge, and Steadman moved to amend the Report of the Committee of the Whole to show that the following Carroll floor amendment, (Amendment 21 - J.097) to HB 12-1335, did not pass.

Amend reengrossed bill, page 273, line 13, in the ITEM & SUBTOTAL column strike "3,103,483" and substitute "3,106,375" and in the CASH FUNDS column strike "2,720,167^b" and substitute "2,723,059^b".

Adjust affected totals accordingly.

Page 274, line 13, strike "\$26,446,186" and substitute "\$26,449,078".

Page 280, line 7, in the ITEM & SUBTOTAL column strike "6,468,382" and substitute "6,793,342" and in the CASH FUNDS column strike "6,468,382^a" and substitute "6,793,342^a".

Page 280, line 8, in the CASH FUNDS column strike "(74.0 FTE)" and substitute "(78.0 FTE)".

Adjust affected totals accordingly.

Page 281, line 8, strike "\$3,256,350" and substitute "\$3,581,310".

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	E
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	N	Steadman	Y
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		

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

Senators Steadman and Harvey moved to amend the Report of the Committee of the Whole to show that the following new amendment to HB 12-1337 did pass, and that the Steadman COW Amendment (COW.001) to HB 12-1337 did not pass.

New Amendment

Amend reengrossed bill, page 2, strike line 8 and substitute "OPERATED BY THE DEPARTMENT FOR THE PURPOSE OF HOUSING INMATES IN THE HOUSING UNITS BUT, IF NECESSARY, MAY".

Steadman COW Amendment

Amend reengrossed bill, page 2, line 8, after "HOUSE" insert "COLORADO".

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 **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	E
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		

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	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	E
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: HB12-1336 as amended, HB12-1337 as amended, HB12-1338 as amended, HB12-1339 as amended, HB12-1340 as amended, HB12-1341, HB12-1342, HB12-1343, HB12-1335 as amended, HB12-1344 as amended.

MESSAGE FROM THE HOUSE

April 18, 2012

The House has adopted and returns herewith SJR12-029.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1293, 1045.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB12-1161, amended as printed in House Journal, March 29, page 845.
 HB12-1328, amended as printed in House Journal, April 5, page 892,
 and amended on Third Reading as printed in House Journal, April 18.
 HB12-1326, amended as printed in House Journal, April 5, page 934.
 HB12-1048, amended as printed in House Journal, April 5, pages 965-966.
 HB12-1317, amended as printed in House Journal, April 5, pages 966-967.
 HB12-1213, amended as printed in House Journal, April 5, page 999.
 HB12-1332, amended as printed in House Journal, April 5, pages 999-1000.
 HB12-1294, amended as printed in House Journal, April 5, pages 1010-1012.
 HB12-1281, amended as printed in House Journal, April 5, pages 1012-1013.
 HB12-1037, amended as printed in House Journal, April 5, page 1013.
 HB12-1311, amended as printed in House Journal, April 5, page 1014.
 HB12-1314, amended as printed in House Journal, April 5, page 1014.

The House has passed on Third Reading and returns herewith SB12-134, 013, 124
 110, 156, 158.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
 SB12-128, amended as printed in House Journal, April 5, page 892.
 SB12-036, amended as printed in House Journal, April 5, pages 893-894,
 and amended on Third Reading as printed in House Journal, April 18.

MESSAGE FROM THE REVISOR OF STATUTES

April 18, 2012

We herewith transmit:

Without comment, HB12-1045 and 1293.
 Without comment, as amended, HB12-1037, 1048, 1161, 1213, 1281, 1294, 1311, 1314,
 1317, 1326, 1328, and 1332.
 Without comment, as amended, SB12-036 and 128.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB12-172**

by Senator(s) Johnston and Spence, Bacon, Heath, Hudak; --Concerning student
 assessments adopted by the state board.
 Education
- SB12-173**

by Senator(s) Jahn, Boyd, Harvey, Lundberg, Neville, Newell, Roberts, White, Williams S.;
 also Representative(s) Summers and DelGrosso--Concerning repeal of the requirement that
 mental health professionals make certain disclosures verbally.
 Health and Human Services
- HB12-1037**

by Representative(s) Becker; also Senator(s) Tochtrop--Concerning the classification of the
 sales of certain items used in agricultural production as wholesale sales.
 Agriculture, Natural Resources, and Energy
 Finance
 Appropriations

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- HB12-1045** by Representative(s) Bradford; also Senator(s) King S.--Concerning sales and use tax exemptions for the sale and use of wood from trees harvested in Colorado damaged by beetles.
Agriculture, Natural Resources, and Energy
Finance
- HB12-1048** by Representative(s) Waller; also Senator(s) Tochtrop--Concerning relieving the Colorado bureau of investigation of its statutory duties as a point of contact for the national instant criminal background check system in cases of firearm transfers, and in connection therewith, reducing appropriations.
State, Veterans & Military Affairs
- HB12-1161** by Representative(s) Looper; also Senator(s) King K.--Concerning scientific review of water quality rules regulating nutrients.
Agriculture, Natural Resources, and Energy
- HB12-1213** by Representative(s) Fields; also Senator(s) King S.--Concerning the penalty for a person who escapes from a place of confinement other than a county jail or correctional facility.
Judiciary
- HB12-1281** by Representative(s) Young and Gerou, Ferrandino, Fields, Kefalas, Kerr A., McCann, Peniston, Schafer S.; also Senator(s) Steadman and Roberts--Concerning a pilot program establishing new payment methodologies in medicaid, and, in connection therewith, making an appropriation.
Health and Human Services
- HB12-1293** by Representative(s) Todd, Court, Ferrandino, Liston, Murray; also Senator(s) King K.--Concerning modifications to procedures that govern recall elections.
State, Veterans & Military Affairs
- HB12-1294** by Representative(s) Liston, Todd, Acree, Gardner B., Kerr J., Massey, Miklosi, Murray, Priola, Ramirez, Soper, Swalm, Swerdfeger, Szabo; also Senator(s) Tochtrop, Boyd, Mitchell, Neville, White--Concerning modifications to the system of regulation of health facilities currently regulated by the department of public health and environment.
Business, Labor and Technology
- HB12-1311** by Representative(s) Summers, Acree, Brown, Fields, Joshi, Kefalas, McCann, Schafer S., Young; also Senator(s) Boyd--Concerning continuation of the state board of pharmacy, and, in connection therewith, implementing the recommendations contained in the sunset review and report regarding the board and recodifying the laws regulating pharmacists, the practice of pharmacy, and the manufacture, distribution, and dispensing of prescription drugs and controlled substances, and making an appropriation.
Health and Human Services
- 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.
Agriculture, Natural Resources, and Energy
- HB12-1317** by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the creation of the parks and wildlife commission to replace the parks and wildlife board in the department of natural resources, and, in connection therewith, describing the composition and terms of the commission, and reducing appropriations.
Agriculture, Natural Resources, and Energy

- HB12-1326

by Representative(s) Acree and Kefalas; also Senator(s) Spence and Nicholson--Concerning assistance to the elderly, and, in connection therewith, making an appropriation.
Finance

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- HB12-1328

by Representative(s) Priola, Ferrandino, DelGrosso, Murray, Sonnenberg; also Senator(s) Giron--Concerning exclusion from the "Uniform Consumer Credit Code" of certain charges by persons regularly engaged in making contracts for purchase of tangible personal property in the course of business if those charges do not exceed amounts permitted by law.
Business, Labor and Technology

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- HB12-1332

by Representative(s) Balmer, Liston, Hullinghorst, Joshi, Kerr J., Peniston, Schafer S., Young, Ramirez; also Senator(s) Guzman, Boyd, King S., Morse, Newell--Concerning licensure of anesthesiologist assistants.
Health and Human Services

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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committees indicated:

- SJR12-037

by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning the need for adequate and reliable long-term sources of funding for the statewide transportation system.
Transportation

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- SJR12-038

by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the 75th anniversary of Wildlife and Sport Fish Restoration Programs.

Laid over one day under Senate Rule 30(b).

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- SJR12-039

by Senator(s) Scheffel; also Representative(s) Massey--Concerning the designation of September 27, 2012, as "First Responder Appreciation Day".

Laid over one day under Senate Rule 30(b).

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- SJR12-040

by Senator(s) Lambert and Shaffer B., Harvey, Mitchell, Renfro, Scheffel, Williams S., Morse, Boyd, Aguilar, Schwartz, Giron, Jahn, Steadman, Guzman, Hodge, Tochtrop, Bacon, Brophy, Cadman, Grantham, Heath, Johnston, King K., King S., Lundberg, Neville, Roberts, Spence, White; also Representative(s) Soper and Waller--Concerning service to veterans by the Colorado Bar Association and the Veteran Trauma Court.

Laid over one day under Senate Rule 30(b).

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- SJR12-041

by Senator(s) Morse; also Representative(s) Stephens--Concerning the convening date for the 2013 First Regular Session of the Sixty-ninth General Assembly.

Laid over one day under Senate Rule 30(b).

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- SJR12-042

by Senator(s) Guzman and White; also Representative(s) Murray and Pabon--Concerning the designation of April as "Donate Life Colorado" month.

Laid over one day under Senate Rule 30(b).

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- SJR12-043

by Senator(s) White, Foster, Guzman, Hudak, Jahn, King S., Lundberg, Newell, Nicholson, Roberts, Scheffel, Shaffer B., Spence, Tochtrop, Williams S.; also Representative(s) Murray--Concerning ovarian cancer in Colorado.

Laid over one day under Senate Rule 30(b).

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SJR12-044 by Senator(s) Grantham; also Representative(s) Becker--Concerning the 25th anniversary of the Arkansas Valley Correctional Facility.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF MEMORIALS

The following memorial was read by title and referred to the committee indicated:

SJM12-003 by Senator(s) Lundberg, Harvey, Grantham, Mitchell, Renfroe, King S., Cadman, King K., Newell, Roberts, Spence, Giron, Brophy, Jahn, Lambert, Neville, Scheffel, White; also Representative(s) DelGrosso, Liston--Memorializing Congress to modify certain reporting procedures for small nonprofit organizations to require the Internal Revenue Service to adequately notify such organizations of the procedures and to allow such organizations to remedy reporting deficiencies.

State, Veterans & Military Affairs

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 Wednesday, April 18 was laid over until Thursday, April 19, retaining its place on the calendar.

- Third Reading of Bills -- Final Passage: HCR12-1001.
- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1258, SB12-166.
- General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027, SB12-028, HB12-1153, SB12-106, HB12-1140, SB12-135.
- Consideration of Resolutions: SJR12-023, SJR12-032, SJR12-034, SJR12-036, HJR12-1017.
- Consideration of Memorials: SM12-003.
- Consideration of Governor's Appointments:
- Members of the Colorado School of Mines, Board of Trustees.
 - Members of the Board of Assessment Appeals.
 - Member of the State Electrical Board.
 - Members of the Colorado Commission on Judicial Discipline.
 - Members of the State Board of the Great Outdoors Colorado Trust Fund.
 - Members of the Energy and Mineral Impact Assistance Advisory Committee.
 - Members of the Colorado Channel Authority Board of Directors.
 - Members of the Ground Water Commission.
 - Members of the State Board of Land Commissioners.
 - Members of the Colorado Tourism Office Board of Directors.
 - Members of the Board of Trustees for the University of Northern Colorado.
 - Member of the Board of Governors of the Colorado State University System.
 - Members of the Air Quality Control Commission.
 - Member of the Hospital Provider Fee Oversight and Advisory Board.
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.
- Requests for Conference Committee: HB12-1168.

TRIBUTES

Honoring:
Dana Tepol, 2012 Bill Daniels Ethics in Business Award -- by Senator Hudak.
Denver Gay Men's Chorus, 30th Anniversary -- by Senator Steadman.
Recognition of the American School Band Directors Association -- by Senator Harvey.
Littleton Depot Art Center & Gallery, 50th Year Anniversary -- by Senator Newell.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 19, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

100th Legislative Day Thursday, April 19, 2012

Prayer By the chaplain, Reverend Tawana Davis, Shorter Community AME Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--34
Excused--1, Williams S.
Present later--1, Williams S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Steadman, reading of the Journal of Wednesday, April 18, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB12-171, 172 and 173; SJM12-003; SJR12-037, 038, 039, 040, 041, 042, 043 and 044.
Correctly Revised: HB12-1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343 and 1344.

MESSAGE FROM THE HOUSE

April 19, 2012

The House has postponed indefinitely SB12-120. The bill is returned herewith.

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:

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.

Laid over until Friday, April 20, retaining its place on the calendar.

HB12-1344 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning transfers of moneys relating to capital construction.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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.	E
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**.

HB12-1336 by Representative(s) Becker and Levy, Gerou; also Senator(s) Steadman and Lambert, Hodge--Concerning authorization of a prison utilization analysis, and, in connection therewith, making an appropriation.

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, Brophy, Heath and King S.

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

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, Carroll, Foster, Giron, Guzman, Hudak, King S., Newell, Nicholson, Schwartz, Spence, Tochtrop and Williams S.

HB12-1338 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the transfer of general fund surplus moneys to the state education fund at the
end of certain fiscal years.

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, Bacon, Foster, Guzman, Heath, Hudak, King K., Lundberg,
Newell, Nicholson, Schwartz, Spence, White and Williams S.

HB12-1339 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning the Colorado benefits management system improvement and modernization
project, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	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.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill
was **passed**.

Co-sponsor added: Boyd, Nicholson and Tochtrop.

HB12-1340 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning a reduction in the general fund portion of the per diem rates paid to nursing
facilities, and, in connection therewith, reducing an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N	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.

HB12-1341 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the repeal of the statewide strategic use fund.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB12-1342 by Representative(s) Levy, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert-- Concerning a work therapy program in the department of human services, and, in connection therewith, making an appropriation.

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, Newell, Schwartz, Tochtrop and Williams S.

HB12-1343 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the transfer of moneys from the state rail bank fund to the general fund.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	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	N	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.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB12-1335 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Boyd, Guzman, Heath, Morse and Nicholson.

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.

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

SJR12-032 by Senator(s) Guzman, Carroll, Foster, Giron, Grantham, Harvey, Hodge, Hudak, Mitchell, Nicholson, Renfroe, Shaffer B.; also Representative(s) Waller, Court, Duran, Ferrandino, Kagan, Levy, McNulty, Nikkel, Pace, Schafer S., Singer, Todd--Concerning the declaration of April 16 through 22, 2012, as "Holocaust Awareness Week".

On motion of Senator Guzman, 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	Y	Spence	Y
Brophy	Y	Hodge	E	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		

Co-sponsor added: Aguilar, Bacon, Boyd, Brophy, Cadman, Heath, Jahn, Johnston, King S., Lambert, Lundberg, Morse, Neville, Newell, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

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Senate in recess.	Senate reconvened.	4
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On motion of Senator Morse, and with a majority of those elected to the Senate having		9
voted in the affirmative, the balance of the calendar of Thursday, April 19 was laid over		10
until Friday, April 20, retaining its place on the calendar.		11
		12
General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1258,		13
SB12-166.		14
General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086,		15
SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041,		16
HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027,		17
SB12-028, HB12-1153, SB12-106, HB12-1140, SB12-135, SB12-002, SB12-159,		18
SB12-164, SB12-165, HB12-1131, HB12-1162, HB12-1275.		19
Consideration of Resolutions: SJR12-023, SJR12-032, SJR12-033, SJR12-034,		20
SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-041, SJR12-042, SJR12-043,		21
SJR12-044, HJR12-1017.		22
Consideration of Memorials: SM12-003.		23
Consideration of House Amendments to Senate Bills: SB12-128, SB12-036.		24
Consideration of Governor's Appointments:		25
Members of the Colorado School of Mines, Board of Trustees.		26
Members of the Board of Assessment Appeals.		27
Member of the State Electrical Board.		28
Members of the Colorado Commission on Judicial Discipline.		29
Members of the State Board of the Great Outdoors Colorado Trust Fund.		30
Members of the Energy and Mineral Impact Assistance Advisory Committee.		31
Members of the Colorado Channel Authority Board of Directors.		32
Members of the Ground Water Commission.		33
Members of the State Board of Land Commissioners.		34
Members of the Colorado Tourism Office Board of Directors.		35
Members of the Board of Trustees for the University of Northern Colorado.		36
Member of the Board of Governors of the Colorado State University System.		37
Members of the Air Quality Control Commission.		38
Member of the Hospital Provider Fee Oversight and Advisory Board.		39
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.		40
Requests for Conference Committee: HB12-1168.		41
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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 20, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

101st Legislative Day Friday, April 20, 2012

Prayer By the chaplain, Reverend Father Zaven Markosyan, Armenian Apostolic Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--34
Excused--1, Guzman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Steadman, reading of the Journal of Thursday, April 19, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

MEMBER OF THE
CHARTER SCHOOL INSTITUTE BOARD

for a term expiring July 1, 2012:

Anthony Scott Lewis of Longmont, Colorado to serve as a member with experience as a charter school board member or founder of a charter school, experience as a public school administrator with experience working with charter schools, other board or public service experience, and as a Democrat, and occasioned by the resignation of Amy B. Anderson of Denver, Colorado, a Democrat, appointed.

Education After consideration on the merits, the Committee recommends that HB12-1324 be referred to the Committee of the Whole with favorable recommendation.

Trans- portation The Committee on Transportation has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
TRANSPORTATION COMMISSION

for a term expiring July 1, 2015:

Kathy I. Connell of Steamboat Springs, Colorado to serve as a commissioner from the sixth district, appointed.

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
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for terms expiring May 15, 2015:

Thomas A. Rennell of Castle Rock, Colorado, a member of a statewide organization of health insurance carriers, appointed;

William Patrick Heller of Denver, Colorado, an employee of the state department, appointed.

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-032.

Correctly Rerevised: HB12-1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343 and 1344.

Correctly Enrolled: SB12-013, 110, 124, 156 and 158; SJM12-002; SJR12-029.

MESSAGE FROM THE HOUSE

April 19, 2012

The House has adopted and returns herewith SJR12-032.

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 expressions of personal privilege.

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

SJR12-033 by Senator(s) Tochtrop; also Representative(s) Ryden--Concerning the "Colorado Day of Remembrance of the Armenian Genocide" on April 24, 2012.

On motion of Senator Tochtrop, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	E	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, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, 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 an expression of personal privilege.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

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.
Finance

INTRODUCTION OF CONCURRENT RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SCR12-003 by Senator(s) Lundberg, Lambert, Neville; --Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning the temporary distribution to the state education fund of state lottery net proceeds that would otherwise be distributed to the great outdoors Colorado trust fund.
State, Veterans & Military Affairs

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 Introduction and Consideration of Resolutions.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-045 by Senator(s) Newell, Schwartz, Hudak; also Representative(s) Kerr A.--Concerning recognition of fifteen years of the PeaceJam Foundation.

On motion of Senator Newell, the resolution was read at length and adopted by the following roll call vote:

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	E	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.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

Co-sponsor added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Heath, Nicholson, Steadman, Tochtrop and Williams S.

SJR12-046 by Senator(s) Williams S.; also Representative(s) Kefalas--Concerning the remembrance of the American Indian genocide and the designation of November 2012 as First Nation appreciation month in the state of Colorado.

On motion of Senator Williams S., the resolution was read at length.

Amendment No. 1(L.001), by Senator Williams S.

Amend printed joint resolution, page 2, line 8, strike "intentionally or" and strike "volitional".

Page 3, line 20, strike "many" and substitute "many, but not all,".

Page 3, after line 23 insert:

"(3) That the federal government has made reparations to American Indian people and talks continue today about paying reparations. Colorado's congressional delegation has brought legislation to support native students tuition across this country."

Renumber succeeding subsections accordingly.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	E	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		

Senator Renfroe moved that the resolution lay over until Monday, April 23. The motion lost on the following roll call vote:

YES	15	NO	18	EXCUSED	2	ABSENT	0
Aguilar	N	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	Y
Brophy	E	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	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Amendment No. 2(L.003), by Senator Aguilar.

Amend printed joint resolution, page 2, strike lines 26 through 32.

Page 3, strike line 1.

Page 1, line 102, strike "GENOCIDE" and substitute "ATROCITY".

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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.	N
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Senator Lundberg moved that the resolution lay over until Monday, April 23. The motion lost on the following roll call vote:

YES	14	NO	19	EXCUSED	2	ABSENT	0
Aguilar	N	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	Y
Brophy	E	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		

Amendment No. 3(L.004), by Senator Aguilar.

Strike the Aguilar floor amendment (SJR046_L.003).

YES	27	NO	6	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	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	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Amendment No. 4(L.005), by Senators Roberts and King S..

Strike the Aguilar floor amendment (SJR046_L.004).

Amend printed joint resolution, page 2, strike lines 26 through 32.

Page 3, strike line 1.

Page 1, line 102, strike "GENOCIDE" and substitute "ATROCITY".

YES	20	NO	13	EXCUSED	2	ABSENT	0
Aguilar	N	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	Hodge	N	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The resolution, as amended, was **adopted** by the following roll call vote:

YES	24	NO	9	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	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.	Y	Roberts	Y		

Co-sponsor added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Heath, Nicholson, Steadman and Tochtrop.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

effective January 1, 2012 for a term expiring December 31, 2015:

Vicki J. Cowart of Denver, Colorado to serve as a graduate and as a Democrat, reappointed.

YES	25	NO	8	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

effective January 1, 2012 for a term expiring December 31, 2015:

James R. Spaanstra of Lakewood, Colorado to serve as a non-graduate and as a Democrat, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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:

MEMBER OF THE
BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2015:

James R. Meurer of Golden, Colorado, reappointed;

Sondra W. Mercier of Denver, Colorado, reappointed;

for terms expiring July 1, 2012;

MaryKay Kelley of Silverthorne, Colorado, reappointed;

Diane M. DeVries of Wheat Ridge, Colorado, reappointed;

Lyle D. Hansen of Denver, Colorado, reappointed;

A.Louesa Maricle of Denver, Colorado reappointed;

Gregg A. Near of Wheat Ridge, Colorado, reappointed;

Amy J. Williams of Hayden, Colorado, engaged in agricultural, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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
STATE ELECTRICAL BOARD

for terms expiring July 1, 2014:

Thomas B. Fox of Steamboat Springs, Colorado, to serve as a general contractor actively engaged in the building industry, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Carroll, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
COLORADO COMMISSION ON JUDICIAL DISCIPLINE

effective July 1, 2011 for terms expiring June 30, 2015:

Albus Brooks of Denver, Colorado, to serve as a non attorney, occasioned by the resignation of Joe Samuel, appointed;

David Kenney of Denver, Colorado, to serve as a non attorney, reappointed;

Federico C. Alvarez of Denver, Colorado, to serve as an attorney, reappointed; and

effective October 14, 2011 for a term to expire June 30, 2015:

David Lee Dill of Pueblo, Colorado to serve as a non attorney, occasioned by the resignation of Judy Weaver of Pueblo, Colorado, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD OF THE
GREAT OUTDOORS COLORADO TRUST FUND

for terms expiring April 15, 2015:

James A. Smith of Denver, Colorado, to serve as an Unaffiliated from the First Congressional District, reappointed;

Matt J. Sugar of Winter Park, Colorado, to serve as a Democrat from the Second Congressional District west of the Continental Divide, reappointed;

Thomas Michael Burke of Grand Junction, Colorado, to serve as a Republican from the Third Congressional District, appointed;

Chana Gail Reed of Lamar, Colorado, to serve as a Republican from the Fourth Congressional District, appointed;

David Joseph Palanchar of Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, appointed;

Thomas W. Swanson of Evergreen, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed.

Jacy Tyler Jasmer Rock of Golden, Colorado, to serve as an Unaffiliated from the Seventh Congressional District, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
ENERGY AND MINERAL IMPACT ASSISTANCE
ADVISORY COMMITTEE

for terms expiring August 24, 2015:

Karla Jean Distel of Durango, Colorado, appointed;

Susan B. Alvillar of Grand Junction, Colorado, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Heath, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO CHANNEL AUTHORITY
BOARD OF DIRECTORS

for terms expiring October 6, 2015:

Timothy Michael Ryan of Aurora, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed;

Ken Fellman of Arvada, Colorado, a Democrat, reappointed;

John W. Montgomery of Centennial, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
GROUND WATER COMMISSION

for terms expiring May 1, 2015:

George H. Schubert of Calhan, Colorado to serve as a resident agriculturist from the Upper Big Sandy Basin, reappointed;

Charles "Max" Smith of Walsh, Colorado to serve as a resident agriculturist from the Southern High Plains Basin, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2015:

Michele A. Bloom of Centennial, Colorado, to serve as a representative of public, primary or secondary education, and as a Democrat, reappointed;

Hon. Tom R. Gray of Craig, Colorado, to serve as a representative of local government and land use planning, and as a Republican, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Morse, the Governor's appointments to the Colorado Tourism Office Board of Directors laid over until Monday, April 23 on the following vote:

MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2015:

Lawrence R. DiPasquale of Greenwood Village, Colorado, a representative of the food, beverage and restaurant industry, appointed.

for terms expiring June 1, 2015:

Timothy H. Wolfe of Littleton, Colorado, a representative of the hotel, motel, and lodging industry, reappointed.

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR THE
UNIVERSITY OF NORTHERN COLORADO

effective January 1, 2012 for a term expiring December 31, 2012:

Jerry L. Morgensen of Greeley, Colorado to serve as a Republican, reappointed;

effective January 1, 2012 for terms expiring December 31, 2014:

Richard James "Jim" Chavez of Highlands Ranch, Colorado to serve as a Democrat, reappointed;

Richard S. Gast of Timnath, Colorado to serve as a Democrat, reappointed;

effective January 1, 2012 for terms expiring December 31, 2015:

Paul E. Washington of Boulder, Colorado to serve as an Unaffiliated, appointed;

Susan E. Carparelli of Highlands Ranch, Colorado to serve as a Democrat, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for a term expiring December 31, 2015:

Russell Neil Johnson of Sterling, Colorado, to serve as a member who has substantial experience in the production of agriculture, and as a Republican, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2015:

John M. Clouse of Denver, Colorado, a person with appropriate scientific and technical training or experience, and a Democrat, appointed;

Hon. Laura Doreen Teague of Fort Morgan, Colorado, a person with appropriate agricultural training or experience, and a Republican, appointed;

David Robert Brown of Highlands Ranch, Colorado, a person with appropriate technical and industrial training or experience, and a Republican, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for a term expiring May 15, 2012:

Peggy Jordan Burnette of Denver, Colorado, an employee of a hospital in Colorado, and occasioned by the resignation of Randolph W. Safady of Parker, Colorado, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	E	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	E	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 Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, April 20 was laid over until Monday, April 23, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: HCR12-1001.
General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1258, SB12-166.
General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027, SB12-028, HB12-1153, SB12-106, HB12-1140, SB12-135, SB12-002, SB12-159, SB12-164, SB12-165, HB12-1131, HB12-1162, HB12-1275, HB12-1267.
Consideration of Resolutions: SJR12-023, SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-041, SJR12-042, SJR12-043, SJR12-044, HJR12-1017.

Consideration of Memorials: SM12-003.
Consideration of House Amendments to Senate Bills: SB12-128, SB12-036.
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.
Requests for Conference Committee: HB12-1168.

MESSAGE FROM THE HOUSE

April 20, 2012

The House has voted not to concur in the Senate amendments to HB12-1335 and requests that a conference committee be appointed. The Speaker has appointed Representatives Gerou, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB12-1335. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB12-1336 and requests that a conference committee be appointed. The Speaker has appointed Representatives Gerou, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB12-1336. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB12-1337 and requests that a conference committee be appointed. The Speaker has appointed Representatives Gerou, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB12-1337. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB12-1338 and requests that a conference committee be appointed. The Speaker has appointed Representatives Gerou, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB12-1338. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB12-1339 and requests that a conference committee be appointed. The Speaker has appointed Representatives Gerou, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB12-1339. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB12-1340 and requests that a conference committee be appointed. The Speaker has appointed Representatives Gerou, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB12-1340. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB12-1344 and requests that a conference committee be appointed. The Speaker has appointed Representatives Gerou, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB12-1344. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has adopted and returns herewith SJR12-033.

The House has voted to concur in the Senate amendments to HB12-1019, 1063, and has repassed the bills as so amended.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committees on **HB12-1335, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, and HB12-1344.**

Senator Hodge moved that the Senate conferees on the first conference committees on **HB12-1335, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, and HB12-1344** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted.**

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1006, 1017, 1023, 1126, 1209, 1236, 1290, 1297, 1313, HJR12-1004.

MESSAGE FROM THE GOVERNOR

April 18, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-045: CONCERNING GRANTING ASSOCIATE DEGREES TO STUDENTS WHO TRANSFER FROM A TWO-YEAR INSTITUTION.
Approved April 18, 2012 at 3:06 p.m.

SB12-148: CONCERNING CHANGING THE NAME OF METROPOLITAN STATE COLLEGE OF DENVER TO METROPOLITAN STATE UNIVERSITY OF DENVER.
Approved April 18, 2012 at 3:14 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB12-175 by Senator(s) Carroll and Roberts; also Representative(s) Gardner B. and Duran--
Concerning statutorily established time intervals.
Judiciary

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 23, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

104th Legislative Day	Monday, April 23, 2012
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Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Posting of the Colors Members of the Denver Area Civil Air Patrol:
Cadet 2nd Lt. Joseph Leavitt - Forward Rifle.
Cadet Senior Master Sergeant Nolan Gray, United States Flag Bearer.
Cadet Master Sergeant Caleb Lawrence, Colorado Flag Bearer.
Cadet Technical Sergeant Nathanael Lawrence - Rear Rifle.

Pledge By Senator Lambert.

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.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Friday, April 20, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB12-174 and 175; SCR12-003; SJR12-045 and 046.
Correctly Engrossed: SJR12-033, 045 and 046.
Correctly Enrolled: SB12-134.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading of Bills -- Final Passage Calendar (SB12-129, HCR12-1001) of Monday, April 23 was laid over until Tuesday, April 24, 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 Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-042 by Senator(s) Guzman and White; also Representative(s) Murray and Pabon--Concerning the designation of April as "Donate Life Colorado" month.

On motion of Senators Guzman and White, 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, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop 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 an expression of personal privilege.

Upon request of Senator Morse, **HB12-1258 and SB12-166** were removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, April 23 and were placed at the beginning of the General Orders--Second Reading of Bills Calendar of Monday, April 23.

Committee of the Whole On motion of Senator Hudak, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hudak was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1153 by Representative(s) Soper; also Senator(s) Lambert--Concerning the creation of a special license plate commemorating recipients of the distinguished flying cross, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1131 by Representative(s) Labuda; also Senator(s) Tochtrop--Concerning the creation of a child loss awareness license plate, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

- HB12-1162** by Representative(s) Todd, Labuda, Looper, Solano, Soper, Ryden, Fields, Hullinghorst, McCann, Young; also Senator(s) Heath, Williams S.--Concerning the creation of an operation desert storm license plate, and, in connection therewith, making an appropriation. 1
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Ordered revised and placed on the calendar for third reading and final passage. 5
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- HB12-1275** by Representative(s) Pace; also Senator(s) White--Concerning the encouragement of outdoor recreational opportunities, and, in connection therewith, creating the wildlife sporting license plate and making an appropriation. 8
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Amendment No. 1, Finance Committee Amendment. 12
(Printed in Senate Journal, April 13, page 731 and placed in members' bill files.) 13
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Amendment No. 2, Appropriations Committee Amendment. 15
(Printed in Senate Journal, April 17, page 762 and placed in members' bill files.) 16
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As amended, ordered revised and placed on the calendar for third reading and final passage. 18
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- HB12-1258** by Representative(s) DelGrosso; also Senator(s) Jahn--Concerning regulation of public utilities in terms of alternative fuel vehicles. 22
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Ordered revised and placed on the calendar for third reading and final passage. 25
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- SB12-166** by Senator(s) Giron and Roberts; also Representative(s) Priola and Williams A.-- Concerning the coordination of various economic development reports, and, in connection therewith, requiring the Colorado office of economic development to report annually to the general assembly regarding the programs it administers. 28
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Ordered engrossed and placed on the calendar for third reading and final passage. 33
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- 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". 36
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Laid over until Tuesday, April 24, retaining its place on the calendar. 41
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- 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". 44
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Laid over until Tuesday, April 24, retaining its place on the calendar. 48
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- SB12-086** by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado. 51
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Laid over until Tuesday, April 24, retaining its place on the calendar. 54
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- SB12-132** by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits. 57
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Laid over until Tuesday, April 24, retaining its place on the calendar. 61
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- HB12-1160** by Representative(s) Baumgardner; also Senator(s) Schwartz--Concerning methane gas captured from active and inactive coal mines. 64
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Laid over until Tuesday, April 24, retaining its place on the calendar. 67
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SCR12-001	by Senator(s) Steadman; also Representative(s) Ferrandino--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction.	1
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	Laid over until Tuesday, April 24, retaining its place on the calendar.	6
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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.	9
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	Laid over until Tuesday, April 24, retaining its place on the calendar.	14
SB12-144	by Senator(s) Heath and Scheffel; also Representative(s) Summers and Ryden, Kerr A.--Concerning efforts by the Colorado office of economic development to grow the state's key industries.	15
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	19
	(Printed in Senate Journal, April 3, page 644 and placed in members' bill files.)	20
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	22
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SB12-005	by Senator(s) Newell; also Representative(s) Massey--Concerning the creation of the Colorado business retention and expansion program.	25
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	<u>Amendment No. 1, Business, Labor, and Technology Committee Amendment.</u>	29
	(Printed in Senate Journal, January 31, pages 60-61 and placed in members' bill files.)	30
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	32
	(Printed in Senate Journal, April 3, page 644 and placed in members' bill files.)	33
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SB12-139	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	35
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	by Senator(s) Boyd; also Representative(s) Fields and Summers--Concerning the "Colorado Job Support Act", and, in connection therewith, requiring a post-enactment review of the implementation of this act.	39
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	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u>	43
	(Printed in Senate Journal, March 30, pages 626-629 and placed in members' bill files.)	44
SB12-047		45
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	46
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	by Senator(s) King K. and Bacon; also Representative(s) Massey and Holbert--Concerning the use of assessment results for students enrolled in grades nine through twelve to assist students in graduating from high school without needing subsequent remedial educational services, and, in connection, therewith, making an appropriation.	50
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SB12-159	<u>Amendment No. 1, Education Committee Amendment.</u>	55
	(Printed in Senate Journal, February 16, pages 190-191 and placed in members' bill files.)	56
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	58
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	by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.	62
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	<u>Amendment No. 1, Health and Human Services Committee Amendment.</u>	67
	(Printed in Senate Journal, April 13, pages 731-733 and placed in members' bill files.)	68
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	70
	(Printed in Senate Journal, April 17, pages 761-762 and placed in members' bill files.)	71
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Amendment No. 3(L.002), by Senator Hudak.

Amend Health and Human Services Committee Report, dated April 12, 2012, page 1, strike lines 19 through 22 and substitute "WITHOUT HOME- AND COMMUNITY-BASED SERVICES. SO LONG AS CHILDREN WHO ARE DETERMINED ELIGIBLE FOR THE AUTISM WAIVER PROGRAM ARE ON A WAIT LIST TO RECEIVE SERVICES, THE STATE DEPARTMENT'S PRIORITY SHALL BE TO MOVE OFF OF THE WAIT LIST THOSE CHILDREN WHO HAVE SIGNIFICANT IMPAIRMENT IN INTELLECTUAL ABILITY OR SIGNIFICANT IMPAIRMENT IN ADAPTIVE BEHAVIOR IN ADDITION TO A DIAGNOSIS OF AUTISM.".

Page 2 of the committee report, strike line 1.

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-164 by Senator(s) Heath and King K.; also Representative(s) Massey and Todd--Concerning the operation of private postsecondary institutions in Colorado, and, in connection therewith, making an appropriation.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 9, page 682 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 762 and placed in members' bill files.)

Amendment No. 3(L.005), by Senators King K. and Heath.

Amend the Education Committee report, dated April 5, 2012, page 1, line 1, strike "17" and substitute "23".

Page 1 of the committee report, after line 17, insert:

"Page 14 of the bill, line 24, strike "23-2-103.8." and substitute "23-2-103.8, IF APPLICABLE."."

Page 2 of the committee report, after line 16, add:

"Page 22 of the bill, line 26, after "(b)" insert "(I)" and strike "HAS" and substitute "MAY DEMONSTRATE".

Page 22 of the bill, line 27, strike "IF IT MEETS ALL OF" and substitute "BY MEETING".

Page 23 of the bill, line 1, strike "(I)" and substitute "(A)".

Page 23 of the bill, line 4, strike "(II)" and substitute "(B)".

Page 23 of the bill, line 6, strike "(III)" and substitute "(C)".

Page 23 of the bill, line 9, strike "(IV)" and substitute "(D)".

Page 23 of the bill, line 12, strike "(V)" and substitute "(E)".

Page 23 of the bill, after line 16, insert:

"(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) TO THE CONTRARY, A PRIVATE COLLEGE OR UNIVERSITY IS NOT REQUIRED TO MEET THE CRITERIA SPECIFIED IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF THE INSTITUTION IS PART OF A GROUP OF PRIVATE COLLEGES AND UNIVERSITIES THAT ARE OWNED AND OPERATED BY A COMMON OWNER, SO LONG AS ALL OF THE OTHER INSTITUTIONS IN THE GROUP MEET THE CRITERIA SPECIFIED IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).".

Amendment No. 4(L.006), by Senators King K. and Heath.

Amend printed bill, page 22, line 20, strike "ALL OF".

Page 22, line 21, after "(b)" insert "OR (c)".

Page 22, line 24, strike "ALL OF" and after "(b)" insert "OR (c)".

Page 23, line 16, strike "HAVE BEEN APPROVED BY ITS" and substitute "COMPLY WITH THE REQUIREMENTS OF THE INSTITUTION'S".

Page 23, before line 17, insert:

"(c) A PRIVATE COLLEGE OR UNIVERSITY MAY DEMONSTRATE FINANCIAL INTEGRITY BY MEETING THE FOLLOWING CRITERIA:

(I) THE INSTITUTION HAS RECEIVED AND MAINTAINS FULL ACCREDITATION WITHOUT SANCTION FROM AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION, WHICH ACCREDITING AGENCY REQUIRES THE INSTITUTION TO MAINTAIN SURETY OR AN ESCROW ACCOUNT OR HAS AFFIRMATIVELY WAIVED OR OTHERWISE REMOVED THE REQUIREMENT FOR THE INSTITUTION;

(II) THE INSTITUTION HAS BEEN CONTINUOUSLY AUTHORIZED BY THE COMMISSION FOR AT LEAST FIVE YEARS;

(III) THE INSTITUTION OWNS AND OPERATES A PERMANENT INSTRUCTIONAL FACILITY IN THE STATE;

(IV) THE INSTITUTION ANNUALLY PROVIDES TO THE COMMISSION AUDITED FINANCIAL STATEMENTS FOR THE MOST RECENT FISCAL YEAR THAT DEMONSTRATE THAT THE INSTITUTION MAINTAINS POSITIVE EQUITY AND PROFITABILITY;

(V) THE INSTITUTION MAINTAINS A COMPOSITE SCORE OF AT LEAST 1.5 ON ITS EQUITY, PRIMARY RESERVE, AND NET INCOME RATIOS, AS REQUIRED IN 34 CFR 668.172; AND

(VI) THE INSTITUTION MEETS OR EXCEEDS THE PRO RATA REFUND POLICIES REQUIRED BY THE FEDERAL DEPARTMENT OF EDUCATION IN 34 CFR 668 OR, IF THE INSTITUTION DOES NOT PARTICIPATE IN FEDERAL FINANCIAL AID PROGRAMS, THE INSTITUTION'S REFUND AND TERMINATION PROCEDURES COMPLY WITH THE REQUIREMENTS OF THE INSTITUTION'S ACCREDITING BODY."

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-165 by Senator(s) Schwartz, Giron; also Representative(s) Baumgardner--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, April 5, page 663 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 762 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB12-1304 by Representative(s) Barker; also Senator(s) Newell--Concerning measures to prevent organized retail theft.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 29, pages 605-606 and placed in members' bill files.)

As amended, laid over until Tuesday, April 24, 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 (HB12-1041, HB12-1081, HB12-1059, SB12-101, SB12-027, SB12-028, SB12-106, HB12-1140, SB12-135, SB12-002, HB12-1267) of Monday, April 23 was laid over until April 24, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hudak, 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: SB12-166, SB12-144 as amended, SB12-005 as amended, SB12-139 as amended, SB12-047 as amended, SB12-159 as amended, SB12-164 as amended, SB12-165 as amended, HB12-1153, HB12-1131, HB12-1162, HB12-1275 as amended, HB12-1258.

Laid over until Tuesday, April 24: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, HB12-1304 as amended, HB12-1041, HB12-1081, HB12-1059, SB12-101, SB12-027, SB12-028, SB12-106, HB12-1140, SB12-135, SB12-002, HB12-1267.

MESSAGE FROM THE HOUSE

April 23, 2012

The House has adopted and returns herewith SJR12-042.

INTRODUCTION OF CONCURRENT RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SCR12-004 by Senator(s) Lambert; also Representative(s) Swalm--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning public access to certain information regarding the public employees' retirement association.
State, Veterans & Military Affairs

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SJR12-047 by Senator(s) Mitchell; --Concerning an application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States to provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.
State, Veterans & Military Affairs

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SJM12-004 by Senator(s) Mitchell; also Representative(s) Priola--Memorializing former Senator Ted L. Strickland.

Laid over one day under Senate Rule 30(d).

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-013, 110, 124, 134, 156 and 158.

MESSAGE FROM THE GOVERNOR

April 20, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-133: CONCERNING THE DIVERSION OF ELECTRONIC DEVICES FROM LANDFILLS.

Approved April 20, 2012 at 3:19 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

April 19, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-035: CONCERNING LIMITED LIABILITY FOR SPACEFLIGHT ACTIVITIES.
Approved April 19, 2012 at 1:19 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

RECONSIDERATION OF SJM12-004

SJM12-004 by Senator(s) Mitchell; also Representative(s) Priola--Memorializing former Senator Ted L. Strickland.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, laying over **SJM12-004**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SJM12-004 by Senator(s) Mitchell; also Representative(s) Priola--Memorializing former Senator Ted L. Strickland.

Laid over until Wednesday, May 2, 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 calendar of Monday, April 23 was laid over until Tuesday, April 24, retaining its place on the calendar.

- Consideration of Resolutions: SJR12-023, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-041, SJR12-043, SJR12-044, HJR12-1017.
- Consideration of Memorials: SM12-003.
- Consideration of House Amendments to Senate Bills: SB12-128, SB12-036.
- Consideration of Governor's Appointments:
 - Members of the Colorado Tourism Board of Directors.
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1002, HB12-1335, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, HB12-1344.
- Requests for Conference Committee: HB12-1168.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 24, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

105th Legislative Day Tuesday, April 24, 2012

Prayer By the chaplain, Rabbi Yossi Serebryanski, Chabad of South Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Lambert.

Roll Call Present--33
Excused--2, Aguilar, King S.
Present later--2, Aguilar, King S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Morse, reading of the Journal of Monday, April 23, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1110** be referred to the Committee on Finance with favorable recommendation.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1294** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 10, line 23, strike "FACILITY; OR" and substitute "FACILITY FOR THE PROVISION OF EXTENDED OBSERVATION AND OTHER RELATED SERVICES FOR NOT MORE THAN SEVENTY-TWO HOURS;".

Page 10, line 24, strike "FACILITY." and substitute "FACILITY; OR
(C) IS NOT OTHERWISE SUBJECT TO HEALTH FACILITY LICENSURE UNDER THIS SECTION OR SECTION 25-1.5-103 BUT OPTS TO OBTAIN LICENSURE AS A COMMUNITY CLINIC IN ORDER TO RECEIVE PRIVATE DONATIONS, GRANTS, GOVERNMENT FUNDS, OR OTHER PUBLIC OR PRIVATE REIMBURSEMENT FOR SERVICES RENDERED.".

Page 10, line 25, strike "REGULATED" and substitute "OPERATED".

Page 12, strike line 27 and substitute "INVOLVING MORAL TURPITUDE;".

Page 13, strike lines 1 and 2.

Page 16, line 19, strike "SHALL NOT" and substitute "MAY".

Page 16, strike line 21 and substitute "THIS SUBSECTION (1)".

Page 16, line 22, strike "(c)." and substitute "(c) BY AN AMOUNT NOT TO EXCEED THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY FOR ALL URBAN CONSUMERS, ALL GOODS, OR ITS SUCCESSOR INDEX.".

Judiciary	After consideration on the merits, the Committee recommends that HB12-1213 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
Judiciary	After consideration on the merits, the Committee recommends that SB12-175 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9 10
	Amend printed bill, page 16, strike lines 18 through 27.	11
	Strike page 17.	12 13
	Page 18, strike lines 1 through 3.	14 15
	Renumber succeeding sections accordingly.	16 17
	Page 20, strike lines 22 through 27.	18 19 20
	Page 21, strike lines 1 through 8	21 22
	Renumber succeeding sections accordingly.	23 24 25
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SJM12-003 be amended to the Senate for final action.	26 27 28 29
	Amend printed joint memorial, page 1, strike lines 1 through 6.	30 31
	Strike page 2.	32 33
	Page 3, strike lines 1 through 28 and substitute:	34 35
	"WHEREAS, In 2004, the United States Senate Finance Committee issued a white paper proposing reforms to federal oversight of nonprofit organizations; and	36 37 38 39
	WHEREAS, Senator Charles Grassley, Chair of the Senate Finance Committee, encouraged formation of a panel of nonprofit leaders to examine these issues in the white paper and submit recommendations to Congress; and	40 41 42 43 44
	WHEREAS, In 2005, the Panel on the Nonprofit Sector (panel) issued a "Report to Congress and the Nonprofit Sector on Governance, Transparency, and Accountability"; and	45 46 47 48
	WHEREAS, As part of its report, the panel recommended that small nonprofit organizations be required to file an annual notice with the Internal Revenue Service. The report also recommended that the Internal Revenue Service should have the authority, "[a]fter an appropriate phase-in period, . . . to suspend the tax-exempt status of organizations that fail to file the required notification form for three consecutive years"; and	49 50 51 52 53 54
	WHEREAS, The panel recommended the annual notice because it ". . . will assist the IRS in providing more accurate information to the public about organizations eligible to receive tax-deductible contributions"; and	55 56 57 58 59
	WHEREAS, In 2006, Congress adopted the "Pension Protection Act of 2006" (act), which was based in part on the panel's recommendations; and	60 61 62 63
	WHEREAS, Section 1223 of the act, codified at 26 U.S.C. sec. 6033, created new and unfamiliar annual filing requirements for many small nonprofit organizations by requiring those organizations to annually file Form 990-N, also known as the e-Postcard; and	64 65 66 67

WHEREAS, The act requires that an affected organization's tax-exempt status "be considered revoked" rather than "suspended" after failing to file the e-Postcard for three consecutive years; and

WHEREAS, Although the Internal Revenue Service sent an initial mailing in 2007 and has since developed other resources to alert these affected nonprofit organizations of the new filing requirements, nonprofit organizations with outdated contact information with the Internal Revenue Service did not receive these notices, and many others were not sufficiently aware of how to comply with their new reporting duties; and

WHEREAS, Based on some constituent conversations with Internal Revenue Service representatives and contrary to statements on the Internal Revenue Service's web site, the Internal Revenue Service does not send reminder notices to organizations that do not file their e-Postcards on time and only notifies affected organizations after such revocation has occurred; and

WHEREAS, Approximately 400,000 nonprofit organizations across the United States, including thousands of organizations in Colorado, many of which have annual budgets of less than \$25,000, have had their tax-exempt status automatically revoked by the Internal Revenue Service for failing to file an annual notice for three consecutive years. Although many of these organizations no longer do business, many other organizations continue to operate and could have successfully maintained their tax-exempt status if they had received more timely notice of the impending revocation; and

WHEREAS, Although the Internal Revenue Service allows revoked organizations to apply for retroactive reinstatement of their tax-exempt status, the application process is burdensome and costly for these nonprofit organizations; now, therefore,

Be It Resolved by the Senate of the Sixty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That we, the members of the Colorado General Assembly, hereby memorialize the United States Congress to amend 26 U.S.C. sec. 6033 so that:

(1) The Internal Revenue Service is required to send timely notification to remind small nonprofit organizations when they have not filed the e-Postcard on time and to inform them of any impending revocation or other action affecting their tax-exempt status due to their failure to file an annual notice for three consecutive years; and

(2) The Internal Revenue Service is required to suspend, not revoke, the tax-exempt status of any nonprofit organization that fails to file for three consecutive years so that a nonprofit organization's tax-exempt status may be simply and retroactively restored without the organization being required to reapply for a determination of tax-exempt status.

Be It Further Resolved, That copies of this Joint Memorial be sent to each member of Colorado's congressional delegation, Speaker of the United States House of Representatives John Boehner, Senate Majority Leader Harry Reid, Secretary of the United States Senate Nancy Erickson, Clerk of the United States House of Representatives Karen L. Haas, and Treasury Secretary Timothy Geithner."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1103** be postponed indefinitely.

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1048 be postponed indefinitely.	1
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Appro- priations	After consideration on the merits, the Committee recommends that SB12-104 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	7
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alcohol and drug abuse services, co-occurring behavioral health services, substance use disorder offender services (H.B. 10-1352), is decreased by \$1,819,900. Said sum is from moneys transferred from the judicial department.

(3) For the implementation of this act, appropriations made in the annual general appropriation act to the judicial department for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for courts administration, central appropriations, for various centrally appropriated line items, is decreased by \$81,998. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for probation and related services, probation programs, is decreased by \$702,114. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The cash funds appropriation for probation and related services, offender treatment and services, is decreased by \$1,010,006. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(d) The reappropriated funds appropriation for probation and related services, offender treatment and services, is decreased by \$7,656,200. Said sum is from general fund moneys credited to the drug offender surcharge fund pursuant to section 18-19-103 (3.5), Colorado Revised Statutes.

(e) The general fund appropriation for probation and related services, S.B. 03-318 community treatment funding, is decreased by \$2,200,000.

(f) The general fund appropriation for probation and related services, H.B. 10-1352 appropriation to drug offender surcharge fund, is decreased by \$7,656,200.

(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of public safety for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for the executive director's office, administration, for various centrally appropriated line items, is decreased by \$10,793. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for the division of criminal justice, administration, DCJ administrative services, is decreased by \$84,803. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The general fund appropriation for the division of criminal justice, administration, DCJ administrative services, is decreased by \$37,964 and 0.5 FTE.

(d) The cash funds appropriation for the division of criminal justice, administration, indirect cost assessment, is decreased by \$8,401. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(e) The cash funds appropriation for the division of criminal justice, community corrections, community corrections placement, is decreased by \$994,019. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(f) The reappropriated funds appropriation for the division of criminal justice, community corrections, treatment for substance abuse and co-occurring disorders, is decreased by \$1,568,750. Said sum is from moneys transferred from the judicial department.

SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of corrections, for the fiscal year beginning July 1, 2012, the sum of \$3,002,227, or so much thereof as may be necessary, for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the fiscal year beginning July 1, 2012, the sum of \$3,090,516, or so much thereof as may

be necessary, for allocation to the mental health and alcohol and drug
abuse services section for services and activities authorized by sections
18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from
reappropriated funds transferred from the judicial department from the
appropriations made in paragraphs (b) and (c) of subsection (3) of this
section.

(3) In addition to any other appropriation, there is hereby
appropriated, to the judicial department, for the fiscal year beginning July
1, 2012, the sum of \$25,120,277, or so much thereof as may be necessary,
for allocation to the probation and related services section for the
implementation of this act as follows:

(a) \$9,856,200 general fund to be credited to the correctional
treatment cash fund pursuant to sections 18-19-103 (3.5) (b) and 18-19-
103 (4) (a), Colorado Revised Statutes;

(b) \$5,407,877 cash funds for services and activities authorized
by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes; said
sum is from the correctional treatment cash fund created in section 18-19-
103 (3.5) (b), Colorado Revised Statutes; and

(c) \$9,856,200 reappropriated funds for services and activities
authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised
Statutes; said sum is from general fund moneys credited to the
correctional treatment cash fund through the appropriation made in
paragraph (a) of subsection (3) of this section.

(4) 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 \$2,666,766, or so much thereof as may
be necessary, for allocation to the division of criminal justice for services
and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado
Revised Statutes. Said sum shall be from reappropriated funds transferred
from the judicial department from the appropriations made in paragraphs
(b) and (c) of subsection (3) of this section."."

Page 2 of the committee report, after line 14 insert:

"Page 1, line 102, strike "FUND." and substitute "FUND, AND, IN
CONNECTION THEREWITH, MAKING AND REDUCING
APPROPRIATIONS."."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-108** 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 March 29,
2012, page 1, strike lines 5 through 16 and substitute:

(I) ORAL EXAMINATION, LIMITED TO ONE COMPREHENSIVE
EXAMINATION;

(II) PROPHYLAXIS;

(III) DEBRIDEMENT;

(IV) CARIOSTATIC AGENTS, WHEN RECOMMENDED BY THE
TREATING DENTIST;

(V) RADIOGRAPHS, AS NEEDED; AND

(VI) DENTAL RESTORATIONS, INCLUDING AMALGAM AND
COMPOSITE FILLINGS, LIMITED TO FIVE RESTORATIONS."."

Page 1, after line 16 insert:

"Page 6 of the bill, after line 25 insert:

"SECTION 3. Appropriation. (1) In addition to any other
appropriation, there is hereby appropriated out of any moneys in the
general fund not otherwise appropriated, to the department of health care
policy and financing, for the fiscal year beginning July 1, 2012, the sum
of \$38,906 or so much thereof as may be necessary, for allocation to
professional services contracts for the implementation of this act. Said

sum is subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2012, the department of health care policy and financing will receive the sum of \$116,719 in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

(2) In addition to any other appropriation, there is hereby appropriated out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2012, the sum of \$278,581 or so much thereof as may be necessary, for allocation to medical service premiums for the implementation of this act. Said sum is subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2012, the department of health care policy and financing will receive the sum of \$278,581 in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts."

Renumber succeeding section accordingly.

Page 1 of the bill, line 102, strike "MEDICAID." and substitute "MEDICAID, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-090** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 8 insert:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated out of the general fund, to the department of health care policy and financing, for the fiscal year beginning July 1, 2012, the sum of \$194,986, or so much thereof as may be necessary, for the implementation of this act. Said sum is subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2012, the department of health care policy and financing will receive the sum of \$194,986 in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts."

Renumber succeeding section accordingly.

Page 1, line 102, strike "MEDICAID." and substitute "MEDICAID, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-046** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Senate Education Committee Report, dated March 1, 2012, page 8, line 7, strike "AND".

Page 8, line 10, strike "22-20-103 (5)." and substitute "22-20-103 (5); AND".

Page 8, after line 10 insert:

	"(D) ENSURE THAT, IN IMPLEMENTING THE CODE, EACH SCHOOL OF THE SCHOOL DISTRICT SHOWS DUE CONSIDERATION OF THE IMPACT OF CERTAIN VIOLATIONS OF THE CODE UPON VICTIMS OF SUCH VIOLATIONS, IN ACCORDANCE WITH THE PROVISIONS OF TITLE IX OF THE UNITED STATES CODE AND OTHER STATE AND FEDERAL LAWS.".	1
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	Page 11, strike lines 27 through 30.	7
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	Page 13, strike lines 18 through 25.	9
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	Page 13, line 26, strike "HEARING.".	11
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	Page 18, line 13, after "C.R.S.," insert "IN AGGREGATE FORM WITHOUT PERSONAL IDENTIFYING INFORMATION,".	13
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	Page 19, strike lines 4 through 14 and substitute "JANUARY 1, 2014, THE POST BOARD SHALL IDENTIFY A SCHOOL RESOURCE OFFICER TRAINING CURRICULUM TO PREPARE PEACE OFFICERS.	16
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	(2) TO THE EXTENT PRACTICABLE, THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL INCORPORATE THE SUGGESTIONS OF RELEVANT STAKEHOLDERS AND ADVOCATES.".	18
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	Page 20, strike line 13 and substitute "LAW ENFORCEMENT AGENCIES".	23
		24
	Page 20, line 15, strike "INFORMATION" and substitute "INFORMATION, AS SUBMITTED TO THE DIVISION, TO ANY MEMBER OF THE".	25
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	Page 20, strike lines 16 and 17.	28
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	Page 20, line 19, after "STUDENT." add "IF THE DIVISION PROVIDES THE INFORMATION TO A MEMBER OF THE PUBLIC UPON REQUEST PURSUANT TO THIS PARAGRAPH (aa), THE DIVISION MAY CHARGE A FEE TO THE PERSON, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE DIVISION IN PROVIDING THE INFORMATION.".	30
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	Page 24, after line 32 insert:	36
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	"SECTION 26. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.".	38
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	Renumber succeeding sections accordingly.	43
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1282 be referred to the Committee of the Whole with favorable recommendation.	46
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1292 be referred to the Committee of the Whole with favorable recommendation.	50
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	SENATE SERVICES REPORT	56
		57
	Correctly Printed: SCR12-004; SJM12-004; SJR12-047.	58
	Correctly Engrossed: SB12-005, 047, 139, 144, 159, 164, 165 and 166; SJR12-040.	59
		60
	Correctly Revised: HB12-1131, 1153, 1162, 1258 and 1275.	61
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INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB12-176 by Senator(s) Brophy, Guzman, Morse, Roberts, Schwartz; also Representative(s) Labuda, Gardner B., Levy, Murray, Waller--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.
Judiciary

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:

SB12-129 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 Wednesday, April 25, retaining its place on the calendar.

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.

Laid over until Wednesday, April 25, retaining its place on the calendar.

HB12-1153 by Representative(s) Soper; also Senator(s) Lambert--Concerning the creation of a special license plate commemorating recipients of the distinguished flying cross, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	E	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	N	Morse	Y	Steadman	N
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.	E	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Newell.

HB12-1131 by Representative(s) Labuda; also Senator(s) Tochtrop--Concerning the creation of a child loss awareness license plate, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	27	NO	6	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	E	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Hudak, Newell, Nicholson, Schwartz and Williams S.

HB12-1162 by Representative(s) Todd, Labuda, Looper, Solano, Soper, Ryden, Fields, Hullinghorst, McCann, Young; also Senator(s) Heath, Williams S.--Concerning the creation of an operation desert storm license plate, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	E	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	N	Morse	Y	Steadman	N
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.	E	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: King K., Newell, Schwartz and Spence.

HB12-1275 by Representative(s) Pace; also Senator(s) White--Concerning the encouragement of outdoor recreational opportunities, and, in connection therewith, creating the wildlife sporting license plate and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	7	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	E	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Schwartz and Spence.

HB12-1258 by Representative(s) DelGrosso; also Senator(s) Jahn--Concerning regulation of public utilities in terms of alternative fuel vehicles.

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	E	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.	E	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Carroll, Giron, Hodge, Newell, Schwartz, Spence, Steadman and Williams S.

SB12-166 by Senator(s) Giron and Roberts; also Representative(s) Priola and Williams A.-- Concerning the coordination of various economic development reports, and, in connection therewith, requiring the Colorado office of economic development to report annually to the general assembly regarding the programs it administers.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	27	NO	6	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	E	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Hudak, Newell and Williams S.

SB12-144 by Senator(s) Heath and Scheffel; also Representative(s) Summers and Ryden, Kerr A.--
Concerning efforts by the Colorado office of economic development to grow the state's key
industries.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	9	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	E	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Giron, Hudak, Newell, Schwartz, Shaffer B. and Williams S.

SB12-005 by Senator(s) Newell; also Representative(s) Massey--Concerning the creation of the Colorado business retention and expansion program.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	11	EXCUSED	2	ABSENT	0
Aguilar		E Guzman	Y	Lambert	N	Scheffel	N
Bacon		Y Harvey	N	Lundberg	N	Schwartz	Y
Boyd		Y Heath	Y	Mitchell	N	Spence	Y
Brophy		N Hodge	Y	Morse	Y	Steadman	Y
Cadman		N Hudak	Y	Neville	N	Tochtrop	Y
Carroll		Y Jahn	Y	Newell	Y	White	Y
Foster		Y Johnston	Y	Nicholson	Y	Williams S.	Y
Giron		Y King K.	Y	Renfro	N	President	Y
Grantham		N King S.	E	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Giron, Heath, Hudak, Schwartz, Shaffer B. and Williams S.

SB12-139 by Senator(s) Boyd; also Representative(s) Fields and Summers--Concerning the "Colorado Job Support Act", and, in connection therewith, requiring a post-enactment review of the implementation of this act.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	21	NO	12	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	E	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Foster, Heath, Hudak, Newell, Schwartz, Shaffer B. and Steadman.

SB12-159 by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.

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	E	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.	E	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Heath, Hodge, Jahn, Newell, Schwartz, Steadman and Tochtrop.

SB12-164 by Senator(s) Heath and King K.; also Representative(s) Massey and Todd--Concerning the operation of private postsecondary institutions in Colorado, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	8	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	E	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Bacon, Giron, Hudak, Jahn, Nicholson, Schwartz, Spence, Steadman and Williams S.

SB12-165 by Senator(s) Schwartz, Giron; also Representative(s) Baumgardner--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, Heath, Hodge, Neville, Newell, Nicholson, Roberts, Shaffer B., White and Williams S.

SB12-047 by Senator(s) King K. and Bacon; also Representative(s) Massey and Holbert--Concerning the use of assessment results for students enrolled in grades nine through twelve to assist students in graduating from high school without needing subsequent remedial educational services, and, in connection, therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator King K. was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.004) , by Senator King K.

Amend engrossed bill, page 12, line 23, strike "22-30.5-524" and substitute "22-30.5-117, 22-30.5-524,".

The amendment was **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0	
Aguilar		E Guzman		Y Lambert		Y Scheffel	Y	1
Bacon		Y Harvey		Y Lundberg		Y Schwartz	Y	2
Boyd		Y Heath		Y Mitchell		Y Spence	Y	3
Brophy		Y Hodge		Y Morse		Y Steadman	Y	4
Cadman		Y Hudak		Y Neville		Y Tochtrop	Y	5
Carroll		Y Jahn		Y Newell		Y White	Y	6
Foster		Y Johnston		Y Nicholson		Y Williams S.	Y	7
Giron		Y King K.		Y Renfroe		Y President	Y	8
Grantham		Y King S.		Y Roberts		Y		9

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Cadman, Giron, Grantham, Heath, Hudak, Jahn, Lambert, Newell, Roberts, Scheffel, Schwartz, Spence, Steadman and Williams S.

Committee of the Whole On motion of Senator Johnston, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Johnston 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:

SB12-155 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".

Laid over until Wednesday, April 25, retaining its place on the calendar.

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 Wednesday, April 25, retaining its place on the calendar.

SB12-086 by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado.

Laid over until Wednesday, April 25, retaining its place on the calendar.

SB12-132 by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits.

Laid over until Wednesday, April 25, 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 Wednesday, April 25, retaining its place on the calendar.

- SCR12-001

by Senator(s) Steadman; also Representative(s) Ferrandino--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction.

Laid over until Wednesday, April 25, retaining its place on the calendar.
- 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.

Laid over until Wednesday, April 25, retaining its place on the calendar.
- HB12-1304

by Representative(s) Barker; also Senator(s) Newell--Concerning measures to prevent organized retail theft.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, April 23, page 818 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Mitchell.

Amend reengrossed bill, page 2, line 15, strike "(f)" and substitute "(f), (3) (a),".

Page 2, after line 25, insert:
"(3) (a) An offense under paragraph (a), or (c), OR (g) of subsection (1) of this section is a class 1 petty offense; except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a class 2 misdemeanor."

Page 2, strike line 26 and substitute "(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, an offense under paragraph (e) or (f) OF SUBSECTION (1) OF THIS SECTION OR, IF THE OFFENSE IS COMMITTED DURING THE COMMISSION OF ANOTHER CRIMINAL OFFENSE PURSUANT TO PARAGRAPH (g) of subsection".

As amended, ordered revised 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.)
- HB12-1041

by Representative(s) Labuda; also Senator(s) Guzman--Concerning the creation of an electronic death registration system in the department of public health and environment, and, in connection therewith, making an appropriation.

Laid over until Wednesday, April 25, retaining its place on the calendar.
- HB12-1081

by Representative(s) Duran; also Senator(s) Steadman--Concerning the operations of the Auraria higher education center.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 5, page 661 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.
- HB12-1059

by Representative(s) Looper; also Senator(s) King K.--Concerning the authority of a person credentialed in another state whose residence is determined by military orders to practice an occupation regulated by Colorado law.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, 663, page April 5 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB12-101 by Senator(s) Nicholson; also Representative(s) Bradford--Concerning the authority of a local improvement district, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 10, page 693 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator Nicholson.

Amend printed bill, page 4, strike line 11 and substitute "PETITION.

(C) THE BOARD SHALL TAKE INTO CONSIDERATION AND MAKE A FINDING REGARDING ALL OF THE FOLLOWING FACTORS WHEN DETERMINING WHETHER TO GRANT OR DENY THE PETITION:

(I) THE BEST INTERESTS OF ALL OF THE FOLLOWING:

(A) THE PROPERTY TO BE INCLUDED OR EXCLUDED IN THE LOCAL IMPROVEMENT DISTRICT;

(B) THE LOCAL IMPROVEMENT DISTRICT FOR WHICH THE CHANGE OF BOUNDARIES IS PROPOSED;

(C) THE COUNTY OR COUNTIES IN WHICH THE LOCAL IMPROVEMENT DISTRICT IS LOCATED;

(II) THE RELATIVE COST AND BENEFIT TO THE PROPERTY TO BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT;

(III) THE ABILITY OF THE LOCAL IMPROVEMENT DISTRICT TO PROVIDE ECONOMICAL AND SUFFICIENT IMPROVEMENTS OR SERVICES TO BOTH THE PROPERTY TO BE INCLUDED OR EXCLUDED AND ALL OF THE PROPERTIES WITHIN THE DISTRICT'S BOUNDARIES.

(d) IF THE CHANGE OF BOUNDARIES OF THE DISTRICT DOES NOT".

Reletter succeeding paragraph accordingly.

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-027 by Senator(s) Scheffel; --Concerning notice to certain members of the general assembly of rules promulgated pursuant to the "State Administrative Procedure Act" as a result of an enacted legislative measure.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 15, page 164 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Scheffel.

Amend the Judiciary Committee Report, dated February 14, 2012, page 1, line 8, strike "WRITING THE" and substitute "WRITING ANY SITTING".

Page 1, line 9, before "MEMBERS" insert "CURRENT".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-028 by Senator(s) Grantham; --Concerning aggravated juvenile offenders adjudicated for murder.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, January 31, pages 59-60 and placed in members' bill files.)

<u>Amendment No. 2(L.008), by Senator Grantham.</u>		1
		2
Amend the Judiciary Committee Report, dated January 30, 2012, page 1,		3
line 2, after "(D)" insert "and (10)".		4
		5
Page 1 of committee report, strike lines 15 through 18 and substitute:		6
		7
"Page 3 of the bill, line 7, strike "BY A STATE-EMPLOYED" insert "AND		8
RISK ASSESSMENT BY A MENTAL HEALTH PROFESSIONAL"		9
		10
Page 3 of the bill, strike line 8."		11
		12
Page 2 of the committee report, strikes line 1 and 2 and substitute		13
		14
"Page 3 of the bill, strike line 10 and substitute "OR HERSELF OR TO		15
OTHERS. THE MENTAL HEALTH PROFESSIONAL".		16
		17
Page 3 of the bill, line 11, strike "THREE COPIES" and substitute "A COPY".		18
		19
Page 3 of the bill, line 12, strike "CLERK OF THE", and strike "IT" and		20
substitute "IT, THE PROSECUTING ATTORNEY, AND COUNSEL FOR THE		21
JUVENILE".		22
		23
Page 3 of the bill, line 13, strike "THE CLERK SHALL FURNISH A COPY".		24
		25
Page 3 of the bill, strike lines 14 and 15."		26
		27
Page 2 of the committee report, line 6, strike "YOUTH" and substitute		28
"YOUTHFUL OFFENDER SYSTEM,".		29
		30
Page 2 of the committee report, line 7, strike "OFFENDER SERVICE		31
PROGRAM,".		32
		33
Page 2 of the committee report, strike line 14.		34
		35
Page 2 of the committee report, line 15, strike "MENTAL HEALTH" and		36
substitute "EVALUATION AND RISK ASSESSMENT,".		37
		38
Page 2 of the committee report, strike line 16.		39
		40
Page 2 of the committee report, after line 22, insert:		41
		42
"Page 3 of the bill, after line 25, insert:		43
"(10) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON WHO IS		44
EMPLOYED BY THE DEPARTMENT OF HUMAN SERVICES OR IS EMPLOYED		45
UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND IS:		46
(a) A LICENSED PHYSICIAN WITH THE APPROPRIATE TRAINING AND		47
EXPERTISE IN PSYCHIATRY; OR		48
(b) A LICENSED PSYCHOLOGIST."."		49
		50
		51
As amended, ordered engrossed and placed on the calendar for third reading and final		52
passage.		53
		54
		55
SB12-106	by Senator(s) King K.; --Concerning education.	56
		57
	Laid over until Wednesday, April 25, retaining its place on the calendar.	58
		59
		60
HB12-1140	by Representative(s) Jones; also Senator(s) Newell--Concerning the duties of the	61
	department of public health and environment as coordinator for suicide prevention programs	62
	throughout the state.	63
		64
	Ordered revised and placed on the calendar for third reading and final passage.	65
		66
		67

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.	1 2 3 4 5
	Laid over until Wednesday, April 25, retaining its place on the calendar.	6 7 8
SB12-002	by Senator(s) Steadman, Guzman; --Concerning authorization of civil unions.	9 10
	Laid over until Wednesday, April 25, retaining its place on the calendar.	11 12 13
HB12-1267	by Representative(s) Coram; also Senator(s) Grantham--Concerning the simplification of certain preelection procedures in order to reduce the cost of administering elections.	14 15 16
	Laid over until Wednesday, April 25, retaining its place on the calendar.	17 18 19
HB12-1324	by Representative(s) Massey and Scott; also Senator(s) Johnston and King S., Bacon, Heath--Concerning Colorado Mesa university.	20 21 22 23
	<u>Amendment No. 1(L.001), by Senator King S.</u>	24 25
	Amend reengrossed bill, page 3, line 15, strike "appointed." and substitute "appointed; EXCEPT THAT OF THE TWO MEMBERS APPOINTED PURSUANT TO HOUSE BILL 12-1324, ENACTED IN 2012, ONE SHALL HAVE A TERM THAT EXPIRES ON JANUARY 1, 2015, AND ONE SHALL HAVE A TERM THAT EXPIRES ON JANUARY 1, 2016."	26 27 28 29 30 31 32
	As amended, ordered revised and placed on the calendar for third reading and final passage.	33 34 35 36 37 38
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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE		40
HB12-1304	by Representative(s) Barker; also Senator(s) Newell--Concerning measures to prevent organized retail theft.	41 42 43
	Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.005) to HB 12-1304, did not pass, and that the following new amendment did pass.	44 45 46 47
	<u>L.005</u>	48
	Amend reengrossed bill, page 2, line 15, strike "(f)" and substitute "(f), (3) (a),".	49 50 51
	Page 2, after line 25, insert:	52
	"(3) (a) An offense under paragraph (a), or (c), OR (g) of subsection (1) of this section is a class 1 petty offense; except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a class 2 misdemeanor."	53 54 55 56 57 58
	Page 2, strike line 26 and substitute "(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, an offense under paragraph (e) or (f) OF SUBSECTION (1) OF THIS SECTION OR, IF THE OFFENSE IS COMMITTED DURING THE COMMISSION OF ANOTHER CRIMINAL OFFENSE PURSUANT TO PARAGRAPH (g) of subsection".	59 60 61 62 63 64 65
	<u>New Amendment</u>	66
	Amend the Business, Labor, and Technology Committee Report, dated	67

March 28, 2012, page 2, line 1, strike "SECTION," and substitute "SECTION AND COMMITTED DURING THE COMMISSION OF ANOTHER CRIMINAL OFFENSE,".

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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Johnston, 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: SB12-101 as amended, SB12-027 as amended, SB12-028 as amended, HB12-1304 as amended, HB12-1081 as amended, HB12-1059 as amended, HB12-1140, HB12-1324 as amended.
 Laid over until Wednesday, April 25: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, HB12-1041, SB12-106, SB12-135, SB12-002, HB12-1267.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB12-177 by Senator(s) Jahn, Cadman; also Representative(s) Liston and Pabon, Duran, Gardner B., McNulty, Priola, Soper, Swalm, Swerdfeger, Szabo, Tyler, Williams A.--Concerning administration of the unemployment insurance program in order to stabilize unemployment insurance rates, and, in connection therewith, facilitating the issuance of unemployment revenue bonds and accelerating the creation of the division of unemployment insurance in the department of labor and employment.
 Business, Labor and Technology

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.

Judiciary

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RECONSIDERATION OF SB12-159

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SB12-159

by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-159.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

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THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

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SB12-159

by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: King S.

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CONSIDERATION OF RESOLUTIONS

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SJR12-041

by Senator(s) Morse; also Representative(s) Stephens--Concerning the convening date for the 2013 First Regular Session of the Sixty-ninth General Assembly.

On motion of Senator Morse, the resolution was read at length and adopted by the following roll call vote:

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Boyd and Cadman.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
CHARTER SCHOOL INSTITUTE BOARD

for a term expiring July 1, 2012:

Anthony Scott Lewis of Longmont, Colorado to serve as a member with experience as a charter school board member or founder of a charter school, experience as a public school administrator with experience working with charter schools, other board or public service experience, and as a Democrat, and occasioned by the resignation of Amy B. Anderson of Denver, Colorado, a Democrat, 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 Williams S., the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
TRANSPORTATION COMMISSION

for a term expiring July 1, 2015:

Kathy I. Connell of Steamboat Springs, Colorado to serve as a commissioner from the sixth district, 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 Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for terms expiring May 15, 2015:

Thomas A. Rennell of Castle Rock, Colorado, a member of a statewide organization of health insurance carriers, appointed;

William Patrick Heller of Denver, Colorado, an employee of the state department, 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		

MESSAGE FROM THE GOVERNOR

April 23, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-067: CONCERNING REQUIREMENTS PERTAINING TO THE CORPORATE STATUS OF CHARTER SCHOOLS.

Approved April 23, 2012 at 1:23 p.m.

SB12-127: CONCERNING THE PARTICIPATION OF PROVIDERS OF LONG-TERM CARE IN MEDICAID CARE COORDINATION PROGRAMS.

Approved April 23, 2012 at 1:29 p.m.

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 Tuesday, April 24 was laid over until Wednesday, April 25, retaining its place on the calendar.

- Consideration of Resolutions: SJR12-023, SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-043, SJR12-044, HJR12-1017.
- Consideration of Memorials: SM12-003.
- Consideration of House Amendments to Senate Bills: SB12-128, SB12-036.
- Consideration of Governor's Appointments:
 - Members of the Tourism Office Board of Directors.
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1002, HB12-1335, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, HB12-1344.
- Requests for Conference Committee: SB12-1168.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 25, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

106th Legislative Day

Wednesday, April 25, 2012

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Posting
of the
Colors

Colorado State Patrol Honor Guard:
Captain Tim Keeton.
Sergeant Mike Baker.
Trooper Doug Kline.
Trooper Jessica Parsons.

Pledge By Senator Morse.

Roll Call Present--33
 Excused--2, Carroll, Guzman.
 Present later--2, Carroll, Guzman.

Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Aguilar, reading of the Journal of Tuesday, April 24, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.
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COMMITTEE OF REFERENCE REPORTS

Trans-
portation

The Committee on Transportation has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
WASTE TIRE ADVISORY COMMITTEE

for a term expiring on September 9, 2014:

Michael "Scott" Skorka of Golden, Colorado, to serve as a tire retailer, reappointed.

Transportation	After consideration on the merits, the Committee recommends that SJR12-025 be referred to the Senate for final action.
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State, Veterans, & Military After consideration on the merits, the Committee recommends that **HB12-1293** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Legislative Council After consideration on the merits, the Committee recommends that **HB12-1124** be referred to the Committee of the Whole with favorable recommendation.

Legislative Council After consideration on the merits, the Committee recommends that **HB12-1241** be referred to the Committee of the Whole with favorable recommendation.

Judiciary	After consideration on the merits, the Committee recommends that HB12-1036 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40
	Amend reengrossed bill, page 2, line 2, strike " amend " and substitute " add ".	41 42 43 44
	Page 2, line 3, strike "(I)" and substitute "(IX)".	45 46 47 48
	Page 2, strike lines 9 through 24 and substitute:	49 50 51 52
	"(IX) (A) ANY RECORDS OF ONGOING CIVIL OR ADMINISTRATIVE INVESTIGATIONS CONDUCTED BY THE STATE OR AN AGENCY OF THE STATE IN FURTHERANCE OF THEIR STATUTORY AUTHORITY TO PROTECT THE PUBLIC HEALTH, WELFARE, OR SAFETY UNLESS THE INVESTIGATION FOCUSES ON A PERSON OR PERSONS INSIDE OF THE INVESTIGATIVE AGENCY.	53 54 55 56 57 58 59 60 61 62 63 64 65 66 67
	(B) UPON CONCLUSION OF A CIVIL OR ADMINISTRATIVE INVESTIGATION THAT IS CLOSED BECAUSE NO FURTHER INVESTIGATION, DISCIPLINE, OR OTHER AGENCY RESPONSE IS WARRANTED, ALL RECORDS NOT EXEMPT PURSUANT TO ANY OTHER LAW ARE OPEN TO INSPECTION; EXCEPT THAT THE CUSTODIAN MAY REMOVE THE NAME OR OTHER PERSONAL IDENTIFYING OR FINANCIAL INFORMATION OF WITNESSES OR TARGETS OF SUCH CLOSED INVESTIGATIONS FROM INVESTIGATIVE RECORDS PRIOR TO INSPECTION.	
	(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBPARAGRAPH (IX), A RECORD IS NOT SUBJECT TO WITHHOLDING ON THE GROUNDS THAT IT IS MAINTAINED OR KEPT IN A CIVIL OR ADMINISTRATIVE INVESTIGATIVE FILE EXCEPT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION IF THE RECORD WAS PUBLICLY DISCLOSED; WAS FILED WITH AN AGENCY OF THE STATE BY A REGULATED ENTITY UNDER A STATUTORY, REGULATORY, OR PERMIT REQUIREMENT; OR WAS RECEIVED FROM A GOVERNMENTAL ENTITY AND WOULD BE AVAILABLE IF REQUESTED DIRECTLY FROM THE TRANSMITTING ENTITY.	
	(D) NOTHING IN THIS SUBPARAGRAPH (IX) PROHIBITS AN AGENCY FROM DISCLOSING INFORMATION OR MATERIALS DURING AN OPEN INVESTIGATION IF IT IS IN THE INTEREST OF PUBLIC HEALTH, WELFARE, OR SAFETY."	
Finance	After consideration on the merits, the Committee recommends that HB12-1303 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	
Finance	After consideration on the merits, the Committee recommends that HB12-1274 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	
Finance	After consideration on the merits, the Committee recommends that HB12-1302 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	
Finance	After consideration on the merits, the Committee recommends that SB12-162 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	
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SENATE SERVICES REPORT		
Correctly Printed: SB12-176, 177 and 178.		
Correctly Engrossed: SB12-027, 028 and 101; SJR12-041.		
Correctly Reengrossed: SB12-005, 047, 139, 144, 159, 164, 165 and 166.		
Correctly Revised: HB12-1059, 1081, 1140, 1304 and 1324.		
Correctly Rerevised: HB12-1131, 1153, 1162, 1258 and 1275.		
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INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- HB12-1038** by Representative(s) Looper, Barker, Brown, Priola, Ramirez, Scott, Williams A.; also
Senator(s) Williams S.--Concerning the creation of a multi-year registration for Class A
trailers, and, in connection therewith, making an appropriation.
Transportation
- HB12-1042** by Representative(s) Pace; also Senator(s) Schwartz--Concerning a state income tax credit
related to the portion of Colorado estate taxes paid that are attributable to agricultural land.
Finance
- HB12-1075** by Representative(s) Beezley and DelGrosso; also Senator(s) Brophy--Concerning a limit on
total state general fund appropriations.
State, Veterans & Military Affairs
- HB12-1099** by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.--
Concerning the establishment of an industrial hemp remediation pilot program to study
phytoremediation through the growth of hemp on contaminated soil, and, in connection
therewith, making an appropriation.
Agriculture, Natural Resources, and Energy
- HB12-1101** by Representative(s) Barker; also Senator(s) King S.--Concerning the culpable mental state
for identity theft.
Judiciary
- HB12-1143** by Representative(s) Ferrandino; also Senator(s) Steadman--Concerning an adjustment in
the reimbursement rates the state pays county governments for costs associated with
elections involving statewide ballot measures, and, in connection therewith, making an
appropriation.
State, Veterans & Military Affairs
- HB12-1214** by Representative(s) Becker, Todd; also Senator(s) Nicholson and Spence--Concerning
community college two-year degree programs in certain health care fields without a student
transfer agreement.
Education
- HB12-1266** by Representative(s) Sonnenberg, Gardner B.; also Senator(s) Morse--Concerning the
continuation of the licensing of persons who furnish bail for compensation, and, in
connection therewith, reducing an appropriation .
Judiciary
- HB12-1310** by Representative(s) Gardner B., Barker; also Senator(s) Carroll, Guzman--Concerning
changes to statutory provisions related to criminal proceedings, and, in connection
therewith, making an appropriation.
Judiciary
- HB12-1325** by Representative(s) Summers; also Senator(s) Nicholson--Concerning tracking transactions
related to methamphetamine precursor drugs.
Judiciary

- HB12-1331

by Representative(s) Brown, Wilson, Pace, Hamner, Kerr A., Massey, Murray, Ramirez, Schafer S., Summers, Todd; also Senator(s) Schwartz, Bacon, Heath, Johnston, King K., King S.--Concerning changing the name of Western state college of Colorado to Western state Colorado university.
Education

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- HB12-1334

by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Lambert, Steadman-- Concerning the extension of severance tax funding for the promotion of agricultural energy-related projects, and, in connection therewith, making an appropriation.
Agriculture, Natural Resources, and Energy

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- HB12-1345

by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.
Education

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MESSAGE FROM THE HOUSE

April 24, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB12-1099, amended as printed in House Journal, April 17, pages 1013-1014.
HB12-1345, amended as printed in House Journal, April 23, page 1068.
HB12-1042, amended as printed in House Journal, April 23, page 1069.
HB12-1075, amended as printed in House Journal, April 23, page 1069.
HB12-1101, amended as printed in House Journal, April 23, page 1069.
HB12-1143, amended as printed in House Journal, April 23, pages 1069-1070.
HB12-1266, amended as printed in House Journal, April 23, pages 1070-1072.
HB12-1306, amended as printed in House Journal, April 23, page 1072.
HB12-1325, amended as printed in House Journal, April 23, pages 1072-1073.
HB12-1331, amended as printed in House Journal, April 23, page 1073.
HB12-1038, amended as printed in House Journal, April 23, page 1073.
HB12-1310, amended as printed in House Journal, April 23, pages 1073-1074.
HB12-1334, amended as printed in House Journal, April 23, pages 1078-1079.
HB12-1214, amended as printed in House Journal, April 23, page 1079.
HB12-1069, amended as printed in House Journal, April 23, page 1079.

The House has passed on Third Reading and returns herewith SB12-012, 041.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB12-149, amended as printed in House Journal, April 23, page 1070.
SB12-009, amended as printed in House Journal, April 23, page 1081.

MESSAGE FROM THE REVISOR OF STATUTES

April 24, 2012

We herewith transmit:

Without comment, as amended, HB12-1038, 1042, 1069, 1075, 1099, 1101, 1143, 1214, 1266, 1306, 1310, 1325, 1331, 1334, and 1345.
Without comment, as amended, SB12-009 and 149.

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1336**

**THIS REPORT ADOPTS THE
REREVISED BILL**

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1336,
concerning authorization of a prison utilization analysis, and, in
connection therewith, making an appropriation, has met and reports that
it has agreed upon the following:

That the House accede to the Senate amendments made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Chari K. Gerou, Chairman	Mary Hodge, Chairman
Jon Becker	Pat Steadman
Claire Levy	Kent D. Lambert

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1337**

**THIS REPORT ADOPTS THE
REREVISED BILL**

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1337,
concerning the closure of the south campus of the Centennial correctional
facility for housing purposes, has met and reports that it has agreed upon
the following:

That the House accede to the Senate amendments made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Chari K. Gerou, Chairman	Mary Hodge, Chairman
Jon Becker	Pat Steadman
Claire Levy	Kent D. Lambert

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1338

THIS REPORT ADOPTS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1338,
concerning the transfer of general fund surplus moneys to the state
education fund at the end of certain fiscal years, has met and reports that
it has agreed upon the following:

That the House accede to the Senate amendments made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Chari K. Gerou, Chairman	Mary Hodge, Chairman
Jon Becker	Pat Steadman
Claire Levy	Kent D. Lambert

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

SJR12-030 by Senator(s) Morse, King S.; also Representative(s) Barker--Concerning declaring the
week of May 13 - 19, 2012, as Police Week, and, in connection therewith, declaring May
15, 2012, as Peace Officers' Memorial Day.

On motion of Senator Morse, the resolution was read at length and **adopted** by the
following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	E	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, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., Lambert, Lundberg, Mitchell, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, 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 General Orders -- Second Reading of Bills.

Committee of the Whole On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Bacon 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:

SB12-002 by Senator(s) Steadman, Guzman; --Concerning authorization of civil unions.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 16, page 187 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, pages 760-761 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Steadman.

Amend printed bill, page 34, line 6, after "(A)" insert "and (3) (a) (XIX) (B)".

Page 34, line 17, strike "14-15-109," and substitute "14-15-110,".

Page 34, after line 26, insert:

"(B) Any record of an application for a marriage license submitted pursuant to section 14-2-106, C.R.S., AND ANY RECORD OF AN APPLICATION FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO SECTION 14-15-110, C.R.S., shall be made available for public inspection fifty years after the date that record was created.".

Amendment No. 4(L.009), by Senator Steadman.

Amend printed bill, page 7, strike lines 21 through 26 and substitute:

"14-15-106. Rights, benefits, protections, duties, obligations, responsibilities, and other incidents of parties to a civil union. (1) A PARTY TO A CIVIL UNION HAS THE RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS, RESPONSIBILITIES, AND OTHER INCIDENTS UNDER LAW AS ARE GRANTED TO OR IMPOSED UPON SPOUSES, WHETHER THOSE RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS, RESPONSIBILITIES, AND OTHER INCIDENTS DERIVE FROM STATUTE, ADMINISTRATIVE OR COURT RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF LAW.".

Page 8, line 1, after ""FAMILY"," insert ""HEIR",".

Page 8, line 2, after "KIN"," insert ""SPOUSE",".

Page 8, strike lines 12 through 15 and substitute "MAINTENANCE, AND AWARD OF ATTORNEY FEES, APPLIES TO CIVIL UNIONS.

(5) RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS, RESPONSIBILITIES, AND OTHER INCIDENTS UNDER LAW AS ARE GRANTED TO OR IMPOSED UPON SPOUSES, THAT APPLY IN LIKE MANNER TO PARTIES TO A CIVIL UNION UNDER THIS SECTION, INCLUDE BUT ARE NOT LIMITED TO:".

Page 8, line 16, strike "TENURE, DESCENT AND".

Page 8, line 17, strike "DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL,".

Page 8, line 18, after "OF" insert "OR PRESUMPTIONS WITH RESPECT TO".

Page 8, line 19, strike "PROPERTY, INCLUDING" and substitute "PROPERTY;".

Page 8, strike lines 20 and 21.

Page 9, strike lines 2 through 4 and substitute:

"(d) TITLE 15, C.R.S., INCLUDING BUT NOT LIMITED TO MATTERS CONCERNING DECEDENTS' ESTATES, WILLS, TRUSTS, INTESTATE SUCCESSION, NONPROBATE TRANSFERS, WARDS, PROTECTED PERSONS, AND PRIORITY FOR APPOINTMENT AS A CONSERVATOR, GUARDIAN, OR PERSONAL REPRESENTATIVE;".

Page 11, line 8, strike "SURVIVING".

Amendment No. 5(L.011), by Senator Steadman.

Amend printed bill, page 11, line 12, after "(w)" insert "(I)".

Page 11, line 13, strike "AND".

Page 11, after line 13 insert:

"(II) THIS PARAGRAPH (w) IS EFFECTIVE FOR PLANS ISSUED, DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2013.".

Page 16, line 15, strike "PERSONS OF THE SAME SEX" and substitute "TWO PERSONS".

Page 16, line 20 after "RELATIONSHIP" insert "BETWEEN TWO PERSONS".

Page 18, line 3 after the period add "THE STUDY COMMISSION THAT MAY BE CREATED PURSUANT TO THIS SECTION IS EXEMPT FROM THE REQUIREMENTS OF SECTION 2-3-303.3, C.R.S.".

Page 33, line 23 strike "ADOPTION." and substitute "ADOPTION AND SHALL BE CONSIDERED A STEPPARENT FOR THE PURPOSE OF DETERMINING WHETHER A CHILD IS AVAILABLE FOR ADOPTION PURSUANT TO SECTION 19-5-203 (1).".

Amendment No. 6(L.013), by Senator Steadman.

Amend printed bill, page 12, strike line 1 and substitute:

"14-15-107. Modification of civil union terms through an agreement. (1) PARTIES TO A".

Page 12, strike lines 4 through 6 and substitute "PART 3 OF ARTICLE 2 OF THIS TITLE.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF

PART 3 OF ARTICLE 2 OF THIS TITLE DO NOT INVALIDATE OR AFFECT AN OTHERWISE VALID DOMESTIC PARTNERSHIP AGREEMENT OR CIVIL CONTRACT BETWEEN TWO INDIVIDUALS WHO ARE NOT MARRIED TO EACH OTHER IN WHICH THE INDIVIDUALS SET FORTH AN AGREEMENT ABOUT THE RIGHTS AND RESPONSIBILITIES REGARDING MATTERS SIMILAR TO THOSE THAT MAY BE ADDRESSED BY A CONTRACT UNDER PART 3 OF ARTICLE 2 OF THIS TITLE IF THE AGREEMENT OR CONTRACT WAS MADE PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE OR, IF MADE ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE AGREEMENT OR CONTRACT IS NOT MADE IN CONTEMPLATION OF ENTERING INTO A CIVIL UNION UNDER THIS ARTICLE."

Page 25, strike line 21 and substitute "ACTION FOR LEGAL SEPARATION OF THE CIVIL UNION, DISSOLUTION OF THE CIVIL UNION, OR FOR DECLARATION OF INVALIDITY OF THE CIVIL UNION."

Amendment No. 7(L.015), by Senator Steadman.

Amend printed bill, page 16, line 24, strike "**commission - report**".

Page 16, line 25, strike "**returns - repeal.**" and substitute "**returns.**" and strike "(a)".

Page 17, strike lines 6 through 27 and substitute "TAX RETURN."

Page 18, strike lines 1 through 4.

Amend the Steadman floor amendment (SB002_L.011), page 1, strike lines 9 through 11.

Amendment No. 8(L.017), by Senator Steadman.

Amend printed bill, page 11, after line 18 insert:

- "(y) (I) OTHER INSURANCE POLICIES THAT PROVIDE JOINT COVERAGE RELATING TO OWNERSHIP OF PROPERTY.
- (II) THIS PARAGRAPH (y) IS EFFECTIVE FOR PLANS ISSUED, DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2013."

Amendment No. 9(L.014), by Senator Mitchell.

Amend printed bill, page 18, line 9, strike "(1)".

Page 18, strike lines 14 through 18 and substitute:

- "14-15-118. Child placement agencies - conscience clause.**
- (1) TO THE EXTENT ALLOWED BY FEDERAL LAW, A PRIVATE CHILD PLACEMENT AGENCY SHALL NOT BE REQUIRED TO PERFORM, ASSIST, COUNSEL, RECOMMEND, CONSENT TO, REFER, OR PARTICIPATE IN ANY PLACEMENT OF A CHILD FOR FOSTER CARE OR ADOPTION WHEN THE PROPOSED PLACEMENT OF A CHILD WITH PERSONS WHO HAVE ENTERED INTO A CIVIL UNION WOULD VIOLATE THE AGENCY'S WRITTEN RELIGIOUS OR MORAL CONVICTIONS OR POLICES.
- (2) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL NOT DENY AN APPLICATION FOR AN INITIAL LICENSE OR RENEWAL OF A LICENSE OR REVOKE THE LICENSE OF A PRIVATE CHILD PLACEMENT AGENCY BECAUSE OF THE CHILD PLACEMENT AGENCY'S OBJECTION TO PERFORMING, ASSISTING, COUNSELING, RECOMMENDING, CONSENTING TO, REFERRING, OR PARTICIPATING IN A PLACEMENT WITH PARTNERS TO A CIVIL UNION BECAUSE THAT VIOLATES THE AGENCY'S WRITTEN RELIGIOUS OR MORAL CONVICTIONS OR POLICIES.
- (3) THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL NOT DENY A PRIVATE CHILD PLACEMENT AGENCY ANY GRANT, CONTRACT, OR PARTICIPATION IN A

GOVERNMENT PROGRAM BECAUSE OF THE AGENCY'S OBJECTION TO PERFORMING, ASSISTING, COUNSELING, RECOMMENDING, CONSENTING TO, REFERRING, OR PARTICIPATING IN A PLACEMENT WITH PARTNERS TO A CIVIL UNION BECAUSE THAT VIOLATES THE AGENCY'S WRITTEN RELIGIOUS OR MORAL CONVICTIONS OR POLICIES.

(4) THE REFUSAL OF A PRIVATE CHILD PLACEMENT AGENCY TO PERFORM, ASSIST, COUNSEL, RECOMMEND, CONSENT TO, REFER, OR PARTICIPATE IN A PLACEMENT WITH PARTNERS TO A CIVIL UNION BECAUSE THAT VIOLATES THE AGENCY'S WRITTEN RELIGIOUS OR MORAL CONVICTIONS OR POLICIES SHALL NOT FORM THE BASIS OF ANY CLAIM FOR DAMAGES."

Renumber succeeding C.R.S. section accordingly.

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.

MESSAGE FROM THE HOUSE

April 25, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1348, amended as printed in House Journal, April 25, page 1088.

The House has adopted and returns herewith SJR12-006, 024, 030.

The House has adopted and transmits herewith HJR12-1019.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1084.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1218, amended as printed in House Journal, April 25, page 1088.

HB12-1223, amended as printed in House Journal, April 25, pages 1088-1089.

HB12-1273, amended as printed in House Journal, April 25, page 1089.

HB12-1330, amended as printed in House Journal, April 25, page 1089.

HB12-1136, amended as printed in House Journal, April 25, pages 1090-1092.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-010, amended as printed in House Journal, April 25, pages 1089-1090.

SB12-145, amended as printed in House Journal, April 25, page 1090.

MESSAGE FROM THE REVISOR OF STATUTES

April 25, 2012

We herewith transmit:

Without comment, as amended, HB12-1348.

Without comment, HB12-1084.
Without comment, as amended, HB12-1136, 1218, 1223, 1273, and 1330.
Without comment, as amended, SB12-010 and 145.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- HB12-1069** by Representative(s) Miklosi and Pabon; also Senator(s) Shaffer B. and King S.--
Concerning tax expenditures.
Finance
- HB12-1348** by Representative(s) Ferrandino, McNulty; also Senator(s) Morse, Cadman--Concerning the
powers of the legislative department with respect to capitol buildings group space, and, in
connection therewith, providing for the designation of space for the members of the general
assembly, legislative staff, and legislative staff agencies and the furnishing and equipping
thereof, and granting the control of legislative spaces to the legislative department.
State, Veterans & Military Affairs

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1019, 1063, 1341, 1342, 1343.

Senate in recess. Senate reconvened.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

- SB12-002** by Senator(s) Steadman, Guzman; --Concerning authorization of civil unions.

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 (SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001,
HB12-1237, HB12-1041, SB12-106, SB12-135, HB12-1267) of Wednesday, April 25, was
laid over until Thursday, April 26, retaining its place on the calendar.

Call of the Senate. Call raised.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Bacon, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	23	NO	12	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	Y
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	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-002 as amended.
Laid over until Thursday: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, HB12-1041, SB12-106, SB12-135, HB12-1267.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1019, 1063, 1341, 1342, 1343.

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 Wednesday, April 25 was laid over until Thursday, April 26, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB12-129, HCR12-1001, HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-027, SB12-028, HB12-1140, HB12-1324.
Consideration of Resolutions: SJR12-023, SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-043, SJR12-044, HJR12-1017.
Consideration of Memorials: SM12-003.
Consideration of House Amendments to Senate Bills: SB12-128, SB12-036.
Consideration of Governor's Appointments:
Members of the Tourism Office Board of Directors
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002, HB12-1335, HB12-1339, HB12-1340, HB12-1344.
Requests for Conference Committee: HB12-1168.

TRIBUTES

Honoring:

Vinny Castellini, 3rd place winner of the nationwide C-SPAN StudentCam video competition -- Senator Steve King.
South Metro Denver Chamber of Commerce, second annual Be Involved and Give Day -- by Senator Newell.
Recognizing the Citizen Volunteers of the Colorado Wing of the Civil Air Patrol -- by Senato Lambert.

Honoring Senate aide and interns: Susan Lontine, Louis Irwin, Amber Widgery, Chadwell Murley, Kasey Baker, Laura Brown, Stuart Rubinstein, Amanda Grosgebauer, Sharon Majeres, Arlene Lang, Barry Sarver, Constance Moylan, Owen Perkins -- by Senator Aguilar.	1
Honoring Senate aide and intern: Donna Johnson, Carol Kennedy -- by Senator Bacon.	2
Honoring Senate aide and interns: Jeanne Montgomery, Lois Florkey, Melissa Weyant -- by Senator Boyd.	3
Honoring Senate aide and interns: Diane Rich, Matthew Wells, Phil Gerkin, Huda Ghaibeh, Charles Severance-Medaris, Marcus McKindra -- by Senator Carroll.	4
Honoring Senate aides and interns: Bonnie Saliman , Josh Miller, Dorothy Malman, Matt Leebove -- by Senator Foster.	5
Honoring Senate aide and interns: Michelle Warren, Maria Barco, Tim Kirby, Abby Harder, Cynthia Marcum, Gabe Fidelman, Liz Arroyo, Angelina Sandoval, Michaela Redfern-- by Senator Giron.	6
Honoring Senate aide and interns: Diego del Campo, Molly Moss, Kellan Pontarlo, Michael Lirtzman, and Norma Ruth Ryan -- by Senator Guzman.	7
Honoring Senate aide and interns: Richard Valenty, John Comfort, Elizabeth Gibbs, Stuart Ollanik, Harris Ravine, Laurie Albright -- by Senator Heath.	8
Honoring Senate aide: Rachel Zenzinger -- by Senator Hodge.	9
Honoring Senate aide and interns: Mary Lindsey, Ron Brady, Jackie Meyer, Zachary Noriega -- by Senator Hudak.	10
Honoring Senate aide: Audrey Kline -- by Senator Jahn.	11
Honoring Senate aide and interns: Leslie Colwell, Danny Hernandez, Max Eisner -- by Senator Johnston.	12
Honoring Senate aide and interns: Amy Erickson, Sean Siler, Kaylee Moore, Danny McCarthy -- by Senator Morse.	13
Honoring Senate aides and interns: Wes Song, Emmaleigh Darnell, Effie Kostick, Andrew Cuffe, Chari-Lynn Koppel, Estefany Cruz, Kiara Reyes, Nathan Reynolds, Jean Greenberg -- by Senator Newell.	14
Honoring Senate aide and interns: Jonathan Labodie, Monyette Ellington, Jay Jackson, Adam Pavlakovich, Libby Helmer, Bunny Spangler -- by Senator Nicholson.	15
Honoring Senate aide and interns: Amy Steinhoff, Claire Teylouni, Lisa Barker, James Lucero, Lindsey Mock -- Senator Schwartz.	16
Honoring Senate aide and interns: Jake Marsing, Rachel Paul, Sarah Chillemi -- by Senator Shaffer.	17
Honoring Senate aide and interns: Renee Sanders, Karen Conover, Claire Bowman, and Peggy Dahms -- by Senator Steadman.	18
Honoring Senate aide: Diane Wright -- by Senator Tochtrop.	19
Honoring Senate aides and interns: Nicole Hanlen, Nancy Miani, Karen Hart, Lynn Desens, Dala Giffin -- by Senator Williams.	20
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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 26, 2012.	45
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Approved:	48
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Brandon C. Shaffer	52
President of the Senate	53
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Attest:	55
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Cindi L. Markwell	59
Secretary of the Senate	60

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

107th Legislative Day Thursday, April 26, 2012

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Lambert.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Wednesday, April 25, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-177** 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, page 3, line 17, after "REVENUES" insert "AND RESOURCES".

Page 3, line 18, strike "EXPENDITURES" and substitute "EXPENSES".

Page 4, line 1, after "BONDS" insert "FOR THE EXPENSES OF THE DIVISION".

Page 6, line 9, strike "TRANSFER" and substitute "PAY".

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1272** be referred to the Committee on Appropriations with favorable recommendation.

Local Government After consideration on the merits, the Committee recommends that **HB12-1068** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. In Colorado Revised Statutes, 7-47-101, **add** (1.5) as follows:

7-47-101. Who may organize - powers. (1.5) (a) A BOARD OF DIRECTORS FOR A NONPROFIT CEMETERY CORPORATION SHALL INCLUDE AT LEAST ONE DIRECTOR WHO OWNS A LOT, GRAVE SPACE, NICHE, OR CRYPT. IF SUCH AN OWNER CANNOT BE FOUND TO SERVE AS A DIRECTOR, THE BOARD OF DIRECTORS SHALL MAINTAIN A VACANCY UNTIL THE DIRECTOR POSITION CAN BE FILLED WITH SUCH AN OWNER. A NONPROFIT CEMETERY CORPORATION MAY WAIT UNTIL THE FIRST VACANCY ON THE BOARD OF

DIRECTORS OCCURS AFTER JANUARY 1, 2013, BEFORE APPOINTING A DIRECTOR WHO OWNS A LOT, GRAVE SPACE, NICHE, OR CRYPT.

(b) THIS SUBSECTION (1.5) APPLIES ONLY TO CEMETERIES AS DEFINED IN SECTION 12-12-101 (1.5), C.R.S.

SECTION 2. In Colorado Revised Statutes, **add** 7-47-104.5 as follows:

7-47-104.5. Reports. (1) EACH NONPROFIT CEMETERY CORPORATION SHALL KEEP IN ITS PRINCIPAL OFFICE AND, UPON REASONABLE REQUEST, SHALL MAKE AVAILABLE FOR INSPECTION AND STUDY TO THE OWNER OF ANY GRAVE SPACE, NICHE, OR CRYPT, OR TO A DULY AUTHORIZED REPRESENTATIVE OF THE OWNER THE FOLLOWING:

(a) AN ANNUAL WRITTEN REPORT SETTING FORTH THE NUMBER OF INTERMENTS AND ENTOMBMENTS MAINTAINED BY THE NONPROFIT CEMETERY CORPORATION, THE NUMBER OF INTERMENTS AND ENTOMBMENTS FOR THE PRECEDING YEAR, AND ANY OTHER FACTS NECESSARY TO SHOW THE ACTUAL FINANCIAL CONDITION OF THE NONPROFIT CEMETERY CORPORATION;

(b) A COMPLETE AND CURRENT COPY OF ANY BYLAWS OR ARTICLES OF INCORPORATION ADOPTED BY THE BOARD OF DIRECTORS;

(c) A COPY OF THE MINUTES OF EACH MEETING OF THE BOARD OF DIRECTORS FOR THE LAST THREE YEARS;

(d) A COPY OF EACH PERIODIC REPORT FILED DURING THE LAST THREE YEARS WITH THE COLORADO SECRETARY OF STATE IN ACCORDANCE WITH SECTION 7-90-501;

(e) A COPY OF INTERNAL REVENUE SERVICE FORM 990 REPORTS, OR ANY SUCCESSOR FORM OR REPORT, FOR THE LAST THREE YEARS; AND

(f) A COPY OF THE CORPORATION'S CURRENT BALANCE SHEET, INCOME STATEMENT, AND CASH-FLOW STATEMENT.

(2) TO COMPLY WITH THIS SECTION, THE REPORT MUST BE ATTESTED TO BY THE ACCOUNTANT, AUDITOR, OR OTHER PERSON PREPARING THE REPORT AND VERIFIED BY A VOTE OF THE BOARD OF DIRECTORS.

(3) UPON WRITTEN REQUEST FOR A SPECIFIC LIST OF DOCUMENTS, THE NONPROFIT CEMETERY SHALL PROVIDE TO ANY OWNER OF A LOT, GRAVE SPACE, NICHE, OR CRYPT ELECTRONIC OR PHYSICAL COPIES OF ANY REPORTS REQUIRED BY THIS SECTION. THE NONPROFIT CEMETERY SHALL FULFILL THE REQUEST WITHIN SEVEN DAYS AFTER RECEIPT OF THE REQUEST AND PAYMENT OF A COPYING CHARGE, IF PAPER COPIES ARE REQUIRED OR REQUESTED, NOT TO EXCEED TWENTY-FIVE CENTS PER PHYSICAL COPIED PAGE. THE NONPROFIT CEMETERY SHALL NOT CHARGE FOR ELECTRONIC COPIES.

SECTION 3. In Colorado Revised Statutes, **amend** 7-47-105 as follows:

7-47-105. Rights of lot owners. (1) If the grounds purchased or otherwise acquired for cemetery purposes have been previously used as a burial ground, those who are lot owners at the time of the purchase ~~shall~~ continue to own the ~~same~~ LOTS and ~~shall be~~ ARE members of the corporation.

(2) AN OWNER OF A LOT, GRAVE SPACE, NICHE, OR CRYPT MAY ATTEND ANY MEETING OF THE BOARD OF DIRECTORS. THE BOARD OF DIRECTORS SHALL PROVIDE REASONABLE NOTICE OF ANY BOARD MEETING TO OWNERS OF A LOT, GRAVE SPACE, NICHE, OR CRYPT, WHO MAY NOT PARTICIPATE IN MEETINGS OF THE BOARD OF DIRECTORS WITHOUT PERMISSION OF THE CHAIRPERSON.

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 7, 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."

Local Government	After consideration on the merits, the Committee recommends that SB12-170 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Judiciary	After consideration on the merits, the Committee recommends that SB12-176 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	5 6 7 8 9
Judiciary	After consideration on the merits, the Committee recommends that SB12-178 be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13 14
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1348 be referred to the Committee of the Whole with favorable recommendation.	15 16 17 18 19

SENATE SERVICES REPORT

Correctly Engrossed: SB12-002; SJR12-030.
Correctly Enrolled: SJR12-006, 024, 030, 032, 033 and 042.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1002

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1002,
concerning the rules of state agencies applicable to applications for
permits, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill
as the amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 3, line 23, strike "STATE OR".

Page 3, after line 24, insert:

"(III) NEW RULES OR NEW REQUIREMENTS ARE NECESSARY TO
ENSURE THAT THE AGENCY AND THE PERMIT WILL NOT BE IN CONFLICT
WITH STATE STATUTES; OR".

Renumber succeeding subparagraph accordingly.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Jerry Sonnenberg, Chairman	Cheri Jahn
Mark Waller	Morgan Carroll
Angela Williams	Kevin Grantham

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1344

THIS REPORT ADOPTS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1344,
concerning transfers of moneys relating to capital construction, has met
and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Cheri K. Gerou, Chairman	Mary Hodge, Chairman
Jon Becker	Pat Steadman
Claire Levy	Kent D. Lambert

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1335

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1335,
concerning the provision for payment of the expenses of the executive,
legislative, and judicial departments of the state of Colorado, and of its
agencies and institutions, for and during the fiscal year beginning July 1,
2012, except as otherwise noted, has met and reports that it has agreed
upon the following:

1. That the House accede to the Senate amendments made to the
bill, as said amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 20, line 8, in the ITEM & SUBTOTAL

column strike "42,363,061" and substitute "42,287,905" and in the GENERAL FUND column strike "41,092,220" and substitute "41,017,064".

Page 20, line 9, in the ITEM & SUBTOTAL column strike "537,151" and substitute "535,860" and in the GENERAL FUND column strike "521,650" and substitute "520,359".

Page 20, line 11, in the ITEM & SUBTOTAL column strike "9,768,352" and substitute "9,745,013" and in the GENERAL FUND column strike "9,469,770" and substitute "9,446,431".

Page 20, line 14, in the ITEM & SUBTOTAL column strike "8,340,754" and substitute "8,320,697" and in the GENERAL FUND column strike "8,084,160" and substitute "8,064,103".

Adjust affected totals accordingly.

Page 23, line 13, in the ITEM & SUBTOTAL column strike "62,027,488" and substitute "64,027,488" and in the GENERAL FUND column strike "59,668,781" and substitute "61,668,781".

Adjust affected totals accordingly.

Page 26, line 3, in the ITEM & SUBTOTAL column strike "17,974,485" and substitute "17,930,205".

Page 26, line 4, in the ITEM & SUBTOTAL column strike "(300.4 FTE)" and substitute "(299.5 FTE)".

Page 26, line 5, in the ITEM & SUBTOTAL column strike "5,334,085" and substitute "5,261,740".

Page 26, line 7, in the ITEM & SUBTOTAL column strike "24,776,390" and substitute "24,659,765" and in the GENERAL FUND column strike "24,776,390" and substitute "24,659,765".

Page 26, line 10, in the ITEM & SUBTOTAL column strike "160,469,421^a" and substitute "159,930,305^a" and in the GENERAL FUND column strike "160,466,474" and substitute "159,927,358".

Page 26, line 11, in the GENERAL FUND column strike "(3,052.1 FTE)" and substitute "(3,031.9 FTE)".

Page 26, line 12, in the ITEM & SUBTOTAL column strike "1,829,858" and substitute "1,807,249" and in the GENERAL FUND column strike "1,829,858" and substitute "1,807,249".

Adjust affected totals accordingly.

Page 27, line 8, in the ITEM & SUBTOTAL column strike "15,590,439" and substitute "15,347,897" and in the GENERAL FUND column strike "15,510,439" and substitute "15,267,897".

Adjust affected totals accordingly.

Page 28, line 2, in the ITEM & SUBTOTAL column strike "2,590,939" and substitute "2,581,364" and in the GENERAL FUND column strike "2,590,939" and substitute "2,581,364".

Adjust affected totals accordingly.

Page 29, line 2, in the ITEM & SUBTOTAL column strike "2,118,511" and substitute "2,099,960".

Page 29, line 3, in the ITEM & SUBTOTAL column strike "4,356,704" and substitute "4,338,153" and in the GENERAL FUND column strike

"4,356,704" and substitute "4,338,153".	1
	2
Page 29, line 8, in the ITEM & SUBTOTAL column strike "3,347,725" and substitute "3,312,490".	3
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Page 29, line 10, in the ITEM & SUBTOTAL column strike "13,978,130" and substitute "13,942,895" and in the GENERAL FUND column strike "13,978,130" and substitute "13,942,895".	6
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Page 30, line 6, in the ITEM & SUBTOTAL column strike "15,280,425" and substitute "15,158,111".	10
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Page 30, line 7, in the ITEM & SUBTOTAL column strike "(214.9 FTE)" and substitute "(212.2 FTE)".	13
	14
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Page 30, line 8, in the ITEM & SUBTOTAL column strike "159,680" and substitute "159,018".	16
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	18
Page 30, line 9, in the ITEM & SUBTOTAL column strike "15,440,105" and substitute "15,317,129" and in the GENERAL FUND column strike "15,440,105" and substitute "15,317,129".	19
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Page 30, line 14, in the ITEM & SUBTOTAL column strike "260,123" and substitute "259,477" and in the GENERAL FUND column strike "260,123" and substitute "259,477".	23
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	26
Adjust affected totals accordingly.	27
	28
Page 31, line 6, in the ITEM & SUBTOTAL column strike "1,498,362" and substitute "1,470,396" and in the GENERAL FUND column strike "1,498,362" and substitute "1,470,396".	29
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Adjust affected totals accordingly.	33
	34
Page 35, line 4, in the ITEM & SUBTOTAL column strike "277,405" and substitute "276,430".	35
	36
	37
Page 35, line 5, in the ITEM & SUBTOTAL column strike "2,133,087" and substitute "2,132,112" and in the GENERAL FUND column strike "2,133,087" and substitute "2,132,112".	38
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Adjust affected totals accordingly.	42
	43
Page 37, line 1, in the ITEM & SUBTOTAL column strike "88,052" and substitute "85,764".	44
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	46
Page 37, line 2, in the ITEM & SUBTOTAL column strike "5,374,219" and substitute "5,371,931" and in the GENERAL FUND column strike "5,374,219" and substitute "5,371,931".	47
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Page 37, line 5, in the ITEM & SUBTOTAL column strike "11,542,516" and substitute "11,434,266" and in the GENERAL FUND column strike "10,628,255" and substitute "10,520,005".	51
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	54
Page 37, line 6, in the GENERAL FUND column strike "(174.2 FTE)" and substitute "(172.4 FTE)".	55
	56
	57
Page 37, line 7, in the ITEM & SUBTOTAL column strike "2,450,962" and substitute "2,444,298" and in the CASH FUNDS column strike "1,839,947 ^{aa} " and substitute "1,833,283 ^{aa} ".	58
	59
	60
	61
Adjust affected totals accordingly.	62
	63
Page 37, line 14, strike "\$1,328,479" and substitute "\$1,321,815".	64
	65
Page 38, line 8, in the ITEM & SUBTOTAL column strike "71,200" and substitute "69,276" and in the CASH FUNDS column strike "71,200 ^{aa} ".	66
	67

and substitute "69,276^a".

Adjust affected totals accordingly.

Page 269, line 4, in the ITEM & SUBTOTAL column strike "2,000,000" and substitute "1,000,000" and in the GENERAL FUND column strike "2,000,000" and substitute "1,000,000".

Adjust affected totals accordingly.

Page 272, line 4, after the period add "Up to two percent of this appropriation may be used for related administrative expenses incurred by the department."

Page 85, line 4, in the ITEM & SUBTOTAL column strike "6,792,280" and substitute "7,792,280" and in the GENERAL FUND column strike "6,713,764" and substitute "7,713,764".

Adjust affected totals accordingly.

Page 262, line 10, strike "Recovery^{40a}" and substitute "Recovery".

Page 264, strike lines 2 through 6.

Page 274, line 13, in the ITEM & SUBTOTAL column strike "3,106,375" and substitute "3,103,483" and in the CASH FUNDS column strike "2,723,059^b" and substitute "2,720,167^b".

Adjust affected totals accordingly.

Page 275, line 13, strike "\$26,449,078" and substitute "\$26,446,186".

Page 281, line 7, in the ITEM & SUBTOTAL column strike "6,793,342" and substitute "6,468,382" and in the CASH FUNDS column strike "6,793,342^a" and substitute "6,468,382^a".

Page 281, line 8, in the CASH FUNDS column strike "(78.0 FTE)" and substitute "(74.0 FTE)".

Adjust affected totals accordingly.

Page 282, line 8, strike "\$3,581,310" and substitute "\$3,256,350".

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Page 54, line 8, strike "Program" and substitute "Program⁵", in the ITEM & SUBTOTAL column strike "21,735,589" and substitute "28,093,332", and in the CASH FUNDS column strike "15,885,363^d" and substitute "22,243,106ⁿ".

Page 54, strike lines 10 through 13.

Adjust affected totals accordingly.

Page 59, strike lines 4 and 5 and substitute:

ⁿ Of this amount, \$15,885,363 shall be from the State Education Fund created in Section 17 (4) (a) of Article IX of the State Constitution and \$6,357,743 shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution. The amount appropriated from the State Public School Fund shall be from General Fund moneys transferred

into the State Public School Fund pursuant to Section 24-75-201.1 (1) (d) (XI.5) (B), C.R.S.".

Page 60, line 2, in the GENERAL FUND column strike "2,476,867,253" and substitute "2,482,867,253" and in the CASH FUNDS column strike "520,387,293^d" and substitute "514,387,293^d".

Adjust affected totals accordingly.

Page 61, line 1, strike "\$195,922,411" and substitute "\$189,922,411".

Page 74, line 13, strike "use this appropriation" and substitute "use \$6,357,743 of the cash funds appropriation to this line item".

Page 84, line 2, in the ITEM & SUBTOTAL column strike "1,595,168" and substitute "1,295,168" and in the GENERAL FUND column strike "384,522" and substitute "84,522".

Page 85, line 4, in the ITEM & SUBTOTAL column strike "6,792,280" and substitute "1,092,280" and in the GENERAL FUND column strike "6,713,764" and substitute "1,013,764".

Adjust affected totals accordingly.

Page 213, line 9, strike "Services" and substitute "Services^{33a}", in the ITEM & SUBTOTAL column strike "19,355,336" and substitute "19,722,533", and in the GENERAL FUND column strike "300,000" and substitute "667,197".

Adjust affected totals accordingly.

Page 222, after line 15 insert:

"33a Judicial Department, Probation and Related Services, Offender Treatment and Services -- It is the intent of the General Assembly that \$367,197 of the amount appropriated for Offender Treatment and Services be used to provide treatment and services for offenders participating in veterans trauma courts.".

Page 418, line 14, strike "**Services**^{49a}" and substitute "**Services**".

Page 431, strike lines 3 and 4.

Page 432, line 2, strike "**STATE**^{50a}" and substitute "**STATE**".

Page 437, strike lines 1 through 4.

Page 455, before line 1 insert:

TOTAL	CAPITAL CONSTRUCTION FUND
\$	\$
DEPARTMENT OF AGRICULTURE	
(1) CONTROLLED MAINTENANCE	
Repair/Replace Secondary Electrical Infrastructure,	
Colorado State Fair	709,680
	709,680
TOTALS PART 0.5 (AGRICULTURE)	
\$709,680	\$709,680".

Page 459, after line 8 insert:

	ITEM & SUBTOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"Install Fire Sprinkler System, Microbiology Building	681,880	681,880".

Adjust affected totals accordingly.

Page 460, after line 15 insert:

	ITEM & SUBTOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"Replace Air Handling Units, Building 500	<u>454,250</u>	454,250".

Page 461, before line 1, in the ITEM & SUBTOTAL column insert "880,725".

Page 461, line 7, in the TOTAL column strike "15,073,276" and substitute "15,527,526".

Page 462, after line 3 insert:

	TOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"(8.5) UNIVERSITY OF NORTHERN COLORADO		
(A) Controlled Maintenance		
Replace and/or Install Chillers, Kepner Building, Guggenheim Building, Carter Hall, and Crabbe Hall	973,000	973,000".

Page 462, after line 8 insert:

	TOTAL	CAPITAL CONSTRUCTION FUND
	\$	\$
"(9.5) COLORADO COMMUNITY COLLEGE SYSTEM AT LOWRY		
(A) Controlled Maintenance		
Upgrade HVAC, Building 758	1,015,919	1,015,919".

Page 463, after line 14 insert:

	TOTAL	CAPITAL CONSTRUCTION FUND	1
			2
			3
	\$	\$	4
			5
			6
"(13.5) OTERO JUNIOR COLLEGE			7
(A) Controlled Maintenance			8
Replace HVAC,			9
McBride Hall	440,370	440,370".	10
			11
Page 464, after line 4 insert:			12
			13
			14
	TOTAL	CAPITAL CONSTRUCTION FUND	15
			16
	\$	\$	17
			18
			19
			20
"(14.5) NORTHEASTERN JUNIOR COLLEGE			21
(A) Controlled Maintenance			22
Upgrade HVAC,			23
Phillips-Whyman			24
Building	598,000	598,000".	25
			26
Page 466, line 4, in the TOTAL column strike "33,674,966" and			27
substitute "37,838,385" and in the CAPITAL CONSTRUCTION FUND			28
column strike "16,789,062" and substitute "20,952,481".			29
			30
Page 472, after line 2 insert:			31
			32
	ITEM &	CAPITAL	33
	SUBTOTAL	CONSTRUCTION	34
		FUND	35
	\$	\$	36
			37
			38
"Upgrade HVAC and			39
Direct Digital Control			40
System and Replace			41
VAV Boxes, Grand			42
Junction State Office			43
Building	510,268	510,268".	44
			45
Adjust affected totals accordingly.			46
			47
Page 477, line 10, in the CAPITAL CONSTRUCTION FUND column			48
strike "5,509,498" and in the CASH FUNDS column strike			49
"13,075,877 ^a " and substitute "18,585,375 ^a ".			50
			51
Adjust affected totals accordingly.			52
			53
Page 478, line 3, in the TOTAL column strike "164,942,846" and			54
substitute "170,326,213", in the CAPITAL CONSTRUCTION FUND			55
column strike "62,234,309" and substitute "62,108,178", and in the			56
CASH FUNDS column strike "82,168,311 ^a " and substitute			57
"87,677,809 ^a ".			58
			59
Page 11, line 2, in the CASH FUNDS column strike "144,532 ^c " and			60
substitute "229,532 ^c " and in the FEDERAL FUNDS column strike			61
"100,000(I)" and substitute "15,000(I)".			62
			63
Page 12, line 2, in the ITEM & SUBTOTAL column strike "144,650"			64
and substitute "169,713" and in the CASH FUNDS column strike			65
"26,655 ^c " and substitute "51,718 ^c ".			66
			67

Adjust affected totals accordingly.

Page 47, line 15, in the CASH FUNDS column strike "14,711,917^a" and substitute "14,711,917(I)^a".

Page 48, line 2, strike "Operation" and substitute "Operation and are shown for informational purposes because they are continuously appropriated to the division by Section 17-24-126 (1), C.R.S.".

Page 48, line 5, in the CASH FUNDS column strike "\$40,843,802" and substitute "\$40,843,802^a" and in the FEDERAL FUNDS column strike "\$1,014,328^a" and substitute "\$1,014,328^b".

Page 48, strike line 7 and substitute:

^a Of this amount, \$14,711,917 contains an (I) notation.

^b This amount contains an (I) notation."

Page 61, line 11, strike "**(B) Programs**" and substitute "**(B) Categorical Programs**".

Page 97, line 4, in the GENERAL FUND column strike "13,151,155" and substitute "13,163,355", in the REAPPROPRIATED FUNDS column strike "471,729^b" and substitute "447,329^b", and in the FEDERAL FUNDS column strike "20,578,263(I)" and substitute "20,590,463(I)".

Adjust affected totals accordingly.

Page 97, line 6, strike "\$2,461,409" and substitute "\$2,535,659".

Page 97, line 8, strike "\$78,083" and substitute "\$3,833".

Page 97, strike lines 13 and 14 and substitute:

^b Of this amount, \$443,283 shall be a transfer from the Department of Human Services and \$4,046 shall be from Old Age Pension Health and Medical Care Fund moneys originally appropriated to the Old Age Pension State Medical Program in the Other Medical Services division."

Page 100, strike line 9 and substitute:

^b Of this amount, \$97,981 shall be from Old Age Pension Health and Medical Care Fund moneys originally appropriated to the Old Age Pension State Medical Program in the Other Medical Services division."

Page 100, line 14, in the CASH FUNDS column strike "6,213^a" and substitute "4,620^d" and in the REAPPROPRIATED FUNDS column insert "1,593^a".

Adjust affected totals accordingly.

Page 101, strike line 11 and substitute:

^a This amount shall be from Old Age Pension Health and Medical Care Fund moneys originally appropriated to the Old Age Pension State Medical Program in the Other Medical Services division."

Page 107, line 7, in the ITEM & SUBTOTAL column strike "12,398,407" and substitute "12,400,000" and in the CASH FUNDS column strike "9,998,407(I)^a" and substitute "10,000,000(I)^a".

Adjust affected totals accordingly.

Page 110, strike lines 7 and 8 and substitute:

^b These amounts shall be from the Old Age Pension Health and Medical

Care Fund moneys originally appropriated to the Old Age Pension State Medical Program."

Page 115, line 3, strike "\$9,998,407" and substitute "\$10,000,000".

Page 115, line 4, strike "\$226,383,475" and substitute "\$226,395,675".

Page 109, line 6, in the ITEM & SUBTOTAL column strike "15,173,944" and substitute "15,173,536", in the GENERAL FUND column strike "7,586,972(M)" and substitute "7,586,768(M)", and in the FEDERAL FUNDS column strike "7,586,972" and substitute "7,586,768".

Adjust affected totals accordingly.

Page 149, line 6, in the ITEM & SUBTOTAL column strike "597,480" and substitute "611,520" and in the REAPPROPRIATED FUNDS column strike "597,480" and substitute "611,520".

Adjust affected totals accordingly.

Page 153, line 5, strike "\$894,807" and substitute "\$811,278".

Page 153, line 7, strike "\$489,987" and substitute "\$573,516".

Page 112, line 13, in the ITEM & SUBTOTAL column strike "1,187,843" and substitute "1,187,825" and in the GENERAL FUND column strike "593,931(M)" and substitute "593,913(M)".

Adjust affected totals accordingly.

Page 245, strike line 15 and substitute:

ITEM & SUBTOTAL

CASH FUNDS

\$

\$

"Lowry Range

Litigation Expenses

638,870

638,870^d".

Page 253, line 12, in the GENERAL FUND column insert "310,091" and in the REAPPROPRIATED FUNDS column strike "555,038^c" and substitute "244,947^c".

Adjust affected totals accordingly.

Page 254, strike line 5 and substitute:

"^c This amount shall be from statewide indirect cost recoveries."

Page 262, line 7, in the GENERAL FUND column strike "569,903" and substitute "213,396" and in the REAPPROPRIATED FUNDS column strike "65,841^a" and substitute "422,348^a".

Adjust affected totals accordingly.

Page 263, line 1, strike "These amounts" and substitute "Of these amounts, \$356,507 shall be from departmental indirect cost recoveries and \$75,228".

Page 271, line 12, strike "entire".

Page 297, line 2, strike "the (I) notation applies to \$24,876,190" and substitute "\$24,876,190 contains an (I) notation,".

Page 297, line 3, strike "^b The (I) notation applies to this amount." and substitute "^bThis amount contains an (I) notation,".

Page 338, line 3, strike "\$148,441" and substitute "\$58,441" and after "C.R.S.," insert "an estimated \$50,000 shall be from the Solid Waste Management Fund created in Section 30-20-118 (1), C.R.S.,".

Page 338, line 5, strike "\$30,912" and substitute "\$70,912".

Page 338, strike lines 10 through 13 and insert:

"^d Of this amount, an estimated \$352,886 shall be from the Solid Waste Management Fund created in Section 30-20-118 (1), C.R.S., an estimated \$349,991 shall be from the Hazardous Waste Service Fund created in Section 25-15-304, C.R.S., an estimated \$289,105 shall be from the Radiation Control Fund created in Section 25-11-104 (6) (c), C.R.S., an estimated \$189,397 shall from the Hazardous Substance Response Fund created in Section 25-16-104.3 (1) (a), C.R.S., an estimated \$64,338 shall be from the Solid and Hazardous Waste Commission Fund created in Section 25-15-315, C.R.S., and an estimated \$115,058 shall be from various sources of cash funds.".

Page 409, strike lines 1 through 11 and substitute:

"^c Of these amounts, \$2,192,518 shall be from the Highway Users Tax Fund, created in Section 43-4-201 (1) (a), C.R.S., and appropriated pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., \$970 shall be from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., appropriated pursuant to Section 43-4-201 (3) (a) (V), C.R.S., and exempt from the statutory limit in Section 43-4-201 (3) (a) (III) (C), C.R.S., \$132,180 shall be from the Colorado State Titling and Registration Account, a subaccount of the Highway Users Tax Fund, created in Section 42-1-211 (2), C.R.S., \$104,765 shall be from the Lottery Fund created in Section 24-35-210 (1), C.R.S., \$61,697 shall be from the Auto Dealers License Fund created in Section 12-6-123 (1), C.R.S., \$61,571 shall be from Driver's License Administrative Revocation Account, a subaccount of the Highway Users Tax Fund, created in Section 42-2-132 (4) (b) (I) (A), C.R.S., \$61,060 shall be from the Limited Gaming Fund created in Section 12-47.1-701 (1), C.R.S., \$40,794 shall be from the Medical Marijuana License Cash Fund created in Section 12-43.3-501 (1), C.R.S., \$40,590 shall be from the Department of Revenue subaccount of the AIR Account of the Highway Users Tax Fund created in Section 42-3-304 (18) (c), C.R.S., \$39,856 shall be from the Liquor Enforcement Division and State Licensing Authority Cash Fund created in Section 24-35-401, C.R.S., \$21,843 shall be from the Racing Cash Fund created in Section 12-60-205 (1), C.R.S., \$11,938 shall be from the First Time Drunk Driving Offender Account of the Highway Users Tax Fund created in Section 42-2-132 (4) (b) (II) (A), C.R.S., \$2,388 shall be from the Motorist Insurance Identification Account, a subaccount of the Highway Users Tax Fund, created in Section 42-3-304 (18) (d) (I), C.R.S., and \$12,665,519 shall be from various sources of cash funds.".

Page 446, strike lines 11 and 12 and substitute:

"^a Pursuant to Section 3.5 (3) of Article X of the State Constitution, this amount is not subject to the limitation on General Fund appropriations set forth in Section 24-75-201.1, C.R.S., because enactment of this constitutional provision by the people of Colorado constitutes voter approval of a weakening of such limitation. This amount reflects the estimate of the moneys that shall be paid to fully reimburse counties pursuant to Section 39-3-207 (4) (a), C.R.S., for lost property tax revenues as a result of property owners claiming the exemption.".

Page 447, strike lines 1 through 4 and substitute:

"^b This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S. This amount reflects the required transfer to the Fire and Police Pension Association for old hire pension plans pursuant to Section 31-30.5-307 (3), C.R.S., and is included in the

Long Bill for informational purposes for the purpose of complying with the limitation on state fiscal year spending imposed by Section 20 of Article X of the State Constitution and Section 24-77-103, C.R.S. This amount shall not be deemed to be an appropriation subject to the limitations of Section 24-75-201.1, C.R.S."

Page 449, line 2, in the GENERAL FUND column strike "\$6,573,787,177^a" and substitute "\$6,582,787,177^a" and in the GENERAL FUND EXEMPT column strike "\$905,683,201^b" and substitute "\$896,683,201^b".

Page 449, line 5, strike "\$904,800,001" and substitute "\$895,800,001".

Page 449, line 8, strike "these amounts," and substitute "this amount,".

Page 449, line 10, strike "\$3,280,752" and substitute "\$19,114,458".

Page 449, line 11, strike "\$2,300,397,394" and substitute "\$2,285,388,076".

Adjust affected totals and letternotes accordingly.

Page 547, after line 10 insert:

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1 "SECTION 17. Appropriation for funding capital construction for the fiscal year beginning July 1, 2011. Amend Part III (0.5) (A) as added by section 5 of House Bill 12-1200, as follows:

2
3 Section 3. Capital Construction Appropriation.

4 PART III
5 DEPARTMENT OF HIGHER EDUCATION

6
7 (0.5) COLORADO STATE UNIVERSITY AT FORT COLLINS

8 (A) Capital Construction

9 Critical Care Unit, Pharmacy,		
10 and Student Lab Renovation		
11 (Veterinary Teaching Hospital)	1,525,000	1,525,000 ^a

12
13 ^a Of this amount, \$655,750 shall be from a \$1,001 annual fee charged to non-resident students of the veterinary program, and \$869,250 shall be from matching university
14 funds earned through tuition and client-based service revenues. THIS AMOUNT FALLS BELOW THE THRESHOLD IN SECTION 24-75-303, C.R.S., AND IS SHOWN HERE FOR
15 INFORMATIONAL PURPOSES ONLY. THEREFORE, IT SHALL NOT BE ACCOUNTED FOR IN THE STATE'S CAPITAL CONSTRUCTION FUND AND THE LIMITATIONS ON ENCUMBRANCE
16 TIMELINESS AND USE OF INTERNAL WORKFORCE DO NOT APPLY. ".
17

18 Page 504, after line 10 insert:

19
20 "^b This amount shall be transferred from the Department of Public Health and Environment for the Breast and Cervical Cancer Prevention and Treatment Program pursuant to Section 24-22-117 (2) (d) (II)
21 (D), C.R.S.".
22
23
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Adjust affected totals accordingly.

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Cheri K. Gerou, Chairman	Mary Hodge, Chairman
Jon Becker	Pat Steadman
Claire Levy	Kent D. Lambert

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1339

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1339, concerning the Colorado benefits management system improvement and modernization project, and, in connection therewith, making an appropriation, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendment made to the bill, as the amendment appears in the rerevised bill.
2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 7, line 16, strike "\$8,630,836," and substitute "\$7,630,836,".

Page 7, line 21, strike "\$4,307,395" and substitute "\$3,307,395".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Cheri K. Gerou, Chairman	Mary Hodge, Chairman
Jon Becker	Pat Steadman
Claire Levy	Kent D. Lambert

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1340

THIS REPORT ADOPTS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1340,

concerning a reduction in the general fund portion of the per diem rates paid to nursing facilities, and, in connection therewith, reducing an appropriation, has met and reports that it has agreed upon the following:

That the Senate recede from its amendment made to the bill and that the reengrossed bill be adopted without change.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Cheri K. Gerou, Chairman	Mary Hodge, Chairman
Jon Becker	Pat Steadman
Claire Levy	Kent D. Lambert

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

SJR12-023 by Senator(s) Hudak, Bacon, Heath, Johnston, King K., Spence, Williams S.; also Representative(s) Todd, Hamner, Kerr A., Peniston, Schafer S., Solano--Concerning the recognition of public school teachers in Colorado.

On motion of Senator Hudak, 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, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Hodge, Jahn, King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop and White.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1348 was made Special Orders at 9:15 a.m.

Committee of the Whole
The hour of 9:15 a.m. having arrived, Senator Heath moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Heath was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1348
by Representative(s) Ferrandino, McNulty; also Senator(s) Morse, Cadman--Concerning the powers of the legislative department with respect to capitol buildings group space, and, in connection therewith, providing for the designation of space for the members of the general assembly, legislative staff, and legislative staff agencies and the furnishing and equipping thereof, and granting the control of legislative spaces to the legislative department.
Ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Heath, 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: HB12-1348.

Senate in recess.
Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB12-179
by Senator(s) Schwartz, King K., Bacon, Heath, Hudak; also Representative(s) Massey--Concerning governmental oversight of public school capital construction projects.
Education
SB12-180
by Senator(s) Schwartz; also Representative(s) Coram and Hamner--Concerning measures to encourage the use of Colorado forest biomass as a source of renewable energy.
Agriculture, Natural Resources, and Energy

Call of the Senate. Call raised.

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 Conference Committee Reports.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Consideration of Conference Committee Reports for HB12-1335, HB12-1336, HB12-1337, HB12-1338, HB12-1339, HB12-1340, and HB12-1344 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		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB12-1335 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.

Senator Hodge moved for the adoption of the first report of the first conference committee on **HB12-1335**, as printed in Senate journal, April 26, pages 864-876. The motion was **adopted** by the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0	
Aguilar		Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon		Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd		Y	Heath	Y	Mitchell	N	Spence	Y
Brophy		N	Hodge	Y	Morse	Y	Steadman	Y
Cadman		Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll		Y	Jahn	Y	Newell	Y	White	Y
Foster		Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron		Y	King K.	Y	Renfroe	N	President	Y
Grantham		Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

HB12-1336 by Representative(s) Becker and Levy, Gerou; also Senator(s) Steadman and Lambert, Hodge--Concerning authorization of a prison utilization analysis, and, in connection therewith, making an appropriation.

Senator Steadman moved for the adoption of the first report of the first conference committee on HB12-1336, as printed in Senate journal, April 25, page 851. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

Senator Lambert moved for the adoption of the first report of the first conference committee on HB12-1337, as printed in Senate journal, April 25, page 851. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Harvey.

HB12-1338 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the transfer of general fund surplus moneys to the state education fund at the end of certain fiscal years.

Senator Hodge moved for the adoption of the first report of the first conference committee on HB12-1338, as printed in Senate journal, April 25, page 852. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

HB12-1339 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman-- Concerning the Colorado benefits management system improvement and modernization project, and, in connection therewith, making an appropriation.

Senator Lambert moved for the adoption of the first report of the first conference committee on HB12-1339, as printed in Senate journal, April 26, page 876. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	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	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	3	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	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

HB12-1340 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman-- Concerning a reduction in the general fund portion of the per diem rates paid to nursing facilities, and, in connection therewith, reducing an appropriation.

Senator Lambert moved for the adoption of the first report of the first conference committee on HB12-1340, as printed in Senate journal, April 26, pages 876-877. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N	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, as amended, was **repassed**.

HB12-1344 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning transfers of moneys relating to capital construction.

Senator Steadman moved for the adoption of the first report of the first conference committee on HB12-1344, as printed in Senate journal, April 25, page 851. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Senate in recess. Senate reconvened.

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:

SB12-129 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 Friday, April 27, retaining its place on the calendar.

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.

Laid over until Friday, April 27, retaining its place on the calendar.

HB12-1304 by Representative(s) Barker; also Senator(s) Newell--Concerning measures to prevent organized retail theft.

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: Cadman, Foster, Jahn and Williams S.

HB12-1081 by Representative(s) Duran; also Senator(s) Steadman--Concerning the operations of the Auraria higher education center.

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**.

HB12-1059 by Representative(s) Looper; also Senator(s) King K.--Concerning the authority of a person credentialed in another state whose residence is determined by military orders to practice an occupation regulated by Colorado law.

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, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King S., Lambert, Lundberg, Mitchell, Neville, Newell, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop, White and Williams S.

SB12-101 by Senator(s) Nicholson; also Representative(s) Bradford--Concerning the authority of a local improvement district, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	15	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	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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, Hudak, Schwartz and Williams S.

SB12-027 by Senator(s) Scheffel; also Representative(s) Ramirez--Concerning notice to certain members of the general assembly of rules promulgated pursuant to the "State Administrative Procedure Act" as a result of an enacted legislative measure.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N
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: Williams S.

SB12-028 by Senator(s) Grantham; also Representative(s) Barker--Concerning aggravated juvenile offenders adjudicated for murder.

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: Boyd, Guzman, Heath, Hodge, Hudak, Jahn, King K., King S., Lambert, Neville, Newell, Roberts and Williams S.

HB12-1140 by Representative(s) Jones; also Senator(s) Newell--Concerning the duties of the department of public health and environment as coordinator for suicide prevention programs throughout the state.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	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, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King S., Morse, Nicholson, Roberts, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

HB12-1324 by Representative(s) Massey and Scott; also Senator(s) Johnston and King S., Bacon, Heath--Concerning Colorado Mesa university.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB12-002 by Senator(s) Steadman, Guzman; also Representative(s) Ferrandino, Casso, Hullinghorst, Kagan, Kerr A., Levy, Miklosi, Schafer S., Singer, Young--Concerning authorization of civil unions, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No.1(L.019), by Senator Steadman.

Amend engrossed bill, page 1, line 101, strike "AND" and substitute "AND,".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	12	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	Y
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	Y		

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, Giron, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, Roberts, Shaffer B., Tochtrop and Williams S.

Committee of the Whole

On motion of Senator Heath, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Heath 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:

SB12-175

by Senator(s) Carroll and Roberts; also Representative(s) Gardner B. and Duran--Concerning statutorily established time intervals.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 24, page 824 and placed in members' bill files.)

Amendment No. 2(L.003), by Senators Carroll and Roberts.

Amend printed bill, page 32, line 4, strike "fifteen" and substitute "fifteen FOURTEEN".

Page 37, after line 19, insert:

"SECTION 56. In Colorado Revised Statutes, 15-14-312, **amend** (2) as follows:
15-14-312. Emergency guardian. (2) An emergency guardian may be appointed without notice to the respondent and the respondent's lawyer only if the court finds from testimony that the respondent will be

substantially harmed if the appointment is delayed. If not present at the hearing, the respondent must be given notice of the appointment within forty-eight hours after the appointment. The court shall hold a hearing on the appropriateness of the appointment within ~~ten~~ FOURTEEN days after the court's receipt of such a request."

Renumber succeeding sections accordingly.

Page 38, after line 10, insert:

SECTION 58. In Colorado Revised Statutes, 15-14-429, **amend** (2) and (8) as follows:

15-14-429. Presentation and allowance of claims. (2) A claim is deemed presented on receipt of the written statement of claim by the conservator or the filing of the claim with the court, whichever first occurs. A presented claim is deemed allowed if it is not disallowed by written statement sent or delivered by the conservator to the claimant within ~~sixty~~ SIXTY-THREE days after its presentation. The conservator before payment may change an allowance or deemed allowance to a disallowance in whole or in part, but not after allowance under a court order or judgment or an order directing payment of the claim. The presentation of a claim tolls the running of any statute of limitations relating to the claim until ~~thirty~~ THIRTY-FIVE days after its disallowance. If a claim is not yet due, the claim shall state the date when it will become due. If a claim is contingent or unliquidated, the claim shall state the nature of the uncertainty or the anticipated due date of the claim.

(8) Unless otherwise provided in any judgment in another court entered against the protected person or the protected person's estate, an allowed claim bears interest at the legal rate for the period commencing ~~sixty~~ SIXTY-THREE days after the time the claim was originally filed with the court or delivered to the conservator, unless based on a contract making a provision for interest, in which case, such claim bears interest in accordance with that contract's provisions."

Renumber succeeding sections accordingly.

Page 54, line 10, strike "SEVEN" and substitute "FOURTEEN".

Page 86, line 24, strike "SIXTY-SIX" and substitute "NINETEEN".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-104 by Senator(s) Steadman, Aguilar, Guzman, Morse, Newell, Renfroe, Roberts; also Representative(s) DelGrosso, Kerr A., Lee, Pabon, Vigil--Concerning consolidation of drug treatment funding into the correctional treatment fund.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 15, pages 163-164 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, pages 826-828 and placed in members' bill files.)

Amendment No. 3(L.005), by Senator Steadman.

Amend printed bill, page 4, line 22, strike "DESIGNEE;" and substitute "DESIGNEE. IF THE EXECUTIVE DIRECTOR APPOINTS A DESIGNEE, THE EXECUTIVE DIRECTOR IS ENCOURAGED TO SELECT SOMEONE WITH EXPERTISE IN ADDICTION COUNSELING AND SUBSTANCE ABUSE ISSUES;".

Page 5, strike lines 14 through 16 and substitute:

"(VII) ADMINISTRATIVE SUPPORT TO THE CORRECTIONAL TREATMENT BOARD INCLUDING, BUT NOT LIMITED TO, FACILITATING AND COORDINATING DATA COLLECTION, CONDUCTING DATA ANALYSIS,

	DEVELOPING CONTRACTS, PREPARING REPORTS, SCHEDULING AND STAFFING BOARD AND SUBCOMMITTEE MEETINGS, AND ENGAGING IN BUDGET PLANNING AND ANALYSIS."	1
		2
		3
		4
	Page 5, line 19, strike "SENTENCE;" and substitute "SENTENCE FOR A STATE OFFENSE;"	5
		6
		7
	Page 5, line 20, strike "SENTENCE;" and substitute "SENTENCE FOR A STATE OFFENSE, INCLUDING DENVER COUNTY;"	8
		9
		10
	Page 5, line 24, strike "JAIL." and substitute "JAIL, ON A WORK-RELEASE PROGRAM SUPERVISED BY THE COUNTY JAIL, OR RECEIVING AFTER-CARE TREATMENT FOLLOWING RELEASE FROM JAIL IF THE OFFENDER PARTICIPATED IN A JAIL TREATMENT PROGRAM."	11
		12
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		14
		15
	Page 8, line 20, strike "The board shall give priority to drug court funding if the" and substitute "The board shall give priority to drug court funding if the"	16
		17
		18
		19
	Page 8, line 21, strike "jurisdiction operates a drug court" and substitute "jurisdiction operates a drug court AND THE DRUG COURT OPERATES WITH BEST EVIDENCE-BASED OR PROMISING PRACTICES."	20
		21
		22
		23
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	24
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		26
SB12-108	by Senator(s) Nicholson; --Concerning providing oral health services to pregnant women who are enrolled in medicaid.	27
		28
		29
	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u>	30
	(Printed in Senate Journal, March 30, page 625 and placed in members' bill files.)	31
		32
	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	33
	(Printed in Senate Journal, April 24, pages 828-829 and placed in members' bill files.)	34
		35
	<u>Amendment No. 3(L.006), by Senator Nicholson.</u>	36
		37
	Amend printed bill, page 4, line 27, strike the first "THE" and substitute "IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-1-136(9), C.R.S., THE"	38
		39
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		41
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	42
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		45
SB12-090	by Senator(s) Foster, Aguilar, Bacon, Boyd, Carroll, Giron, Guzman, Heath, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Williams S.; also Representative(s) Court--	46
	Concerning restoring coverage for circumcision of males under medicaid.	47
		48
		49
	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	50
	(Printed in Senate Journal, April 24, page 829 and placed in members' bill files.)	51
		52
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	53
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SB12-046	by Senator(s) Newell and Hudak; also Representative(s) Nikkel and Levy, Szabo--	56
	Concerning disciplinary measures in public schools.	57
		58
	<u>Amendment No. 1, Education Committee Amendment.</u>	59
	(Printed in Senate Journal, March 2, pages 348-363 and placed in members' bill files.)	60
		61
	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	62
	(Printed in Senate Journal, April 24, pages 829-830 and placed in members' bill files.)	63
		64
	<u>Amendment No. 3(L.040), by Senator Newell.</u>	65
		66
	Amend the Senate Appropriations Committee report, dated April 24,	67

2012, page 1, strike lines 14 and 15 and substitute:

"Page 18, strike lines 13 through 31 and substitute:
"CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S.,
INFORMATION ABOUT OFFENSES ALLEGED TO HAVE BEEN COMMITTED BY
A STUDENT THAT HAVE OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL
VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT WITHIN THE
JUDICIAL DISTRICT DURING THE PRECEDING TWELVE MONTHS.

(2) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY
PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE
NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE TOTAL NUMBER OF
EACH TYPE OF SUCH OFFENSES, AND THE AGE, GENDER, SCHOOL, AND RACE
OR ETHNICITY OF EACH STUDENT THAT THE DISTRICT ATTORNEY
PROSECUTED.

(3) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY
PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE, TO THE
EXTENT PRACTICABLE AND TO THE EXTENT THAT SUCH INFORMATION IS
COLLECTED BY THE DISTRICT ATTORNEY AS OF THE EFFECTIVE DATE OF
THIS SECTION:

(a) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE
DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT
FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH
OFFENSES; AND

(b) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY
REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER
ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE
OF SUCH OFFENSES."."

Amendment No. 4(L.042), by Senator King K.

Amend proposed floor amendment SB046_L.040, page 1, line 12, after
"OFFENSES," insert "THE DISPOSITION OF EACH CASE,".

Amendment No. 5(L.044), by Senator Newell.

Amend the Senate Education Committee Report, dated March 1, 2012,
page 14, strike line 20 and substitute "and **add** (1) (g), (1.2), and (1.5) as
follows:".

Page 16, after line 12, insert:

"(1.2) EACH SCHOOL DISTRICT IS ENCOURAGED TO CONSIDER EACH
OF THE FOLLOWING FACTORS BEFORE SUSPENDING OR EXPELLING A
STUDENT PURSUANT TO A PROVISION OF SUBSECTION (1) OF THIS SECTION:

- (a) THE AGE OF THE STUDENT;
- (b) THE DISCIPLINARY HISTORY OF THE STUDENT;
- (c) WHETHER THE STUDENT HAS A DISABILITY;
- (d) THE SERIOUSNESS OF THE VIOLATION COMMITTED BY THE
STUDENT;
- (e) WHETHER THE VIOLATION COMMITTED BY THE STUDENT
THREATENED THE SAFETY OF ANY STUDENT OR STAFF MEMBER; AND
- (f) WHETHER A LESSER INTERVENTION WOULD PROPERLY ADDRESS
THE VIOLATION COMMITTED BY THE STUDENT."

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 (SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001,
HB12-1237, HB12-1041, SB12-106, SB12-135, HB12-1267, HB12-1213, HB12-1282,
HB12-1292) of Thursday, April 26 was laid over until Friday, April 27, retaining its place
on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Heath, 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: SB12-175 as amended, SB12-104 as amended, SB12-108 as amended, SB12-090 as amended, SB12-046 as amended.
Laid over until Friday, April 27: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, HB12-1041, SB12-106, SB12-135, HB12-1267, HB12-1213, HB12-1282, HB12-1292.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR12-1019 by Representative(s) Murray; also Senator(s) Scheffel--Concerning urging Congress to propose to the states for ratification an amendment to the United States Constitution regarding parental rights.
State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB12-181 by Senator(s) Tochtrop; also Representative(s) Kerr J.--Concerning building and construction contracts.
Business, Labor and Technology

SB12-182 by Senator(s) Bacon and Mitchell, Heath, Johnston, Shaffer B., Cadman, Harvey; also Representative(s) Massey, Ramirez--Concerning benefit corporations.
Judiciary

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.
Judiciary

- HB12-1136** by Representative(s) Ramirez; also Senator(s) Roberts--Concerning a prohibition on the use of public land for retail sales.
State, Veterans & Military Affairs
- HB12-1155** by Representative(s) Massey, Fields, Hamner; also Senator(s) Bacon--Concerning measures to increase the timely completion of postsecondary degrees.
Education
- HB12-1218** by Representative(s) Peniston, Massey, Hamner, Solano; also Senator(s) Hudak, King K., Hodge, Steadman, Williams S.--Concerning extending the early childhood and school readiness legislative commission.
Education
- 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.
Judiciary
- HB12-1273** by Representative(s) Pabon, Conti, McCann, Swerdfeger; also Senator(s) Steadman--Concerning the inclusion of approved facility schools affiliated with a hospital to the definition of child care facility for purposes of the child care contribution income tax credit.
Finance
- HB12-1306** by Representative(s) Holbert; also Senator(s) King K.--Concerning the manner of determining pupil enrollment counts in public schools, and, in connection therewith, making an appropriation.
Education
- 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.
Local Government
- HB12-1330** by Representative(s) Becker, Priola, Sonnenberg; also Senator(s) Hodge--Concerning the creation of a hearing process to end a suspension of privileges to attempt to take wildlife, and, in connection therewith, making an appropriation.
Agriculture, Natural Resources, and Energy

MESSAGE FROM THE HOUSE

April 26, 2012

The House has postponed indefinitely SB12-015, 001,130. The bills are returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB12-1155, amended as printed in House Journal, April 25, page1128, and amended on Third Reading as printed in House Journal, April 26.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1329, amended as printed in House Journal, April 25, page 1131-1132.

The House has passed on Third Reading and returns herewith SB12-060, 123, 150, 168, 121.

The House has adopted and returns herewith SJR12-023.

The House has adopted the First Report of the First Conference Committee on HB12-1335, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1336, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1337, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1338, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1339, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1340, as printed in House Journal, April 26, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB12-1344, as printed in House Journal, April 26, and has repassed the bill as amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 26, 2012

We herewith transmit:

Without comment, as amended, HB12-1155 and 1329.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, April 25, 2012 at 1:56 p.m.: SB12-013, 110, 124, 134, 156 and 158.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1238** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 2 through 7 and substitute:

"SECTION 1. In Colorado Revised Statutes, **add** 22-7-508 as follows:

22-7-508. Repeal of part. THIS PART 5 IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 2. In Colorado Revised Statutes, **add** part 12 of article 7 of title 22 as follows:

PART 12
COLORADO READ ACT

22-7-1201. Short title. THIS PART 12 IS KNOWN AND MAY BE CITED AS THE "COLORADO READING TO ENSURE ACADEMIC DEVELOPMENT ACT" OR "COLORADO READ ACT".

Page 4, line 8, strike "**22-7-502.**" and substitute "**22-7-1202.**".

Page 5, line 26, strike "AND".

Page 6, strike lines 1 and 2 and substitute "IN A PRODUCTIVE COLLABORATION AMONG PARENTS, TEACHERS, AND SCHOOLS IN PROVIDING A CHILD'S EDUCATION, SO IT IS PARAMOUNT THAT PARENTS ARE INFORMED ABOUT THE STATUS OF THEIR CHILDREN'S EDUCATIONAL PROGRESS AND THAT TEACHERS AND SCHOOLS RECEIVE THE FINANCIAL RESOURCES AND OTHER RESOURCES AND SUPPORT THEY".

Page 6, strike line 7 and substitute "TO ACHIEVE THE GRADE LEVEL EXPECTATIONS FOR READING; AND

(g) THE STATE RECOGNIZES THAT THE PROVISIONS OF THIS PART 12 ARE NOT A COMPREHENSIVE SOLUTION TO ENSURING THAT ALL STUDENTS GRADUATE FROM HIGH SCHOOL READY TO ENTER THE WORKFORCE OR POSTSECONDARY EDUCATION, BUT THEY ASSIST LOCAL EDUCATION PROVIDERS IN SETTING A SOLID FOUNDATION FOR STUDENTS' ACADEMIC SUCCESS AND WILL REQUIRE THE ONGOING COMMITMENT OF FINANCIAL AND OTHER RESOURCES FROM BOTH THE STATE AND LOCAL LEVELS."

Page 6, line 11, strike "TEACHERS AND PARENTS" and substitute "PARENTS AND TEACHERS".

Page 6, line 13, strike "IN SCHOOL AND AT HOME," and substitute "AT HOME AND IN SCHOOL,".

Page 6, strike lines 18 through 27 and substitute "IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT EACH LOCAL EDUCATION PROVIDER ADOPT A POLICY WHEREBY, IF A STUDENT HAS A SIGNIFICANT READING DEFICIENCY AT THE END OF ANY SCHOOL YEAR PRIOR TO FOURTH GRADE, THE STUDENT'S PARENT AND TEACHER AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER DECIDE WHETHER THE STUDENT SHOULD OR SHOULD NOT ADVANCE TO THE NEXT GRADE LEVEL BASED ON WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL."

Page 7, line 1, strike "**22-7-503.**" and substitute "**22-7-1203.**" and strike "5," and substitute "12,".

Page 7, after line 18, insert:

"(4) "EVIDENCE BASED" MEANS THE INSTRUCTION OR ITEM DESCRIBED IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE AND HAS DEMONSTRATED A RECORD OF SUCCESS IN ADEQUATELY INCREASING STUDENTS' READING COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION."

Renumber succeeding subsections accordingly.

Page 8, line 9, before ""PARENT"" insert "(a)".

Page 8, line 10, after "PARENT," insert "STEPPARENT,".

Page 8, strike lines 11 through 25 and substitute:

"(b) AS PROVIDED IN SECTION 2-4-102, C.R.S., THE SINGULAR USE OF "PARENT" INCLUDES THE PLURAL, AND LOCAL EDUCATION PROVIDERS SHALL, TO THE EXTENT PRACTICABLE, INVOLVE BOTH OF A STUDENT'S PARENTS, AS DEFINED IN THIS SUBSECTION (8), IN IMPLEMENTING THE PROVISIONS OF THIS PART 12.

(9) "PER-PUPIL INTERVENTION MONEYS" MEANS THE MONEYS

CALCULATED AND DISTRIBUTED TO LOCAL EDUCATION PROVIDERS PURSUANT TO SECTION 22-7-1210 (5).

(10) "READING COMPETENCY" MEANS A STUDENT MEETS THE GRADE LEVEL EXPECTATIONS IN READING ADOPTED BY THE STATE BOARD."

Page 9, line 1, strike "22-7-506" and substitute "22-7-1206" and strike "READING DEFICIENCY OR".

Page 9, line 9, after "BASED" insert "OR EVIDENCE-BASED".

Page 9, line 27, strike "22-7-510" and substitute "22-7-1209".

Page 10, line 8, strike "**22-7-504.**" and substitute "**22-7-1204.**".

Page 10, line 12, after "ENSURE" insert "TO THE GREATEST EXTENT POSSIBLE".

Page 10, line 17, strike "**22-7-505.**" and substitute "**22-7-1205.**" and strike "**notice to**" and substitute "**READ plan creation - parental involvement.** (1) (a) EACH".

Page 10, strike line 18.

Page 10, line 19, strike "EACH".

Page 10, strike line 22 and substitute "INTERIM READING ASSESSMENTS AT LEAST ONCE DURING THE SPRING SEMESTER OF THE 2012-13 SCHOOL YEAR AND THROUGHOUT THE YEAR IN SUBSEQUENT SCHOOL YEARS."

Page 10, line 23, strike "THE SCHOOL YEAR."

Page 11, line 1, strike "22-7-510 (1)" and substitute "22-7-1209 (1)".

Page 11, line 4, after "TO" insert "BUT NOT IN LIEU OF".

Page 11, line 7, strike "READING DEFICIENCY OR A".

Page 11, line 12, strike "22-7-510 (1)" and substitute "22-7-1209 (1)".

Page 11, line 15, after "TO" insert "BUT NOT IN LIEU OF".

Page 11, strike line 16 and substitute:

"(c) BEGINNING WITH THE 2012-13 SCHOOL YEAR, EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT THE STATE-ASSIGNED STUDENT IDENTIFIER FOR EACH STUDENT WHO IS IDENTIFIED PURSUANT TO THIS SUBSECTION (1) AS HAVING A SIGNIFICANT READING DEFICIENCY.

(2) (a) BEGINNING NO LATER THAN THE 2013-14 SCHOOL YEAR, UPON FINDING THAT A STUDENT HAS".

Page 11, line 17, strike "DEFICIENCY OR".

Page 11, strike lines 19 and 20 and substitute "READ PLAN, AS DESCRIBED IN SECTION 22-7-1206. THE TEACHER AND ANY OTHER SKILLED SCHOOL PROFESSIONALS THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO SELECT SHALL, IF POSSIBLE, MEET WITH THE STUDENT'S PARENT TO COMMUNICATE AND DISCUSS THE INFORMATION SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2) AND JOINTLY CREATE THE STUDENT'S READ PLAN. UPON COMPLETION OF THE MEETING OR AS SOON AS POSSIBLE THEREAFTER, THE TEACHER OR OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER SHALL GIVE THE PARENT A WRITTEN EXPLANATION OF THE INFORMATION SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2) AND A COPY OF THE STUDENT'S READ PLAN.

(b) THE TEACHER AND THE OTHER PERSONNEL SHALL COMMUNICATE AND DISCUSS WITH THE PARENT THE FOLLOWING INFORMATION:".

Page 11, strike line 27 and substitute:

"(II) THE NATURE OF THE STUDENT'S SIGNIFICANT READING DEFICIENCY, INCLUDING A CLEAR EXPLANATION OF WHAT THE SIGNIFICANT READING DEFICIENCY IS AND THE BASIS UPON WHICH THE TEACHER IDENTIFIED THE SIGNIFICANT READING DEFICIENCY;"

Page 12, strike lines 1 through 5.

Page 12, line 16, after "BASED" insert "OR EVIDENCE-BASED".

Page 12, strike lines 21 and 22 and substitute:

"(V) THE STUDENT'S READ PLAN WILL INCLUDE TARGETED, SCIENTIFICALLY BASED OR EVIDENCE-BASED".

Page 12, line 24, strike "AND".

Page 12, line 25, strike "AN IMPORTANT" and substitute "A CENTRAL".

Page 13, line 1, strike "CREATING" and substitute "IMPLEMENTING" and strike "AND" and substitute "AND, TO SUPPLEMENT THE INTERVENTION INSTRUCTION THE STUDENT RECEIVES IN SCHOOL,".

Page 13, strike lines 3 through 15 and substitute "THE STUDENT'S READING SUCCESS; AND

(VII) THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND, THEREFORE, IF THE STUDENT CONTINUES TO HAVE A SIGNIFICANT READING DEFICIENCY AT THE END OF THE SCHOOL YEAR, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER, AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL."

Page 13, line 16, strike "PARAGRAPHS".

Page 13, strike line 17, and substitute "PARAGRAPH (b) OF THIS SUBSECTION (2), THE TEACHER AND THE OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE".

Page 13, line 18, strike "INCLUDE" and substitute "COMMUNICATE AND DISCUSS".

Page 13, strike lines 22 through 27 and substitute:

"(3) (a) IF, AFTER MAKING DOCUMENTED ATTEMPTS, THE TEACHER IS UNABLE TO MEET WITH THE STUDENT'S PARENT TO CREATE THE READ PLAN, THE TEACHER AND ANY OTHER SKILLED SCHOOL PROFESSIONALS THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO SELECT SHALL CREATE THE STUDENT'S READ PLAN AND ENSURE THAT THE STUDENT'S PARENT RECEIVES:

(I) A WRITTEN COPY OF THE READ PLAN WITH A CLEAR, WRITTEN EXPLANATION OF THE SCIENTIFICALLY BASED OR EVIDENCE-BASED READING INSTRUCTIONAL PROGRAMMING AND OTHER READING-RELATED SERVICES THE STUDENT WILL RECEIVE UNDER THE PLAN AND THE STRATEGIES THAT THE PARENT IS ENCOURAGED TO APPLY IN ASSISTING THE STUDENT IN ACHIEVING READING COMPETENCY; AND

(II) A WRITTEN EXPLANATION OF THE INFORMATION SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

(b) AT A PARENT'S REQUEST, THE TEACHER AND ANY OTHER SKILLED SCHOOL PROFESSIONALS THE LOCAL EDUCATION PROVIDER MAY CHOOSE TO SELECT SHALL MEET WITH THE PARENT TO PROVIDE A VERBAL EXPLANATION OF THE ELEMENTS OF THE READ PLAN."

Page 14, strike lines 1 through 5.

Page 14, line 6, strike "(e)" and substitute "(4)".

Page 14, line 15, strike "22-7-506." and substitute "22-7-1206."	1
	2
Page 14, line 19, strike "A READING DEFICIENCY OR".	3
	4
Page 14, line 22, strike "READING DEFICIENCY OR".	5
	6
Page 15, strike lines 10 and 11 and substitute:	7
"(2) (a) IF A STUDENT'S READING SKILLS ARE BELOW GRADE LEVEL	8
EXPECTATIONS, AS ADOPTED BY THE STATE BOARD, BUT THE STUDENT	9
DOES NOT HAVE A SIGNIFICANT READING DEFICIENCY, THE LOCAL	10
EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES	11
APPROPRIATE INTERVENTIONS THROUGH THE RESPONSE TO INTERVENTION	12
FRAMEWORK OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY	13
THE LOCAL EDUCATION PROVIDER.	14
(b) IF A STUDENT HAS A SIGNIFICANT READING DEFICIENCY, THE	15
STUDENT'S READ PLAN".	16
	17
Page 15, line 14, strike "FRAMEWORK." and substitute "FRAMEWORK OR	18
A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY THE LOCAL	19
EDUCATION PROVIDER."	20
	21
Page 15, line 15, strike "(d)" and substitute "(3)" and strike "5" and	22
substitute "12".	23
	24
Page 15, after line 22, insert:	25
"(4) IF A STUDENT ENROLLED IN KINDERGARTEN IS IDENTIFIED AS	26
HAVING A SIGNIFICANT READING DEFICIENCY, THE LOCAL EDUCATION	27
PROVIDER SHALL CREATE THE STUDENT'S READ PLAN AS A COMPONENT	28
OF THE STUDENT'S INDIVIDUALIZED READINESS PLAN CREATED PURSUANT	29
TO SECTION 22-7-1014."	30
	31
Page 15, line 23, strike "(2)" and substitute "(5)".	32
	33
Page 16, strike lines 2 and 3 and substitute:	34
"(c) THE TYPE OF ADDITIONAL INSTRUCTIONAL SERVICES AND	35
INTERVENTIONS THAT STUDENTS WILL RECEIVE IN READING;"	36
	37
Page 16, line 4, after "BASED" insert "OR EVIDENCE-BASED".	38
	39
Page 16, line 7, strike "THE" and substitute "AT A MINIMUM SHALL	40
ADDRESS THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY	41
DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND	42
READING COMPREHENSION. THE".	43
	44
Page 16, line 8, after "SELECT" insert "THE PROGRAMS"	45
	46
Page 16, line 9, strike "22-7-510;" and substitute "22-7-1209;"	47
	48
Page 16, line 13, strike "COMPETENCY;" and substitute "COMPETENCY	49
THAT ARE DESIGNED TO SUPPLEMENT THE PROGRAMMING DESCRIBED IN	50
PARAGRAPH (d) OF THIS SUBSECTION (5);"	51
	52
Page 16, line 17, strike "(3)" and substitute "(6)".	53
	54
Page 16, strike lines 25 through 27 and substitute:	55
"(7) (a) IF A STUDENT IS IDENTIFIED AS HAVING A SIGNIFICANT	56
READING DEFICIENCY FOR A SECOND OR SUBSEQUENT CONSECUTIVE	57
SCHOOL YEAR, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT, IN	58
THE SECOND OR SUBSEQUENT CONSECUTIVE SCHOOL YEAR:	59
(I) THE STUDENT'S TEACHER REVISES THE STUDENT'S READ PLAN	60
TO INCLUDE ADDITIONAL, MORE RIGOROUS STRATEGIES AND	61
INTERVENTION INSTRUCTION TO ASSIST THE STUDENT IN ATTAINING	62
READING COMPETENCY, INCLUDING INCREASED DAILY TIME IN SCHOOL FOR	63
READING INSTRUCTION;	64
(II) THE PRINCIPAL OF THE SCHOOL IN WHICH THE STUDENT IS	65
ENROLLED ENSURES THAT THE STUDENT RECEIVES READING INSTRUCTION	66
IN CONJUNCTION WITH AND SUPPORTED THROUGH THE OTHER SUBJECTS IN	67

WHICH THE STUDENT RECEIVES INSTRUCTION DURING THE SCHOOL DAY;
AND

(III) IF PRACTICABLE, THE STUDENT RECEIVES READING INSTRUCTION FROM A TEACHER WHO IS IDENTIFIED AS EFFECTIVE OR HIGHLY EFFECTIVE IN HIS OR HER MOST RECENT PERFORMANCE EVALUATION AND HAS EXPERTISE IN TEACHING READING.

(b) IN ADDITION, WITH THE APPROVAL OF THE STUDENT'S PARENT, THE LOCAL EDUCATION PROVIDER MAY PROVIDE TO THE STUDENT MENTAL HEALTH SUPPORT FROM THE SCHOOL PSYCHOLOGIST, SCHOOL SOCIAL WORKER, OR SCHOOL COUNSELOR."

Page 17, strike lines 1 through 7 and substitute:
"22-7-1207. Advancement - decision - parental involvement.
(1) BEGINNING NO LATER THAN THE 2013-14 SCHOOL YEAR, IF,".

Page 17, line 10, strike "THE TEACHER" and substitute "PERSONNEL OF THE LOCAL EDUCATION PROVIDER".

Page 17, strike lines 14 and 15.

Reletter succeeding paragraphs accordingly.

Page 17, line 27, strike "A TEACHER" and substitute "THE PERSONNEL".

Page 18, strike lines 3 through 11 and substitute:
"(a) THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND, THEREFORE, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER, AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL;".

Reletter succeeding paragraphs accordingly.

Page 18, line 12, strike "FROM" and substitute "OF".

Page 18, line 17, strike "PROGRESS" and substitute "ADVANCE".

Page 18, line 19, strike "(a)" and strike "FROM" and substitute "OF".

Page 18, line 22, strike "THREE".

Page 18, line 23, strike "FROM" and substitute "OF".

Page 19, strike lines 3 through 27 and substitute:
"(4) (a) AT THE MEETING REQUIRED BY THIS SECTION, THE TEACHER AND ANY OTHER PERSONNEL SELECTED BY THE LOCAL EDUCATION PROVIDER SHALL, AT A MINIMUM, COMMUNICATE TO AND DISCUSS WITH THE PARENT THE FOLLOWING INFORMATION:
(I) THAT THERE ARE SERIOUS IMPLICATIONS TO A STUDENT ENTERING FOURTH GRADE WITH A SIGNIFICANT READING DEFICIENCY AND, THEREFORE, UNDER STATE LAW, THE PARENT, THE STUDENT'S TEACHER, AND OTHER PERSONNEL OF THE LOCAL EDUCATION PROVIDER ARE REQUIRED TO MEET AND CONSIDER RETENTION AS AN INTERVENTION STRATEGY AND DETERMINE WHETHER THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, IS ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT GRADE LEVEL;
(II) THE IMPORTANCE OF ACHIEVING READING COMPETENCY BY THE END OF THIRD GRADE, BECAUSE STUDENTS WHO ACHIEVE READING COMPETENCY BY THE END OF THIRD GRADE ARE MORE LIKELY TO GRADUATE FROM HIGH SCHOOL AND ATTAIN A POSTSECONDARY CREDENTIAL;
(III) THE STUDENT'S BODY OF EVIDENCE AND THE LIKELIHOOD THAT THE STUDENT, DESPITE HAVING A SIGNIFICANT READING DEFICIENCY, WILL BE ABLE TO MAINTAIN ADEQUATE ACADEMIC PROGRESS AT THE NEXT

GRADE LEVEL;

(IV) THE INCREASED LEVEL OF INTERVENTION INSTRUCTION THE STUDENT WILL RECEIVE IN THE NEXT SCHOOL YEAR REGARDLESS OF WHETHER THE STUDENT ADVANCES TO THE NEXT GRADE LEVEL; AND

(V) THE POTENTIAL EFFECTS ON THE STUDENT IF HE OR SHE DOES NOT ADVANCE TO THE NEXT GRADE LEVEL.

(b) AFTER DISCUSSING THE ISSUES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE PARENT, THE TEACHER, AND THE OTHER PERSONNEL SHALL DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL IN THE NEXT SCHOOL YEAR. IF THE PARENT, TEACHER, AND OTHER PERSONNEL ARE NOT IN AGREEMENT, THE PARENT SHALL DECIDE WHETHER THE STUDENT WILL ADVANCE TO THE NEXT GRADE LEVEL UNLESS OTHERWISE SPECIFIED IN THE POLICY ADOPTED BY THE LOCAL EDUCATION PROVIDER.

(5) AS SOON AS POSSIBLE AFTER THE DECISION IS MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION OR AT THE CONCLUSION OF THE MEETING DESCRIBED IN SUBSECTION (4) OF THIS SECTION, THE PERSONNEL OF THE LOCAL EDUCATION PROVIDER SHALL PROVIDE TO THE PARENT A WRITTEN STATEMENT THAT THE STUDENT WILL OR WILL NOT ADVANCE TO THE NEXT GRADE LEVEL IN THE NEXT SCHOOL YEAR AND THE BASIS FOR THE DECISION. THE PERSONNEL SHALL ALSO PROVIDE A COPY OF THE STATEMENT TO THE".

Page 20, strike lines 1 through 6.

Page 20, line 12, strike "WRITTEN NOTICE" and substitute "STATEMENT".

Page 20, line 14, strike "WRITTEN NOTICE" and substitute "STATEMENT".

Page 20, strike lines 16 through 18 and substitute:

"(6) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) SUBSECTION (4) OF THIS SECTION TO THE CONTRARY, BEGINNING WITH THE 2016-17 SCHOOL YEAR, IF A STUDENT IS COMPLETING THIRD GRADE AND THE STUDENT'S TEACHER AND OTHER PERSONNEL DECIDE PURSUANT TO SUBSECTION (3) OF THIS SECTION OR THE STUDENT'S PARENT DECIDES PURSUANT TO SUBSECTION (4) OF THIS SECTION THAT THE".

Page 21, line 4, strike "WRITTEN" and substitute "A WRITTEN STATEMENT".

Page 21, line 5, strike "NOTICE".

Page 21, line 7, strike "WRITTEN" and substitute "STATEMENT".

Page 21, line 8, strike "NOTICE".

Page 21, line 9, strike "WRITTEN NOTICE" and substitute "STATEMENT".

Page 21, strike lines 11 through 27.

Page 22, strike lines 1 through 3.

Page 22, line 4, strike "(6)" and substitute "(7)".

Page 22, line 6, strike "ARE" and substitute "IS".

Page 22, line 9, strike "5" and substitute "12".

Page 22, strike lines 14 through 27.

Page 23, strike lines 1 through 16.

Page 23, line 17, strike "22-7-509." and substitute "22-7-1208".

Page 23, line 19, strike "5." and substitute "12".

Page 23, line 21, strike "5." and substitute "12".

Page 24, after line 1, insert:

"(2) A LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO START A READ PLAN OR CONVERT AN INDIVIDUAL LITERACY PLAN TO A READ PLAN FOR A STUDENT WHO IS ENROLLED IN FOURTH GRADE OR HIGHER AS OF THE 2013-14 SCHOOL YEAR."

Renumber succeeding subsections accordingly.

Page 24, line 14, strike "**22-7-510.**" and substitute "**22-7-1209.**".

Page 24, line 17, strike "5," and substitute "12,".

Page 24, strike lines 19 through 23.

Reletter succeeding paragraphs accordingly.

Page 25, line 4, strike "(c)" and substitute "(b)".

Page 25, line 10, after the period add "THE STATE BOARD SHALL ADOPT THE RULES DESCRIBED IN THIS PARAGRAPH (a) BY MARCH 31, 2013".

Page 25, line 14, strike "22-7-505;" and substitute "22-7-1205. THE STATE BOARD SHALL ADOPT THE LIST OF APPROVED READING ASSESSMENTS BY MARCH 31, 2013".

Page 25, strike lines 21 through 25 and substitute:

"(d) RULES TO PROVIDE NOTICE OF THE ASSESSMENTS INCLUDED ON THE APPROVED LIST OF ASSESSMENTS AND A PROCESS BY WHICH PUBLISHERS WHO SUBMIT MATERIALS FOR INCLUSION ON THE LIST MAY REQUEST RECONSIDERATION;"

Page 26, line 1, strike "22-7-508;" and substitute "22-7-1213;"

Page 26, line 3, strike "22-7-511." and substitute "22-7-1211."

Page 26, line 8, strike "FORMATIVE,".

Page 26, line 12, strike "(c)" and substitute "(b)".

Page 26, after line 16 insert:

"(A) EACH OF THE RECOMMENDED READING ASSESSMENTS IS SCIENTIFICALLY BASED; EXCEPT THAT THE DEPARTMENT MAY RECOMMEND AND THE STATE BOARD MAY, UNTIL JULY 1, 2016, INCLUDE ON THE APPROVED LIST OF ASSESSMENTS ANY READING ASSESSMENT APPROVED BY THE STATE BOARD PRIOR TO JULY 1, 2012, REGARDLESS OF WHETHER IT IS SCIENTIFICALLY BASED;"

Reletter succeeding sub-subparagraphs accordingly.

Page 27, line 5, after "BASED" insert "OR EVIDENCE-BASED".

Page 27, line 25, strike "READING DEFICIENCIES AND".

Page 28, line 3, after "ASSESSMENTS" insert "AVAILABLE ON THE DEPARTMENT WEB SITE ON OR BEFORE APRIL 1, 2013,".

Page 29, line 27, strike "22-7-508" and substitute "22-7-1213".

Page 30, line 1, strike "22-7-508." and substitute "22-7-1213."

Page 30, line 7, strike "22-7-508." and substitute "22-7-1213."

Page 30, line 10, strike "22-7-509 (2)" and substitute "22-7-1208 (3)".

Page 30, line 17, strike "5." and substitute "12."

Page 30, strike lines 18 through 27.

Strike pages 31 through 42.

Page 43, strike lines 1 through 20 and substitute:

"22-7-1210. Early literacy fund - created - repeal. (1) THE EARLY LITERACY FUND IS HEREBY CREATED IN THE STATE TREASURY AND IS REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF:

(a) ANY MONEYS REMAINING IN THE READ-TO-ACHIEVE CASH FUND AS OF JUNE 30, 2012;

(b) MONEYS TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(c) MONEYS TRANSFERRED TO THE FUND PURSUANT TO SECTION 22-41-102 (3) (c); AND

(d) ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(2) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY AMOUNT REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (1) (h) AND (5), C.R.S., BEGINNING WITH THE 2012-13 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE STATE TREASURER SHALL ANNUALLY TRANSFER TO THE FUND FIVE PERCENT OF THE AMOUNT OF MONEYS RECEIVED BY THE STATE IN ACCORDANCE WITH THE MASTER SETTLEMENT AGREEMENT, OTHER THAN ATTORNEY FEES AND COSTS, FOR THE PRECEDING FISCAL YEAR; EXCEPT THAT THE AMOUNT SO TRANSFERRED TO THE FUND IN ANY FISCAL YEAR SHALL NOT EXCEED EIGHT MILLION DOLLARS. THE STATE TREASURER SHALL TRANSFER THE AMOUNT SPECIFIED IN THIS SUBSECTION (3) FROM MONEYS CREDITED TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115, C.R.S.

(4) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT. THE DEPARTMENT SHALL ANNUALLY EXPEND THE MONEYS IN THE FUND AS FOLLOWS:

(a) (I) FOR THE 2012-13 BUDGET YEAR:

(A) THE DEPARTMENT SHALL USE THE MONEYS IN THE FUND TO PAY THE GRANTS THAT WERE AWARDED FROM THE READ-TO-ACHIEVE CASH FUND PURSUANT TO PART 9 OF THIS ARTICLE AS IT EXISTED PRIOR TO JULY 1, 2012, AND ARE NOT FULLY DISTRIBUTED AS OF JUNE 30, 2012; EXCEPT THAT ANY PORTION OF ANY OF SAID GRANTS THAT THE GRANTEE IS REQUIRED TO USE IN PAYMENT FOR DEPARTMENT CONSULTANTS IS RESCINDED, EFFECTIVE JULY 1, 2012; AND

(B) THE DEPARTMENT MAY USE ANY AMOUNT REMAINING AFTER THE PAYMENTS DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) TO PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS TO LOCAL EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE REQUIREMENTS OF THIS PART 12.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2013.

(b) BEGINNING IN THE 2013-14 BUDGET YEAR AND FOR BUDGET YEARS THEREAFTER:

(I) THE DEPARTMENT SHALL USE ONE MILLION DOLLARS TO PROVIDE LITERACY SUPPORT ON A REGIONAL BASIS TO LOCAL EDUCATION PROVIDERS TO ASSIST THEM IN IMPLEMENTING THE REQUIREMENTS OF THIS PART 12;

(II) THE DEPARTMENT SHALL USE FOUR MILLION DOLLARS FOR GRANTS AWARDED THROUGH THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION 22-7-1211;

(III) THE DEPARTMENT MAY USE UP TO ONE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS OF ADMINISTERING THIS PART 12; AND

(IV) THE DEPARTMENT SHALL ALLOCATE THE REMAINING

MONEYS ANNUALLY CREDITED TO THE FUND TO THE LOCAL EDUCATION PROVIDERS AS PER-PUPIL INTERVENTION MONEYS CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(5) (a) (I) THE DEPARTMENT SHALL ALLOCATE THE PER-PUPIL INTERVENTION MONEYS TO THE LOCAL EDUCATION PROVIDERS AS REQUIRED IN PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION BY FIRST DIVIDING THE AMOUNT OF MONEYS AVAILABLE BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS IN THE STATE WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEYS ARE ALLOCATED. THE DEPARTMENT SHALL THEN ALLOCATE TO EACH LOCAL EDUCATION PROVIDER AN AMOUNT EQUAL TO SAID PER-PUPIL AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEYS ARE ALLOCATED.

(II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), FOR THE 2013-14 BUDGET YEAR, THE DEPARTMENT SHALL ALLOCATE THE PER-PUPIL INTERVENTION MONEYS TO THE LOCAL EDUCATION PROVIDERS AS REQUIRED IN PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION BY FIRST DIVIDING THE AMOUNT OF MONEYS AVAILABLE BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS IN THE STATE WHO ARE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES IN THE 2012-13 BUDGET YEAR. THE DEPARTMENT SHALL THEN ALLOCATE TO EACH LOCAL EDUCATION PROVIDER AN AMOUNT EQUAL TO SAID PER-PUPIL AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO ARE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES IN THE 2012-13 BUDGET YEAR.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2014.

(b) A LOCAL EDUCATION PROVIDER MAY USE THE PER-PUPIL INTERVENTION MONEYS ONLY AS FOLLOWS:

(I) TO PROVIDE FULL-DAY KINDERGARTEN SERVICES TO STUDENTS ENROLLED IN ONE OR MORE OF THE PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER;

(II) TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM AS DESCRIBED IN SECTION 22-7-1212;

(III) TO PURCHASE TUTORING SERVICES IN READING FOR STUDENTS WITH SIGNIFICANT READING DEFICIENCIES; OR

(IV) TO PROVIDE OTHER TARGETED, SCIENTIFICALLY BASED OR EVIDENCE-BASED INTERVENTION SERVICES TO STUDENTS WITH SIGNIFICANT READING DEFICIENCIES, WHICH SERVICES ARE APPROVED BY THE DEPARTMENT.

(c) EACH BUDGET YEAR, PRIOR TO RECEIVING PER-PUPIL INTERVENTION MONEYS, EACH LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT, FOR INFORMATIONAL PURPOSES, AN EXPLANATION OF THE MANNER IN WHICH IT WILL USE THE MONEYS IN THE COMING BUDGET YEAR AND THE NUMBER OF STUDENTS FOR WHICH THE LOCAL EDUCATION PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION MONEYS. IF THE LOCAL EDUCATION PROVIDER INTENDS TO PROVIDE A SERVICE DESCRIBED IN SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS SUBSECTION (5), THE DEPARTMENT SHALL REVIEW THE SERVICE AND PROVIDE THE PER-PUPIL INTERVENTION MONEYS FOR THE SERVICE ONLY IF THE SERVICE MEETS THE REQUIREMENTS SPECIFIED IN SAID SUBPARAGRAPH (IV).

(d) IN USING THE PER-PUPIL INTERVENTION MONEYS ALLOCATED PURSUANT TO THIS SUBSECTION (5), EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT SOME TYPE OF INTERVENTION, AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (5), IS AVAILABLE TO EACH STUDENT WHO IS IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY AND

WHO IS ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE IN A SCHOOL OPERATED BY THE LOCAL EDUCATION PROVIDER.

22-7-1211. Early literacy grant program - created. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE EARLY LITERACY GRANT PROGRAM TO PROVIDE MONEYS TO LOCAL EDUCATION PROVIDERS TO IMPLEMENT LITERACY SUPPORT AND INTERVENTION INSTRUCTION PROGRAMS, INCLUDING BUT NOT LIMITED TO RELATED PROFESSIONAL DEVELOPMENT PROGRAMS, TO ASSIST STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES TO ACHIEVE READING COMPETENCY. THE STATE BOARD BY RULE SHALL ESTABLISH THE APPLICATION TIMELINES AND THE INFORMATION TO BE INCLUDED IN EACH GRANT APPLICATION. A LOCAL EDUCATION PROVIDER MAY APPLY INDIVIDUALLY OR AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS. A RURAL SCHOOL DISTRICT THAT IS A MEMBER OF A BOARD OF COOPERATIVE SERVICES MAY SEEK ASSISTANCE IN WRITING THE GRANT APPLICATION FROM THE BOARD OF COOPERATIVE SERVICES.

(2) THE DEPARTMENT SHALL REVIEW EACH GRANT APPLICATION RECEIVED AND RECOMMEND TO THE STATE BOARD WHETHER TO AWARD THE GRANT AND THE DURATION AND AMOUNT OF EACH GRANT. IN MAKING RECOMMENDATIONS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:

(a) THE PERCENTAGE OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE STUDENTS ENROLLED BY THE APPLYING LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS WHO HAVE SIGNIFICANT READING DEFICIENCIES OR, FOR THE 2012-13 BUDGET YEAR ONLY, WHO HAVE INDIVIDUAL LITERACY PLANS;

(b) THE INSTRUCTIONAL PROGRAM THAT THE APPLYING LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS PLANS TO IMPLEMENT USING THE GRANT MONEYS AND WHETHER IT IS AN EVIDENCE-BASED PROGRAM THAT IS PROVEN TO BE SUCCESSFUL IN OTHER PUBLIC SCHOOLS IN THE COUNTRY;

(c) THE COST OF THE INSTRUCTIONAL PROGRAM THAT THE APPLYING LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS PLANS TO IMPLEMENT USING THE GRANT MONEYS; AND

(d) ANY ADDITIONAL FACTORS THE STATE BOARD MAY REQUIRE BY RULE.

(3) BASED ON THE RECOMMENDATIONS OF THE DEPARTMENT, THE STATE BOARD SHALL AWARD GRANTS TO APPLYING LOCAL EDUCATION PROVIDERS OR GROUPS OF LOCAL EDUCATION PROVIDERS, WHICH GRANTS ARE PAID FROM MONEYS IN THE EARLY LITERACY FUND CREATED IN SECTION 22-7-1210.

22-7-1212. Summer school literacy programs. (1) A LOCAL EDUCATION PROVIDER MAY CHOOSE TO USE PER-PUPIL INTERVENTION MONEYS TO PROVIDE AN EVIDENCE-BASED SUMMER SCHOOL LITERACY PROGRAM TO ASSIST STUDENTS WHO ARE ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE AND WHO HAVE SIGNIFICANT READING DEFICIENCIES TO ACHIEVE READING COMPETENCY. A LOCAL EDUCATION PROVIDER MAY ALLOW STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING, BUT WHO DO NOT HAVE SIGNIFICANT READING DEFICIENCIES, TO PARTICIPATE IN A SUMMER SCHOOL LITERACY PROGRAM OPERATED PURSUANT TO THIS SECTION IF CAPACITY REMAINS AFTER SERVING ALL OF THE STUDENTS WITH SIGNIFICANT READING DEFICIENCIES WHO CHOOSE TO PARTICIPATE.

(2) A LOCAL EDUCATION PROVIDER THAT INTENDS TO USE PER-PUPIL INTERVENTION MONEYS TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM SHALL ANNUALLY PROVIDE TO THE DEPARTMENT INFORMATION CONCERNING THE SUMMER SCHOOL LITERACY PROGRAM THE LOCAL EDUCATION PROVIDER INTENDS TO OPERATE. THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE PROGRAM:

(a) SERVES ONLY STUDENTS ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE WHO HAVE SIGNIFICANT READING DEFICIENCIES, EXCEPT AS SPECIFICALLY ALLOWED IN SUBSECTION (1) OF THIS SECTION FOR STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING; AND

(b) USES SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTIONAL PROGRAMMING IN READING THAT:

(I) HAS BEEN PROVEN TO ACCELERATE STUDENT PROGRESS IN

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ATTAINING READING COMPETENCY;

(II) PROVIDES EXPLICIT AND SYSTEMATIC SKILL DEVELOPMENT IN THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND READING COMPREHENSION;

(III) INCLUDES SCIENTIFICALLY BASED AND RELIABLE ASSESSMENTS; AND

(IV) PROVIDES INITIAL AND ON-GOING ANALYSIS OF THE STUDENT'S PROGRESS IN ATTAINING READING COMPETENCY.

22-7-1213. Reporting requirements. (1) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY REPORT TO THE DEPARTMENT INFORMATION NECESSARY TO DETERMINE:

(a) THE PREVALENCE OF SIGNIFICANT READING DEFICIENCIES AMONG STUDENTS IN KINDERGARTEN AND FIRST THROUGH THIRD GRADES;

(b) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND WHO ADVANCE TO THE NEXT GRADE LEVEL ATTAIN READING COMPETENCY AND, IF SO, AT WHAT GRADE LEVEL;

(c) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL ATTAIN READING COMPETENCY WITHIN THE SCHOOL YEAR DURING WHICH THEY DO NOT ADVANCE;

(d) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND WHO DO NOT ADVANCE TO THE NEXT GRADE LEVEL ATTAIN READING COMPETENCY AT A LOWER GRADE LEVEL THAN STUDENTS WHO DO ADVANCE; AND

(e) WHETHER STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES CONTINUE TO ADVANCE TO THE NEXT GRADE LEVEL DESPITE HAVING A CONTINUING SIGNIFICANT READING DEFICIENCY AND THE DEGREE TO WHICH LOCAL EDUCATION PROVIDERS ARE RECOMMENDING THAT SAID STUDENTS DO NOT ADVANCE.

(2) EACH LOCAL EDUCATION PROVIDER THAT RECEIVES AN EARLY LITERACY GRANT PURSUANT TO SECTION 22-7-1211 OR PER-PUPIL INTERVENTION MONEYS SHALL, AT THE CONCLUSION OF EACH BUDGET YEAR IN WHICH IT RECEIVES THE GRANT OR PER-PUPIL INTERVENTION MONEYS, SUBMIT TO THE DEPARTMENT INFORMATION DESCRIBING:

(a) THE INSTRUCTIONAL PROGRAMS, FULL-DAY KINDERGARTEN PROGRAM, SUMMER SCHOOL LITERACY PROGRAM, TUTORING SERVICES, OR OTHER INTERVENTION SERVICES FOR WHICH THE LOCAL EDUCATION PROVIDER USED THE GRANT OR PER-PUPIL INTERVENTION MONEYS;

(b) THE NUMBER AND GRADE LEVELS OF STUDENTS WHO PARTICIPATED IN EACH OF THE TYPES OF PROGRAMS OR SERVICES PROVIDED; AND

(c) THE PROGRESS MADE BY PARTICIPATING STUDENTS IN ACHIEVING READING COMPETENCY.

(3) (a) THE DEPARTMENT SHALL ANNUALLY ANALYZE THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND MAKE THE DETERMINATIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(b) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE STATE BOARD, THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, AND SHALL POST ON THE DEPARTMENT WEB SITE A REPORT THAT SUMMARIZES:

(I) THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND THE DETERMINATIONS MADE BY THE DEPARTMENT BASED ON THE INFORMATION;

(II) THE IMPLEMENTATION OF THE EARLY LITERACY GRANT PROGRAM IN THE PRECEDING BUDGET YEAR, INCLUDING THE NUMBER OF GRANTS, THE LOCAL EDUCATION PROVIDERS THAT RECEIVED GRANTS, AND THE AMOUNT OF EACH GRANT; AND

(III) THE INFORMATION RECEIVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(c) THE DEPARTMENT MAY PROVIDE THE REPORT DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3) TO COMMITTEES OF THE GENERAL ASSEMBLY IN CONJUNCTION WITH THE REPORT REQUIRED IN SECTION 2-7-203, C.R.S.

(4) THE INFORMATION PROVIDED IN THE REPORT DESCRIBED IN THIS SECTION IS INTENDED TO ASSIST THE DEPARTMENT, THE STATE BOARD, THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE PUBLIC IN MONITORING THE IMPLEMENTATION OF AND IDENTIFYING THE RESULTS ACHIEVED IN IMPLEMENTING THIS PART 12.

SECTION 3. In Colorado Revised Statutes, 22-11-202, **add** (2) (c) as follows:

22-11-202. Colorado growth model - technical advisory panel - rules. (2) (c) THE DEPARTMENT AND THE STATE BOARD SHALL CONSULT WITH THE TECHNICAL ADVISORY PANEL CONCERNING:

(I) THE SCORES ON THE KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE READING ASSESSMENTS APPROVED PURSUANT TO SECTION 22-7-1209 (1) (b) THAT WILL IDENTIFY, AS REQUIRED IN SECTION 22-7-1209 (1) (a), THE MINIMUM READING COMPETENCY SKILL LEVELS IN THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION FOR KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES;

(II) THE AMOUNT OF ADDITIONAL CREDIT TOWARD ACCREDITATION THAT EACH LOCAL EDUCATION PROVIDER MAY RECEIVE PURSUANT TO SECTION 22-11-204 (3) (b); AND

(III) METHODS OF INCLUDING IN THE ACCREDITATION PROCESS CONSIDERATION OF STUDENT PROGRESS IN ATTAINING READING COMPETENCY, AS DEFINED IN SECTION 22-7-1203 (10), IN KINDERGARTEN AND FIRST AND SECOND GRADE.

SECTION 4. In Colorado Revised Statutes, 22-11-204, **amend** (3) as follows:

22-11-204. Performance indicators - measures. (3) (a) The department shall determine the level of attainment of each public school, each school district, the institute, and the state as a whole on the performance indicator that concerns student achievement levels on the statewide assessments by using the following measures:

(a) (I) For each student enrolled in a public school in the state, the department shall determine the student's achievement level in the subjects included in the statewide assessments, as demonstrated by the score achieved by the student on the statewide assessments. The state board shall specify the score ranges that constitute each of the achievement levels.

(b) (II) For each public school, the department shall calculate the percentage of students enrolled in the public school at each grade level who score at each of the achievement levels on the statewide assessments in each of the subjects included in the statewide assessments.

(c) (III) For each school district and the institute, the department shall calculate the percentage of all students enrolled in the district public schools or in the institute charter schools who score at each of the achievement levels in the subjects included in the statewide assessments.

(d) (IV) For the state, the department shall calculate the percentage of all students enrolled in the public schools in the state who score at each of the achievement levels in the subjects included in the statewide assessments.

(b) BEGINNING IN THE 2013-14 SCHOOL YEAR, IN DETERMINING THE LEVEL OF ATTAINMENT OF A PUBLIC SCHOOL THAT INCLUDES THIRD AND FOURTH GRADES, A SCHOOL DISTRICT, THE INSTITUTE, AND THE STATE AS A WHOLE ON THE PERFORMANCE INDICATOR THAT CONCERNS STUDENT ACHIEVEMENT LEVELS, THE DEPARTMENT SHALL CALCULATE THE PERCENTAGE OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL IN THIRD AND FOURTH GRADES WHO WERE AT ONE TIME IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY PURSUANT TO SECTION 22-7-1205 AND WHO SCORE PARTIALLY PROFICIENT, PROFICIENT, OR ADVANCED ON THE STATEWIDE READING ASSESSMENT IN THIRD OR FOURTH GRADE. THE STATE BOARD SHALL ADOPT RULES BY WHICH A PUBLIC SCHOOL, A SCHOOL DISTRICT, AND THE INSTITUTE RECEIVE ADDITIONAL CREDIT TOWARD THEIR ACCREDITATION RATINGS USING THE PERCENTAGES CALCULATED PURSUANT TO THIS PARAGRAPH (b), WHICH ADDITIONAL CREDIT IS INCREASED BASED ON THE LEVEL OF PERFORMANCE.

SECTION 5. In Colorado Revised Statutes, 22-11-303, **add** (3) (a.5) as follows:

22-11-303. Accredited or accredited with distinction - performance plan - school district or institute - contents - adoption.

(3) A district or institute performance plan shall be designed to raise the academic performance of students enrolled in the school district or in the institute charter schools and to ensure that the school district or the institute, following the next annual accreditation review, attains a higher accreditation category or remains in the same accreditation category if the school district or institute is accredited with distinction. At a minimum, each district and institute performance plan shall:

(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET, REAFFIRM, OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 6. In Colorado Revised Statutes, 22-11-304, **add** (3)

(a.5) as follows:

22-11-304. Accredited with improvement plan - school district or institute - plan contents - adoption.

(3) A district improvement plan or an institute improvement plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a minimum, a district improvement plan or an institute improvement plan shall:

(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 7. In Colorado Revised Statutes, 22-11-305, **add** (3)

(a.5) as follows:

22-11-305. Accredited with priority improvement plan - school district or institute - plan contents - adoption.

(3) A district priority improvement plan or an institute priority improvement plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a minimum, a district priority improvement plan or an institute priority improvement plan shall:

(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 8. In Colorado Revised Statutes, 22-11-306, **add** (3)

(a.5) as follows:

22-11-306. Accredited with turnaround plan - school district or institute - plan content - adoption.

(3) A district turnaround plan or an institute turnaround plan shall be designed to ensure that the school district or the institute improves its performance to the extent that, following completion of its next annual accreditation review, the school district or the institute attains a higher accreditation category. At a

minimum, a district turnaround plan or an institute turnaround plan shall:
(a.5) IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE SCHOOL DISTRICT, INCLUDING THE DISTRICT PUBLIC SCHOOLS, OR THE INSTITUTE, INCLUDING THE INSTITUTE CHARTER SCHOOLS, SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 9. In Colorado Revised Statutes, 22-11-403, **add** (3) (a.5) as follows:

22-11-403. School performance plan - contents. (3) A school performance plan shall be designed to raise the academic performance of students enrolled in the public school and to ensure that the public school, following the next annual performance review, attains a higher accreditation category or remains in the same accreditation category if the public school is already accredited by the school district or the institute at the highest level. At a minimum, each school performance plan shall:

(a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET, REAFFIRM, OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 10. In Colorado Revised Statutes, 22-11-404, **add** (3) (a.5) as follows:

22-11-404. School improvement plan - contents. (3) A school improvement plan shall be designed to raise the academic performance of students enrolled in the public school and to ensure that the public school, following the next annual performance review, attains a higher accreditation category. At a minimum, each school improvement plan shall:

(a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 11. In Colorado Revised Statutes, 22-11-405, **add** (4) (a.5) as follows:

22-11-405. School priority improvement plan - contents. (4) A school priority improvement plan shall be designed to ensure that the public school improves its performance to the extent that, following completion of the public school's next annual performance review, the public school attains a higher accreditation category. At a minimum, a school priority improvement plan shall:

(a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 12. In Colorado Revised Statutes, 22-11-406, **add** (3)

(a.5) as follows:

22-11-406. School turnaround plan - contents. (3) A school turnaround plan shall be designed to ensure that the public school improves its performance to the extent that, following completion of the public school's next annual performance review, the public school attains a higher accreditation category. At a minimum, a school turnaround plan shall:

(a.5) IF THE PUBLIC SCHOOL SERVES STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES, IDENTIFY THE STRATEGIES TO BE USED IN ADDRESSING THE NEEDS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADE WHO ARE IDENTIFIED PURSUANT TO SECTION 22-7-1205 AS HAVING SIGNIFICANT READING DEFICIENCIES AND SET OR REVISE, AS APPROPRIATE, AMBITIOUS BUT ATTAINABLE TARGETS THAT THE PUBLIC SCHOOL SHALL ATTAIN IN REDUCING THE NUMBER OF STUDENTS WHO HAVE SIGNIFICANT READING DEFICIENCIES AND IN ENSURING THAT EACH STUDENT ACHIEVES GRADE LEVEL EXPECTATIONS IN READING;

SECTION 13. In Colorado Revised Statutes, 22-41-102, **amend** (3) (a); and **add** (3) (c) as follows:

22-41-102. Fund inviolate. (3) (a) Except as provided in paragraph (b) of this subsection (3), for the 2010-11 state fiscal year and each state fiscal year thereafter, the first eleven million dollars of any interest or income earned on the investment of the moneys in the public school fund shall be credited to the state public school fund created in section 22-54-114 for distribution as provided by law. PRIOR TO THE 2013-14 STATE FISCAL YEAR, any amount of such interest and income earned on the investment of the moneys in the state public school fund in excess of eleven million dollars, other than interest and income credited to the public school capital construction assistance fund, created in section 22-43.7-104 (1), pursuant to section 22-43.7-104 (2) (b) (I), shall remain in the fund and shall become part of the principal of the fund.

(c) FOR THE 2013-14 STATE FISCAL YEAR AND FOR EACH STATE FISCAL YEAR THEREAFTER, ANY AMOUNT OF INTEREST OR INCOME EARNED ON THE INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND IN EXCESS OF ELEVEN MILLION DOLLARS, OTHER THAN INTEREST AND INCOME CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND, CREATED IN SECTION 22-43.7-104 (1), PURSUANT TO SECTION 22-43.7-104 (2) (b) (I), SHALL BE CREDITED TO THE EARLY LITERACY FUND CREATED IN SECTION 22-7-1210.

SECTION 14. In Colorado Revised Statutes, 22-54-103, **amend** (10) (b) (I) introductory portion as follows:

22-54-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(10) (b) (I) A pupil enrolled in a kindergarten educational program pursuant to section 22-32-119 (1) shall be counted as not more than a half-day pupil; EXCEPT THAT, IF THE PUPIL DOES NOT ADVANCE TO FIRST GRADE, PURSUANT TO SECTION 22-7-1207, AFTER COMPLETING ONE YEAR OF ENROLLMENT IN A KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPIL SHALL BE COUNTED AS A FULL-DAY PUPIL FOR THE SECOND YEAR IN WHICH HE OR SHE IS ENROLLED IN THE KINDERGARTEN EDUCATIONAL PROGRAM. For the 2005-06 budget year and each budget year thereafter, a district shall count and receive funding only for pupils enrolled in a kindergarten educational program who are:".

Renumber succeeding sections accordingly.

Page 44, line 14, strike "22-7-511." and substitute "22-7-1210.".

Page 46, line 19, strike "22-7-511," and substitute "22-7-1210,".

Page 46, line 26, strike "22-7-511 (3)," and substitute "22-7-1210 (3),".

Page 47, line 14, strike "(1)".

Page 47, line 16, strike "22-7-511 (3)," and substitute "22-7-1210,".

Page 47, line 19, strike "to the assistance to" and substitute "pursuant to"

	section 22-7-1210 (4), Colorado Revised Statutes."	1
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	Page 47, strike lines 20 through 27.	3
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	Page 48, strike lines 1 through 9.	5
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	Page 48, strike lines 14 through 21.	7
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	Page 48, line 22, strike "(c)" and substitute "(a)".	9
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Trans-		11
portation	After consideration on the merits, the Committee recommends that HB12-1014 be	12
	postponed indefinitely.	13
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portation	After consideration on the merits, the Committee recommends that HB12-1108 be referred	17
	to the Committee of the Whole with favorable recommendation and with a	18
	recommendation that it be placed on the Consent Calendar.	19
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	On motion of Senator Morse, and with a majority of those elected to the Senate having	23
	voted in the affirmative, the balance of the calendar of Thursday, April 26 was laid over	24
	until Friday, April 27, retaining its place on the calendar.	25
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	Consideration of Resolutions: SJR12-034, SJR12-036, SJR12-038, SJR12-039,	28
	SJR12-040, SJR12-043, SJR12-044, HJR12-1017.	29
	Consideration of Memorials: SJM12-003, SM12-003.	30
	Consideration of House Amendments to Senate Bills: SB12-128, SB12-036, SB12-149,	31
	SB12-009, SB12-010, SB12-145.	32
	Consideration of Governor's Appointments:	33
	Members of the Tourism Office Board of Directors.	34
	Conference Committees to Report: SB12-020, HB12-1053.	35
	Requests for Conference Committee: HB12-1168.	36
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	On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 27, 2012.	41
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	Approved:	43
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	Brandon C. Shaffer	47
	President of the Senate	48
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	Attest:	50
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	Cindi L. Markwell	54
	Secretary of the Senate	55

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

108th Legislative Day Friday, April 27, 2012

Prayer By the chaplain, Elder Larry Henry, Word Alive Ministries, Thornton.

Call to Order By the President *pro tem* at 9:00 a.m.

Pledge By Senator Lambert.

Roll Call Present--34
Absent--1, Williams S.
Present later--1, Williams S.

Quorum The President *pro tem* announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Thursday, April 26, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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 TRAUMATIC BRAIN INJURY TRUST FUND BOARD

for a term expiring June 30, 2014:
Timothy R. Hurtado, D.O. of Colorado Springs, Colorado, reappointed.

for a term expiring June 30, 2015:
Sena K. Harjo of Lakewood, 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:

MEMBER OF THE
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2014:
LaShay Canady of Aurora, Colorado, to serve as a parent, appointed.

Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	1
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	MEMBER OF THE <u>COVERCOLORADO BOARD OF DIRECTORS</u>	11
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	for a term expiring July 1, 2014:	21
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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:	31
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	MEMBERS OF THE <u>BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER</u>	41
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	for terms expiring December 31, 2015:	51
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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:	61
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	MEMBERS OF THE <u>COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY BOARD OF DIRECTORS</u>	71
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	for terms expiring June 30, 2015:	81
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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:	91
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	MEMBERS OF THE <u>COLLEGEINVEST BOARD OF DIRECTORS</u>	101
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	for terms expiring July 31, 2015:	111
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	Ashley J. Burt of Gunnison, Colorado, reappointed;	121
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	Patrice M. Henning of Evergreen, Colorado, appointed;	131
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	Douglas W. Lyon of Durango, Colorado, appointed.	141
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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:	1
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	<p>MEMBERS OF THE <u>STATE BOARD FOR COMMUNITY COLLEGES</u> <u>AND OCCUPATIONAL EDUCATION</u></p>	11
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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:	21
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	<p>MEMBERS OF THE <u>BOARD OF TRUSTEES FOR</u> <u>WESTERN STATE COLLEGE OF COLORADO</u></p>	31
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Education	After consideration on the merits, the Committee recommends that HB12-1043 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	41
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	<p>Amend reengrossed bill, page 3, strike line 7 and substitute "THE STUDENT'S PARENT OR LEGAL GUARDIAN, BY ELECTRONIC MAIL OR OTHER WRITTEN FORM, AND TO THE STUDENT".</p> <p>Page 3, line 8, strike "GUARDIAN".</p> <p>Page 4, strike line 13 and substitute "EXPLAINS TO THE STUDENT'S PARENT OR LEGAL GUARDIAN, BY ELECTRONIC MAIL OR OTHER WRITTEN FORM, AND TO THE STUDENT".</p> <p>Page 4, line 14, strike "LEGAL GUARDIAN".</p> <p>Page 4, strike lines 22 through 27.</p> <p>Strike pages 5 and 6 and substitute:</p> <p>"SECTION 3. In Colorado Revised Statutes, 22-35-104, amend</p> <p>(2) (b) as follows:</p> <p>22-35-104. Enrollment in an institution of higher education - cooperative agreement. (2) (b) If a superintendent of a school district, the superintendent's designee, or a chief administrator of a district charter school, institute charter school, or high school of a BOCES receives a timely application from a qualified student pursuant to paragraph (a) of this subsection (2), the superintendent, superintendent's designee, or chief administrator of a district charter school, institute charter school, or high school of a BOCES shall approve or disapprove the application and notify the student of the decision. IN CONSIDERING APPLICATIONS, THE SUPERINTENDENT, DESIGNEE, OR CHIEF ADMINISTRATOR SHALL GIVE PRIORITY CONSIDERATION TO QUALIFIED STUDENTS WHO, BY THE TIME THEY WOULD CONCURRENTLY ENROLL, WILL HAVE COMPLETED THE HIGH SCHOOL GRADUATION REQUIREMENTS AND ARE APPLYING FOR</p>	51
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CONCURRENT ENROLLMENT TO BEGIN EARNING CREDITS TOWARD A POSTSECONDARY DEGREE OR CERTIFICATE OR, IF REQUIRED TO COMPLETE BASIC SKILLS COURSES, TO COMPLETE THE COURSES DURING THE REMAINDER OF THE TWELFTH-GRADE YEAR.

SECTION 4. In Colorado Revised Statutes, 22-32-109 (1) (oo) as added by Senate Bill 12-047, **add** (III) as follows:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(oo) (III) THE POLICY ADOPTED PURSUANT TO THIS PARAGRAPH (oo) SHALL ALSO REQUIRE EACH PUBLIC SCHOOL TO ENSURE THAT, IN DEVELOPING AND MAINTAINING EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, THE COUNSELOR OR TEACHER EXPLAINS TO THE STUDENT'S PARENT OR LEGAL GUARDIAN, BY ELECTRONIC MAIL OR OTHER WRITTEN FORM, AND TO THE STUDENT THE REQUIREMENTS FOR AND BENEFITS OF CONCURRENTLY ENROLLING IN COURSES WITH AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE. BASED ON A REQUEST FROM THE STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN, THE COUNSELOR OR TEACHER SHALL ASSIST THE STUDENT IN COURSE PLANNING TO ENABLE THE STUDENT TO CONCURRENTLY ENROLL IN COURSES WITH AN INSTITUTION OF HIGHER EDUCATION.

SECTION 5. In Colorado Revised Statutes, 22-30.5-523 as added by Senate Bill 12-047, **add** (3) as follows:

22-30.5-523. Individual career and academic plans. (3) EACH INSTITUTE CHARTER SCHOOL SHALL ENSURE THAT, IN DEVELOPING AND MAINTAINING EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, THE COUNSELOR OR TEACHER EXPLAINS TO THE STUDENT'S PARENT OR LEGAL GUARDIAN, BY ELECTRONIC MAIL OR OTHER WRITTEN FORM, AND TO THE STUDENT THE REQUIREMENTS FOR AND BENEFITS OF CONCURRENTLY ENROLLING IN COURSES WITH AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE. BASED ON A REQUEST FROM THE STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN, THE COUNSELOR OR TEACHER SHALL ASSIST THE STUDENT IN COURSE PLANNING TO ENABLE THE STUDENT TO CONCURRENTLY ENROLL IN COURSES WITH AN INSTITUTION OF HIGHER EDUCATION.

SECTION 6. Act subject to petition - effective date. (1) 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.

(2) Notwithstanding the provisions of subsection (1) of this section:

(a) Sections 1 and 2 of this act do not take effect if Senate Bill 12-047 becomes law;

(b) Sections 4 and 5 of this act take effect only if Senate Bill 12-047 becomes law."

EducationAfter consideration on the merits, the Committee recommends that **SB12-167** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. In Colorado Revised Statutes, 10-3-903.5, **add** (8) as follows:

10-3-903.5. Jurisdiction over providers of health care benefits. (8) BEGINNING JUNE 1, 2012, THE COMMISSIONER OF INSURANCE SHALL PARTICIPATE IN A COLLABORATIVE REVIEW PROCESS PURSUANT TO WHICH THE COMMISSIONER MAY PROMULGATE RULES TO ALLOW ONE OR MORE

STATE INSTITUTIONS OF HIGHER EDUCATION TO ESTABLISH A STUDENT HEALTH TRUST TO PARTIALLY OR FULLY SELF-FUND A STUDENT HEALTH PLAN FOR THE PURPOSE OF PROVIDING HEALTH BENEFITS TO STUDENTS AND DEPENDENTS OF STUDENTS ENROLLED IN THE INSTITUTION OR INSTITUTIONS.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

- Education
- After consideration on the merits, the Committee recommends that **HB12-1331** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Education
- After consideration on the merits, the Committee recommends that **SB12-172** be referred to the Committee of the Whole with favorable recommendation.
- Education
- After consideration on the merits, the Committee recommends that **SB12-171** be referred to the Committee on Appropriations with favorable recommendation.
- Finance
- After consideration on the merits, the Committee recommends that **HB12-1205** be postponed indefinitely.

SENATE SERVICES REPORT

Correctly Printed: SB12-179, 180, 181 and 182.
Correctly Engrossed: SB12-046, 090, 104, 108 and 175; SJR12-023.
Correctly Reengrossed: SB12-002, 027, 028 and 101.
Correctly Revised: HB12-1348.
Correctly Rerevised: HB12-1059, 1081, 1140, 1304 and 1324.

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:

- SB12-129**
- 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 30, retaining its place on the calendar.
- 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.
- Laid over until Monday, April 30, retaining its place on the calendar.

HB12-1348
by Representative(s) Ferrandino, McNulty; also Senator(s) Morse, Cadman--Concerning the powers of the legislative department with respect to capitol buildings group space, and, in connection therewith, providing for the designation of space for the members of the general assembly, legislative staff, and legislative staff agencies and the furnishing and equipping thereof, and granting the control of legislative spaces to the legislative department.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd and King S.

SB12-104
by Senator(s) Steadman, Aguilar, Guzman, Morse, Newell, Renfroe, Roberts; also Representative(s) DelGrosso, Kerr A., Lee, Pabon, Vigil--Concerning consolidation of drug treatment funding into the correctional treatment fund, and, in connection therewith, 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-sponsors added: Bacon, Boyd, Giron, Hudak, Jahn, King S., Tochtrop and Williams S.

SB12-108
by Senator(s) Nicholson; --Concerning providing oral health services to pregnant women who are enrolled in medicaid, and, in connection therewith, making an appropriation.

Laid over until Monday, April 30, retaining its place on the calendar.

SB12-090
by Senator(s) Foster, Aguilar, Bacon, Boyd, Carroll, Giron, Guzman, Heath, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Williams S.; also Representative(s) Court--Concerning restoring coverage for circumcision of males under medicaid, 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	Y	Spence	N
Brophy	Y	Hodge	N	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Shaffer B.

SB12-046 by Senator(s) Newell and Hudak; also Representative(s) Nikkel and Levy, Szabo--
Concerning disciplinary measures in public schools, and in connection therewith, requiring
a post-enactment review of the implementation of this act.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	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	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	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, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Harvey, Heath,
Hodge, Jahn, Johnston, King S., Mitchell, Morse, Neville, Nicholson, Scheffel, Spence,
Steadman, Tochtrop, White and Williams S.

SB12-175 by Senator(s) Carroll and Roberts; also Representative(s) Gardner B. and Duran--
Concerning statutorily established time intervals.

A majority of those elected to the Senate having voted in the affirmative, Senator
Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.005), by Senator Steadman.

Amend engrossed bill, page 71, strike lines 14 through 27.

Strike page 72.

Page 73, strike lines 1 through 17.

Renumber succeeding sections accordingly.

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: King 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 Memorials.

CONSIDERATION OF MEMORIALS

SM12-003 by Senator(s) Neville, Renfroe, Lundberg, Brophy, Cadman, Grantham, Harvey, King K., King S., Lambert, Mitchell, Roberts, Scheffel; --Concerning memorializing Congress to enact the "Respect for Rights of Conscience Act of 2011", and, in connection therewith, urging the President of the United States to provide an effective and comprehensive religious conscience exemption from a requirement to cover services that are contrary to the religious beliefs and practices of certain faiths.

On motion of Senator Neville, the memorial was read at length.

Call of the Senate. Call raised.

On motion of Senator Neville, the memorial was **lost** by 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		

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.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

April 27, 2012

The House has adopted and returns herewith SJR12-031, SJR12-035.

The House has adopted and transmits herewith HJR12-1022.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB12-163** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Judiciary committee report, dated March 28, 2012.

Strike the Finance committee report, dated April 10, 2012.

Amend the printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Legislative declaration. (1) The General Assembly hereby finds and declares that:

(a) In 2007, it created the Colorado commission on criminal and juvenile justice, referred to in this section as the "commission", in House Bill 07-1358.

(b) The commission was tasked with enhancing public safety, ensuring justice, and ensuring protection of the right of victims through the cost-effective use of public resources by studying evidence-based recidivism reduction initiatives that ensure the cost-effective expenditure of limited criminal justice funds;

(c) The commission has determined that it is sound public policy that the criminal justice system treat drug offenders who are primarily users and addicts differently than those more serious offenders who engage in distribution, manufacturing, and trafficking of controlled substances;

(d) It is important and necessary that the General Assembly consider drug policy changes in the criminal justice system during the

first regular session of the Sixty-ninth General Assembly.

(2) Therefore, the General Assembly determines that it is necessary to direct the commission to prioritize the development of a comprehensive drug sentencing scheme that better differentiates drug offenders who are primarily users and addicts from those involved in distribution and trafficking of controlled substances and that focuses efforts on funding interventions, supervision, and treatment in the community for addicts and abusers rather than the use of the current system of escalating punishment that can result in the ineffective use of the state's prison resources.

SECTION 2. In Colorado Revised Statutes, 16-11.3-103, **add** (2.7) as follows:

16-11.3-103. Duties of the commission - mission - staffing - repeal. (2.7) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA AND RESEARCH, THE COMMISSION SHALL CONSIDER THE DEVELOPMENT OF A COMPREHENSIVE DRUG SENTENCING SCHEME FOR ALL DRUG CRIMES DESCRIBED IN ARTICLE 18 OF TITLE 18, C.R.S. THE SENTENCING SCHEME SHALL CONSIDER:

(I) DEVELOPMENT OF A SENTENCING STRUCTURE THAT BETTER DIFFERENTIATES DRUG OFFENDERS WHO ARE PRIMARILY USERS AND ADDICTS FROM THOSE MORE SERIOUS OFFENDERS WHO ARE INVOLVED IN DRUG DISTRIBUTION, MANUFACTURING, OR TRAFFICKING;

(II) DEVELOPMENT OF RESOURCES THROUGH CHANGES IN THE CRIMINAL CODE THAT WILL ENHANCE INTERVENTION, SUPERVISION, AND TREATMENT IN THE COMMUNITY AND ENHANCE PUBLIC SAFETY BY ADDRESSING DRUG ABUSE AND ADDICTION AND BY DECREASING CRIME THROUGH DRUG ABUSE RECOVERY;

(III) METHODS BY WHICH OFFENDERS CAN GAIN ACCESS TO ASSESSMENT-BASED TREATMENT SERVICES THAT ARE BASED ON TREATMENT NEED REGARDLESS OF THE LEVEL OR CLASSIFICATION OF THE CRIME;

(IV) CREATION OF EQUIVALENT PENALTIES FOR CRIMES THAT POSE SIMILAR RISKS TO PUBLIC SAFETY;

(V) ENHANCEMENT OF PENALTIES WHEN BEHAVIORS CLEARLY PRESENT A PUBLIC SAFETY RISK;

(VI) DEVELOPMENT OF RESOURCES FOR ADDITIONAL PRE-FILLING DIVERSION PROGRAMS AROUND THE STATE FOR DRUG OFFENDERS;

(VII) USE OF DRUG COURTS AND HOW LEGISLATIVE CHANGES COULD SUPPORT MORE EFFECTIVE USE OF THOSE RESOURCES;

(VIII) RELEVANT NEGATIVE IMPACTS RELATED TO CRIMINAL CONVICTIONS; AND

(IX) ANY OTHER ISSUES THAT THE COMMISSION DETERMINES TO BE IMPORTANT AND RELEVANT TO THE GOALS OF THE COMMISSION AND THE LEGISLATIVE INTENT OF SENATE BILL 12-163, ENACTED IN 2012.

(b) BY DECEMBER 15, 2012, THE COMMISSION SHALL PROVIDE TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES, A WRITTEN REPORT OF THE COMMISSION'S RECOMMENDATIONS FOR A COMPREHENSIVE DRUG SENTENCING SCHEME. IF THE COMMISSION IS UNABLE TO BRING FORTH ANY RECOMMENDATIONS FOR THE GENERAL ASSEMBLY TO CONSIDER, THE COMMISSION SHALL PROVIDE IN THE REPORT THE REASONS THE COMMISSION COULD NOT MAKE ANY RECOMMENDATIONS AND, IF POSSIBLE, DESCRIBE THE SPECIFIC AREAS OF DISAGREEMENT THAT PREVENTED THE COMMISSION FROM MAKING ANY RECOMMENDATIONS.

(c) THIS SUBSECTION (2.7) IS REPEALED, EFFECTIVE JULY 1, 2013.

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."

Page 1, strike lines 103 through 107 and substitute "SUBSTANCES CRIMES."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-162** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend Business, Labor and Technology Committee Report, dated April 11, 2012, page 9, after line 36 insert:

"SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the methamphetamine laboratory clean-up cash fund created in section 25-18.5-103.5 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2012, the sum of \$210,920 and 1.2 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$91,802 and 1.2 FTE for the hazardous waste control program, personal services;

(b) \$103,976 for the hazardous waste control program, operating expenses; and

(c) \$15,142 for the hazardous materials and waste management division, purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2012, the sum of \$15,142 and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services for the department of public health and environment related to the implementation of this act. Said sum is from reappropriated funds received from the department of public health and environment out of the appropriation made in paragraph (c) of subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 10 of the committee report, after line 2 insert:

"Page 1 of the printed bill, line 102, strike **"LABORATORY."** and substitute **"LABORATORY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."**."

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1294** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 24, strike lines 11 through 14 and substitute:

"SECTION 13. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the health facilities general licensure cash fund created in section 25-3-103.1 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2012, the sum of \$183,730 and 2.4 FTE, or so much thereof as may be necessary, for allocation to the health facilities and emergency services division for expenses in the health facilities general licensure program related to the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 103, strike **"ENVIRONMENT."** and substitute **"ENVIRONMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."**.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1226** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 14, strike "\$5,726," and substitute "\$5,650,".

Appropriations	After consideration on the merits, the Committee recommends that HB12-1302 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that HB12-1303 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8 9
	Amend reengrossed bill, page 31, line 10, strike "1.2 FTE," and substitute "1.1 FTE,".	10 11 12
	Page 31, line 12, after "FTE" insert "for the division of registrations".	13 14
	Page 31, line 13, after "\$27,971" insert "for the division of registrations".	15 16
	Page 31, line 14, after "\$7,909" insert "for the division of registrations".	17 18 19
Appropriations	After consideration on the merits, the Committee recommends that HB12-1274 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.	20 21 22 23 24
	Amend reengrossed bill, page 11, line 13, strike "\$190,100." and substitute "\$209,592.".	25 26 27
	Page 11, line 16, strike "\$190,100." and substitute "\$209,592.".	28 29 30
Appropriations	After consideration on the merits, the Committee recommends that SB12-117 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31 32 33 34 35
	Strike the State, Veterans & Military Affairs Committee Report, dated February 27, 2012.	36 37 38
	Amend printed bill, page 2, line 9, after "(a);" add "OR".	39 40
	Page 2 of the bill, strike lines 10 through 17.	41 42
	Page 2 of the bill, line 18, strike "(c)" and substitute "(b)".	43 44
	Page 3 of the bill, strike lines 1 through 3 and substitute "MILLILITER IN WHOLE BLOOD, IN WHICH CASE USE OF THE TERM SHALL INCORPORATE BY REFERENCE".	45 46 47 48
	Page 3 of the bill, strike lines 6 and 7 and substitute "(1) (d), (2) (b), (2) (c), (4), and (6) (e); repeal (1) (c); and add (2) (a.3) as".	49 50 51
	Page 3 of the bill, strike lines 22 through 27.	52 53
	Page 4 of the bill, strike lines 1 through 18 and substitute:	54 55
	"(2) (a.3) IT IS A MISDEMEANOR FOR ANY PERSON TO DRIVE A MOTOR VEHICLE OR VEHICLE WHEN THE PERSON'S BLOOD CONTAINS FIVE NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL AT THE TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING. DURING A TRIAL, IF THE STATE'S EVIDENCE RAISES THE ISSUE, OR IF A DEFENDANT PRESENTS SOME CREDIBLE EVIDENCE, THAT THE DEFENDANT CONSUMED A SUBSTANCE CONTAINING DELTA 9-TETRAHYDROCANNABINOL BETWEEN THE TIME THAT THE DEFENDANT STOPPED DRIVING AND THE TIME THAT TESTING OCCURRED, SUCH ISSUE IS AN AFFIRMATIVE DEFENSE, AND THE PROSECUTION MUST ESTABLISH BEYOND A REASONABLE DOUBT THAT THE MINIMUM FIVE NANOGRAMS OF DELTA 9-TETRAHYDROCANNABINOL REQUIRED IN THIS PARAGRAPH (a.3) WAS REACHED AS A RESULT OF CONSUMPTION BY THE DEFENDANT BEFORE THE DEFENDANT STOPPED DRIVING.".	56 57 58 59 60 61 62 63 64 65 66 67 68 69

Page 4 of the bill, line 26, strike "blood, URINE, SALIVA," and substitute "blood".

Page 5 of the bill, strike line 3 and substitute "WITH EXCESSIVE THC CONTENT".

Page 5 of the bill, strike lines 12 through 27.

Page 6 of the bill, strike lines 1 through 9.

Page 6 of the bill, line 10, before "(e)" insert "(6)".

Page 6 of the bill, line 19, strike "(2) (c); and **add** (2.5)" and substitute "(2) (c)".

Page 7 of the bill, strike lines 10 through 27.

Page 8 of the bill, strike line 1.

Page 8 of the bill, line 3, strike "(2) (c); and **add** (2.5)" and substitute "(2) (c)".

Page 8 of the bill, strike lines 21 through 27.

Page 9 of the bill, strike lines 1 through 12.

Page 24 of the bill, before line 6 insert:

"SECTION 21. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2012, the sum of \$12,000 so much thereof as may be necessary, for allocation to the office of the state public defender for mandated costs related to the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$16,280, or so much thereof as may be necessary, to be allocated to the information technology division for the purchase of computer center services related to the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$16,280, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in subsection (2) of this section."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**DRUGS.**" and substitute "**DRUGS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2014:

Robert Stinchcomb of Lafayette, Colorado, a representative of the ski industry and occasioned by the resignation of Jeanne C. Mackowski of Carbondale, Colorado, appointed.

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 General Orders -- Second Reading of Bills.

Committee of the Whole On motion of Senator Hodge, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hodge was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1041 by Representative(s) Labuda; also Senator(s) Guzman--Concerning the creation of an electronic death registration system in the department of public health and environment, and, in connection therewith, making an appropriation.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 15, page 492 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1213 by Representative(s) Fields; also Senator(s) King S.--Concerning the penalty for a person who escapes from a place of confinement other than a county jail or correctional facility.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1282 by Representative(s) Ramirez; also Senator(s) Nicholson--Concerning the ability of the Colorado geological survey to exempt review of the geologic factors of a preliminary subdivision plan upon request from the board of county commissioners of a county.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1292 by Representative(s) Murray; also Senator(s) Heath--Concerning technical modifications to laws relating to the administration of elections, and, in connection therewith, harmonizing current laws with federal law, altering the time periods within which certain actions must be taken, raising certain fees, and deleting obsolete references.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1124 by Representative(s) Massey, Fields, Hamner, Holbert, Levy, Peniston; also Senator(s) Johnston--Concerning a study of digital learning in Colorado.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, March 12, pages 465-466 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1036 by Representative(s) Kerr J.; also Senator(s) Boyd--Concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files.

Laid over until Monday, April 30, retaining its place on the calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-106, SB12-135, HB12-1267, HB12-1241) of Friday, April 27 was laid over until Monday, April 30, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, 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: HB12-1041 as amended, HB12-1213, HB12-1282, HB12-1292, HB12-1124.
Laid over until Monday, April 30: HB12-1036, SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-106, SB12-135, HB12-1267, HB12-1241.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senators Hodge and Grantham will be the Senate joint prime sponsors on HB12-1330.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1131, 1153, 1162, 1258, 1335, 1336, 1337, 1338, 1339, 1340, 1344.

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, April 27 was laid over until Monday, April 30, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1293.
Consideration of Resolutions: SJR12-025, SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-043, SJR12-044, HJR12-1017.
Consideration of Memorials: SJM12-003.
Consideration of House Amendments to Senate Bills: SB12-128, SB12-036, SB12-149, SB12-009, SB12-010, SB12-145.
Consideration of Governor's Appointments:
Members of the Tourism Office Board of Directors.
Members of the Waste Tire Advisory Committee.
Consideration of Conference Committee Reports: HB12-1002.
Conference Committees to Report: SB12-020, HB12-1053.
Requests for Conference Committee: HB12-1168.

MESSAGE FROM THE GOVERNOR

April 25, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBER OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS

effective May 1, 2012 for a term expiring May 1, 2016:

Kathie Troutd Riley of Loveland, Colorado to serve as a representative with broad general knowledge of the Colorado livestock industry and shall represent commodity other than confinement and non-confinement cattle industries, with the largest percentage of charged fees, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 4/27/2012
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

April 24, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration the following:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2015:

Nancy Lee Ferrier of Wheat Ridge, Colorado, the state long-term care ombudsman, and occasioned by the resignation of Shelley K. Hitt of Centennial, Colorado , appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 4/27/2012
Cindi Markwell, Secretary of the Senate

Committee on State, Veterans, and Military Affairs

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 30, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

111th Legislative Day Monday, April 30, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--32
Absent--3, Guzman, Jahn, Williams S.
Present later--3, Guzman, Jahn, Williams S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Friday, April 27, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Legal Services After consideration on the merits, the Committee recommends that **HB12-1086** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, after line 19 insert:

"(5) The automatic expiration of the rules of the state board of education, department of education, concerning the process for nonprobationary teacher to appeal second consecutive performance evaluation rating of ineffective or partially effective in the rules for administration of a statewide system to evaluate the effectiveness of licensed personnel employed by school districts and boards of cooperative services (1 CCR 301-87), which rules were adopted on April 11, 2012, and that are therefore scheduled for expiration May 15, 2013, is postponed, effective May 15, 2012."

Health & Human Services After consideration on the merits, the Committee recommends that **SB12-173** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **HB12-1281** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 24 through 26 and substitute:

"(C) THE STATE DEPARTMENT'S ABILITY TO ENSURE THAT INPATIENT AND OUTPATIENT HOSPITAL REIMBURSEMENTS ARE MAXIMIZED UP TO THE UPPER PAYMENT LIMITS, AS DEFINED IN 42 CFR 447.272 AND 42 CFR 447.321 AND CALCULATED BY THE STATE DEPARTMENT PERIODICALLY;"

Page 10, line 11, after "(6)" insert "(a)".

Page 10, strike lines 18 through 22 and substitute "(b) OF SUBSECTION (2) OF THIS SECTION.

(b) THE STATE DEPARTMENT SHALL HAVE THE DISCRETION TO DETERMINE WHICH PROPOSALS SATISFY THE REQUEST FOR PROPOSAL, INCLUDING:

(I) WHETHER THE PROPOSALS ARE APPROPRIATE FOR THE STATE'S COORDINATED CARE SYSTEM; AND

(II) THE STATE DEPARTMENT'S ABILITY TO ENSURE INPATIENT AND OUTPATIENT HOSPITAL REIMBURSEMENTS ARE MAXIMIZED UP TO THE UPPER LIMITS, AS DEFINED IN 42 CFR 447.272 AND 42 CFR 447.321 AND CALCULATED BY THE STATE DEPARTMENT PERIODICALLY.

(c) THE STATE DEPARTMENT SHALL SEEK ANY FEDERAL WAIVER NECESSARY TO ENSURE THAT THE EFFECT OF THE REQUEST FOR PROPOSALS DOES NOT ADVERSELY IMPACT UPPER PAYMENT LIMITS AND CONSIDERATIONS SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE ESTABLISHMENT OF AN UNCOMPENSATED CARE COST POOL OR A HOSPITAL INCENTIVE PROGRAM."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB12-1311** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 146, strike line 13 and substitute "(1) (e) and (1) (bb); and **repeal** (1) (cc) as follows:".

Page 146, strike lines 23 through 26 and substitute:

~~"(cc) Dispensing for a fee any prescription drug, as defined in section 12-22-102, or any controlled substance, as defined in section 12-22-303, except as permitted in sections 12-22-121 (6) (c) and 12-40-102 (5) (b);".~~

Page 147, line 8, after "(1) (l)" insert "and (1) (m) (III)".

Page 147, after line 14 insert:

"(m) (III) Failed to comply with the limitations agreed to under a confidential agreement entered pursuant to section ~~12-41-118~~ 12-41-118.5;".

SENATE SERVICES REPORT

Correctly Reengrossed: SB12-046, 090, 104 and 175.
Correctly Revised: HB12-1041, 1124, 1213, 1282 and 1292.
Correctly Rerevised: HB12-1348.

MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for House Bill 12-1345, Concerning the Financing of Public Schools:

The Friday, April 20 deadline (the 101st legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Wednesday, May 9, 2012 (the 120th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)	(signed)
Representative McNulty	Senator Shaffer
Speaker of the House of Representatives	President of the Senate

(signed)	(signed)
Representative Stephens	Senator Morse
House Majority Leader	Senate Majority Leader

(signed)	(signed)
Representative Ferrandino	Senator Cadman
House Minority Leader	Senate Minority Leader

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:

SB12-129 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 Tuesday, May 1, retaining its place on the calendar.

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.

Laid over until Tuesday, May 1, retaining its place on the calendar.

SB12-108

by Senator(s) Nicholson; also Representative(s) Summers and Kerr A.--Concerning providing oral health services to pregnant women who are enrolled in medicaid, 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	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Morse, Newell, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and Williams S.

HB12-1041

by Representative(s) Labuda; also Senator(s) Guzman--Concerning the creation of an electronic death registration system in the department of public health and environment, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Lambert was given permission to offer a third reading amendment. Pursuant to Senate Rule 25 (k), the bill was laid over.

Laid over until Tuesday, May 1, retaining its place on the calendar.

HB12-1213

by Representative(s) Fields; also Senator(s) King S.--Concerning the penalty for a person who escapes from a place of confinement other than a county jail or correctional facility.

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, Carroll, Foster, Giron, Hudak, Jahn, Johnston, King K., Lambert, Morse, Newell, Nicholson, Roberts, Spence and Tochtrop.

HB12-1282 by Representative(s) Ramirez; also Senator(s) Nicholson--Concerning the ability of the Colorado geological survey to exempt review of the geologic factors of a preliminary subdivision plan upon request from the board of county commissioners of a county.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar and Giron.

HB12-1292 by Representative(s) Murray; also Senator(s) Heath--Concerning technical modifications to laws relating to the administration of elections, and, in connection therewith, harmonizing current laws with federal law, altering the time periods within which certain actions must be taken, raising certain fees, and deleting obsolete references.

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: Williams S.

HB12-1124 by Representative(s) Massey, Fields, Hamner, Holbert, Levy, Peniston; also Senator(s) Johnston--Concerning a study of digital learning in Colorado.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	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 and Newell.

Committee of the Whole On motion of Senator Giron, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Giron 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:

HB12-1293 by Representative(s) Todd, Court, Ferrandino, Liston, Murray; also Senator(s) King K.--Concerning modifications to procedures that govern recall elections.

Ordered revised and placed on the calendar for third reading and final passage.

SB12-177 by Senator(s) Jahn, Cadman; also Representative(s) Liston and Pabon, Duran, Gardner B., McNulty, Priola, Soper, Swalm, Swerdfeger, Szabo, Tyler, Williams A.--Concerning administration of the unemployment insurance program in order to stabilize unemployment insurance rates, and, in connection therewith, facilitating the issuance of unemployment revenue bonds and accelerating the creation of the division of unemployment insurance in the department of labor and employment.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 26, page 861 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-176 by Senator(s) Brophy, Guzman, Morse, Roberts, Schwartz; also Representative(s) Labuda, Gardner B., Levy, Murray, Waller--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

Ordered engrossed and placed on the calendar for third reading and final passage.

HB12-1108 by Representative(s) Kagan, Brown, Holbert; also Senator(s) Scheffel--Concerning the authority of the Colorado department of transportation to have signs within rights-of-way on the highway system.

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 Giron, 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: SB12-177 as amended, SB12-176, HB12-1293, HB12-1108.

Committee of the Whole On motion of Senator Giron, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Giron 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:

SCR12-001 by Senator(s) Steadman; also Representative(s) Ferrandino--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate journal, March 28, page 598, was lost.)

Ordered engrossed and placed on the calendar for third reading and final passage.

HB12-1241 by Representative(s) Ferrandino, Hullinghorst, Court, Fischer, Labuda, Levy, Pabon, Singer; also Senator(s) Heath--Concerning enterprise zone designations.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1068 by Representative(s) McKinley; also Senator(s) Grantham--Concerning the administration of a nonprofit cemetery corporation by persons who own the right to bury a deceased person within the cemetery.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, April 26, pages 861-862 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB12-170

by Senator(s) Aguilar; also Representative(s) Gerou--Concerning authorization for personalized license plates of one position to fund a program that helps persons with disabilities obtain benefits.

Ordered engrossed and placed on the calendar for third reading and final passage.

123456789

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 (HB12-1036, SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178) of Monday, April 30 was laid over until Tuesday, May 1, retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

17181920

On motion of Senator Giron, the report of the Committee of the Whole was **adopted** on the following roll call vote:

2122232425

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		

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The Committee of the Whole took the following action:

Passed on second reading: SCR12-001, HB12-1241, HB12-1068 as amended, SB12-170. Laid over until Tuesday, May 1: HB12-1036, SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178.

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CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

4748

SB12-128

by Senator(s) Roberts; also Representative(s) Summers--Concerning achieving efficiencies in the medicaid long-term care program through greater utilization of alternative care facilities.

49505152

Senator Roberts moved that the Senate concur in House amendments to **SB12-128**, as printed in House journal, April 5, page 892. The motion was **adopted** by the following roll call vote:

535455565758

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: White.

SB12-036 by Senator(s) Mitchell; also Representative(s) Holbert--Concerning parental consent for the collection of information from students in schools.

Laid over until Tuesday, May 1, retaining its place on the calendar.

SB12-149 by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in which the board of a defined benefit plan or system created by a local government may modify retirement benefit provisions of the plan or system.

Senator Steadman moved that the Senate concur in House amendments to **SB12-149**, as printed in House journal, April 23, page 1070. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-009 by Senator(s) Hodge, Brophy, Giron, Roberts, Schwartz; also Representative(s) Swerdfeger, Baumgardner, Sonnenberg, Vigil, Wilson--Concerning the consolidation of cash funds administered by the division of water resources, and, in connection therewith, making and reducing appropriations.

Senator Hodge moved that the Senate concur in House amendments to **SB12-009**, as printed in House journal, April 23, page 1081. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: White.

SB12-010 by Senator(s) Hodge; also Representative(s) Ferrandino--Concerning the authority of the department of public safety to use grants and donations for the purpose of funding the activities of the Colorado bureau of investigation.

Senator Hodge moved that the Senate concur in House amendments to **SB12-010**, as printed in House journal, April 25, pages 1089-1090. The motion was **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		

The question being "Shall the bill, as amended, 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, as amended, was **repassed**.

SB12-145 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy-- Concerning a cap on the 2011-12 state fiscal year transfers to the state public school fund from public school land moneys.

Senator Steadman moved that the Senate concur in House amendments to **SB12-145**, as printed in House journal, April 25, page1090. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

RECONSIDERATION OF SB12-010

SB12-010 by Senator(s) Hodge; also Representative(s) Ferrandino--Concerning the authority of the department of public safety to use grants and donations for the purpose of funding the activities of the Colorado bureau of investigation.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Consideration of House Amendments to Senate Bills, on SB12-010.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS - cont'd

SB12-010 by Senator(s) Hodge; also Representative(s) Ferrandino--Concerning the authority of the department of public safety to use grants and donations for the purpose of funding the activities of the Colorado bureau of investigation.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	22	NO	13	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.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

CONSIDERATION OF RESOLUTIONS

SJR12-025 by Senator(s) Grantham; also Representative(s) McKinley--Concerning recognition of the Amtrak Southwest Chief.

Amendment No. 1(L.001), by Senator Grantham.

Amend printed joint resolution, page 2, line 25, after the semicolon insert "the Honorable Mike O'Neal, Speaker of the Kansas House of Representatives; Honorable Steve Morris, President of the Kansas Senate; Honorable Ben Lujan, Sr., Speaker of the New Mexico House of Representatives; Honorable Timothy Jennings, President Pro Tempore of the New Mexico Senate; Steve Parker, Chairman of the Colorado Transportation Commission; Alvin Dominguez, Secretary of the New Mexico Department of Transportation; Mike King, Secretary of the Kansas Department of Transportation;".

The amendment **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		

On motion of Senator Grantham, the resolution, as amended, was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Foster, Hodge, Hudak, Jahn, King K., King S., Lambert, Lundberg, Newell, Scheffel, Schwartz, Shaffer B. and Steadman.

SJR12-044 by Senator(s) Grantham; also Representative(s) Becker--Concerning the 25th anniversary of the Arkansas Valley Correctional Facility.

On motion of Senator Grantham, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

HJR12-1017 by Representative(s) Priola and Kerr A., Waller; also Senator(s) Steadman and Roberts-- Concerning the designation of the Denver-Boulder Turnpike portion of United States Highway 36 as the "Buffalo Highway".

On motion of Senator Steadman, the resolution was **adopted** by the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Foster, Heath, Nicholson, Tochtrop and Williams S.

CONSIDERATION OF MEMORIALS

SJM12-003 by Senator(s) Lundberg, Harvey, Grantham, Mitchell, Renfroe, King S., Cadman, King K., Newell, Roberts, Spence, Giron, Brophy, Jahn, Lambert, Neville, Scheffel, White; also Representative(s) DelGrosso, Liston--Memorializing Congress to modify certain reporting procedures for small nonprofit organizations to require the Internal Revenue Service to adequately notify such organizations of the procedures and to allow such organizations to remedy reporting deficiencies.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 24, pages 824-825 and placed in members' bill files.)

On motion of Senator Lundberg, the memorial, as amended, was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Heath, Hodge, Hudak, Johnston, Morse, Shaffer B., Tochtrop and Williams S.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB12-1002 by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the rules of state agencies applicable to applications for permits.

Senator Jahn moved for the adoption of the first report of the first conference committee on **HB12-1002**, as printed in Senate journal, April 26, pages 863-864. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Guzman.

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 30 was laid over until Tuesday, May 1, retaining its place on the calendar.

Consideration of Resolutions: SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-043.

Consideration of Governor's Appointments:

Members of the Colorado Tourism Office Board of Directors.

Members of the Waste Tire Advisory Committee.

Conference Committees to Report: SB12-020, HB12-1053.

Requests for Conference Committee: HB12-1168.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1348; SJM12-002; SJR12-006, 024, 029, 030, 032, 033 and 042.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

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
COLORADO BANKING BOARD

for terms expiring July 1, 2013:

James L. Basey of Denver, Colorado, to fill the vacancy occasioned by the resignation of Thomas L. Goding of Fort Collins, Colorado, and to serve as an executive officer of a state bank, with not less than five years' practical experience as an active executive officer of a bank, appointed;

Emily S. Robinson of Golden, Colorado, an executive officer of a state bank, with not less than five years' practical experience as an active executive officer of a bank, and occasioned by the resignation of Mary S. Reisher of Denver, Colorado, appointed;

for a term expiring July 1, 2015:

Richard Estaban Martinez, Jr., Centennial, Colorado, to serve as a representative of bankers, and as a representative of a bank having less than one hundred fifty million dollars in total assets, 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:

COMMISSIONER OF INSURANCE

Effective July 1, 2011, for a term expiring at the pleasure of the Governor:
James L. Reisberg of Greeley, Colorado, appointed.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB12-1286** be referred to the Committee on Finance with favorable recommendation.

MESSAGE FROM THE HOUSE

April 30, 2012

The House has voted to concur in the Senate amendments to HB12-1114, 1151, 1070, 1224, 1262, 1239, 1244, 1276 and has repassed the bills as so amended.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committees indicated:

SJR12-048 by Senator(s) White and Tochtrop; also Representative(s) Bradford--Concerning the designation of May 13 through 19, 2012, as "National Nursing Home Week".

Laid over until Wednesday, May 2, retaining its place on the calendar.

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".

Laid over until Thursday, May 3, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB12-183 by Senator(s) Boyd; --Concerning restrictions on a utility's ability to disconnect certain residential customers' heating service during cold weather months.
Health and Human Services

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, May 1, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

112th Legislative Day Tuesday, May 1, 2012

Prayer	By the chaplain, Rabbi Eliot Baskin, Jewish Family Services of Colorado, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Nicholson.
Roll Call	Present--25 Excused--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Newell, Steadman. Present later--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Newell, Steadman.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Neville, reading of the Journal of Monday, April 30, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary	After consideration on the merits, the Committee recommends that SB12-039 be postponed indefinitely.
Judiciary	After consideration on the merits, the Committee recommends that HB12-1266 be referred to the Committee on <u>Finance</u> with favorable recommendation.
Judiciary	After consideration on the merits, the Committee recommends that HB12-1223 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
	Amend reengrossed bill, page 5, strike lines 17 through 20 and substitute: "SECTION 4. Applicability. The provisions of Section 2 of this act shall not apply until at least ninety days after the effective date of this act."
Judiciary	After consideration on the merits, the Committee recommends that HB12-1084 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Judiciary	After consideration on the merits, the Committee recommends that SB12-182 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

SENATE SERVICES REPORT

Correctly Printed: SB12-183; SJR12-048.
 Correctly Engrossed: SB12-170, 176 and 177; SCR12-001; SJM12-003; SJR12-025 and 044.
 Correctly Reengrossed: SB12-108.
 Correctly Revised: HB12-1068, 1108, 1241 and 1293; HJR12-1017.
 Correctly Rerevised: HB12-1124, 1213, 1282 and 1292.
 Correctly Enrolled: SB12-012, 041, 060, 121, 123, 150 and 168.

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

SJR12-036 by Senator(s) Scheffel, Harvey; also Representative(s) Holbert--Concerning achievements by Rocky Vista University, including the graduation of its inaugural class of doctors.

On motion of Senator Scheffel, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

HB12-1293 by Representative(s) Todd, Court, Ferrandino, Liston, Murray; also Senator(s) King K.--Concerning modifications to procedures that govern recall elections.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB12-177 by Senator(s) Jahn, Cadman; also Representative(s) Liston and Pabon, Duran, Gardner B., McNulty, Priola, Soper, Swalm, Swerdfeger, Szabo, Tyler, Williams A.--Concerning administration of the unemployment insurance program in order to stabilize unemployment insurance rates, and, in connection therewith, facilitating the issuance of unemployment revenue bonds and accelerating the creation of the division of unemployment insurance in the department of labor and employment.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Foster, Heath, Hudak, King S., Newell, Schwartz, Steadman and Tochtrop.

SB12-176 by Senator(s) Brophy, Guzman, Morse, Roberts, Schwartz; also Representative(s) Labuda, Gardner B., Levy, Murray, Waller--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

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**.

HB12-1108 by Representative(s) Kagan, Brown, Holbert; also Senator(s) Scheffel--Concerning the authority of the Colorado department of transportation to have signs within rights-of-way on the highway system.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Grantham, Guzman, Hudak, Jahn, King S., Newell, Schwartz, Williams S.

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:

SB12-129 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 Wednesday, May 2, retaining its place on the calendar.

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 an amendment 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.

A majority of those elected to the Senate having voted in the affirmative, Senator was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.013) , by Senator Johnston.

Amend revised concurrent resolution, page 11, line 5, strike "amendments" and substitute "an amendment".

Page 1, line 102, strike "AMENDMENTS" and substitute "AN AMENDMENT".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the concurrent resolution, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A constitutional two-thirds of all members elected to the Senate having voted in the affirmative, the concurrent resolution **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Harvey, Heath, Jahn, King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Renfroe, Roberts, Scheffel, Schwartz, Spence and White.

HB12-1041 by Representative(s) Labuda; also Senator(s) Guzman--Concerning the creation of an electronic death registration system in the department of public health and environment, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Lambert was given permission to offer a third reading amendment. (See Senate Journal, April 30, page 932.)

Third Reading Amendment No. 1(L.004), by Senator Lambert.

Amend revised bill, page 2, after line 1 insert:

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Under House Bill 12-1041, the Colorado department of public health and environment is directed to create, and the state registrar is directed to use, an electronic death registration system to collect death information from funeral directors, coroners, physicians, local registrars, and health facilities.

(b) An electronic death registration system will streamline the process for collecting and processing death information, which will dramatically reduce costs for persons responsible for submitting death information to the state registrar, with the greatest benefit reaped by funeral businesses.

(c) While the creation of an electronic death registration system will greatly benefit funeral directors, coroners, physicians, local registrars, health facilities, and the state registrar by creating a more efficient, cost-effective process for collecting and submitting death information, an electronic system will have a marginal benefit for the end users of death certificates, namely, the families of the deceased.

(d) Despite the minimal benefit to Colorado families in comparison to the tremendous benefits to businesses and governments involved in processing death information, particularly funeral businesses, House Bill 12-1041 shifts the entire cost of developing and implementing the electronic death registration system to Colorado families who have lost a family member and are often required to purchase multiple copies of the death certificate from the office of the state registrar in order to manage and close the decedent's estate.

(e) Under House Bill 12-1041, the state registrar will charge Colorado families an increased "fee" for obtaining copies of death certificates, and the increased revenues generated from this "fee" will be used to develop and implement the electronic death registration system.

(f) Section 20 of article X of the Colorado constitution requires voter approval of any new tax or tax rate increase; however, voter approval is not required for an increase in a government-imposed fee.

(g) In determining whether a government charge is a fee or a tax, the office of legislative legal services, in a memorandum prepared for the executive committee of the legislative council, dated January 6, 1993,

suggested an analysis for determining when a government charge is a tax requiring voter approval under the state constitution, which analysis has been employed by the general assembly since the passage of section 20 of article X of the state constitution.

(h) (I) The analysis articulated in the 1993 memorandum begins with the following questions:

(A) Is the charge a pecuniary charge upon persons or property?

(B) Is the charge imposed by legislative authority? and

(C) Is the charge imposed to raise money for a public purpose, that is, for the support of the government or any of the recognized objects of government, or for the health, safety, or welfare of the entire community rather than of a narrow class of persons.

(II) Applying the first step of the analysis to the increased charge for a death certificate to implement an electronic death registration system, the charge is imposed on Coloradans, pursuant to authority granted to the state registrar by the general assembly, for the support of the government's electronic death registration system.

(i) (I) The next step in the analysis is determining whether the charge is a fee, which is a charge made to defray the cost of a product, service, or regulation that is reasonably related to the overall cost, even though mathematical exactitude is not required, and that is not made primarily for the purpose of raising revenue for general public purposes.

(II) While the initial charge assessed Colorado families under current law may be a charge reasonably related to the overall cost of the death registration system, the increase in that charge appears to raise revenue primarily for a general public purpose, funding an electronic system that benefits the public at large.

(j) (I) Assuming the increased charge is a new tax or tax rate increase under the first two steps of the analysis, the following questions are to be considered:

(A) Is there any evidence that the people who voted for section 20 of article X of the state constitution intended that a vote would be required for future increases in the death certificate charge?

(B) Will voting on increases in the charge "reasonably restrain most the growth of government", which, pursuant to section 20 (1) of article X of the state constitution, is the "preferred interpretation" of said section 20?

(C) Is the charge commonly referred to as a "tax"?

(D) How much revenue is generated by the charge?

(E) How broadly based is the charge?

(II) In considering these questions, arguably:

(A) Colorado voters expect to vote on an increase in death certificate charges;

(B) Requiring a vote on the increased death certificate charge will reasonably restrain government growth in that, if voters do not approve the increase, the new government system will not be created;

(C) While the charge is usually referred to as a "fee", that fact, alone, is not dispositive of the issue;

(D) The increased charge is estimated to generate one million fifty-six thousand dollars over the next two state fiscal years, not an insignificant amount of revenue; and

(E) The charge will be assessed on a large portion of the state population given that it is charged for each death in Colorado.

(k) Since the increase in the death certificate charge is a new or increased tax on Colorado families, House Bill 12-1041 must be referred to a vote of the people of Colorado and cannot be implemented unless a majority of voters in this state approve the measure."

Renumber succeeding sections accordingly.

Page 4, strike lines 9 through 18 and substitute:

"SECTION 4. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next election for which it may be submitted, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V and section 20 of article X of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL STATE TAXES BE INCREASED BY \$480,000 IN THE FIRST STATE FISCAL YEAR AND BY \$576,000 IN THE SECOND STATE FISCAL YEAR, FOR A TOTAL

INCREASE OF \$1,056,000 IN STATE REVENUES OVER A TWO-YEAR PERIOD, FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING AN ELECTRONIC DEATH REGISTRATION SYSTEM IN THE STATE?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress."

The amendment was **lost** on the following roll call vote:

YES	12	NO	23	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	N
Brophy	N	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
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		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Heath, Hodge, Morse, Newell, Nicholson, Steadman, Tochtrop and Williams S.

SCR12-001 by Senator(s) Steadman; also Representative(s) Ferrandino--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction.

The question being "Shall the concurrent resolution pass?", the roll call was taken with the following result:

YES	27	NO	8	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	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A constitutional two-thirds of all members elected to the Senate having voted in the affirmative, the concurrent resolution was **passed**.

Co-sponsor added: Shaffer B.

HB12-1241 by Representative(s) Ferrandino, Hullinghorst, Court, Fischer, Labuda, Levy, Pabon, Singer; also Senator(s) Heath--Concerning enterprise zone designations.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Foster, Steadman and Tochtrop.

HB12-1068 by Representative(s) McKinley; also Senator(s) Grantham--Concerning the administration of a nonprofit cemetery corporation by persons who own the right to bury a deceased person within the cemetery.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Jahn and Neville.

SB12-170 by Senator(s) Aguilar; also Representative(s) Gerou--Concerning authorization for personalized license plates of one position to fund a program that helps persons with disabilities obtain benefits.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Heath and Williams S.

Committee of the Whole On motion of Senator Hudak, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Hudak 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:

HB12-1331 by Representative(s) Brown, Wilson, Pace, Hamner, Kerr A., Massey, Murray, Ramirez, Schafer S., Summers, Todd; also Senator(s) Schwartz, Bacon, Heath, Johnston, King K., King S.--Concerning changing the name of Western state college of Colorado to Western state Colorado university.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1274 by Representative(s) Swerdfeger; also Senator(s) Jahn--Concerning the regulation of notaries public, and, in connection therewith, making and reducing appropriations.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 27, pages 688-689 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 27, page 922 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 Hudak, 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: HB12-1331, HB12-1274 as amended.

Committee On motion of Senator Hudak, the Senate resolved itself into the Committee of the
of the Whole Whole for consideration of General Orders--Second Reading of Bills and
Senator Hudak 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:

SB12-086 by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory
compliance for businesses in Colorado.

Lost on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

SB12-132 by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg,
Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely
issuance of environmental control permits, and, in connection therewith, making an
appropriation.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, February 10, pages 116-117 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 9, page 413 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Steadman.

Amend printed bill, page 3, after line 9 insert:

"SECTION 2. In Colorado Revised Statutes, 25-7-114.1, amend
(6) (a) as follows:

25-7-114.1. Air pollutant emission notices (APEN). (6) (a) The
COMMISSION MAY, BY RULE, SET THE fee for filing an air pollutant
emission notice or amendment thereto under this section shall be AT NO
MORE THAN one hundred fifty-two SIXTY-THREE dollars and ninety SIXTY
cents. The DIVISION SHALL TRANSMIT THE moneys collected pursuant to
this section shall be transmitted to the state treasurer, who shall credit the
same to the stationary sources control fund created in section 25-7-114.7
(2) (b) (I).

SECTION 3. In Colorado Revised Statutes, 25-7-114.7, amend
(2) (a) (I) (A), (2) (a) (I) (B), and (2) (a) (III) as follows:

25-7-114.7. Emission fees - fund. (2) (a) (I) The commission
shall designate by rule those classes of sources of air pollution that are
exempt from the requirement to pay an annual emission fee. Every owner
or operator of an air pollution source not otherwise exempt in accordance
with such commission rules shall pay an annual fee as follows:

(A) For fiscal years 2008-09 and thereafter, twenty-two A FEE SET
BY THE COMMISSION BY RULE THAT DOES NOT EXCEED TWENTY-FOUR
dollars and ninety FIFTY cents per ton of regulated pollutant reported in
the most recent air pollution emission notice on file with the division;

(B) For fiscal years 2008-09 and thereafter, In addition to the
annual fee set forth in sub-subparagraph (A) of this subparagraph (I), for
hazardous air pollutants, including ozone-depleting compounds, an
annual fee of SET BY THE COMMISSION BY RULE THAT DOES NOT EXCEED
one hundred fifty-two SIXTY-THREE dollars and ninety SIXTY cents per
ton;

(III) Every owner or operator subject to the requirements of
paying fees set forth in subparagraph (I) of this paragraph (a) shall also
pay a processing fee for the costs of processing any application other than
an air pollution emission notice under this article. Every significant user
of prescribed fire, including federal facilities, submitting a planning
document to the commission pursuant to section 25-7-106 (8) (b) shall
pay a fee for costs of evaluating such THE documents. The division shall
assess a fee for work it performs, up to a maximum of thirty hours at a

rate of ~~seventy-six~~ SET BY THE COMMISSION BY RULE THAT DOES NOT
EXCEED EIGHTY-ONE dollars and ~~forty-five~~ EIGHTY cents per hour. If the
division requires more than thirty hours to process the application or
evaluate the prescribed fire-related planning documents, the fee paid by
the applicant shall not exceed three thousand dollars unless the division
has informed the source that the respective billings may exceed three
thousand dollars and has provided the source with an estimate of what the
actual charges may be prior to commencing the work."

Renumber succeeding sections accordingly.

As amended, ordered engrossed and placed on the calendar for third reading and final
passage.

SB12-167 by Senator(s) Heath; also Representative(s) Pabon and Summers, Massey--Concerning the
authority of state institutions of higher education regarding student health trusts.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 27, pages 914-915 and placed in members' bill files.)

Lost on second reading.

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave
to sit again at 1:45 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.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

SB12-172 by Senator(s) Johnston and Spence, Bacon, Heath, Hudak; --Concerning student
assessments adopted by the state board.

Amendment No. 1(L.001), by Senator Johnston.

Severed section #1, Page 1, lines 1 and 2.

Amend printed bill, page 2, line 6, strike "MEMBER" and substitute
"MEMBER, AT LEAST UNTIL JANUARY 1, 2014,".

Severed section #2, Page 1, lines 3 and 4.

Page 2, strike lines 12 through 15 and substitute "DEVELOPED BY THE
CONSORTIUM OF STATES.".

As amended, ordered engrossed and placed on the calendar for third reading and final
passage.

SB12-163	by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes.	1
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	<u>Amendment No. 1, Judiciary Committee Amendment.</u>	6
	(Printed in Senate Journal, March 29, page 606 and placed in members' bill files.)	7
		8
	<u>Amendment No. 2, Finance Committee Amendment.</u>	9
	(Printed in Senate Journal, April 11, pages 708-709 and placed in members' bill files.)	10
		11
	<u>Amendment No. 3, Appropriations Committee Amendment.</u>	12
	(Printed in Senate Journal, April 27, pages 919-920 and placed in members' bill files.)	13
		14
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	15
SB12-162	by Senator(s) Tochtrop; also Representative(s) Peniston--Concerning remediation performed on property contaminated by an illegal drug laboratory, and, in connection therewith, making an appropriation.	16
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	<u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u>	23
	(Printed in Senate Journal, April 12, pages 716-721 and placed in members' bill files.)	24
		25
	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	26
	(Printed in Senate Journal, April 27, pages 920-921 and placed in members' bill files.)	27
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	29
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HB12-1294	by Representative(s) Liston, Todd, Acree, Gardner B., Kerr J., Massey, Miklosi, Murray, Priola, Ramirez, Soper, Swalm, Swerdfeger, Szabo; also Senator(s) Tochtrop, Boyd, Mitchell, Neville, White--Concerning modifications to the system of regulation of health facilities currently regulated by the department of public health and environment, and, in connection therewith, making an appropriation.	31
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	<u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u>	38
	(Printed in Senate Journal, April 24, page 823 and placed in members' bill files.)	39
		40
	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	41
	(Printed in Senate Journal, April 27, page 921 and placed in members' bill files.)	42
		43
	<u>Amendment No. 3(L.039), by Senator Tochtrop.</u>	44
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	Amend reengrossed bill, page 5, line 26, strike "(1) (a) (III)".	46
		47
	Page 5, line 27, strike "and".	48
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	Page 8, strike lines 21 through 27.	50
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	As amended, ordered revised and placed on the calendar for third reading and final passage.	52
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HB12-1226	by Representative(s) Barker; also Senator(s) Aguilar--Concerning a surcharge on persons convicted of crimes against at-risk persons, and, in connection therewith, making an appropriation.	56
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	60
	(Printed in Senate Journal, April 27, page 921 and placed in members' bill files.)	61
		62
	As amended, ordered revised and placed on the calendar for third reading and final passage.	63
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HB12-1303	by Representative(s) Schafer S., Hamner, Kerr J., Peniston, Summers, Young; also Senator(s) Spence, Jahn--Concerning the regulation of speech-language pathologists by the department of regulatory agencies, and, in connection therewith, making an appropriation.	66
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	71
	(Printed in Senate Journal, April 27, page 922 and placed in members' bill files.)	72

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1302 by Representative(s) Massey; also Senator(s) Tochtrop--Concerning the creation of a flight for life Colorado license plate, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

SB12-117 by Senator(s) King S.; --Concerning the penalties for persons who drive while under the influence of alcohol or drugs, and, in connection therewith, making an appropriation.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 28, pages 313-314 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 27, pages 922-923 and placed in members' bill files.)

Lost on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

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 (HB12-1036, SB12-155, SB12-070, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178, HB12-1043) of Tuesday, May 1 was laid over until Wednesday, May 2, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-086 by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado.

Senators Cadman, Shaffer, Jahn, and Johnston moved to amend the Report of the Committee of the Whole to show that SB 12-086 did pass.

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	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Senator Aguilar moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.001) to SB 12-086, did pass.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, **add** 2-2-326 as follows:

2-2-326. Task force on the cost and benefit of state regulatory compliance - appointment - notice of funding through gifts, grants, and donations - definitions - repeal. (1) AS USED IN THIS SECTION,

UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COST AND BENEFIT OF REGULATORY COMPLIANCE" MEANS THE MONEY SPENT BY BUSINESSES IN COLORADO TO COMPLY WITH RULES THAT ARE PART OF THE REGULATORY SYSTEM OF THIS STATE AND THE BENEFITS THAT THE PUBLIC RECEIVES FROM RULES THAT ARE PART OF THE REGULATORY SYSTEM OF THIS STATE.

(b) "EXECUTIVE BRANCH DEPARTMENTS" MEANS ALL PRINCIPAL DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS SPECIFIED IN SECTION 24-1-110, C.R.S., INCLUDING ANY DIVISION, OFFICE, AGENCY, OR OTHER UNIT CREATED WITHIN A PRINCIPAL DEPARTMENT.

(c) "INDUSTRY LEADER" MEANS AN EXECUTIVE-LEVEL EMPLOYEE OR RETIREE OF A LARGE SUCCESSFUL INDUSTRY.

(d) "REGULATORY SYSTEM" MEANS THE SYSTEM OF RULES PROMULGATED BY EXECUTIVE BRANCH DEPARTMENTS UNDER ARTICLE 4 OF TITLE 24, C.R.S., INCLUDING ALL RULES CURRENTLY PROMULGATED AND PUBLISHED IN THE CODE OF COLORADO REGULATIONS.

(e) "SMALL OR MEDIUM BUSINESS LEADER" MEANS A SUCCESSFUL BUSINESS OWNER GENERALLY RECOGNIZED IN THE BUSINESS COMMUNITY WITH UP TO FIVE HUNDRED EMPLOYEES.

(f) "TASK FORCE" MEANS THE TASK FORCE CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) NO LATER THAN JULY 1, 2012, THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT A TASK FORCE TO STUDY THE IMPACTS OF THE COST OF REGULATORY COMPLIANCE ON BUSINESSES IN COLORADO. THE TASK FORCE CONSISTS OF NINE MEMBERS APPOINTED AS FOLLOWS:

(a) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO MEMBERS, ONE OF WHOM MUST BE A PRIVATE INDUSTRY LEADER AND ONE OF WHOM MUST BE AN ACADEMIC FROM THE PUBLIC POLICY FACULTY OF ANY PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION IN THIS STATE WHO HAS DEMONSTRATED EXPERTISE RELATED TO THE COST AND BENEFIT OF REGULATORY COMPLIANCE;

(b) THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO MEMBERS, ONE OF WHOM MUST BE A PRIVATE INDUSTRY LEADER AND ONE OF WHOM MUST BE A SMALL OR MEDIUM BUSINESS LEADER OR REPRESENTATIVE OF A BUSINESS ASSOCIATION WHOSE MEMBERSHIP IS MAINLY SMALL OR MEDIUM BUSINESSES;

(c) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO MEMBERS, ONE OF WHOM MUST BE FROM AN ORGANIZATION, INSTITUTE, OR NONPROFIT GROUP THAT CONDUCTS RESEARCH AND ENGAGES IN ADVOCACY IN AREAS SUCH AS BUSINESS POLICY OR THE ECONOMY AND ONE OF WHOM MUST BE FROM A CONSUMER PROTECTION ADVOCACY ORGANIZATION WHOSE MEMBERSHIP IS MAINLY INTERESTED MEMBERS OF THE PUBLIC;

(d) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO MEMBERS, ONE OF WHOM MUST BE AN ACADEMIC FROM THE ECONOMICS OR BUSINESS SCHOOL FACULTY OF ANY PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION IN THIS STATE WHO HAS DEMONSTRATED EXPERTISE RELATED TO THE COST AND BENEFIT OF REGULATORY COMPLIANCE AND ONE OF WHOM MUST BE A FORMER EMPLOYEE OF A STATE REGULATORY BODY; AND

(e) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL JOINTLY APPOINT A CITIZEN OF THE STATE OF COLORADO.

(3) THE TASK FORCE SHALL ELECT ONE OF ITS MEMBERS AS CHAIR AND ONE OF ITS MEMBERS AS VICE-CHAIR.

(4) SUBJECT TO SUBSECTION (7) OF THIS SECTION, THE TASK FORCE SHALL MEET WITHIN THIRTY DAYS AFTER THE MEMBERS ARE APPOINTED AND SHALL MEET ADDITIONALLY AS CONVENED BY THE CHAIR.

(5) THE DUTIES OF THE TASK FORCE ARE:

(a) TO REVIEW THE STATE'S REGULATORY SYSTEM AND DETERMINE THE ESTIMATED ANNUAL COST OF REGULATORY COMPLIANCE ON BUSINESSES IN COLORADO. THE STUDY MUST BREAK DOWN THE ANNUAL COST OF REGULATORY COMPLIANCE BASED ON THE TYPE OF REGULATION; THE COST PER EMPLOYEE FOR ALL FIRMS; AND THE COST OF COMPLIANCE PER EMPLOYEE FOR FIRMS, BROKEN DOWN IN INCREMENTS BASED ON SIZE OF THE FIRM, FROM FEWER THAN TWENTY EMPLOYEES TO UP TO FIVE HUNDRED OR MORE EMPLOYEES. IN CONDUCTING THIS STUDY, THE TASK FORCE MAY CONSULT SIMILAR STUDIES OF THE COST OF REGULATORY COMPLIANCE, INCLUDING STUDIES DONE BY ACADEMIC GROUPS FOR THE FEDERAL GOVERNMENT; AND

(b) TO DETERMINE AND QUANTIFY THE BENEFITS TO THE PUBLIC FROM THE STATE'S REGULATORY SYSTEM, INCLUDING CONSUMER PROTECTION, PUBLIC SAFETY, HEALTH PROTECTION, ENVIRONMENTAL PROTECTION, AND THE CREATION AND MAINTENANCE OF A VIBRANT, COMPETITIVE ECONOMY THAT SUPPORTS THE WELL-BEING OF THE CITIZENS OF THIS STATE.

(6) THE TASK FORCE SHALL MAKE AN INTERIM REPORT IN WRITING TO THE GENERAL ASSEMBLY NO LATER THAN AUGUST 5, 2013. THE TASK FORCE SHALL REPORT IN WRITING TO THE GENERAL ASSEMBLY NO LATER THAN AUGUST 6, 2014, REGARDING ITS FINAL FINDINGS.

(7) (a) THE TASK FORCE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE TASK FORCE SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE LEGISLATIVE COUNCIL STAFF, ON BEHALF OF THE TASK FORCE, IS AUTHORIZED TO RECEIVE MONEYS UNDER THIS SUBSECTION (7) AND SHALL TRANSFER ANY MONEYS RECEIVED UNDER THIS SUBSECTION (7) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1601 FOR USE IN IMPLEMENTING THIS SECTION.

(b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE LEGISLATIVE COUNCIL STAFF SHALL TRACK WHETHER THE TASK FORCE HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE STUDY REQUIRED BY THIS SECTION AND SHALL INCLUDE THIS INFORMATION IN THE NOTIFICATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE AUGUST 6, 2015.

(c) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE STATE AUDITOR MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE AS DEEMED APPROPRIATE WITHIN EXISTING APPROPRIATIONS. IF STAFF ASSISTANCE IS NOT AVAILABLE WITHIN EXISTING APPROPRIATIONS, THEN THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE STATE AUDITOR MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE ONLY IF MONEYS ARE CREDITED TO THE LEGISLATIVE DEPARTMENT CASH FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) IN AN AMOUNT SUFFICIENT TO FUND STAFF ASSISTANCE. THE TASK FORCE MAY ALSO ACCEPT STAFF SUPPORT FROM THE PRIVATE SECTOR.

(d) THE COSTS OF PROVIDING STAFF ASSISTANCE TO THE TASK FORCE BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE STATE AUDITOR MUST BE APPROVED BY THE CHAIR OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS CONTINUOUSLY APPROPRIATED FROM THE LEGISLATIVE DEPARTMENT CASH FUND.

(8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2015.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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	17	NO	18	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	N
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	N		

SB12-117 by Senator(s) King S.; --Concerning the penalties for persons who drive while under the influence of alcohol or drugs, and, in connection therewith, making an appropriation.

Senator King S. moved to amend the Report of the Committee of the Whole to show that SB 12-117, as amended, did pass.

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 **passed** on the following roll call vote:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	White	N
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hudak, 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: SB12-086, SB12-132 as amended, SB12-172 as amended, SB12-163 as amended, SB12-162 as amended, SB12-117 as amended, HB12-1294 as amended, HB12-1226 as amended, HB12-1303 as amended, HB12-1302.
Lost on second reading: SB12-167 as amended.
Laid over until Wednesday, May 2: HB12-1036, SB12-155, SB12-070, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178, HB12-1043.

MESSAGE FROM THE HOUSE

May 1, 2012

The House has adopted and returns herewith SJR12-036.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1350.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1319, amended as printed in House Journal, April 23, pages 1079-1081.
HB12-1333, amended as printed in House Journal, April 25, page 1128.
HB12-1268, amended as printed in House Journal, April 30, pages 1188-1190.
HB12-1346, amended as printed in House Journal, April 30, page 1190.

The House has passed on Third Reading and returns herewith SB12-161, 038.

MESSAGE FROM THE REVISOR OF STATUTES

May 1, 2012

We herewith transmit:

Without comment, HB12-1350.
Without comment, as amended, HB12-1268, 1319, 1333, and 1346.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SCR12-003 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SCR12-004 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1075 be postponed indefinitely.
Appropriations	After consideration on the merits, the Committee recommends that HB12-1272 be referred to the Committee of the Whole with favorable recommendation.
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-180 be postponed indefinitely.
Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
RENEWABLE ENERGY AUTHORITY BOARD OF DIRECTORS

effective immediately for a term expiring July 1, 2014:

Kenneth W. Lund of Lone Tree, Colorado, appointed.

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-169 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
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Amend printed bill, page 3, after line 26 insert:

"**SECTION 3.** In Colorado Revised Statutes, 35-5.5-105, **amend**
(2) as follows:

	35-5.5-105. Noxious weed management - powers of county commissioners. (2) (a) The board of county commissioners shall provide for the administration of the noxious weed management plan authorized by this article through the use of agents, delegates, or employees and may hire additional staff or provide for the performance of all or part of the management plan through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the department of agriculture for such application or recommendation. Costs associated with the administration of the noxious weed management plan shall be paid from the noxious weed management fund of each county.	1 2 3 4 5 6 7 8 9 10 11
	(b) SUBJECT TO THE DIRECTION OF THE BOARD OF COUNTY COMMISSIONERS, AN AGENT OF THE COUNTY APPOINTED OR EMPLOYED UNDER THIS SUBSECTION (2) MAY EXERCISE THE POWERS AND DUTIES GRANTED TO, AND PERFORM THE DUTIES OF, A COUNTY PEST INSPECTOR IN ACCORDANCE WITH ARTICLES 4 AND 5 OF THIS TITLE."	12 13 14 15 16 17
	Renumber succeeding section accordingly.	18 19 20
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1314 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	21 22 23 24 25 26
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1037 be referred to the Committee on <u>Finance</u> with favorable recommendation.	27 28 29 30 31 32
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1045 be referred to the Committee on <u>Finance</u> with favorable recommendation.	33 34 35 36 37 38
Appro- priations	After consideration on the merits, the Committee recommends that HB12-1238 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	39 40 41 42 43
	Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 25, line 13, strike "22-7-1210." and substitute "22-7-1210; EXCEPT THAT THE AMOUNT CREDITED TO THE EARLY LITERACY FUND PURSUANT TO THIS PARAGRAPH (c) SHALL NOT EXCEED SIXTEEN MILLION DOLLARS IN ANY STATE FISCAL YEAR."	44 45 46 47 48 49
	Page 25 of the report, after line 31, insert:	50 51
	"Page 47 of the bill, after line 13, insert:	52 53
	" SECTION 23. In Colorado Revised Statutes, 22-54-104.2, add (3) as follows:	54 55
	22-54-104.2. Legislative declaration. (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE REQUIREMENT THAT SCHOOL DISTRICTS PROVIDE EDUCATIONAL SERVICES TO JUVENILES PURSUANT TO SECTION 22-32-141 AND THAT THE SCHOOL DISTRICTS RECEIVE REIMBURSEMENT FOR PROVIDING THE SERVICES PURSUANT TO SECTION 22-54-114 (4) (b), IS PART OF PROVIDING ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."	56 57 58 59 60 61 62 63 64 65 66
	Renumber succeeding sections accordingly."	67 68
	Page 25 of the report, strike lines 32 through 34 and substitute:	69

"Page 47 of the bill, strike lines 14 through 27 and substitute:

"SECTION 24. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the early literacy fund created in section 22-7-1210, Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$5,411,989 and 9.8 FTE, or so much thereof as may be necessary, for allocation to the assistance to public schools division, reading and literacy programs, for the implementation of section 22-7-1210 (4), Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$20,418 and 0.2 FTE, or so much thereof as may be necessary, for allocation to the public school finance division for administrative expenses related to district per pupil reimbursements for juveniles held in jail.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$100,000, or so much thereof as may be necessary, for allocation to the public school finance division for district per pupil reimbursements for juveniles held in jail.

SECTION 25. Appropriation - adjustments in 2012 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for public school finance administration is decreased by \$20,418 and 0.2 FTE. Said sum is from the read-to-achieve cash fund created in section 22-7-908 (1), Colorado Revised Statutes.

(b) The cash funds appropriation for district per pupil reimbursements for juveniles held in jail is decreased by \$100,000. Said sum is from the read-to-achieve cash fund created in section 22-7-908 (1), Colorado Revised Statutes."

Renumber succeeding sections accordingly.

Page 48 of the bill, strike lines 1 through 21."

Page 26 of the report, strike lines 1 through 5.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1143** be referred to the Committee on Appropriations with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1315** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 15, line 15, before "BALANCED" insert "CLEANER AND".

Page 16, line 1, strike "(1) (t)".

Page 16, strike lines 8 through 10 and substitute:

"(II) CLEAN AND renewable energy, such as wind, HYDROELECTRICITY, solar, and geothermal; and

(III) CLEANER ENERGY SOURCES SUCH AS BIOGAS, BIOMASS, AND THERMAL GASIFICATION;"

Renumber succeeding subparagraphs accordingly.

Page 16, line 13, strike "technologies;" and substitute "technologies AND PRACTICES;" .

Page 16, line 18, strike "energy efficiency and renewable energy" and substitute "energy efficiency, and renewable energy, AND EFFICIENCY".

Page 16, line 19, strike "SECTION" insert "SECTIONS 24-38.5-102.4 AND".

Page 17, strike lines 8 through 10.

Page 17, line 16, strike "WHEN".

Page 17, line 17, strike "IT MAKES" and substitute "AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203 (2), C.R.S., IF IT HAS MADE".

Page 17, strike lines 21 and 22 and substitute:

"(b) OFFICE POLICIES RELATED TO THE DEVELOPMENT OF RENEWABLE ENERGY SOURCES;"

Page 17, strike line 24 and substitute:

"(d) OFFICE POLICIES RELATED TO THE DEVELOPMENT".

Page 17, strike lines 26 and 27.

Strike pages 18, 19, 20, and 21.

Page 22, strike lines 1 through 14 and substitute:

"SECTION 18. In Colorado Revised Statutes, add with amended and relocated provisions 24-38.5-102.4 as follows:

24-38.5-102.4. [Formerly 24-75-1201] Clean and renewable energy fund - creation - use of fund - definitions. (1) (a) (I) The clean AND RENEWABLE energy fund is hereby created in the state treasury. The principal of the fund shall consist of MONEYS TRANSFERRED TO THE FUND FROM THE GENERAL FUND, moneys transferred to the fund at the end of the 2006-07 state fiscal year and at the end of each succeeding state fiscal year from moneys received by the ~~governor's~~ COLORADO energy office, pursuant to ~~section 39-29-109.3 (2) (f), C.R.S., in accordance with section 40-8.7-112 (3) (g), C.R.S.,~~ moneys received pursuant to the federal "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, or any amendments thereto, or from revenue contracts, court settlement funds, supplemental environmental program funds, repayment or return of funds from eligible public depositories, and gifts, grants, and donations, and any other moneys received by the ~~governor's~~ COLORADO energy office. Interest and income earned on the deposit and investment of moneys in the clean AND RENEWABLE energy fund shall be credited to the fund. Moneys in the fund at the end of any state fiscal year shall remain in the fund and shall not be credited to the state general fund or any other fund. MONEYS IN THE FUND SHALL NOT BE TRANSFERRED TO THE INNOVATIVE ENERGY FUND CREATED IN SECTION 24-38.5-102.5.

(II) (A) ON JULY 1, 2012, ONE MILLION FIVE HUNDRED SIXTY THOUSAND FOUR HUNDRED NINETY-ONE DOLLARS SHALL BE TRANSFERRED BY THE STATE TREASURER FROM THE GENERAL FUND TO THE CLEAN AND RENEWABLE ENERGY FUND.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JANUARY 1, 2013.

(III) (A) ON JULY 1, 2013, AND EACH JULY 1 THEREAFTER THROUGH JULY 1, 2016, ONE MILLION SIX HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED BY THE STATE TREASURER FROM THE GENERAL FUND TO THE CLEAN AND RENEWABLE ENERGY FUND.

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JANUARY 1, 2017.

(b) For purposes of this section, "governor's COLORADO energy office" means the governor's COLORADO energy office created in section

24-38.5-101.

(2) (a) All moneys in the clean AND RENEWABLE energy fund are continuously appropriated to the ~~governor's~~ COLORADO energy office for the purposes of advancing energy efficiency and renewable energy throughout the state.

(b) The ~~governor's~~ COLORADO energy office may expend moneys from the clean AND RENEWABLE energy fund:

(I) To attract renewable energy industry investment in the state;

(II) To assist in technology transfer into the marketplace for newly developed energy efficiency and renewable energy technologies;

(III) To provide market incentives for the purchase and distribution of energy efficient and renewable energy products;

(IV) To assist in the implementation of energy efficiency projects throughout the state;

(V) To aid governmental agencies in energy efficiency government initiatives;

(VI) To facilitate widespread implementation of renewable energy technologies; and

(VII) In any other manner that serves the purposes of advancing energy efficiency and renewable energy throughout the state.

(c) (I) Subject to the provisions of subparagraph (II) of this paragraph (c), the moneys in the clean AND RENEWABLE energy fund may also be used by the ~~governor's~~ COLORADO energy office to make grants or loans to persons, as defined in section 2-4-401 (8), C.R.S., for use in carrying out the purposes of this ~~part 12~~ SECTION. The ~~governor's~~ COLORADO energy office shall consider the following information in determining whether to make a grant or loan:

(A) The amount of the grant or loan;

(B) The quantified impact on energy demand or amount of clean energy production generated as a result of the grant or loan;

(C) The potential economic impact of the grant or loan; and

(D) The public benefits expected to result from the grant or loan.

(II) The ~~governor's~~ COLORADO energy office may establish terms and conditions for making grants or loans pursuant to this section and in accordance with the objectives of the office as set forth in section 24-38.5-102.

SECTION 19. In Colorado Revised Statutes, **add** 24-38.5-102.5 as follows:

24-38.5-102.5. Innovative energy fund - creation - use of fund - definitions. (1) (a) THE INNOVATIVE ENERGY FUND IS HEREBY CREATED IN THE STATE TREASURY. THE PRINCIPAL OF THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY, MONEYS TRANSFERRED AT THE END OF EACH STATE FISCAL YEAR FROM MONEYS RECEIVED BY THE COLORADO ENERGY OFFICE, MONEYS RECEIVED PURSUANT TO SECTION 39-29-108 (2), C.R.S., OR FROM REVENUE CONTRACTS, COURT SETTLEMENT FUNDS, SUPPLEMENTAL PROGRAM FUNDS, REPAYMENT OR RETURN OF FUNDS FROM ELIGIBLE PUBLIC DEPOSITORIES, AND GIFTS, GRANTS, AND DONATIONS, AND ANY OTHER MONEYS RECEIVED BY THE COLORADO ENERGY OFFICE. INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE INNOVATIVE ENERGY FUND SHALL BE CREDITED TO THE FUND. MONEYS IN THE FUND AT THE END OF ANY STATE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED TO THE STATE GENERAL FUND OR ANY OTHER FUND. MONEYS IN THE FUND SHALL NOT BE TRANSFERRED TO THE CLEAN AND RENEWABLE ENERGY FUND CREATED IN SECTION 24-38.5-102.4.

(b) FOR PURPOSES OF THIS SECTION:

(I) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(II) "INNOVATIVE ENERGY" MEANS AN EXISTING, NEW, OR EMERGING TECHNOLOGY THAT:

(A) ENABLES THE USE OF A LOCAL FUEL SOURCE;

(B) ESTABLISHES A MORE EFFICIENT OR ENVIRONMENTALLY BENEFICIAL USE OF ENERGY; AND

(C) HELPS TO CREATE ENERGY INDEPENDENCE OR ENERGY SECURITY FOR THE STATE.

(2) (a) ALL MONEYS IN THE INNOVATIVE ENERGY FUND ARE CONTINUOUSLY APPROPRIATED TO THE COLORADO ENERGY OFFICE FOR THE PURPOSES OF ADVANCING INNOVATIVE ENERGY EFFICIENCY

THROUGHOUT THE STATE.

(b) THE COLORADO ENERGY OFFICE MAY EXPEND MONEYS FROM THE INNOVATIVE ENERGY FUND:

(I) TO OVERCOME MARKET BARRIERS FACING EMERGING AND COST-EFFECTIVE ENERGY TECHNOLOGIES;

(II) TO PROMOTE ROBUST RESEARCH, DEVELOPMENT, COMMERCIALIZATION, AND FINANCING OF INNOVATIVE ENERGY TECHNOLOGIES;

(III) TO EDUCATE THE GENERAL PUBLIC ON ENERGY ISSUES AND OPPORTUNITIES;

(IV) TO ATTRACT INNOVATIVE ENERGY INDUSTRY INVESTMENT IN THE STATE;

(V) TO ASSIST IN TECHNOLOGY TRANSFER INTO THE MARKETPLACE FOR NEWLY DEVELOPED INNOVATIVE ENERGY EFFICIENCY TECHNOLOGIES;

(VI) TO PROVIDE MARKET INCENTIVES FOR THE PURCHASE AND DISTRIBUTION OF EFFICIENT INNOVATIVE ENERGY PRODUCTS;

(VII) TO ASSIST IN THE IMPLEMENTATION OF INNOVATIVE ENERGY EFFICIENCY PROJECTS THROUGHOUT THE STATE;

(VIII) TO AID GOVERNMENTAL AGENCIES IN INNOVATIVE ENERGY EFFICIENCY GOVERNMENT INITIATIVES;

(IX) TO FACILITATE WIDESPREAD IMPLEMENTATION OF INNOVATIVE ENERGY TECHNOLOGIES; AND

(X) IN ANY OTHER MANNER THAT SERVES THE PURPOSES OF ADVANCING INNOVATIVE ENERGY EFFICIENCY THROUGHOUT THE STATE.

(c) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), THE MONEYS IN THE INNOVATIVE ENERGY FUND MAY ALSO BE USED BY THE COLORADO ENERGY OFFICE TO MAKE GRANTS OR LOANS TO PERSONS, AS DEFINED IN SECTION 2-4-401 (8), C.R.S., FOR USE IN CARRYING OUT THE PURPOSES OF THIS SECTION. THE COLORADO ENERGY OFFICE SHALL CONSIDER THE FOLLOWING INFORMATION IN DETERMINING WHETHER TO MAKE A GRANT OR LOAN:

(A) THE AMOUNT OF THE GRANT OR LOAN;

(B) THE QUANTIFIED IMPACT ON ENERGY DEMAND OR AMOUNT OF INNOVATIVE ENERGY PRODUCTION GENERATED AS A RESULT OF THE GRANT OR LOAN;

(C) THE POTENTIAL ECONOMIC IMPACT OF THE GRANT OR LOAN;

AND

(D) THE PUBLIC BENEFITS EXPECTED TO RESULT FROM THE GRANT OR LOAN.

(II) THE COLORADO ENERGY OFFICE MAY ESTABLISH TERMS AND CONDITIONS FOR MAKING GRANTS OR LOANS PURSUANT TO THIS SECTION AND IN ACCORDANCE WITH THE OBJECTIVES OF THE OFFICE AS SET FORTH IN SECTION 24-38.5-102; EXCEPT THAT THE GRANTS OR LOANS SHALL BE LIMITED TO INNOVATIVE ENERGY EFFICIENCY PROJECTS AND POLICY DEVELOPMENT."

Page 23, strike line 17 and substitute:

"SECTION 22. In Colorado Revised Statutes, 24-38.5-105, **amend** (1) (a) and (1) (b)".

Page 23, line 19, strike "**Energy**" and substitute "**Clean energy**".

Page 23, line 20, strike "~~clean~~" and substitute "clean".

Page 24, line 13, strike "~~clean~~" and substitute "clean".

Page 24, line 21, strike "~~clean~~" and substitute "clean".

Page 24, line 23, strike "~~clean~~" and substitute "clean".

Page 25, line 1, strike "~~clean~~" and substitute "clean".

Page 25, strike lines 18 through 27.

Strike page 26.

Page 27, strike lines 1 and 2.

Page 29, line 2, strike "office of energy development" and substitute "energy office".

Page 29, line 3, strike "JULY 1, 2017," and substitute "JANUARY 15, 2017,".

Page 29, line 8, strike "COPIES" and substitute "COPIES, IN ACCORDANCE WITH SECTION 24-1-136 (9),".

Page 29, line 9, before "NATURAL" insert "AND".

Page 37, strike line 27.

Page 38, strike lines 1 through 9.

Renumber succeeding sections accordingly.

Page 46, line 16, strike "clean INNOVATIVE energy fund" and substitute "clean AND RENEWABLE energy fund CREATED IN SECTION 24-38.5-102.4, C.R.S.,".

Page 48, line 5, strike "(1) (a),".

Page 48, strike lines 12 through 21.

Page 48, line 27, strike "continuously ANNUALLY" and substitute "continuously".

Page 50, line 20, strike "continuously" and substitute "continuously".

Page 50, line 21, strike "ANNUALLY".

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1310** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 5, after line 11 insert:

"SECTION 4. In Colorado Revised Statutes, 16-4-105, **amend** (3) (e) and (3) (f) as follows:

16-4-105. Selection by judge of the amount of bail and type of bond - criteria. (3) (e) Commencing ~~November 1, 2000~~ JULY 1, 2012, each pretrial services program established pursuant to this subsection (3) shall provide an annual report to the state judicial department no later than November 1 of each year, regardless of whether the program existed prior to May 31, 1991. The judicial department shall present an annual combined report to the house and senate judiciary committees, OR ANY SUCCESSOR COMMITTEES, of the general assembly. The report TO THE JUDICIAL DEPARTMENT shall include, but is not limited to, the following information:

(I) ~~The number of interviews conducted with defendants;~~ THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY THE PROGRAM AND SUBMITTED TO THE COURT;

(II) ~~The number and nature of BOND recommendations made~~ THE TOTAL NUMBER OF CLOSED CASES BY THE PROGRAM IN WHICH THE DEFENDANT WAS RELEASED FROM CUSTODY AND SUPERVISED BY THE PROGRAM;

(III) ~~The number of defendants under pretrial release supervision who failed to appear;~~ and THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE DEFENDANT WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL SCHEDULED COURT APPEARANCES ON THE CASE;

(IV) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE DEFENDANT WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL OR IMPRISONMENT;

(V) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE DEFENDANT WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PROGRAM, AND THE DEFENDANT'S BOND WAS NOT REVOKED BY THE COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF SUPERVISION; AND

~~(IV)~~ (VI) Any additional information the state judicial department may request.

~~(f) Any pretrial services program established pursuant to this subsection (3) shall not be eligible for further program funding if the program has failed to provide the reports required in paragraph (e) of this subsection (3).~~ FOR THE REPORTS REQUIRED IN PARAGRAPH (e) OF THIS SUBSECTION (3), THE PRETRIAL SERVICES PROGRAM SHALL INCLUDE INFORMATION DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN ADDITION TO PRETRIAL SUPERVISION."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1283** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) Homeland security, which includes identifying, preventing, mitigating, and handling threats to the public safety and providing effective response management, is one of government's most important responsibilities;

(b) The state's primary role in homeland security is to coordinate and facilitate efforts among various local, regional, state, and federal entities;

(c) Currently, redundancies exist in emergency management and homeland security-related training and exercise, public risk communication systems, and grant management;

(d) It is necessary to increase the efficiency and effectiveness of homeland security functions provided by state government; and

(e) Establishing a single entity to manage homeland security duties at the state level will enhance communication among the various levels of government, reduce overlapping efforts, clarify roles and responsibilities, maximize usage of funds, improve customer service, and ultimately strengthen the ability of the state and other actors to provide efficacious homeland security.

(2) The general assembly further finds, determines, and declares that:

(a) Redundancies in planning, training, public risk messaging, and emergency support functions exist between the departments of local affairs and public safety regarding homeland security and emergency management activities;

(b) Emergency management is largely a public safety function and fits well within the department of public safety's mission;

(c) It is possible to increase the efficiency and effectiveness of homeland security functions provided by state government; and

(d) Establishing a single entity to manage homeland security and emergency management duties at the state level will enhance communication among the various governmental entities, reduce overlapping efforts, clarify roles and responsibilities, maximize usage of funds, improve customer service, and ultimately strengthen the ability of the state and other actors to provide efficacious emergency management.

(3) The general assembly also finds and declares that:

(a) Fire prevention and control are public safety functions best addressed by a public safety agency;

(b) In order to effectively manage wildland fires, the executive branch needs the ability to coordinate firefighting, public safety, and emergency management functions within the executive branch;

(c) The Colorado state forest service admirably provides for healthy forests and furthers the mission of Colorado state university;

(d) Transferring wildland fire prevention and suppression operations from Colorado state university to the department of public safety will not diminish the Colorado state forest service's role in providing for healthy forests, nor will it diminish the university's ability to carry out its mission of educating its students;

(e) The division of fire safety has an established relationship with Colorado's fire service; and

(f) Transferring fire prevention and suppression functions from the Colorado state forest service to the division of fire safety will strengthen the ability of the state to manage wildland fires.

SECTION 2. In Colorado Revised Statutes, **amend** 23-31-201 as follows:

23-31-201. Transfer to board of governors of the Colorado state university system - exceptions. (1) There is transferred to and vested in the board of governors of the Colorado state university system, referred to in this part 2 as the "board", all rights, powers, and duties for protecting, promoting, and extending the conservation of the forests in the state vested on or before February 14, 1955, in the state board of land commissioners, acting ex officio as the state board of forestry; but such authority shall not extend to nor include the power vested in the state board of land commissioners with respect to forest lands included in the public lands of the state under the control and jurisdiction of said state board of land commissioners, as provided by sections 9 and 10 of article IX of the state constitution and the laws relating thereto.

(2) (a) EFFECTIVE JULY 1, 2012, THE FORESTRY FUNCTIONS OF THE BOARD RELATING PRINCIPALLY TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT ARE TRANSFERRED BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S., TO THE WILDLAND FIRE SERVICES SECTION IN THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-1201, C.R.S.

(b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (2) DIVESTS THE BOARD OR THE STATE FOREST SERVICE OF ANY OTHER PERSONNEL, FUNCTIONS, POWERS, OR DUTIES RELATING TO FOREST RESOURCES, INCLUDING RISK EDUCATION AND PREVENTION, FOREST HEALTH, AND FIRE ECOLOGY.

SECTION 3. In Colorado Revised Statutes, 23-31-202, **amend** (1) introductory portion and (1) (a) as follows:

23-31-202. Powers and duties of board of governors of the Colorado state university system. (1) The authority granted to the board by section 23-31-201 ~~shall include~~ INCLUDES the following powers and duties:

(a) To provide for the protection of the forest resources of the state, both public and private, from ~~fire~~; insects and diseases;

SECTION 4. In Colorado Revised Statutes, **amend** 23-31-206 as follows:

23-31-206. Cooperative agreements. (1) The board is further authorized to enter into cooperative agreements with federal and state agencies to promote and carry out the intent and purposes of this part 2, and in carrying out the provisions of all federal acts providing funds to promote the practice of forestry; and, for the purpose of continued acceptance and participation in the provisions of the act of congress dated June 7, 1924, entitled the "Clarke-McNary Law", the board is designated as the agency of the state to administer and expend any federal appropriations received under said act of congress, pursuant to section 23-31-205.

(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, INCLUDING THE TRANSFER OF FUNCTIONS EFFECTED BY HOUSE BILL 12-1283, ENACTED IN 2012, ALL INTERAGENCY AGREEMENTS REGARDING WILDFIRE AND PRESCRIBED FIRE MANAGEMENT AND CONTROL THAT ARE IN EFFECT AS OF JULY 1, 2012, TO WHICH THE STATE FOREST SERVICE, OR THE BOARD ON ITS BEHALF, IS A PARTY, SHALL REMAIN IN FULL FORCE AND EFFECT.

SECTION 5. In Colorado Revised Statutes, **amend** 23-31-208 as follows:

23-31-208. Rights by succession to state board of land commissioners - transfers to division of fire safety. (1) (a) On February 14, 1955, the board shall succeed to all records, documents, and equipment in the hands of the state board of land commissioners as pertain to and used by the state board of land commissioners in the performance of the rights, powers, and duties transferred, and the state board of land commissioners is directed to deliver said property to the board within a reasonable time.

(2) (b) On February 14, 1955, the state treasurer and the controller shall transfer to the board all funds, including federal grants-in-aid, remaining to the credit of the state board of land commissioners and appropriated or received for the administration of the rights, powers, and duties transferred by this section; but the transfer of funds shall not apply to any moneys appropriated for forest administration from the land commissioners' expense fund.

(2) ON JULY 1, 2012, THE BOARD'S MONEYS, POSITIONS OF EMPLOYMENT, PERSONNEL, AND PROPERTY THAT WERE, AS OF JUNE 30, 2012, PRINCIPALLY DIRECTED TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT ARE TRANSFERRED TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-1201, C.R.S.

SECTION 6. In Colorado Revised Statutes, 23-31-301, **amend** (2) as follows:

23-31-301. Legislative declaration. (2) The general assembly hereby declares that it is the public policy of this state to encourage the health of forest ecosystems through responsible management of the forest land of the state and through coordination with the United States secretary of the interior and the United States secretary of agriculture to develop management plans for federal lands within the state of Colorado pursuant to 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712, including the use of ~~prescribed and natural ignition fires and other~~ pre-suppression activities, such as the harvest of materials, in order to preserve forest and other natural resources, enhance the growth and maintenance of forests, conserve forest cover on watersheds, protect recreational, wildlife, and other values, promote stability of forest-using industries, and prevent loss of life and damage to property from wildfires and other conflagrations.

SECTION 7. In Colorado Revised Statutes, 24-1-128.6, **amend** (2) introductory portion, (2) (h), and (4); **repeal** (2) (b); and **add** (2) (i) as follows:

24-1-128.6. Department of public safety - creation - repeal. (2) The department of public safety ~~shall consist~~ CONSISTS of the following divisions:

(b) ~~Colorado law enforcement training academy, the head of which shall be the chief of the Colorado state patrol, who is hereby designated as the superintendent of the Colorado law enforcement training academy. The Colorado law enforcement training academy and the office of superintendent thereof, created by part 3 of article 33.5 of this title, and their powers, duties, and functions are transferred by a type 2 transfer to the department of public safety. The powers, duties, and functions of the department of local affairs relating to the Colorado law enforcement training academy are transferred by a type 2 transfer to the department of public safety and allocated to the Colorado law enforcement training academy.~~

(h) (I) ~~Office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the head of which ~~shall be~~ IS the director of the ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. The ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT and the office of director thereof, created by part 16 of article 33.5 of this title, shall exercise their powers and perform their duties and functions as if the same were transferred by a **type 2** transfer to the department of public safety AND ALLOCATED TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

(II) ~~The office of preparedness, security, and fire safety shall include~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY

MANAGEMENT INCLUDES the following agencies, which shall exercise their powers and perform their duties and functions under the department of public safety as if the same were transferred thereto by a **type 2** transfer:

(A) ~~Division of fire safety, created by part 12 of article 33.5 of this title, and~~ THE OFFICE OF EMERGENCY MANAGEMENT CREATED BY PART 7 OF ARTICLE 33.5 OF THIS TITLE, THE HEAD OF WHICH IS THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT. EFFECTIVE JULY 1, 2012, THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, CREATED BY PART 21 OF ARTICLE 32 OF THIS TITLE, PRIOR TO ITS REPEAL IN 2012, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE OFFICE OF EMERGENCY MANAGEMENT UNDER THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT PURSUANT TO THIS ARTICLE.

(B) Office of ~~anti-terrorism planning and training~~ PREVENTION AND SECURITY, created by ~~part 16 of article 33.5 of this title~~ IN SECTION 24-33.5-1606; AND

(C) THE OFFICE OF PREPAREDNESS, CREATED IN SECTION 24-33.5-1606.5.

(i) DIVISION OF FIRE SAFETY, THE HEAD OF WHICH IS THE DIRECTOR OF THE DIVISION OF FIRE SAFETY. THE DIVISION OF FIRE SAFETY AND THE OFFICE OF THE DIRECTOR THEREOF, CREATED BY PART 12 OF ARTICLE 33.5 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY.

(4) (a) The Colorado emergency planning commission, created by ~~part 26~~ PART 15 of ~~article 32~~ ARTICLE 33.5 of this title, shall exercise its powers and perform its duties and functions as if the same were transferred by a **type 2** transfer to the department of local affairs; ~~except that the commission shall have full authority to promulgate rules and regulations related to the implementation of part 26 of article 32 of this title~~ OF PUBLIC SAFETY.

(b) EFFECTIVE JULY 1, 2012, THE COLORADO EMERGENCY PLANNING COMMISSION IN THE DEPARTMENT OF LOCAL AFFAIRS, CREATED BY PART 26 OF ARTICLE 32 OF THIS TITLE, PRIOR TO ITS REPEAL IN 2012, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY, PURSUANT TO THIS ARTICLE.

SECTION 8. In Colorado Revised Statutes, 24-33.5-103, **amend** (2) introductory portion and (2) (h); **repeal** (2) (b); and **add** (2) (i) as follows:

24-33.5-103. Department created - divisions. (2) The department ~~shall consist~~ CONSISTS of the following divisions:

- (b) ~~Colorado law enforcement training academy;~~
- (h) ~~Office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT; AND
- (i) DIVISION OF FIRE SAFETY.

SECTION 9. In Colorado Revised Statutes, **repeal** part 3 of article 33.5 of title 24.

SECTION 10. In Colorado Revised Statutes, **recreate and reenact, with relocated provisions**, parts 7, 8, 9, 10, and 11 of article 33.5 of title 24 as follows:

PART 7

EMERGENCY MANAGEMENT

24-33.5-701. [Formerly 24-32-2101] Short title. This ~~part 21~~ PART 7 shall be known and may be cited as the "Colorado Disaster Emergency Act". ~~of 1992".~~

24-33.5-702. [Formerly 24-32-2102] Purposes and limitations. (1) The purposes of this ~~part 21~~ PART 7 are to:

- (a) Reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural catastrophes or catastrophes of human origin, civil disturbance, or hostile military or paramilitary action;
- (b) Prepare for prompt and efficient search, rescue, recovery, care, and treatment of persons lost, entrapped, victimized, or threatened by disasters or emergencies;
- (c) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by

- disasters;
- (d) Clarify and strengthen the roles of the governor, state agencies, and local governments in prevention of, preparation for, response to, and recovery from disasters;
- (e) Authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery;
- (f) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery by agencies and officers of this state and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;
- (g) Provide a disaster and emergency management system embodying all aspects of predisaster and pre-emergency preparedness and postdisaster and postemergency response; and
- (h) Assist in prevention of disasters caused or aggravated by inadequate planning for regulation of public and private facilities and land use.
- (2) Nothing in this ~~part 21~~ PART 7 shall be construed to:
- (a) Interfere with the course or conduct of a labor dispute; except that actions otherwise authorized by this ~~part 21~~ PART 7 or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- (b) Interfere with dissemination of news or comment on public affairs; except that any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency;
- (c) Affect the jurisdiction or responsibilities of police forces, fire-fighting forces, or units of the armed forces of the United States, or of any personnel thereof, when on active duty; except that state, local, and interjurisdictional disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies; or
- (d) Limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution, statutes, or common law of this state independent of, or in conjunction with, any provision of this ~~part 21~~ PART 7.
- 24-33.5-703. [Formerly 24-32-2103] Definitions.** As used in this ~~part 21~~ PART 7, unless the context otherwise requires:
- (1) "Bioterrorism" means the intentional use of microorganisms or toxins of biological origin to cause death or disease among humans or animals.
- ~~(1.3)~~ (2) "Committee" means the governor's expert emergency epidemic response committee created in section ~~24-32-2104~~ SECTION 24-33.5-704.
- ~~(1.5)~~ (3) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or a condition of riot, insurrection, or invasion existing in the state or in any county, city, town, or district in the state.
- ~~(1.7)~~ (4) "Emergency epidemic" means cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins.
- ~~(1.9)~~ (5) "Pandemic influenza" means a widespread epidemic of influenza caused by a highly virulent strain of the influenza virus.
- ~~(2)~~ (6) "Political subdivision" means any county, city and county, city, or town and may include any other agency designated by law as a political subdivision of the state.
- ~~(2.5)~~ (7) (a) "Publicly funded safety net program" means a program that is administered by a state department and that:
- (I) Is funded wholly or in part with state, federal, or a combination of state and federal funds; and

(II) Provides or facilitates the provision of medical services to vulnerable populations, including children, disabled individuals, and the elderly.

(b) The term includes a program of medical assistance, as defined in section 25.5-1-103 (5), C.R.S.

~~(3)~~ (8) "Search and rescue" means the employment, coordination, and utilization of available resources and personnel in locating, relieving distress and preserving life of, and removing survivors from the site of a disaster, emergency, or hazard to a place of safety in case of lost, stranded, entrapped, or injured persons.

24-33.5-704. [Formerly 24-32-2104] The governor and disaster emergencies - governor's disaster emergency council - creation - expert emergency epidemic response committee - creation. (1) The governor is responsible for meeting the dangers to the state and people presented by disasters.

(2) Under this ~~part 21~~ PART 7, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

(3) (a) There is hereby created a governor's disaster emergency council, referred to in this ~~part 21~~ PART 7 as the "council", consisting of not less than six nor more than nine members. The attorney general, the adjutant general, and the executive directors of the following departments shall be members: Personnel, transportation, public safety, and natural resources. The additional members, if any, shall be appointed by the governor from among the executive directors of the other departments. The governor shall serve as chairperson of the council, and a majority shall constitute a quorum. The council shall meet at the call of the governor and shall advise the governor and the director of the division of HOMELAND SECURITY AND emergency management on all matters pertaining to the declaration of disasters and the disaster response and recovery activities of the state government; except that nothing in the duties of the council shall be construed to limit the authority of the governor to act without the advice of the council when the situation calls for prompt and timely action when disaster threatens or exists.

(b) The members of the governor's disaster emergency council, as such existed prior to ~~March 12, 1992~~, shall become JUNE 30, 2012, ARE the initial members of the council on ~~March 12, 1992~~ JULY 1, 2012.

(4) A disaster emergency shall be declared by executive order or proclamation of the governor if the governor finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat of danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and the governor terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty days unless renewed by the governor. The general assembly, by joint resolution, may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection (4) shall indicate the nature of the disaster, the area threatened, and the conditions which have brought it about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the ~~division~~ OFFICE of emergency management, the secretary of state, and the county clerk and recorder and disaster agencies in the area to which it applies.

(5) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local, and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this ~~part 21~~ or any other provision of law relating to disaster emergencies.

(6) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia

and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing in this section restricts the governor's authority to do so by orders issued at the time of the disaster emergency.

(7) In addition to any other powers conferred upon the governor by law, the governor may:

(a) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(b) Utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster emergency;

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Subject to any applicable requirements for compensation under ~~section 24-32-2111~~ SECTION 24-33.5-711, commandeer or utilize any private property if the governor finds this necessary to cope with the disaster emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles; and

(i) Make provision for the availability and use of temporary emergency housing.

(8) (a) There is hereby created a governor's expert emergency epidemic response committee. ~~The duties of the committee shall be to develop by July 1, 2001, a new supplement to the state disaster plan that is concerned with the public health response to acts of bioterrorism, pandemic influenza, and epidemics caused by novel and highly fatal infectious agents and to provide expert public health advice to the governor in the event of an emergency epidemic.~~ The committee shall:

(I) Meet at least annually to review and amend, AS NECESSARY, the supplement ~~as necessary~~ TO THE STATE DISASTER PLAN THAT IS CONCERNED WITH THE PUBLIC HEALTH RESPONSE TO ACTS OF BIOTERRORISM, PANDEMIC INFLUENZA, AND EPIDEMICS CAUSED BY NOVEL AND HIGHLY FATAL INFECTIOUS AGENTS;

(II) PROVIDE EXPERT PUBLIC HEALTH ADVICE TO THE GOVERNOR IN THE EVENT OF AN EMERGENCY EPIDEMIC; and

(III) ~~The committee shall~~ Provide information to, and fully cooperate with, the council.

(b) (I) State members of the committee ~~shall~~ include: ~~the following:~~

(A) The executive director of the department of public health and environment;

(B) The chief medical officer of the department of public health and environment;

(C) The chief public information officer of the department of public health and environment;

(D) The emergency response coordinator for the department of public health and environment;

(E) The state epidemiologist for the department of public health and environment;

(F) The attorney general or the designee of the attorney general;

(G) The president of the board of health or the president's designee;

(H) The president of the state medical society or the president's designee;

(I) The president of the Colorado health and hospital association

or the president's designee;
 (J) The state veterinarian of the department of agriculture; and
 ~~(K) and (L) (Deleted by amendment, L. 2000, p. 546, § 24, effective July 1, 2000.)~~
 ~~(M)~~ (K) The director of the division of HOMELAND SECURITY AND emergency management.
 (II) In addition to the state members of the committee, the governor shall appoint to the committee an individual from each of the following categories:
 (A) A licensed physician who specializes in infectious diseases;
 (B) A licensed physician who specializes in emergency medicine;
 (C) A medical examiner;
 (D) A specialist in posttraumatic stress management;
 (E) A director of a county, district, or municipal public health agency;
 (F) A hospital infection control practitioner;
 (G) A wildlife disease specialist with the division of wildlife; and
 (H) A pharmacist member of the state board of pharmacy.
 (III) The executive director of the department of public health and environment shall serve as the chair of the committee. A majority of the membership of the committee, not including vacant positions, shall constitute a quorum.
 (IV) The executive director of the department of public safety or the executive director's designee shall serve as an ex officio member of the committee and shall not be able to vote on decisions of the committee. ~~The executive director~~ HE OR SHE shall serve as a liaison between the committee, the council, and the Colorado emergency planning commission in the event of an emergency epidemic.
 (c) The committee shall include in the supplement to the state disaster plan a proposal for the prioritization, allocation, storage, protection, and distribution of antibiotic medicines, antiviral medicines, antidotes, and vaccines that may be needed and in short supply in the event of an emergency epidemic.
 (d) The committee shall convene at the call of the governor or the executive director of the department of public health and environment to consider evidence presented by the department's chief medical officer or state epidemiologist that there is an occurrence or imminent threat of an emergency epidemic. If the committee finds that there is an occurrence or imminent threat of an emergency epidemic, the executive director of the department of public health and environment shall advise the governor to declare a disaster emergency.
 (e) In the event of an emergency epidemic that has been declared a disaster emergency, the committee shall convene as rapidly and as often as necessary to advise the governor, who shall act by executive order, regarding reasonable and appropriate measures to reduce or prevent spread of the disease, agent, or toxin and to protect the public health. Such measures may include: ~~but are not limited to:~~
 (I) Procuring or taking supplies of medicines and vaccines;
 (II) Ordering physicians and hospitals to transfer or cease admission of patients or perform medical examinations of persons;
 (III) Isolating or quarantining persons or property;
 (IV) Determining whether to seize, destroy, or decontaminate property or objects that may threaten the public health;
 (V) Determining how to safely dispose of corpses and infectious waste;
 (VI) Assessing the adequacy and potential contamination of food and water supplies;
 (VII) Providing mental health support to affected persons; and
 (VIII) Informing the citizens of the state how to protect themselves, what actions are being taken to control the epidemic, and when the epidemic is over.
 (9) Each department that administers a publicly funded safety net program shall develop a continuity of operations plan no later than July 1, 2008. The plan shall establish procedures for the response by, and continuation of operations of, the department and the program in the event of an epidemic emergency. Each department shall file its plan with the executive director of the department of public health and environment and shall update the plan at least annually. In addition, NOTWITHSTANDING SECTION 24-1-136(11), each department shall submit

a report by ~~March 1, 2008, and by each March 1 thereafter~~ OF EACH YEAR to the health and human services committees of the senate and house of representatives, or any successor committees, regarding the status of the department's plan, as well as the status of any other plans or procedures of the department regarding emergency disaster preparedness.

24-33.5-705. [Formerly 24-32-2105] Office of emergency management -creation. (1) (a) There is hereby created in the ~~department of local affairs~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT the ~~division~~ OFFICE of emergency management. ~~referred to in this part 21 as the "division".~~ Pursuant to section 13 of article XII of the state constitution, the ~~executive~~ director OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT shall appoint a director ~~referred to in this part 21 as the "director",~~ as head of the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT.

(b) The ~~division~~ OFFICE of emergency management and the office of the director THEREOF shall exercise their powers and perform their duties and functions under the department ~~of local affairs~~ and the executive director as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

(2) The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall prepare, ~~and~~ maintain, AND KEEP CURRENT a state disaster plan ~~which~~ THAT complies with all applicable federal and state regulations. ~~and shall keep such plan current.~~

(3) The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall take part in the development and revision of local and interjurisdictional disaster plans prepared under section ~~24-32-2107~~ 24-33.5-707. To this end the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, their disaster agencies, and interjurisdictional planning and disaster agencies. Such personnel shall consult with political subdivisions and disaster agencies and shall make field examinations.

(4) In preparing and revising the state disaster plan, the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(5) The state disaster plan or any part thereof may be incorporated in regulations of the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT or executive orders that have the force and effect of law.

(6) The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT may do all things necessary for the implementation of this ~~part 21~~ SECTION, including: ~~but not limited to:~~

- (a) Hiring personnel;
- (b) Contracting with federal, state, local, and private entities;
- (c) Accepting and expending federal funds.

(7) Whenever the office of emergency management OR THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS is referred to or designated by any contract or other document, such reference or designation shall be deemed to apply to the ~~division~~ OFFICE of emergency management IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY.

(8) (a) EFFECTIVE JULY 1, 2012, THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PREVIOUSLY IN THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

(b) (I) ON JULY 1, 2012, ALL POSITIONS OF EMPLOYMENT IN THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS SHALL BE TRANSFERRED TO THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN.

(II) ON JULY 1, 2012, ALL EMPLOYEES OF THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS SHALL BE CONSIDERED EMPLOYEES OF THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

IN THE DEPARTMENT OF PUBLIC SAFETY. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS.

(III) ON JULY 1, 2012, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS ARE TRANSFERRED TO THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME THE PROPERTY THEREOF.

(c) UNLESS OTHERWISE SPECIFIED, WHENEVER ANY PROVISION OF LAW REFERS TO THE DIVISION OF EMERGENCY MANAGEMENT, THAT LAW SHALL BE CONSTRUED AS REFERRING TO THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY.

(d) NO SUIT, ACTION, OR OTHER PROCEEDING, JUDICIAL OR ADMINISTRATIVE, LAWFULLY COMMENCED, OR WHICH COULD HAVE BEEN COMMENCED, BY OR AGAINST THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, OR ANY OFFICER THEREOF IN SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE DISCHARGE OF THE OFFICIAL'S DUTIES, IS ABATED BY REASON OF THE TRANSFER OF DUTIES AND FUNCTIONS IN THIS SECTION.

24-33.5-705.3. [Formerly 24-33.5-108] Statewide all-hazards resource database - creation - definitions - repeal. (1) For purposes of this section:

(a) "PRIVATE SECTOR AGENCIES AND ORGANIZATIONS" MEANS ANY PRIVATE SECTOR OR NONPROFIT AGENCY OR ORGANIZATION THAT HAS RESOURCES USEFUL IN A DISASTER OR EMERGENCY THAT IT DESIRES TO LIST IN THE PRIVATE SECTOR PORTION OF THE DATABASE.

(b) "TRIBAL, state, and local ~~fire-fighting~~ ALL-HAZARDS RESPONSE agency" means any ~~fire department, fire protection district, or fire-fighting~~ ALL-HAZARDS RESPONSE agency of A TRIBE, the state and any of its subdivisions, and of any town, city, and city and county, regardless of whether the personnel serving such department, district, or agency are volunteers or are compensated for their services.

(2) (a) Not later than ~~December 31, 2001~~ JUNE 30, 2013, the ~~department~~ OFFICE OF EMERGENCY MANAGEMENT, using its own EXISTING computer resources, shall develop and maintain a centralized computer database that includes a listing of all ~~fire-fighting~~ ALL-HAZARDS RESPONSE resources located within Colorado.

(b) The database created pursuant to paragraph (a) of this subsection (2) shall contain ~~apparatus and equipment~~ RESOURCE inventories, personnel counts, resource status, such other information relevant to the efficient tracking and allocation of ~~fire-fighting~~ ALL-HAZARDS RESPONSE resources, and a listing of all supplemental funding sources available to TRIBAL, state, and local ~~fire-fighting~~ ALL-HAZARD RESPONSE agencies. The information in this database shall be included with the information required to be collected and maintained pursuant to section 25-1.5-101 (1) (p), C.R.S. No data gathered for or stored in this database shall contain personally identifying information without prior notice to the involved individual. The database is not intended to be used in place of the existing interagency wildland fire dispatch system.

(3) (a) The ~~department~~ OFFICE OF EMERGENCY MANAGEMENT shall encourage TRIBAL, state, and local ~~fire-fighting~~ RESPONSE agencies to enter the information described in paragraph (b) of subsection (2) of this section into the database via the internet and provide a means for such data entry. All data entered into the database shall be verifiable by the ~~department~~. ~~The data shall be updated by the state~~ OFFICE OF EMERGENCY MANAGEMENT. THE OFFICE OF EMERGENCY MANAGEMENT SHALL ENCOURAGE PARTICIPATING TRIBAL, STATE, REGIONAL, and local ~~fire fighting~~ RESPONSE agencies TO UPDATE THE DATA as necessary.

(b) The database shall be accessible via the internet to all TRIBAL, state, REGIONAL, and local ~~fire-fighting~~ RESPONSE agencies for the purpose of efficiently tracking and allocating ~~fire-fighting~~ RESPONSE resources in the event of a disaster or local incident that requires more resources than those available under any existing interjurisdictional or

mutual aid arrangement.

(4) The ~~department~~ OFFICE OF EMERGENCY MANAGEMENT shall establish guidelines for the development and maintenance of the database created pursuant to subsection (2) of this section so that TRIBAL, state, REGIONAL, and local ~~fire-fighting~~ RESPONSE agencies can easily access the database. ~~Such~~ THE guidelines shall be developed with input ~~by~~ FROM TRIBAL, state, REGIONAL, and local ~~fire-fighting~~ RESPONSE agencies AND PRIVATE SECTOR AGENCIES AND ORGANIZATIONS.

24-33.5-705.4. [Formerly 24-33.5-1210] All-hazards resource mobilization plan - creation. (1) ~~Subject to the availability of federal funds;~~ The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall prepare a statewide RESOURCE mobilization plan to provide for the allocation and deployment of ~~firefighting, emergency medical, and urban search and rescue~~ resources in the event of a disaster or local incident that requires more resources than those available under any existing interjurisdictional or mutual aid agreement.

(2) The RESOURCE mobilization plan created pursuant to SUBSECTION (1) OF this section shall be developed in coordination with appropriate federal, TRIBAL, state, ~~and~~ local government, AND PRIVATE SECTOR agencies AND ORGANIZATIONS. The plan shall include mobilization procedures and may include provisions for reimbursement of costs. ~~and shall address liability issues.~~

24-33.5-706. [Formerly 24-32-2106] Financing - legislative intent - repeal. (1) It is the intent of the general assembly and declared to be the policy of the state that funds to meet disaster emergencies shall always be available.

(2) (a) ~~(F)~~ A disaster emergency fund is hereby established, which shall receive moneys appropriated by the general assembly. Moneys in the disaster emergency fund shall remain in the fund until expended.

~~(H)-(A)~~ (b) (I) The governor may make a one-time transfer of up to six hundred thousand dollars from the disaster emergency fund to the wildfire emergency response fund created in section 23-31-309, C.R.S. The governor shall notify the revisor of statutes in writing promptly after making the transfer.

~~(B)~~ (II) This ~~subparagraph~~ ~~(H)~~ PARAGRAPH (b) is repealed, effective upon the revisor of statute's receipt of the notice.

~~(b) Repealed.~~

(3) The council shall review in detail each expenditure of disaster emergency moneys.

(4) It is the legislative intent that first recourse be to funds regularly appropriated to state and local agencies. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the governor may, with the concurrence of the council, make funds available from the disaster emergency fund. If moneys available from the fund are insufficient, the governor, with the concurrence of the council, may transfer and expend moneys appropriated for other purposes.

(5) The director OF THE OFFICE OF EMERGENCY MANAGEMENT is authorized to establish, pursuant to article 4 of this title, the rules and regulations which will govern the reimbursement of funds to state agencies and political subdivisions and to promulgate such regulations.

(6) Nothing in this section ~~shall be construed to limit~~ LIMITS the governor's authority to apply for, administer, and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recovery.

24-32-707. [Formerly 24-32-2107] Local and interjurisdictional disaster agencies and services. (1) Each political subdivision ~~shall be~~ IS within the jurisdiction of and served by the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT and by a local or interjurisdictional agency responsible for disaster preparedness and coordination of response.

(2) Each county shall maintain a disaster agency or participate in a local or interjurisdictional disaster agency which, except as otherwise provided under this ~~part 21~~ PART 7, has jurisdiction over and serves the entire county.

(3) The governor shall determine which municipal corporations need disaster agencies of their own and require that they be established and maintained. The governor shall make such determination on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration. The disaster agency of a

county shall cooperate with the disaster agencies of municipalities situated within its borders but shall not have jurisdiction within a municipality having its own disaster agency. The office OF EMERGENCY MANAGEMENT shall publish and keep current a list of municipalities required to have disaster agencies under this subsection (3).

(4) The minimum composition of a disaster agency ~~shall be~~ IS a director or coordinator appointed and governed by the chief executive officer or governing body of the appointing jurisdiction. The director or coordinator ~~shall be~~ IS responsible for the planning and coordination of the local disaster services.

(5) Any provision of this ~~part 21~~ PART 7 or other law to the contrary notwithstanding, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one or more contiguous political subdivisions if the governor finds that the establishment and maintenance of an agency or participation therein is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response, or recovery services under other provisions of this ~~part 21~~ PART 7.

(6) Each political subdivision ~~which~~ THAT does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an elected official designated as liaison officer to facilitate the cooperation and protection of that subdivision in the work of disaster prevention, preparedness, response, and recovery.

(7) The mayor, chairman of the board of county commissioners, or other principal executive officer of each political subdivision in the state shall notify the office OF EMERGENCY MANAGEMENT of the manner in which the political subdivision is providing or securing disaster planning and emergency services, identify the person who heads the agency from which the services are obtained, and furnish additional information relating thereto as the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT requires.

(8) Each local and interjurisdictional disaster agency shall prepare and keep current a local or interjurisdictional disaster emergency plan for its area.

(9) The local or interjurisdictional disaster agency, as the case may be, shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local agencies and officials and of the disaster chain of command.

(10) The sheriff of each county shall:

(a) Be the official responsible for coordination of all search and rescue operations within the sheriff's jurisdiction;

(b) Make use of the search and rescue capability and resources available within the county and request assistance from the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT only when and if the sheriff determines such additional assistance is required.

(11) When authorized by the governor and executive director and approved by the director OF THE OFFICE OF EMERGENCY MANAGEMENT, expenses incurred in meeting contingencies and emergencies arising from search and rescue operations may be reimbursed from the disaster emergency fund.

(12) Any person providing information to a local or interjurisdictional disaster agency may request, in writing, that such information be disseminated only to persons connected with or involved in the preparation, update, or implementation of any disaster emergency plan, and said information shall thereafter not be released to any person without the expressed written consent of the person providing the information.

24-33.5-708. [Formerly 24-32-2108] Establishment of interjurisdictional disaster planning and service area. (1) If the governor finds that two or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services, the governor may delineate by executive order an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint disaster emergency plan, mutual aid, or an area organization for emergency planning and services.

(2) A finding of the governor pursuant to subsection (1) of this section shall be based on one or more factors related to the difficulty of

maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on a separate basis, such as:

- (a) Small or sparse population;
- (b) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome;
- (c) Unusual vulnerability to disaster as evidenced by a past history of disasters, topographical features, drainage characteristics, disaster potential, and presence of disaster-prone facilities or operations;
- (d) The interrelated character of the counties in a multicounty area; and
- (e) Other relevant conditions or circumstances.

(3) If the governor finds that a vulnerable area lies only partly within this state and includes territory in another state or territory in a foreign jurisdiction and that it would be desirable to establish an interstate or international relationship or mutual aid or an area organization for disaster, the governor shall take steps to that end as desirable. If this action is taken with jurisdictions that have enacted the interstate civil defense and disaster compact, any resulting agreements may be considered supplemental agreements pursuant to article VI of such compact.

(4) If the other jurisdictions with which the governor proposes to cooperate pursuant to subsection (3) of this section have not enacted the interstate civil defense and disaster compact, the governor may negotiate special agreements with such jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after its text has been communicated to the general assembly and if neither house of the general assembly has disapproved it before adjournment sine die of the next ensuing session competent to consider it or within thirty days of its submission, whichever is longer.

24-33.5-709. [Formerly 24-32-2109] Local disaster emergencies. (1) A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder, city clerk, or other authorized record-keeping agency and with the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT.

(2) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

(3) No interjurisdictional disaster agency or official thereof may declare a local disaster emergency unless expressly authorized by the agreement pursuant to which the agency functions. An interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions.

24-33.5-710. [Formerly 24-32-2110] Disaster prevention. (1) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster emergency plans, the governor shall consider steps that could be taken on a continuing basis to prevent or reduce the harmful consequences of disasters. At the governor's direction, and pursuant to any other authority and competence they have, state agencies, including but not limited to those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of matters related to disaster prevention. The governor and the executive director, from time to time, shall make recommendations to the general assembly, local governments, and such other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

(2) All state departments, in conjunction with the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT, shall conduct studies and adopt measures to reduce the impact of, and actions contributory to, a disaster. The studies shall concentrate on means of reducing or avoiding the dangers caused by such occurrences or the consequences thereof.

(3) If the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT believes, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land-use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the executive director and to the governor. If the governor, upon review of the recommendations, finds after public hearing that the changes are essential, the governor shall so recommend to the agencies or local governments with jurisdictions over the area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the general assembly and request legislative action appropriate to mitigate the impact of disaster.

(4) The governor, at the same time that the governor makes recommendations pursuant to subsection (3) of this section, may suspend the standard or control which the governor finds to be inadequate to protect the public safety and by regulation place a new standard or control in effect. The new standard or control shall remain in effect until rejected by joint resolution of both houses of the general assembly or amended by the governor. During the time it is in effect, the standard or control contained in the governor's regulation shall be administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. The governor's action is subject to judicial review but shall not be subject to temporary stay pending litigation.

24-33.5-711. [Formerly 24-32-2111] Compensation - liability when combating grasshopper infestation. (1) Each person within this state shall conduct himself or herself and keep and manage such person's affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public successfully to meet disasters or emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster emergency. This ~~part 21~~ PART 7 neither increases nor decreases these obligations but recognizes their existence under the constitution and statutes of this state and the common law. Compensation for services or for the taking or use of property shall be only to the extent that the obligations recognized in this subsection (1) are exceeded in a particular case and then only to the extent that the claimant has not volunteered such claimant's services or property without compensation.

(2) No personal services may be compensated by the state or any subdivision or agency thereof, except pursuant to statute or local law or ordinance.

(3) Compensation for property shall be made only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the governor or a member of the disaster emergency forces of this state.

(4) The amount of compensation shall be calculated in the same manner as compensation due for taking of property pursuant to eminent domain procedures, as provided in articles 1 to 7 of title 38, C.R.S.

(5) Nothing in this section applies to or authorizes compensation for the destruction or damaging of standing timber or other property in order to provide a firebreak or applies to the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

(6) The state and its agencies and political subdivisions and the officers and employees of the state and its agencies and political subdivisions shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform an act relating to the combating of grasshopper infestation of this state except for negligence or willful disregard of the rights of others, and then only to the extent of one hundred thousand dollars for any injury to or damage suffered by one person and the sum of three hundred thousand dollars for an injury to or damage suffered by two or more persons in any single occurrence; except that, in such latter instance, no person may recover in excess of one hundred thousand dollars. This subsection (6) is the total extent of liability of the state and its agencies and political subdivisions and the

officers and employees of the state and its agencies and political subdivisions with regard to the combating of grasshopper infestation of the state and abrogates any common-law cause of action thereto. Except to the extent of insurance coverage, no person acting as a contractor with the state or any of its political subdivisions, or any officer or employee of such contractor, shall be liable on any claim alleging strict liability on contract or tort for actions taken relating to combating grasshopper infestation of the state under this ~~part 21~~ PART 7 or under House Bill No. 1001, enacted at the second extraordinary session of the fifty-first general assembly IN 1978.

24-33.5-711.5. [Formerly 24-32-2111.5] Governor's expert emergency epidemic response committee - compensation - liability.

(1) Neither the state nor the members of the expert emergency epidemic response committee designated or appointed pursuant to ~~section 24-32-2104(8)~~ shall be SECTION 24-33.5-704 (8) ARE liable for any claim based upon the committee's advice to the governor or the alleged negligent exercise or performance of, or failure to exercise or perform an act relating to an emergency epidemic. Liability against a member of the committee may be found only for wanton or willful misconduct or willful disregard of the best interests of protecting and maintaining the public health. Damages awarded on the basis of such liability shall not exceed one hundred thousand dollars for any injury to or damage suffered by one person or three hundred thousand dollars for an injury to or damage suffered by three or more persons in the course of an emergency epidemic.

(2) The conduct and management of the affairs and property of each hospital, physician, health insurer or managed health care organization, health care provider, public health worker, or emergency medical service provider shall be such that they will reasonably assist and not unreasonably detract from the ability of the state and the public to successfully control emergency epidemics that are declared a disaster emergency. Such persons and entities that in good faith comply completely with board of health rules regarding the emergency epidemic and with executive orders regarding the disaster emergency shall be immune from civil or criminal liability for any action taken to comply with the executive order or rule.

(3) No personal services may be compensated by the state or any subdivision or agency of the state, except pursuant to statute or local law or ordinance.

(4) Compensation for property shall be made only if the property was commandeered or otherwise used in coping with an emergency epidemic that is declared by the governor or a member of the disaster emergency forces of this state.

(5) The amount of compensation shall be calculated in the same manner as compensation due for taking of property pursuant to eminent domain procedures, as provided in articles 1 to 7 of title 38, C.R.S.

24-33.5-712. [Formerly 24-32-2112] Telecommunications - intent. The state telecommunications director, working in coordination with the office OF EMERGENCY MANAGEMENT, shall ascertain what means exist for rapid and efficient telecommunications in times of disaster emergencies. Operational characteristics of the available systems of telecommunications shall be evaluated by the office, and recommendations for modifications shall be made to the state telecommunications director. It is the intent of this section that adequate means of telecommunications be available for use during disaster emergencies.

24-33.5-713. [Formerly 24-32-2113] Mutual aid. (1) Political subdivisions not participating in interjurisdictional arrangements pursuant to this ~~part 21~~ PART 7 nevertheless shall be encouraged and assisted by the office OF EMERGENCY MANAGEMENT to conclude suitable arrangements for furnishing mutual aid in coping with disasters. The arrangements shall include provision of aid by persons and units in public employ.

(2) In passing upon local disaster plans, the governor shall consider whether such plans contain adequate provisions for the rendering and receipt of mutual aid.

(3) It is a sufficient reason for the governor to require an interjurisdictional agreement or arrangement pursuant to ~~section 24-32-2108~~ SECTION 24-33.5-708 that the area involved and political subdivisions therein have available equipment, supplies, and forces

necessary to provide mutual aid on a regional basis and that the political subdivisions have not already made adequate provision for mutual aid; except that, in requiring the making of an interjurisdictional arrangement to accomplish the purpose of this section, the governor need not require establishment and maintenance of an interjurisdictional agency or arrangement for any other disaster purposes.

24-33.5-714. [Formerly 24-32-2114] Weather modification. The office OF EMERGENCY MANAGEMENT shall keep continuously apprised of weather conditions ~~which~~ THAT present danger of precipitation or other climatic activity severe enough to constitute a disaster. If the office OF EMERGENCY MANAGEMENT determines that precipitation that may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it shall recommend to the executive director of the department of natural resources, empowered to issue permits for weather modification operations under article 20 of title 36, C.R.S., to warn those organizations or agencies engaged in weather modification to suspend their operations until the danger has passed or recommend that said executive director modify the terms of any permit as may be necessary.

24-33.5-715. [Formerly 24-32-2115] Merit system. In accordance with section 13 (4) of article XII of the state constitution, the state personnel board may provide personnel services pursuant to contract to civil defense employees of the political subdivisions of the state, except where such employees are covered by another federally approved merit system.

24-33.5-716. [Formerly 24-32-2116] Interoperable communications among public safety radio systems - statewide plan - regional plans - governmental immunity - definitions. (1) As used in this section, unless the context otherwise requires:

~~(a) "Executive director" means the executive director of the department of local affairs.~~

~~(b)~~ (a) "Interoperable communications" means the ability of public safety agencies in various disciplines and jurisdictions to communicate on demand and in real time by voice or data using compatible radio communication systems or other technology.

~~(c)~~ (b) "Public safety agency" means an agency providing law enforcement, fire protection, emergency medical, or emergency response services.

~~(d)~~ (c) "Region" means an all-hazards emergency management region established by executive order of the governor.

(2) ~~No later than March 1, 2007,~~ The executive director OF THE DEPARTMENT OF LOCAL AFFAIRS shall ~~adopt a~~ TRANSFER TO THE EXECUTIVE DIRECTOR THE tactical and long-term interoperable communications plan DEVELOPED PURSUANT TO FORMER SECTION 24-32-1116, AS SAID SECTION EXISTED ON JUNE 30, 2012, to improve the ability of the public safety agencies of state government to communicate with public safety agencies of the federal government, regions, local governments, and other states. ~~The plan shall include measures to create and periodically test interoperability interfaces, provisions for training on communications systems and exercises on the implementation of the plan, and deadlines for implementation.~~ The executive director shall update and revise the plan no less than once every three years. THE PLAN SHALL INCLUDE MEASURES TO CREATE AND PERIODICALLY TEST INTEROPERABILITY INTERFACES, PROVISIONS FOR TRAINING ON COMMUNICATIONS SYSTEMS AND EXERCISES ON THE IMPLEMENTATION OF THE PLAN, AND DEADLINES FOR IMPLEMENTATION.

(3) (a) ~~No later than November 1, 2006, each region shall adopt and submit to~~ The executive director a OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL TRANSFER TO THE EXECUTIVE DIRECTOR THE tactical and long-term interoperable communications plan, ADOPTED BY EACH REGION PURSUANT TO FORMER SECTION 24-32-1116, AS SAID SECTION EXISTED ON JUNE 30, 2012, to improve communications among public safety agencies in the region and with public safety agencies of other regions, the state and federal governments, and other states. The ~~plan~~ PLANS shall include measures to create and periodically test interoperability interfaces, provisions for training on communications systems and exercises on the implementation of the plan, a strategy for integrating with the state digital trunked radio system, deadlines for implementation, and other elements

required by the executive director. EACH REGION SHALL SUBMIT TO THE EXECUTIVE DIRECTOR REVISED PLANS AS SUCH ARE UPDATED.

(b) Each local government agency or private entity that operates a public safety radio system shall collaborate in the development AND, AS NECESSARY, PERIODIC REVISION of the tactical and long-term interoperable communications plan of the region in which it is located. SUCH TACTICAL PLANS, AND REVISIONS THERETO, SHALL BE SUBMITTED TO THE EXECUTIVE DIRECTOR.

(c) A region that TIMELY fails to submit a tactical and long-term interoperable communications plan ~~by the date specified in paragraph (a) of this subsection (3)~~ OR REVISIONS THERETO, or a local government agency that fails to collaborate in the development of OR TIMELY SUBMIT the plan, OR A REGION OR LOCAL GOVERNMENT AGENCY THAT FAILS TO MAINTAIN CURRENT PLANS, shall be ineligible to receive homeland security or public safety grant moneys administered by the department of local affairs, department of public safety, or department of public health and environment until the region submits a plan to the executive director.

(4) A public safety agency shall not expend moneys received through the department ~~of local affairs~~ on a mobile data communication system unless the system is capable of interoperable communications.

(5) The executive director shall not require a public safety agency to acquire the communications equipment of a particular manufacturer or provider as a condition of awarding grant moneys administered by the department. ~~of local affairs.~~

(6) A public safety agency or an employee of a public safety agency acting in collaboration with another agency or person to create and operate an interoperable communications system shall have the same degree of immunity under the "Colorado Governmental Immunity Act", article 10 of this title, as the public safety agency or employee would have if not acting in collaboration with another agency or person.

PART 8
 COMPENSATION BENEFITS TO VOLUNTEER
 CIVIL DEFENSE WORKERS

24-33.5-801. [Formerly 24-32-2201] Legislative declaration. It is the policy and purpose of this ~~part 22~~ PART 8 to provide a means of compensating volunteer civil defense workers who may suffer any injury as defined in ~~section 24-32-2202 (4)~~ SECTION 24-33.5-802 (4) as a result of participation in civil defense service.

24-33.5-802. [Formerly 24-32-2202] Definitions. As used in this ~~part 22~~ PART 8, unless the context otherwise requires:

(1) "Accredited local organization for civil defense" means a local organization for civil defense that is certified by the ~~division~~ OFFICE of emergency management as conforming with the "Plan and Program for the Civil Defense of this State" prepared by the governor of Colorado or under the governor's direction. A local organization for civil defense remains accredited only while the certificate of the Colorado state civil defense agency is in effect and is not revoked.

(2) "Civil defense service" means all activities authorized by and carried on pursuant to the provisions of the "Colorado Disaster Emergency Act" ~~of 1992~~, ~~part 21~~ PART 7 of this article, including training necessary or proper to engage in such activities.

(3) "Civil defense worker" means any natural person who is registered with the ~~division~~ OFFICE of emergency management or with a local organization for civil defense for the purpose of engaging in civil defense service pursuant to the provisions of this ~~part 22~~ PART 8 without pay or other consideration or is a physician, health care provider, public health worker, or emergency medical service provider who is ordered by the governor or a member of the disaster emergency forces of this state to provide specific medical or public health services during and related to an emergency epidemic and who complies with such an order without pay or other consideration.

~~(3.3) "Department" means the department of local affairs.~~

~~(3.5) (4) "Disaster" shall have~~ HAS the same meaning as set forth in ~~section 24-32-2103 (1.5)~~ SECTION 24-33.5-703.

~~(3.7) (5) "Emergency volunteer service" means all activities authorized and carried out by a volunteer who is a member of a qualified volunteer organization as directed by a county sheriff, local government, local emergency planning committee, or state agency in the event of disaster.~~

(4) (6) "Injury" means and includes all accidental injuries and all occupational diseases recognized and compensated by the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S., as well as any illness that is caused by an emergency epidemic declared to be a disaster emergency.

(4.5) (7) "Local emergency planning committee" means a committee that meets the criteria specified in ~~section 24-32-2604~~ SECTION 24-33.5-1504.

(5) (8) "Local organization for civil defense" means a public agency which is empowered to register and direct the activities of civil defense workers within the area of the county or city or any part thereof and is thus, because of such registration and direction, acting as an instrumentality of the state in aid of the carrying out of the general governmental functions and policy of the state and includes a local organization for civil defense established by ordinance.

(6) (9) "Qualified volunteer" means a volunteer who meets the criteria specified in ~~section 24-32-2224 (1)~~ SECTION 24-33.5-824 (1).

(7) (10) "Volunteer" means a volunteer who is a member of a volunteer organization and provides volunteer services through the organization in the event of a disaster.

(8) (11) "Volunteer organization" means an organization that provides emergency services on a state or local level pursuant to this part 22.

24-33.5-803. [Formerly 24-32-2203] Compensation for injury limited. Except as provided in this ~~part 22~~ PART 8, a civil defense worker and such civil defense worker's dependents ~~shall~~ have no right to receive compensation from the state, from the ~~division~~ OFFICE of emergency management, from the local organization for civil defense with which such civil defense worker is registered, or from the county or city which has empowered the local organization for civil defense to register such civil defense worker and direct such civil defense worker's activities for an injury arising out of and occurring in the course of such civil defense worker's activities as a civil defense worker.

24-33.5-804. [Formerly 24-32-2204] Compensation provided is exclusive. Compensation provided by this ~~part 22~~ PART 8, as limited by ~~the provisions of this part 22~~ PART 8, is the exclusive remedy of a civil defense worker or such civil defense worker's dependents for injury or death arising out of and in the course of such civil defense worker's activities as a civil defense worker as against the state, the ~~division~~ OFFICE of emergency management, the local organization for civil defense with which such civil defense worker is registered, and the county or city that has empowered the local organization for civil defense to register such civil defense worker and direct such civil defense worker's activities. Liability for the compensation provided by this ~~part 22~~ PART 8, as limited by ~~the provisions of this part 22~~ PART 8, is in lieu of any other liability whatsoever to a civil defense worker or such civil defense worker's dependents or any other person on the part of the state, the ~~division~~ OFFICE of emergency management, the local organization for civil defense with which the civil defense worker is registered, and the county or city that has empowered the local organization for civil defense to register such civil defense worker and direct such civil defense worker's activities for injury or death arising out of and in the course of such civil defense worker's activities as a civil defense worker.

24-33.5-805. [Formerly 24-32-2205] Compensation for death or injury. (1) Compensation shall be furnished to a civil defense worker either within or without the state for any injury arising out of and occurring in the course of such civil defense worker's activities as a civil defense worker and for the death of any such worker if the injury proximately causes death in those cases where the following conditions occur:

(a) Where, at the time of the injury, the civil defense worker is performing services as a civil defense worker and is acting within the course of such civil defense worker's duties as a civil defense worker;

(b) Where, at the time of the injury, the local organization for civil defense with which the civil defense worker is registered is an accredited local organization for civil defense. If the civil defense worker is registered with the division of ~~disaster~~ emergency services MANAGEMENT and is at the time of the injury performing services for said division and is acting within the course of such civil defense worker's duties as a civil

defense worker for said division, registration with an accredited local organization for civil defense is not required.

(c) Where the injury is proximately caused by such civil defense worker's service as a civil defense worker, either with or without negligence;

(d) Where the injury is not caused by the intoxication of the injured civil defense worker;

(e) Where the injury is not intentionally self-inflicted.

24-33.5-806. [Formerly 24-32-2206] **Benefits limited to appropriation.** No compensation or benefits shall be paid or furnished to civil defense workers or their dependents pursuant to ~~the provisions of this part 22~~ PART 8 except from moneys appropriated for the purpose of furnishing compensation and benefits to civil defense workers and their dependents. Liability for the payment or furnishing of compensation and benefits is dependent upon and limited to the availability of moneys so appropriated.

24-33.5-807. [Formerly 24-32-2207] **Benefits depend on reserve.** After all moneys appropriated are expended or set aside in bookkeeping reserves for the payment or furnishing of compensation and benefits and reimbursing Pinnacol Assurance for its services, the payment or furnishing of compensation and benefits for an injury to a civil defense worker or such civil defense worker's dependents is dependent upon there having been a reserve set up for the payment or furnishing of compensation and benefits to such civil defense worker or such civil defense worker's dependents for that injury, and liability is limited to the amount of the reserve. The excess in a reserve for the payment or furnishing of compensation and benefits or for reimbursing Pinnacol Assurance for its services may be transferred to reserves of other civil defense workers for the payment or furnishing of compensation and benefits and reimbursing the Pinnacol Assurance fund or may be used to set up reserves for other civil defense workers.

24-33.5-808. [Formerly 24-32-2208] **Workers' compensation law applies.** Insofar as not inconsistent with ~~the provisions of this part 22~~ PART 8, ~~all of the provisions of the "Workers' Compensation Act of Colorado" shall apply~~ APPLIES to civil defense workers and their dependents and to the furnishing of compensation and medical, dental, and funeral benefits to them or their dependents. "Employee", as used in said act, includes a civil defense worker when liability for the furnishing of the compensation and benefits exists pursuant to ~~the provisions of this part 22~~ PART 8 and as limited by ~~the provisions of this part 22~~ PART 8. Where liability for compensation and benefits exists, such compensation and benefits shall be provided in accordance with the applicable provisions of the "Workers' Compensation Act of Colorado" and at the maximum rate provided therein, subject to the limitations set forth in this ~~part 22~~ PART 8.

24-33.5-809. [Formerly 24-32-2209] **Agreement for disposition of claims.** The ~~division~~ OFFICE of emergency management and Pinnacol Assurance shall enter into an agreement requiring Pinnacol Assurance, as adjusting agent, to adjust and dispose of claims and furnish compensation to civil defense workers and their dependents. The agreement shall authorize Pinnacol Assurance to make all expenditures, including payments to claimants for compensation or for the adjustment or settlement of claims. Nothing in this ~~part 22 shall be construed to mean~~ PART 8 MEANS that Pinnacol Assurance or its officers or agents have the final decision with respect to the compensability of any case or the amount of compensation or benefits due. Any civil defense worker or such civil defense worker's dependents ~~shall~~ have the same right to hearings before the division of labor in the department of labor and employment and its referees and to appeal from awards of said division and referees to the industrial claim appeals panel and to the courts as is provided in the hearing and review procedures of the "Workers' Compensation Act of Colorado" found in article 43 of title 8, C.R.S., subject to the limitations prescribed in this ~~part 22~~ PART 8.

24-33.5-810. [Formerly 24-32-2210] **Reimbursement of fund.** The agreement ENTERED INTO PURSUANT TO SECTION 24-33.5-809 shall provide that Pinnacol Assurance shall be reimbursed for the expenditures made as adjusting agent and for the cost of services rendered, which reimbursement shall be made out of moneys appropriated for the purpose of furnishing compensation to civil defense workers. The reimbursement

for cost of services rendered shall not exceed twelve and one-half percent of the total expenditures for medical and dental treatment and disability and death payments made by Pinnacol Assurance in the adjustment of claims arising under this ~~part 22~~ PART 8. The agreement shall provide for the setting up of bookkeeping reserves in order that provisions may be made for the reimbursement of Pinnacol Assurance and that liability for the payment or furnishing of compensation may be determined. The agreement shall also provide that Pinnacol Assurance shall be notified promptly by the ~~division~~ OFFICE of emergency management when a local organization for civil defense is certified as an accredited local organization for civil defense and when the certification is revoked.

24-33.5-811. [Formerly 24-32-2211] Parties to agreement. An accredited local organization for civil defense and the county, town, or city which has empowered the local organization for civil defense to register and direct activities of civil defense workers automatically become parties to the agreement ENTERED INTO PURSUANT TO SECTION 24-33.5-809 upon the local organization for civil defense becoming an accredited local organization for civil defense.

24-33.5-812. [Formerly 24-32-2212] Other provisions of agreement. The agreement ENTERED INTO PURSUANT TO SECTION 24-33.5-809 may also contain any other provision not inconsistent with this ~~part 22~~ PART 8 deemed necessary by the ~~division~~ OFFICE of emergency management and Pinnacol Assurance for the furnishing of compensation to civil defense workers and their dependents in accordance with the provisions of this ~~part 22~~ PART 8 and the serving by Pinnacol Assurance as adjusting agent. The agreement may be modified by action of the ~~division~~ OFFICE of emergency management and Pinnacol Assurance.

24-33.5-813. [Formerly 24-32-2213] Power of recovery - use of recovered amounts. Pinnacol Assurance may, in its own name or in the name of the ~~division~~ OFFICE of emergency management, or both, do any and all things necessary to recover on behalf of the ~~division~~ OFFICE of emergency management any and all amounts that an employer or insurance carrier might recover under the provisions of section 8-41-203, C.R.S. All amounts so recovered shall be used for the furnishing of compensation benefits, and the agreement ENTERED INTO PURSUANT TO SECTION 24-33.5-809 shall provide for the reimbursing of the Pinnacol Assurance fund for expenses incurred in recovering such amounts and the manner in which such amounts shall be applied to the furnishing of compensation.

24-33.5-814. [Formerly 24-32-2214] Federal benefits deducted. Should the United States government or any agent thereof, in accordance with any federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to civil defense workers or their dependents for injuries arising out of and occurring in the course of their activities as civil defense workers, the amount of compensation which any civil defense worker or such civil defense worker's dependents are otherwise entitled to receive from the state of Colorado as provided in this ~~part 22~~ PART 8 shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief such civil defense worker or such civil defense worker's dependents have received and will receive from the United States or any agent thereof as a result of the injury.

24-33.5-815. [Formerly 24-32-2215] State medical aid denied - when. If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States government or any agent thereof furnishes medical, surgical, or hospital treatment or any combination thereof to an injured civil defense worker, such civil defense worker has no right to receive similar medical, surgical, or hospital treatment as provided in this ~~part 22~~ PART 8; except that Pinnacol Assurance, as adjusting agent of the ~~division~~ OFFICE of emergency management, may furnish medical, surgical, or hospital treatment as part of the compensation provided under the provisions of this ~~part 22~~ PART 8.

24-33.5-816. [Formerly 24-32-2216] Medical benefits as part of compensation. If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States government or any agent thereof will reimburse a civil defense worker or such civil defense worker's dependents for medical, surgical, or hospital treatment or any

combination thereof furnished to such injured civil defense worker, the civil defense worker has no right to receive similar medical, surgical, or hospital treatment as provided in this ~~part 22~~ PART 8; except that Pinnacol Assurance, as adjusting agent of the ~~division~~ OFFICE of emergency management, may furnish medical, surgical, or hospital treatment as part of the compensation provided under ~~the provisions of this part 22~~ PART 8 and apply to the United States government or its agent for the reimbursement that will be made to the civil defense worker or such civil defense worker's dependents. As a condition to the furnishing of such medical, surgical, or hospital treatment, Pinnacol Assurance shall require the civil defense worker and such civil defense worker's dependents to assign to the state of Colorado, for the purpose of reimbursing for any medical, surgical, or hospital treatment furnished or to be furnished by the state, any privilege or right the civil defense worker or such civil defense worker's dependents may have to reimbursement from the United States government or any agent thereof.

24-33.5-817. [Formerly 24-32-2217] State benefits barred - when. If the furnishing of compensation under ~~the provisions of this part 22~~ PART 8 and the acts referred to in this ~~part 22~~ PART 8 to a civil defense worker or such civil defense worker's dependents prevents such civil defense worker or such civil defense worker's dependents from receiving assistance, benefits, or other temporary or permanent relief under the provisions of a federal statute or rule or regulation, the civil defense worker and such civil defense worker's dependents have no right to and shall not receive any compensation from the state of Colorado under ~~the provisions of this part 22~~ PART 8 and the acts referred to in this ~~part 22~~ PART 8 for any injury for which the United States government or any agent thereof will furnish assistance, benefits, or other temporary or permanent relief in the absence of the furnishing of compensation by the state of Colorado.

24-33.5-818. [Formerly 24-32-2218] Classes of workers - registration - duties. The ~~division~~ OFFICE of emergency management shall establish by rule and ~~regulation~~ various classes of civil defense workers and the scope of the duties of each class. The ~~division~~ OFFICE of emergency management shall also adopt rules and ~~regulations~~ prescribing the manner in which civil defense workers of each class are to be registered. All such rules and ~~regulations~~ shall be designed to facilitate the paying of workers' compensation.

24-33.5-819. [Formerly 24-32-2219] Accrediting local organization. Any local organization for civil defense that both agrees to follow the rules and ~~regulations~~ established by the ~~division~~ OFFICE of emergency management pursuant to ~~the provisions of this part 22~~ PART 8 and substantially complies with such rules and ~~regulations~~ shall be certified by the ~~division~~ OFFICE of emergency management. Upon making the certification, not before, the local organization for civil defense becomes an accredited local organization for civil defense.

24-33.5-820. [Formerly 24-32-2220] Accredited status lost - when. If an accredited local organization for civil defense fails to comply with the rules and ~~regulations~~ of the ~~division~~ OFFICE of emergency management in any material degree, the ~~division~~ OFFICE of emergency management may revoke the certification, and upon the act of revocation the local organization for civil defense shall lose its accredited status. It may again become an accredited local organization for civil defense in the same manner as is provided for a local organization for civil defense that has not had its certificate revoked.

24-33.5-821. [Formerly 24-32-2221] Transfer of moneys. Not less often than once each ninety days, the treasurer of the state of Colorado upon the written request of Pinnacol Assurance shall transfer to the account of Pinnacol Assurance from the sum appropriated by the general assembly for the payment of claims that may arise under this ~~part 22~~ PART 8 such sum as may be required to reimburse Pinnacol Assurance in full for any sum theretofore paid by Pinnacol Assurance on any claims arising under ~~the provisions of this part 22~~ PART 8, together with any expense incurred by Pinnacol Assurance in adjusting same as provided in this ~~part 22~~ PART 8, and such amount as may be estimated by Pinnacol Assurance as being necessary to carry said claims to maturity and ensure the full payment thereof. The requests of Pinnacol Assurance from time to time for the transfer of moneys as provided in this section shall cite this ~~part 22~~ PART 8 as authority for such transfer and shall be made upon such

form as the treasurer of the state of Colorado and the controller may prescribe or, in the absence of the prescribing of special forms, upon a voucher citing this ~~part 22~~ PART 8 as authority.

24-33.5-822. [Formerly 24-32-2222] County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations. (1) Any county sheriff, the director of any local government, any local emergency planning committee, or any state agency may develop and enter into a memorandum of understanding with one or more volunteer organizations to assist the county sheriff, local government, local emergency planning committee, or state agency in providing services in the event of a disaster.

(2) A memorandum of understanding between a county sheriff, a local government, a local emergency planning committee, or a state agency and a volunteer organization may include the following information:

(a) The circumstances under which the county sheriff, local government, local emergency planning committee, or state agency may request the services of the volunteer organization in a disaster;

(b) The circumstances under which the volunteer organization may accept or refuse the request for assistance by the county sheriff, local government, local emergency planning committee, or state agency in a disaster;

(c) The party that will be responsible for any costs incurred by the volunteer organization in the course of assisting the county sheriff, local government, local emergency planning committee, or state agency in a disaster;

(d) The specific training or certification required for volunteers who are members of the volunteer organization to be authorized to assist the county sheriff, local government, local emergency planning committee, or state agency in a disaster;

(e) The duration of the memorandum of understanding;

(f) Provisions for amending the memorandum of understanding;

and
(g) Any other information deemed necessary by the county sheriff, local government, local emergency planning committee, or state agency or by the volunteer organization.

(3) If national or statewide training and certification standards exist for a certain organization or certain type of volunteer, the existing standards shall be used in a memorandum of understanding created pursuant to this section.

(4) The most current version of the state of Colorado intergovernmental agreement for emergency management may be used as the memorandum of understanding pursuant to this section.

24-33.5-823. [Formerly 24-32-2223] Qualified volunteer organization list - creation - nomination of organizations. (1) Any volunteer who is associated with a qualified volunteer organization pursuant to this section may be eligible to receive the protections and benefits specified in this ~~part 22~~ PART 8 and in article 10 of this title. The executive director of the department or the executive director's designee shall create and maintain a list of volunteer organizations that shall be known as the "qualified volunteer organization list".

(2) Any county sheriff, local government, local emergency planning committee, or state agency may nominate a volunteer organization with which it enters into a memorandum of understanding pursuant to ~~section 24-32-2222~~ SECTION 24-33.5-822 to be included on the qualified volunteer organization list created and maintained pursuant to subsection (1) of this section.

24-33.5-824. [Formerly 24-32-2224] Volunteers - provision of emergency services - protections - benefits. (1) A volunteer shall be allowed to receive the benefits and protections specified in this ~~part 22~~ PART 8 and pursuant to article 10 of this title if the volunteer is determined to be a qualified volunteer pursuant to this section. A volunteer shall be deemed a qualified volunteer if:

(a) The volunteer is a member of a volunteer organization that enters into a memorandum of understanding with a county sheriff, local government, local emergency planning committee, or state agency pursuant to ~~section 24-32-2222~~ SECTION 24-33.5-822;

(b) The volunteer organization of which the volunteer is a member is included on the qualified volunteer organization list created and

maintained by the department pursuant to ~~section 24-32-2223~~ SECTION 24-33.5-823;

(c) The volunteer is called to service through the volunteer organization under the authority of the county sheriff, local government, local emergency planning committee, or state agency to volunteer in a disaster; and

(d) The volunteer receives the appropriate verification pursuant to subsection (2) of this section.

(2) The executive director of the department or the executive director's designee shall create a system whereby a volunteer may obtain proof to provide to his or her employer that specifies:

(a) The volunteer was called to service by a volunteer organization for the purpose of assisting in a disaster;

(b) The volunteer reported for service and performed the activities required of him or her by the volunteer organization; and

(c) The number of days of service that the volunteer provided.

24-33.5-825. [Formerly 24-32-2225] Qualified volunteers - leave of absence - public employees. (1) Any qualified volunteer who is an officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state and who is called into service by a volunteer organization is entitled to a leave of absence from the qualified volunteer's employment for the time when the qualified volunteer is serving, without loss of pay, seniority, status, efficiency rating, vacation, sick leave, or other benefits. The leave without loss of pay that is allowed pursuant to this section shall not exceed a total of fifteen work days in any calendar year; except that such leave without loss of pay shall be allowed only if the required volunteer service is satisfactorily performed, which shall be presumed unless the contrary is established.

(2) The leave allowed pursuant to subsection (1) of this section shall be allowed only if the qualified volunteer returns to his or her public position the next scheduled work day after being relieved from emergency volunteer service; except that leave shall be allowed pursuant to subsection (1) of this section if the employee is unable to return to work due to injury or circumstances beyond the employee's control and the employee notifies the employer as soon as practicable, but prior to the next scheduled work day.

(3) A state agency or any political subdivision, municipal corporation, or other public agency of the state may hire a temporary employee to fill a vacancy created by a leave of absence allowed pursuant to subsection (1) of this section.

(4) Upon returning from a leave of absence allowed pursuant to this section, a qualified volunteer is entitled to return to the same position and classification held by the qualified volunteer before the leave of absence for the emergency volunteer service or to the position, including the geographic location of the position, and classification that the qualified volunteer would have been entitled to if the qualified volunteer did not take a leave of absence for the emergency volunteer service.

(5) A qualified volunteer who is an officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state, receiving a leave of absence pursuant to this section, and having rights in any state, municipal, or other public pension, retirement, or relief system shall retain all of the rights accrued up to the time of taking the leave and shall have all rights subsequently accruing under such system as if the qualified volunteer did not take the leave. Any increase in the amount of money benefits accruing with respect to the time of the leave is dependent upon the payment of any contributions or assessments, and the right to the increase is dependent upon the payment of contributions or assessments within a reasonable time after the termination of the leave and upon such terms as the authorities in charge of the system may prescribe.

(6) Notwithstanding ~~the provisions of~~ this section, an employer shall not be required to provide leave pursuant to this section to more than twenty percent of the employer's employees on any work day.

(7) Notwithstanding ~~the provisions of~~ this section, an employer shall not be required to allow leave pursuant to this section for any employee designated as an essential employee. For the purposes of this subsection (7), "essential employee" means an employee who the employer deems to be essential to the operation of the employer's daily

enterprise and whose absence would likely cause the employer to suffer economic injury.

24-33.5-826. [Formerly 24-32-2226] Qualified volunteers - leave of absence - private employees. (1) Any qualified volunteer who is employed by a private employer and who is called into service by a volunteer organization for a disaster is entitled to a leave of absence from the qualified volunteer's employment, other than employment of a temporary nature, for the time when the qualified volunteer is serving. The leave allowed for a qualified volunteer pursuant to this section shall not exceed a total of fifteen work days in any calendar year, and the leave shall be allowed only if the volunteer is called into service for a disaster and provides proof that he or she is a qualified volunteer pursuant to ~~section 24-32-2224~~ (2) SECTION 24-33.5-824 (2).

(2) The leave of absence allowed pursuant to this section shall be construed as an absence with leave and without pay and shall not affect the qualified volunteer's rights to vacation, sick leave, bonus, advancement, or other employment benefits or advantages relating to and normally to be expected for the qualified volunteer's particular employment.

(3) The leave of absence pursuant to subsection (1) of this section shall be allowed only if the qualified volunteer returns to his or her employment as soon as practicable after being relieved from emergency volunteer service.

(4) The employer of a qualified volunteer who takes a leave of absence from employment to engage in emergency volunteer service shall, upon the qualified volunteer's completion of the emergency volunteer service, restore the qualified volunteer to the position the volunteer held prior to the leave of absence or to a similar position.

(5) Notwithstanding ~~the provisions of~~ this section, an employer shall not be required to provide leave pursuant to this section to more than twenty percent of the employer's employees on any work day.

(6) Notwithstanding ~~the provisions of~~ this section, an employer shall not be required to allow leave pursuant to this section for any employee designated as an essential employee. For the purposes of this subsection (6), "essential employee" means an employee who the employer deems to be essential to the operation of the employer's daily enterprise, whose absence would likely cause the employer to suffer economic injury, or whose duties include assisting in disaster recovery for the employer.

24-33.5-827. [Formerly 24-32-2227] Procedures. (1) The ~~department~~ OFFICE OF EMERGENCY MANAGEMENT shall create procedures for the administration of this ~~part 22~~ PART 8. The procedures shall include: ~~but need not be limited to, the following:~~

(a) A process for a county sheriff, local government, local emergency planning committee, or state agency to nominate a volunteer organization to be included on the qualified volunteer organization list pursuant to ~~section 24-32-2223~~ (2) SECTION 24-33.5-823; and

(b) A process to verify that a qualified volunteer provided volunteer services during a disaster and a method to allow the volunteer to provide proof of such service to his or her employer pursuant to ~~section 24-32-2224~~ (2) SECTION 24-33.5-824 (2).

24-33.5-828. [Formerly 24-32-2228] Interpretation. (1) Nothing in this ~~part 22~~ shall be construed to amend, suspend, supercede PART 8 AMENDS, SUSPENDS, SUPERCEDES, or otherwise ~~modify~~ MODIFIES the protections provided to volunteer firefighters pursuant to section 31-30-1131, C.R.S.

(2) Nothing in this ~~part 22~~ shall be construed to affect PART 8 AFFECTS any preexisting intergovernmental agreement regarding emergency management or any other issue.

PART 9

CIVIL DEFENSE LIABILITY - PUBLIC OR PRIVATE

24-33.5-901. [Formerly 24-32-2301] Short title. This ~~part 23~~ PART 9 shall be known and may be cited as the "Civil Defense Liability Act".

24-33.5-902. [Formerly 24-32-2302] Legislative declaration - no private liability. (1) It is declared to be the policy of the general assembly to encourage the owners of any building, mine, structure, or other real estate to make such property available, without compensation, for civil defense, and for that purpose this section is enacted.

(2) No person, limited liability company, partnership, corporation, or association shall be civilly liable, except for willful and wanton acts, for the death or injury of any person or the injury to or loss of any property which may occur in or on the property of such person, limited liability company, partnership, corporation, or association resulting from any preparation, drill, exercise, use in an official alert, or inspection incidental to a civil defense activity. This exemption from liability extends to any owner, tenant, lessee, assignee, or successor in interest of any property used for civil defense purposes, together with his or her personal representatives, heirs, successors, and assigns.

24-33.5-903. [Formerly 24-32-2303] State liability. All legal liabilities for damages, not only to property under the provisions of the constitution of the state of Colorado but also for death or injury to any person, except a civil defense worker regularly enrolled and acting as such, caused by acts done or attempted under the color of the "Colorado Disaster Emergency Act", of 1992", ~~part 21~~ PART 7 of this article, in a bona fide attempt to comply therewith, shall be the obligation of the state of Colorado. Permission is given for suits against the state for recovery of compensation in that behalf, and for the indemnification of any person appointed and regularly enrolled as a civilian defense worker while actually engaged in civil defense duties or as a member of any agency of the state or political subdivision thereof engaged in civilian defense activity, or such person's dependents, as an aspect of damage done to such person's private property, or judgment against such person for acts done in good faith attempts in compliance with this ~~part 23~~ PART 9. The foregoing shall not be construed to result in indemnification in any case of willful misconduct, gross negligence, or bad faith on the part of any agent of civilian defense. Should the United States government or any agency thereof, in accordance with any federal statute, rule, or regulation, provide for the payment of damages to property or for death or injury as provided for in this section, then and in that event, there shall be no liability or obligation whatsoever upon the part of the state of Colorado for any such damage, death, or injury for which the United States government assumes liability.

24-33.5-904. [Formerly 24-32-2304] Recovery for personal injury. (1) Recovery for the injury or death of persons appointed and regularly enrolled in a civil defense organization as contemplated by the "Colorado Disaster Emergency Act", of 1992", ~~part 21~~ PART 7 of this article, while actually engaged in civil defense duties shall be limited to the provisions of the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S. If such persons are regularly employed by the state of Colorado or its political subdivisions, and, if such persons are volunteer civil defense workers, shall be limited as otherwise provided by statute.

(2) ~~The provisions of~~ Subsection (1) of this section shall not affect the right of any person to receive benefits or compensation to which such person might be entitled under any workers' compensation or pension law or any act of congress.

PART 10
 EVACUATION OF SCHOOL
 BUILDINGS FOR CIVIL DEFENSE

24-33.5-1001. [Formerly 24-32-2401] Evacuation plan agreements. Any board of education of any school district in the state of Colorado may enter into an agreement with the appropriate local civil defense agency or authorities for the purpose of establishing an orderly plan for the evacuation of any or all school buildings within the jurisdiction of said school district.

24-33.5-1002. [Formerly 24-32-2402] Evacuation drill - district liability. In the event that such school district and the respective local civil defense agency or authorities desire to perform an evacuation drill for any or all school buildings, the board of education of such school district and its officers, employees, and agents participating therein shall be relieved of all liability, except as otherwise provided by article 10 of this title, with regard to the accidental injury of any pupil during school hours from the time that the pupil leaves the school building until such pupil's return to the building at the conclusion of the evacuation drill.

24-33.5-1003. [Formerly 24-32-2403] Buses used. For drill or other evacuation purposes as described in this ~~part 24~~ PART 10, buses and such other modes of transport as are operated by the respective school

district for the transportation of pupils may be operated by the district outside the boundaries of the district.

24-33.5-1004. [Formerly 24-32-2404] Liability insurance. For purposes of this ~~part 24~~ PART 10, a school district may expend available funds to utilize the services of its employees or properties and may, if the board of education so desires, pay premiums from available funds to procure liability and property damage insurance covering such district, its governing body, officers, and employees, and, if deemed necessary or desirable, volunteer workers while participating in such civil defense activity, but there shall be no right of contribution on the part of such district to the insurance carrier.

24-33.5-1005. [Formerly 24-32-2405] Extraterritorial powers. When the officers, employees, or agents of any school district participating in any civil defense exercise in connection with ~~the provisions of this part 24~~ PART 10 are required to go beyond the territorial limits of such political subdivision, such persons shall nevertheless have the same powers, duties, rights, privileges, and immunities while beyond the territorial limits of the school district as if they were performing their duties within the territorial limits of such district.

PART 11

DISASTER RELIEF

24-33.5-1101. [Formerly 24-32-2501] Power to make rules. The governor is authorized to make rules ~~and regulations~~ necessary to carry out the purposes of this ~~part 25~~ PART 11, including ~~but not limited to~~; standards of eligibility for persons applying for benefits; procedures for applying and administration; methods of investigating, filing, and approving applications; and formation of local or statewide boards to pass upon applications and procedures for appeal.

24-33.5-1102. [Formerly 24-32-2502] Emergency relief. (1) In an emergency, the governor may provide assistance to save lives and to protect property and public health and safety.

(2) The governor may provide such emergency assistance by directing state agencies to provide technical assistance and advisory personnel to the affected state and local governments in giving:

(a) Aid in the performance of essential community services, warning of further risks and hazards, public information and assistance in health and safety measures, technical advice on management and control, and reduction of immediate threats to public health and safety; and

(b) Assistance in the distribution of medicine, food, and other consumable supplies or emergency assistance.

(3) In addition, in any emergency, the governor is authorized to provide such other assistance under this ~~part 25~~ PART 11 as the governor deems appropriate.

24-33.5-1103. [Formerly 24-32-2503] False claims - penalties. Any person who fraudulently or willfully makes a misstatement of fact in connection with an application for financial assistance under this ~~part 25~~ PART 11 and who thereby receives assistance to which such person is not entitled commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

24-33.5-1104. [Formerly 24-32-2504] Temporary housing for disaster victims. (1) Whenever the governor has proclaimed a disaster emergency under the laws of this state or the president of the United States has declared an emergency or a major disaster to exist in this state, the governor is authorized:

(a) To enter into purchase, lease, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make such units available to any political subdivision of the state;

(b) To assist any political subdivision of the state which is the locus of temporary housing for disaster victims to acquire sites necessary for such temporary housing and to do all things required to prepare such sites to receive and utilize temporary housing units by:

(I) Advancing or lending funds available to the governor from any appropriation made by the general assembly or from any other source;

(II) Passing through funds made available by any agency, public or private; or

(III) Becoming a copartner with the political subdivision for the execution and performance of any temporary housing project for disaster

victims; and

(c) Under such regulations RULES as the governor shall prescribe, to temporarily suspend or modify for not to exceed sixty days any public health, safety, zoning, transportation within or across the state, or other requirement of law or regulation within this state when by proclamation the governor deems such suspension or modification essential to provide temporary housing for disaster victims.

(2) Any political subdivision of the state is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims and to enter into whatever arrangements, including purchase of temporary housing units and payment of transportation charges, which are necessary to prepare or equip such sites to utilize the housing units.

24-33.5-1105. [Formerly 24-32-2505] Debris removal.

(1) Whenever the governor has declared a disaster emergency to exist under the laws of this state or the president of the United States, at the request of the governor, has declared a major disaster or emergency to exist in this state, the governor is authorized:

(a) Notwithstanding any other provision of the law, through the use of state departments or agencies or the use of any of the state's instrumentalities, to clear or remove from publicly or privately owned land or water debris and wreckage which may threaten public health or safety or public or private property; and

(b) To accept funds from the federal government and to utilize such funds to make grants to any local government for the purpose of removing debris or wreckage from publicly or privately owned land or water.

(2) Authority under this ~~part 25~~ PART 11 shall not be exercised unless the affected local government, corporation, organization, or individual first presents an unconditional authorization for removal of such debris or wreckage from public or private property and, in the case of removal of debris or wreckage from private property, first agrees to indemnify the state government against any claim arising from such removal.

(3) Whenever the governor provides for clearance of debris or wreckage pursuant to subsections (1) and (2) of this section, employees of the designated state agencies or individuals appointed by the state are authorized to enter upon private land or water and perform any tasks necessary to removal or clearance operations.

24-33.5-1106. [Formerly 24-32-2506] Grants to individuals.

(1) Whenever the president of the United States, at the request of the governor, has declared a major disaster to exist in this state, the governor is authorized, upon the governor's determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot be otherwise adequately met from other means of assistance, to accept a grant from the federal government to fund such financial assistance, subject to such terms and conditions as may be imposed upon the grant.

(2) Notwithstanding any other provision of law or regulation, the governor is authorized to make financial grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot otherwise adequately be met from other means of assistance, which grants shall not exceed five thousand dollars in the aggregate to an individual or family in any single major disaster declared by the president.

24-33.5-1107. [Formerly 24-32-2507] Community loans.

(1) Whenever, at the request of the governor, the president of the United States has declared a major disaster to exist in this state, the governor is authorized:

(a) Upon the governor's determination that a local government of the state will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, to apply to the federal government, on behalf of the local government, for a loan and to receive and disburse the proceeds of any approved loan to any local government making application therefor;

(b) To determine the amount needed by any local government making application therefor to restore or resume its governmental

functions and to certify the same to the federal government; except that no application shall exceed twenty-five percent of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs; and

(c) To recommend to the federal government, based upon the governor's review, the cancellation of all or any part of repayment when, in the first period of three full fiscal years following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal character.

24-33.5-1108. [Formerly 24-32-2508] Bar against suits. Except in cases of willful misconduct, gross negligence, or bad faith, any state employee or agent complying with orders of the governor and performing duties pursuant thereto under this ~~part 25~~ PART 11 shall not be liable for death of or injury to persons or damage to property.

24-33.5-1109. [Formerly 24-32-2509] Interstate compacts. The governor is authorized to enter into interstate compacts for prevention of disasters and for carrying out the purposes of this ~~part 25~~ PART 11.

SECTION 11. In Colorado Revised Statutes, 24-33.5-1201, **amend** (1) and (3) (b); **repeal** (3) (c) and (3) (d); and **add** (4) as follows:

24-33.5-1201. Division of fire safety - creation. (1) There is hereby created within ~~the office of preparedness, security, and fire safety~~ the DEPARTMENT THE division of fire safety, referred to in this part 12 as the "division". The head of the division ~~shall be~~ IS the director of the division of fire safety, referred to in this part 12 as the "director". ~~who shall be appointed by~~ The executive director SHALL APPOINT THE DIRECTOR pursuant to section 13 of article XII of the state constitution.

(3) (b) ~~On and after January 1, 2010, all positions of employment in the public school construction program, concerning the duties specified in sections 22-32-124 and 23-71-122 (1) (v), C.R.S., in the division of oil and public safety in the department of labor determined by the director of the division of fire safety to be necessary to carry out the purposes of the public school construction and inspection section shall be transferred to the division of fire safety in the department of public safety and shall become employment positions therein.~~ The executive director shall appoint such employees as are necessary to carry out the duties and exercise the powers specified in sections 22-32-124 and 23-71-122 (1) (v), C.R.S., and in this part 12. The executive director may delegate appointing authority as appropriate.

(c) ~~On and after January 1, 2010, all employees of the public school construction program in the division of oil and public safety in the department of labor carrying out the duties specified in sections 22-32-124 and 23-71-122 (1) (v), C.R.S., shall be considered employees of the public school construction and inspection section in the division of fire safety in the department of public safety. Such employees shall retain all rights under the state personnel system and to retirement benefits pursuant to the laws of this state, and their services shall be deemed to have been continuous.~~

(d) ~~On January 1, 2010, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the public school construction program in the division of oil and public safety in the department of labor used in carrying out the duties of the public school construction program are transferred to the public school construction and inspection section in the division of fire safety in the department of public safety and shall become the property thereof.~~

(4) (a) (I) EFFECTIVE JULY 1, 2012, THE DIVISION OF FIRE SAFETY SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS RELATING TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT VESTED PREVIOUSLY IN THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM OR THE STATE FOREST SERVICE THEREUNDER, AS THOSE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS EXISTED ON JUNE 30, 2012.

(II) THERE IS HEREBY CREATED IN THE DIVISION OF FIRE SAFETY THE WILDLAND FIRE SERVICES SECTION TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION (4) AND SECTIONS 24-33.5-1217 TO 24-33.5-1226. THE WILDLAND FIRE SERVICES SECTION SHALL PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DIVISION OF FIRE SAFETY AS IF THE SAME WERE TRANSFERRED BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN

THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

(b) (I) ON JULY 1, 2012, ALL POSITIONS OF EMPLOYMENT IN THE STATE FOREST SERVICE OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM THAT ARE PRINCIPALLY RELATED TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT SHALL BE TRANSFERRED TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME EMPLOYMENT POSITIONS IN THE WILDLAND FIRE SERVICES SECTION THEREIN.

(II) ON JULY 1, 2012, ALL EMPLOYEES OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM OR THE STATE FOREST SERVICE THEREUNDER WHO ARE EMPLOYED IN A CAPACITY PRINCIPALLY RELATED TO AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT SHALL BE CONSIDERED EMPLOYEES OF THE WILDLAND FIRE SERVICES SECTION IN THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS.

(III) ON JULY 1, 2012, ALL MONEYS PREVIOUSLY RECEIVED OR APPROPRIATED TO THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM FOR RELATING PRINCIPALLY TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, AND MANAGEMENT, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE BOARD, ARE TRANSFERRED TO THE WILDLAND FIRE SERVICES SECTION IN THE DIVISION OF FIRE SAFETY AND SHALL BECOME THE PROPERTY THEREOF.

(IV) ON JULY 1, 2012, ALL ITEMS OF PROPERTY OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, REAL AND PERSONAL, RELATING PRINCIPALLY TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, AND MANAGEMENT, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE BOARD, ARE TRANSFERRED TO THE WILDLAND FIRE SERVICES SECTION IN THE DIVISION OF FIRE SAFETY AND SHALL BECOME THE PROPERTY THEREOF.

SECTION 12. In Colorado Revised Statutes, 24-33.5-1202, **amend** (3.5); and **add** (1.2) and (3.7) as follows:

24-33.5-1202. Definitions. As used in this part 12, unless the context otherwise requires:

(1.2) "ADVISORY BOARD" MEANS THE FIRE SERVICE TRAINING AND CERTIFICATION ADVISORY BOARD CREATED IN SECTION 24-33.5-1204.

(3.5) ~~"Fire department" means the duly authorized fire protection organization of a town, city, county, or city and county, a fire protection district, or a metropolitan district or county improvement district that provides fire protection.~~ "EMERGENCY FIRE FUND" MEANS THE EMERGENCY FIRE FUND CREATED IN SECTION 24-33.5-1220 THAT WAS FIRST ESTABLISHED IN 1967 WITH VOLUNTARY CONTRIBUTIONS FROM COUNTIES AND THE DENVER WATER BOARD; ADMINISTERED BY A NINE-PERSON COMMITTEE COMPOSED OF COUNTY COMMISSIONERS, SHERIFFS, FIRE CHIEFS, AND THE DIRECTOR; AND USED FOR THE PURPOSE OF PAYING COSTS INCURRED AS A RESULT OF CONTROLLING A WILDFIRE BY ANY OF PARTIES CONTRIBUTING MONEYS TO THE FUND, IN ACCORDANCE WITH THE INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATION IN THE COLORADO EMERGENCY FIRE FUND.

(3.7) "FIRE DEPARTMENT" MEANS THE DULY AUTHORIZED FIRE PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY, OR CITY AND COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN DISTRICT OR COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION.

SECTION 13. In Colorado Revised Statutes, 24-33.5-1203, **amend** (1) (k) and (1) (m); and **repeal** (1) (o) as follows:

24-33.5-1203. Duties of division. (1) The division shall perform the following duties:

(k) Train and instruct firefighters and first responders in subjects relating to the fire service; ~~and to coordinate fire service-related education and training classes, programs, conferences, and seminars; and train and instruct, or coordinate the training of, hazardous materials responders; but~~ EXCEPT THAT all training related to terrorism shall be coordinated with the ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT CREATED IN PART 16 OF THIS

ARTICLE;

~~(m) Administer a statewide plan for the allocation and deployment of firefighting resources developed pursuant to section 24-33.5-1210 TO HELP ENSURE THAT COMMUNITIES AND FIREFIGHTERS HAVE SUFFICIENT RESOURCES, TECHNICAL SUPPORT, AND TRAINING TO ADEQUATELY ASSESS WILDFIRE RISKS, INCREASE UPGRADES ON FEDERAL EXCESS PROPERTY FIRE ENGINES ON LOAN TO LOCAL FIRE DEPARTMENTS; INCREASE TECHNICAL ASSISTANCE IN WILDLAND FIRE PREPAREDNESS TO COUNTIES AND FIRE PROTECTION DISTRICTS; AND, IN CONJUNCTION WITH THE WILDFIRE PREPAREDNESS PLAN CREATED PURSUANT TO SECTION 23-31-309 (3) (a), C.R.S., ENSURE THAT STATE FIRE-FIGHTING EQUIPMENT SUCH AS FIRE ENGINES AND AIR TANKERS IS FULLY OPERATIONAL AND AVAILABLE TO AND COORDINATED WITH THE EQUIPMENT CAPACITIES OF LOCAL FIRE PROTECTION DISTRICTS, AND THAT PERSONNEL ARE FULLY TRAINED IN ITS USE;~~

~~(o) Seek federal funds to provide the resources necessary to perform its duties under paragraphs (m) and (n) of this subsection (1);~~

SECTION 14. In Colorado Revised Statutes, 24-33.5-1204, amend (2) as follows:

24-33.5-1204. Voluntary education and training program - voluntary certification of firefighters, first responders, and hazardous materials responders - advisory board. (2) (a) The advisory board ~~shall consist~~ CONSISTS of ~~twelve~~ FOURTEEN members, ~~nine~~ ELEVEN of whom ~~shall be~~ ARE VOTING MEMBERS appointed by the governor AS FOLLOWS:

(I) Four of the ~~nine~~ ELEVEN members appointed by the governor shall represent each of the following organizations:

- ~~(A)~~ (A) Colorado state fire fighters association;
- ~~(B)~~ (B) Colorado state fire chiefs association;
- ~~(C)~~ (C) Colorado fire training officers association; and
- ~~(D)~~ (D) Colorado professional fire fighters association;

~~(b) (II) Of the remaining eight members of the advisory board, The following five OTHER SEVEN members shall be appointed by the governor ARE:~~

- ~~(A)~~ (A) A fire chief or training officer from a volunteer fire department participating in the certification program;
- ~~(B)~~ (B) A fire chief or training officer from a career fire department participating in the certification program;
- ~~(C)~~ (C) A representative of the property and casualty insurance industry;
- ~~(D)~~ (D) A hazardous materials responder team leader; and
- ~~(E)~~ (E) A person experienced in the transportation industry;
- (F) A REPRESENTATIVE OF LOCAL LAW ENFORCEMENT; AND
- (G) A REPRESENTATIVE OF A FIXED FACILITY DEALING WITH HAZARDOUS MATERIALS.

~~(b) (II) The remaining three EX OFFICIO nonvoting members shall be ARE the FOLLOWING PERSONS OR THEIR DESIGNEES:~~

- (I) THE president of the Colorado community college and occupational education system;
- (II) The chief of the emergency medical and trauma services section within the health facilities and emergency medical services division in the department of public health and environment; and
- ~~(III) The chief of the state patrol. or their respective designees.~~

~~(c) (III) The ELEVEN advisory board members appointed by the governor shall be geographically apportioned. and~~

(d) At least three members of ~~such~~ THE ADVISORY board shall be from a community or communities with a resident population of fifteen thousand persons or less.

(e) The governor shall initially appoint ~~five~~ SIX members described in ~~paragraphs~~ PARAGRAPH (a) and ~~(b)~~ of this subsection (2) for terms of four years each and the remaining ~~four~~ FIVE members for terms of two years each. Thereafter, the governor shall appoint their successors for terms of four years each. If any appointee vacates his or her office during the term for which appointed to the advisory board, the ~~vacancy shall be filled by appointment by the governor~~ SHALL, BY APPOINTMENT, FILL THE VACANCY for the unexpired term. The advisory board shall annually elect from its members a chairperson and a secretary.

SECTION 15. In Colorado Revised Statutes, **add with relocated provisions** 24-33.5-1217, 24-33.5-1218, 24-33.5-1219, 24-33.5-1220,

24-33.5-1221, 24-33.5-1222, 24-33.5-1223, 24-33.5-1224, 24-33.5-1225, and 24-33.5-1226 as follows:

24-33.5-1217. [Formerly 23-31-313 (6) (a) (III)] Duties relating to forest fires and wildfires - prescribed burning and natural ignition fires - rules - definitions. (1) THE DIRECTOR SHALL establish training and certification standards for users of prescribed fire in consultation with the Colorado prescribed fire council or an analogous successor organization. The ~~forest service~~ DIRECTOR may also consult with local fire jurisdictions. ~~Nothing in this subparagraph (III) requires a user of prescribed fire to be certified.~~

- (2) The standards ADOPTED UNDER THIS SECTION shall:
 - ~~(A)~~ (a) Create certified burner and noncertified burner designations for users of prescribed fire on private and nonfederal land;
 - ~~(B)~~ (b) Establish requirements for certified burners to conduct lawful activities pursuant to authorization under section 18-13-109 (2) (b) (IV), C.R.S., regarding firing of woods or prairie;
 - ~~(C)~~ (c) Identify processes and procedures for certified burners to conduct a prescribed fire;
 - ~~(D)~~ (d) Recommend organizational structures for prescribed burn operations;
 - ~~(E)~~ (e) Establish training standards for certified burners; and
 - ~~(F)~~ (f) Clearly identify preexisting fees, permit requirements, liabilities, liability exemptions, and penalties for prescribed burn personnel and landowners, including those specified in sections 25-7-106 (7) and (8) and 25-7-123, C.R.S.

(3) NOTHING IN THIS SECTION REQUIRES A USER OF PRESCRIBED FIRE TO BE CERTIFIED BY THE DIVISION.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONTROLLED AGRICULTURAL BURN" MEANS A TECHNIQUE USED IN FARMING TO CLEAR THE LAND OF ANY EXISTING CROP RESIDUE, KILL WEEDS AND WEED SEEDS, OR REDUCE FUEL BUILDUP AND DECREASE THE LIKELIHOOD OF A FUTURE FIRE.

(b) "NATURAL IGNITION FIRES" MEAN WILDLAND FIRES THAT ARE IGNITED BY LIGHTNING OR SOME OTHER NATURAL SOURCE.

(c) "PRESCRIBED BURNING" MEANS THE APPLICATION OF FIRE, IN ACCORDANCE WITH A WRITTEN PRESCRIPTION FOR VEGETATIVE FUELS, UNDER SPECIFIED ENVIRONMENTAL CONDITIONS WHILE FOLLOWING APPROPRIATE PRECAUTIONARY MEASURES THAT ENSURES PUBLIC SAFETY AND THAT THE FIRE IS CONFINED TO A PREDETERMINED AREA TO ACCOMPLISH PLANNED FIRE OR LAND MANAGEMENT OBJECTIVES. THE TERM EXCLUDES CONTROLLED AGRICULTURAL BURNS.

24-33.5-1218 [Formerly 23-31-203] Cooperation with governmental units. In connection with its powers and duties concerning the protection of the forest lands of the state from fire, the ~~board~~ DIVISION may cooperate and coordinate with the United States forest service, the United States secretary of the interior, the United States secretary of agriculture, the state board of land commissioners, and the counties for such protection and may advise and aid in preventing forest fires on state and private lands in the national forests in the state, including coordinating with the United States secretary of the interior and the United States secretary of agriculture to develop management plans for federal lands within the state of Colorado pursuant to 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712; but nothing contained in this section shall be construed as transferring to the ~~board~~ DIVISION the duties or responsibilities of the sheriffs of the various counties with respect to forest fire control laws.

24-33.5-1219. [Formerly 23-31-204] Wildland fires - duty of sheriff to report. It is the duty of the sheriffs of the various counties of the state to report as soon as practicable the occurrence of any fire in any forest in the state, either on private or public lands, to the ~~board~~ DIVISION or its authorized agent, and, upon receiving notice from any source of a fire in any forest, it is the duty of the agent of the board to aid and assist in controlling or extinguishing the same, if necessary.

24-33.5-1220. [Formerly 23-31-303 (1)] Funds available - emergency fire fund - creation - gifts, grants and donations authorized. (1) The governor's emergency fund, or other funds available to the ~~Colorado~~ state forest service, may be used for the purpose of preventing and suppressing forest and wildland fires, in accordance with

~~the provisions of part 21 of article 32 of title 24, C.R.S.~~ PART 7 OF THIS ARTICLE.

(2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE EMERGENCY FIRE FUND, WHICH FUND SHALL BE ADMINISTERED BY THE DIVISION, IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (2), TO FUND EMERGENCY RESPONSES TO WILDFIRES. THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE FUND CONSISTS OF ALL MONEYS THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND ALL PRIVATE AND PUBLIC FUNDS, INCLUDING FROM COUNTIES AND THE DENVER WATER BOARD, RECEIVED THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND. ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED FOR THE PURPOSES INDICATED IN THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND.

(b) THE DIVISION SHALL USE THE MONEYS IN THE EMERGENCY FIRE FUND TO PROVIDE FUNDING OR REIMBURSEMENT FOR WILDFIRES IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED BY THE EMERGENCY FIRE FUND COMMITTEE AND WITH THE APPROVAL OF THE DIRECTOR.

(c) (I) THE EMERGENCY FIRE FUND COMMITTEE CONSISTS OF NINE PERSONS, SELECTED BY THE DIRECTOR, AND MUST ACHIEVE A REASONABLE REPRESENTATION OF COUNTY COMMISSIONERS, SHERIFFS, AND FIRE CHIEFS.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021. PRIOR TO THAT REPEAL, THE FUNCTIONS OF THE EMERGENCY FIRE FUND COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203 (3) (hh.5), C.R.S.

24-33.5-1221. [Formerly 23-31-304] State responsibility determined. The ~~state forester~~ DIRECTOR shall determine, in consultation with local authorities and with the approval of the governor, geographic areas of the state, including wildland-urban interface areas, in which the state has a financial responsibility for managing forest and wildland fires. The management of fires in all other areas is primarily the responsibility of local or federal agencies, as the case may be. The ~~state forester~~ DIRECTOR may exclude all lands owned or controlled by the federal government or any agency thereof, and the ~~state forester~~ DIRECTOR shall exclude all lands within the exterior boundaries of incorporated cities or towns.

24-33.5-1222. [Formerly 23-31-305] Cooperation by counties. The boards of county commissioners may, in their discretion, cooperate and coordinate with the governing bodies of organized fire districts, fire departments, and municipal corporations; with private parties; with other counties; with the ~~state forester~~ DIRECTOR; with the United States secretary of the interior; with the United States secretary of agriculture; and with an agency of the United States government in the management and prevention of forest fires. Such boards of county commissioners are authorized to participate in the organization and training of rural fire-fighting groups, in the payment for the operation and maintenance of fire-fighting equipment, and in sharing the cost of managing fires.

24-33.5-1223. [Formerly 23-31-306] Sheriffs to enforce. The county sheriff, assisted by the ~~state forester~~ DIRECTOR, shall enforce ~~the provisions of this part 3~~ SECTIONS 24-33.5-1217 TO 24-33.5-1228 and of all state forest fire laws, and such persons shall not be liable to civil action for trespass committed in the discharge of their duties.

24-33.5-1224. [Formerly 23-31-307] Limitation of state responsibility. Nothing in ~~this part 3 shall be construed to authorize~~ SECTIONS 24-33.5-1217 TO 24-33.5-1228 AUTHORIZES any county fire warden, firefighter, or county officer to obligate the state for payment of any money.

24-33.5-1225. [Formerly 23-31-308] Emergencies. When the governor finds that conditions of extreme fire hazard exist, he or she may by proclamation close such land as he or she may find to be in such condition of extreme hazard to the general public and prohibit or limit burning thereon to such a degree and in such ways as he or she deems necessary to reduce the danger of forest fire. The governor shall declare

the end of any such emergency only upon a finding that the conditions of extreme fire hazard no longer exist.

24-33.5-1226. [Formerly 23-31-309] Wildfire emergency response fund - creation - gifts, grants, and donations authorized - wildfire preparedness fund - creation - gifts, grants and donations authorized. (1) There is hereby created in the state treasury the wildfire emergency response fund, which shall be administered by the ~~Colorado state forest service~~ DIVISION. The ~~Colorado state forest service~~ DIVISION is authorized to seek and accept gifts, grants, reimbursements, or donations from private or public sources for the purposes of this section. The fund ~~shall consist~~ CONSISTS of all moneys that may be appropriated thereto by the general assembly and all private and public funds received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this section. Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

(2) The ~~Colorado state forest service~~ DIVISION shall use the moneys in the wildfire emergency response fund to provide funding or reimbursement for:

(a) The first aerial tanker flight or the first hour of a firefighting helicopter to a wildfire at the request of any county sheriff, municipal fire department, or fire protection district; and

(b) The employment of wildfire hand crews to fight a wildfire for the first two days of a wildfire at the request of any county sheriff, municipal fire department, or fire protection district, with a preference for the use of wildfire hand crews from the inmate disaster relief program created in section 17-24-124, C.R.S.

(3) (a) To effectively implement ~~the provisions of~~ this section and to provide recommendations to the governor related to use of the disaster emergency fund pursuant to ~~section 24-32-2106, C.R.S.~~, SECTION 24-33.5-706, C.R.S., and the wildfire preparedness fund created in subsection (4) of this section, the ~~state forester~~ DIRECTOR, a representative of the county sheriffs of Colorado, a representative of the Colorado state fire chiefs' association, the director of the ~~division~~ OFFICE of emergency management CREATED IN PART 7 OF THIS ARTICLE, and the adjutant general or his or her designee shall collaborate to develop a wildfire preparedness plan designed to address the following:

(I) The amount of aerial firefighting resources necessary for the state of Colorado at times of high and low wildfire risk;

(II) The availability of appropriate aerial firefighting equipment and personnel at times of high fire risk to respond to a wildfire;

(III) The availability of state wildfire engines and staffing of the engines at different levels of wildfire risk;

(IV) The availability of state inmate wildfire hand crews at different levels of wildfire risk; and

(V) A process for ordering and dispatching aerial firefighting equipment and personnel that is consistent with, and supportive of, the statewide mobilization plan prepared pursuant to ~~section 24-33.5-1210, C.R.S.~~ SECTION 24-33.5-705.4.

(b) The wildfire preparedness plan recommendations developed pursuant to paragraph (a) of this subsection (3) shall be ~~completed no later than December 1, 2006, and~~ updated each December 1. ~~thereafter.~~ NOTWITHSTANDING SECTION 24-1-136 (11), the ~~state forester~~ DIRECTOR shall submit a written report of the wildfire preparedness plan to the governor and the members of the general assembly no later than ~~December 15, 2006, and by each December 15. thereafter.~~

(c) The ~~state forester~~ DIRECTOR, the representative of the county sheriffs of Colorado, the representative of the Colorado state fire chiefs' association, the director of the ~~division~~ OFFICE of emergency management CREATED IN PART 7 OF THIS ARTICLE, and the adjutant general or his or her designee shall not receive additional compensation for the collaboration required by this subsection (3) for the development of the wildfire preparedness plan.

(4) (a) There is hereby created in the state treasury the wildfire preparedness fund. The fund ~~shall consist~~ CONSISTS of all moneys that may be appropriated thereto by the general assembly, all private and

public moneys received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund, and all moneys transferred to the fund pursuant to section 34-63-102 (5) (a) (I), C.R.S. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this subsection (4). Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

(b) By executive order or proclamation, the governor may access and designate moneys in the wildfire preparedness fund for wildfire preparedness activities. The ~~Colorado state forest service~~ DIVISION shall implement the directives set forth in such executive order or proclamation.

(c) The ~~Colorado state forest service~~ DIVISION may use the moneys in the wildfire preparedness fund to provide funding or reimbursement for the purchase of fire shelters by volunteer fire departments in order to comply with applicable federal requirements.

~~(5) No later than January 1, 2008, the state forester shall submit a report to the joint budget committee of the general assembly, the agriculture, livestock, and natural resources committee of the house of representatives, and the agriculture, natural resources, and energy committee of the senate, or any successor committees, on the use of moneys in the wildfire preparedness fund, the status of the wildfire preparedness plan, and the status of the interstate compact.~~

~~(6)~~ (5) Procedures governing the development, adoption, or implementation of community wildfire protection plans by county governments are specified in section 30-15-401.7, C.R.S. Nothing in this section shall be construed to affect the provisions of section 30-15-401.7, C.R.S.

SECTION 16. In Colorado Revised Statutes, **recreate and reenact, with relocated provisions**, part 15 of article 33.5 of title 24 as follows:

PART 15
COLORADO EMERGENCY PLANNING COMMISSION

24-33.5-1501. [Formerly 24-32-2601] Implementation of Title III of superfund act. (1) The general assembly hereby finds and declares that the implementation of the federal "Emergency Planning and Community Right-to-Know Act of 1986", 42 U.S.C. sec. 11001 et seq., Title III of the federal "Superfund Amendments and Reauthorization Act of 1986", Pub.L. 99-499, is a matter of statewide concern.

(2) The department of ~~local affairs~~ PUBLIC SAFETY is the state agency responsible for the implementation of the federal "Emergency Planning and Community Right-to-Know Act of 1986", 42 U.S.C. sec. 11001 et seq., Title III of the federal "Superfund Amendments and Reauthorization Act of 1986", Pub.L. 99-499, and regulations thereunder, as amended.

24-33.5-1502. [Formerly 24-32-2602] Definitions. All terms used in this ~~part 26~~ PART 15 have the same meaning as defined under the federal "Emergency Planning and Community Right-to-Know Act of 1986", 42 U.S.C. sec. 11001 et seq., Pub.L. 99-499, and regulations thereunder, referred to in this ~~part 26~~ PART 15 as the "federal act".

24-33.5-1503. [Formerly 24-32-2603] Colorado emergency planning commission - creation - duties. (1) (a) (I) There is hereby created in the department of ~~local affairs~~ PUBLIC SAFETY the Colorado emergency planning commission, which shall exercise its powers and perform its duties and functions under the department of ~~local affairs~~ as if the same were transferred to the department by a **type 2** transfer. ~~except that the commission shall have full authority to promulgate rules and regulations related to the administration of this part 26.~~

(II) (A) The commission ~~shall consist~~ CONSISTS of twelve members.

(B) Five of the twelve members shall be the following representatives of state government or their designees: The director of the division of fire safety ~~in the office of preparedness, security, and fire safety~~ in the department of public safety, the director of the division of local government in the department of local affairs, the director of the ~~division~~ OFFICE of emergency management in the DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE department of ~~local~~

~~affairs~~ PUBLIC SAFETY, who shall be a cochairperson, the director of the division in the department of public health and environment responsible for hazardous materials and waste management, who shall also be a cochairperson, and a representative of the Colorado state patrol in the department of public safety.

(B) The remaining seven members of the commission shall be appointed by the governor for two-year terms. Of those seven members, two shall represent local governments, two shall be from either public interest groups or community groups, one shall represent a local emergency planning committee, and two shall represent affected industries.

(C) The governor shall fill any vacancy by appointment.

(b) The members of the Colorado emergency planning commission, as such existed ~~prior to March 12, 1992, shall become~~ ON JUNE 30, 2012, ARE the initial members of the commission on ~~March 12, 1992~~ JULY 1, 2012.

(2) Members of the commission shall receive no compensation or per diem for their services on the commission; except that members may be reimbursed for travel expenses incurred in connection with activities other than attending meetings of the commission.

(3) The commission shall also assist in the appropriate training of personnel to react to emergency response situations.

24-33.5-1503.5.[Formerly 24-32-2603.5] Powers and duties of the commission - intent. (1) It is the intent of the general assembly that the commission promulgate rules ~~and regulations~~ pursuant to this ~~part 26~~ PART 15 that encourage:

(a) Consistency between information requested by the commission and the purposes of implementation of the federal act; and

(b) Cost-effective reporting and the consideration of reasonable reporting threshold levels and reporting formats.

(2) Consistent with the powers and duties imposed upon it by the federal act, or granted to it in this ~~part 26~~ PART 15, the commission ~~shall have~~ HAS the following powers and duties:

(a) To adopt all reasonable rules ~~and regulations~~ necessary for the administration of this ~~part 26~~ PART 15. Such rules ~~and regulations~~ shall be promulgated in accordance with ~~the applicable provisions of~~ article 4 of this title.

(b) To establish a uniform system for reporting and management of information required by the federal act;

(c) To create and adopt such forms as are necessary for the uniform reporting and management of information required by the federal act, including: ~~but not limited to, the following:~~

(I) A standardized tier II reporting form to replace the tier II form which is required under the federal act, and which shall be accepted by local emergency planning committees in reporting the information contained therein; and

(II) A standardized facility contingency plan form as an addendum to the form required in subparagraph (I) of this paragraph (c), which shall be used for the collection of emergency planning information from facilities by local emergency planning committees. This form shall include space in which local emergency planning committees may require additional information of local concern.

(d) To coordinate its activities with those of the Colorado state patrol relating to the transportation of hazardous materials.

24-33.5-1504. [Formerly 24-32-2604] Local emergency planning committees - creation and duties. (1) The commission shall designate local emergency planning districts to develop emergency response and preparedness capabilities in accordance with the federal act. The boundaries of such districts shall be the same as the boundaries of either a county, municipality, or a combination thereof.

(2) Upon the request of the commission, the primary governing body having jurisdiction over the local emergency planning district, the county commissioners, or the city council, as the case may be, shall provide nominations for membership on the local emergency planning committee. The commission shall appoint members of a local emergency planning committee for each emergency planning district in accordance with the federal act. For local emergency planning districts for which no nominations have been submitted by the governing body, the commission may designate either the county commissioners or city council, as the case

may be, to serve as the local emergency planning committee.

(3) Local emergency planning committees shall perform the duties described under the federal act.

24-33.5-1505. [Formerly 24-32-2605] Immunity. (1) No state commission or agency or county or municipal agency, including local emergency planning committees, citizen corps councils, fire protection districts, and volunteer fire, ambulance, or emergency service and rescue groups, nor their officers, officials, directors, employees, or volunteers, when engaged in emergency planning, service, or response activities regarding a hazardous material release, threat of release, or act of terrorism, shall be liable for the death of or injury to any person or for the loss of or damage to property or the environment resulting from the hazardous material release, threat of release, or act of terrorism, except for willful and wanton acts or omissions.

~~(1.5)~~ (2) No private organization or any of its officers, officials, directors, employees, or volunteers, when working under the direction of a local emergency planning committee or state or local fire or law enforcement agency and when engaged in emergency planning, training, or response activities regarding a hazardous material release, threat of release, or act of terrorism, shall be liable for the death of or injury to any person or for the loss of or damage to property or the environment resulting from the hazardous material release, threat of release, or act of terrorism, except for willful and wanton acts or omissions.

~~(1.7)~~ (2) (a) No state commission or agency or county or municipal agency, including local emergency planning committees, incident management teams, citizen corps councils, citizen emergency response teams, medical reserve corps, fire protection districts, and volunteer fire, ambulance, or emergency service and rescue groups, nor their officers, officials, directors, employees, trainees, or volunteers, when engaged in planning, training, or response activities regarding a natural disaster, hazardous material release, public health emergency, or act of terrorism or the threat of any such disaster, release, emergency, or act, shall be liable for the death of or injury to any person or for the loss of or damage to property or the environment except for gross negligence or willful and wanton acts or omissions.

(b) Notwithstanding paragraph (a) of this ~~subsection (1.7)~~ SUBSECTION (2), a plaintiff may sue and recover civil damages from a person or entity specified in said paragraph (a) based upon a negligent act or omission involving the operation of a motor vehicle; except that the amount recovered from such person or entity shall not exceed the limits of applicable insurance coverage maintained by or on behalf of such person or entity with respect to the negligent operation of a motor vehicle in such circumstances. However, nothing in this section shall be construed to limit the right of a plaintiff to recover from a policy of uninsured or underinsured motorist coverage available to the plaintiff as a result of a motor vehicle accident.

(c) The general assembly intends that the provisions of this ~~subsection (1.7)~~ SUBSECTION (2) and of the "Colorado Governmental Immunity Act", article 10 of this title, be read together and harmonized. If any provision of this ~~subsection (1.7)~~ SUBSECTION (2) is construed to conflict with a provision of the "Colorado Governmental Immunity Act", the provision that grants the greatest immunity shall prevail.

~~(2)~~ (3) No member of the commission or any local emergency planning committee shall be liable for the death of or any injury to persons or loss or damage to property or the environment or any civil damages resulting from any act or omission arising out of the performance of the functions, duties, and responsibilities of the commission or local emergency planning committee, except for acts or omissions which constitute willful misconduct.

~~(3)~~ (4) Nothing in this section shall be construed to abrogate or limit ABROGATES OR LIMITS the immunity or exemption from civil liability of any agency, entity, or person under any statute, including the "Colorado Governmental Immunity Act", article 10 of this title, or section 13-21-108.5, C.R.S.

24-33.5-1506. [Formerly 24-32-2606] SARA Title III fund - creation - acceptance of gifts, grants, and donations. (1) There is hereby created in the state treasury a fund to be known as the SARA Title III fund, ALSO REFERRED TO IN THIS PART 15 AS THE "FUND", which shall be administered by the commission. The moneys in the fund shall be ARE

subject to annual appropriation by the general assembly for the purposes of this ~~part 26~~ PART 15, including ~~but not limited to~~, the disbursement of grants pursuant to ~~section 24-32-2607~~ SECTION 24-33.5-1507.

(2) The commission is hereby authorized to accept all moneys received from the federal government and from public or private grants, gifts, bequests, donations, and other contributions for any purpose consistent with the provisions of this ~~part 26~~ PART 15. Such moneys shall be credited to the SARA Title III fund created by subsection (1) of this section.

(3) In accordance with section 24-36-114, all interest derived from the deposit and investment of this fund shall be credited to the general fund.

24-33.5-1507. [Formerly 24-32-2607] Application for grants - disbursements from fund - regulations. (1) The department of ~~local affairs~~ PUBLIC SAFETY shall administer all grants from the fund. The department of ~~local affairs~~ shall accept applications from local emergency planning committees and from first responder organizations who have coordinated their request with their local emergency planning committee and shall direct those applications to the commission. The commission shall evaluate the applications and shall recommend to the department of local affairs which grants should be made for the purposes of emergency planning and emergency response, including ~~but not limited to~~, training and planning programs and training and planning equipment as needed to carry out the purposes of this ~~part 26~~ PART 15.

(2) The commission shall promulgate rules ~~and regulations~~ prescribing the procedures to be followed in the making, filing, and evaluation of grant applications, and any other regulations necessary for administering the SARA Title III fund.

SECTION 17. In Colorado Revised Statutes, 24-33.5-1601, **amend** (1) (e); and **add** (1) (f) and (1) (g) as follows:

24-33.5-1601. Legislative declaration. (1) The general assembly hereby finds and declares that:

(e) ~~An agency should be established in the state government to coordinate Colorado's response to the threat of terrorism~~ IN 2005, HURRICANE KATRINA EMPHASIZED AND REINFORCED THE IMPORTANCE OF ROBUST EMERGENCY MANAGEMENT SYSTEMS AND THE NEED FOR AN ALL-HAZARDS APPROACH TO HOMELAND SECURITY, INCREASED AUTONOMY, AND RESPONSIBILITY FOR EMERGENCY MANAGEMENT;

(f) COORDINATION ACROSS DISCIPLINES, AMONG LEVELS OF GOVERNMENT, AND WITH PRIVATE AND NONGOVERNMENTAL SECTORS IS THE BEST WAY TO ENSURE THAT GOVERNMENT CAN DELIVER, TO THE BEST OF ITS COLLECTIVE ABILITY, THE MOST EFFECTIVE AND EFFICIENT SERVICES REGARDLESS OF THE CAUSE OF ANY DISASTER;

(g) A STATE AGENCY SHOULD BE ESTABLISHED TO COORDINATE COLORADO'S RESPONSE TO THE THREAT OF TERRORISM AND OTHER THREATS; FACILITATE TRIBAL, STATE, LOCAL, AND REGIONAL HOMELAND SECURITY ACTIVITIES; DIRECT HOMELAND SECURITY-RELATED FEDERAL FUNDING TO LOCAL GOVERNMENTS; AND SHARE HOMELAND SECURITY INFORMATION AMONG ENTITIES PARTICIPATING IN HOMELAND SECURITY ACTIVITIES.

SECTION 18. In Colorado Revised Statutes, 24-33.5-1602, **amend** (4), (5), and (6); and **add** (7), (8), (9), (10), and (11) as follows:

24-33.5-1602. Definitions. As used in this part 16, unless the context otherwise requires:

(4) ~~"Destructive device" has the same meaning set forth in 18 U.S.C. sec. 921 (a) (4).~~ "CRITICAL INFRASTRUCTURE" MEANS THOSE SYSTEMS AND ASSETS, WHETHER PHYSICAL OR VIRTUAL, THAT ARE VITAL TO THE STATE OF COLORADO SO THAT THE INCAPACITY OR DESTRUCTION OF SUCH SYSTEMS AND ASSETS WOULD HAVE A DEBILITATING IMPACT ON PUBLIC SAFETY, PUBLIC HEALTH, OR ECONOMIC SECURITY.

(5) ~~"Radioactive material" means a material that produces radiation at a level that is dangerous to human health or life.~~ "DESTRUCTIVE DEVICE" HAS THE SAME MEANING SET FORTH IN 18 U.S.C. SEC. 921 (a) (4).

(6) ~~"Toxin" has the same meaning set forth in 18 U.S.C. secs. 178 (2) and 175 (b)~~ "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

(7) "DIVISION" MEANS THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603.

(8) "FUSION CENTER" MEANS THE PROGRAM ADMINISTERED BY THE

OFFICE OF PREVENTION AND SECURITY, CREATED IN SECTION 24-33.5-1606, THAT SERVES AS THE PRIMARY FOCAL POINT WITHIN THE STATE FOR RECEIVING, ANALYZING, GATHERING, AND SHARING THREAT-RELATED INFORMATION AMONG FEDERAL, STATE, LOCAL, TRIBAL, NONGOVERNMENTAL, AND PRIVATE SECTOR PARTNERS.

(9) "HOMELAND SECURITY ADVISOR" MEANS A PERSON APPOINTED BY THE GOVERNOR TO SERVE AS COUNSEL TO THE GOVERNOR ON HOMELAND SECURITY ISSUES AND WHO MAY ALSO SERVE AS A LIAISON BETWEEN THE GOVERNOR'S OFFICE, THE DEPARTMENT OF HOMELAND SECURITY, AND OTHER HOMELAND SECURITY AND RELATED ORGANIZATIONS BOTH INSIDE AND OUTSIDE OF THE STATE.

(10) "RADIOACTIVE MATERIAL" MEANS A MATERIAL THAT PRODUCES RADIATION AT A LEVEL THAT IS DANGEROUS TO HUMAN HEALTH OR LIFE.

(11) "TOXIN" HAS THE SAME MEANING SET FORTH IN 18 U.S.C. SECS. 178 (2) AND 175 (b).

SECTION 19. In Colorado Revised Statutes, **amend** 24-33.5-1603 as follows:

24-33.5-1603. Division of homeland security and emergency management - creation - director. (1) There is hereby created within the department ~~an office of preparedness, security, and fire safety~~ THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the head of which ~~shall be~~ is the director of the ~~office of preparedness, security, and fire safety, which office is hereby created~~ DIVISION. The EXECUTIVE DIRECTOR SHALL APPOINT THE ~~director of the office of preparedness, security, and fire safety, referred to in this part 16 as the "director", shall be appointed by the executive director~~ pursuant to section 13 of article XII of the state constitution.

(2) ~~The office of preparedness, security, and fire safety shall include~~ DIVISION INCLUDES the following agencies, which shall exercise their powers and perform their duties and functions under the department as if the same were transferred thereto by a **type 2** transfer:

(a) The division of ~~fire safety, created in section 24-33.5-1201, and~~ EMERGENCY MANAGEMENT, CREATED IN SECTION 24-33.5-705;

(b) The office of ~~anti-terrorism planning and training~~ PREVENTION AND SECURITY, created in section 24-33.5-1606; AND

(c) THE OFFICE OF PREPAREDNESS, CREATED IN SECTION 24-33.5-1606.5.

SECTION 20. In Colorado Revised Statutes, 24-33.5-1604, **amend** (1) introductory portion, (1) (b), (2) (a) introductory portion, (2) (b), (3), and (4); and **add** (5) as follows:

24-33.5-1604. Duties and powers of the division. (1) ~~The office of preparedness, security, and fire safety shall have~~ DIVISION HAS the following duties and powers:

(b) To cooperate with the ~~federal office~~ UNITED STATES DEPARTMENT of homeland security and other agencies of the federal government and other states in matters related to terrorism;

(2) (a) ~~Within twelve months after June 3, 2002, The office of preparedness, security, and fire safety~~ DIVISION shall create and implement terrorism preparedness plans. ~~Such~~ THE plans shall include the following:

(b) (I) In creating the terrorism preparedness plans, the ~~office of preparedness, security, and fire safety may~~ DIVISION SHALL seek the advice and assistance of other federal, state, and local government agencies; business, labor, industrial, agricultural, civic, and volunteer organizations; and community leaders.

(II) The terrorism preparedness plans ~~shall~~ constitute specialized details of security arrangements for purposes of section 24-72-204 (2) (a) (VIII).

(3) (a) ~~The office of preparedness, security, and fire safety~~ DIVISION shall provide advice, assistance, and training to state and local government agencies in the development and implementation of terrorism preparedness plans and in conducting periodic exercises related to ~~such~~ THE plans.

(b) ~~The office of preparedness, security, and fire safety~~ DIVISION shall provide oversight of terrorism preparedness plans developed and implemented by state and local government agencies. ~~Such~~ THE oversight ~~shall~~ DOES not usurp the authority of state and local government agencies, but ~~shall~~ WILL only provide peer review and comment IN ORDER to

promote standardized methods of operation and to facilitate integration with plans adopted by other state and local government agencies throughout the state.

(c) State and local government agencies that develop terrorism preparedness plans shall submit copies of current, new, or amended plans to the ~~office of preparedness, security, and fire safety~~ DIVISION.

(4) The ~~office of preparedness, security, and fire safety~~ DIVISION may distribute to local government agencies any federal or other funds that may become available for distribution.

(5) THE DIVISION SHALL ALSO:

(a) BUILD PARTNERSHIPS WITH FIRST RESPONDERS, AGENCIES, AND CITIZENS IN THE PUBLIC AND PRIVATE SECTORS;

(b) COORDINATE ACTIVITIES WITH OTHER STATE AGENCIES AND THE ALL-HAZARDS EMERGENCY MANAGEMENT REGIONS CREATED BY EXECUTIVE ORDER OF THE GOVERNOR;

(c) DEVELOP AND UPDATE A STATE STRATEGY FOR HOMELAND SECURITY;

(d) FACILITATE, COORDINATE, AND CONDUCT CAPABILITIES ASSESSMENTS AS NECESSARY;

(e) FACILITATE IMPROVEMENTS IN OVERALL PREPAREDNESS BY DEVELOPING COORDINATING MECHANISMS AMONG COLORADO'S EMERGENCY MANAGEMENT, HOMELAND SECURITY, PUBLIC SAFETY, AND PUBLIC HEALTH AGENCIES IN ORDER TO DELIVER THE CAPABILITIES NECESSARY FOR ALL DOMESTIC DISASTERS, WHETHER NATURAL OR MAN-MADE, INCLUDING ACTS OF TERROR;

(f) ENSURE THAT ITS PLANNING EFFORTS ARE CONSISTENT WITH THE REQUIREMENTS OF THE STATE EMERGENCY OPERATIONS PLAN; AND

(g) COORDINATE PROTECTION ACTIVITIES AMONG OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE AND OTHER TRIBAL, STATE, LOCAL, REGIONAL, AND FEDERAL AGENCIES IN ORDER TO HELP SECURE AND PROTECT CRITICAL INFRASTRUCTURE WITHIN THE STATE.

SECTION 21. In Colorado Revised Statutes, 24-33.5-1605, **amend** (1) introductory portion, (2), (3), and (4) as follows:

24-33.5-1605. Director - duties and powers - rules. (1) The director ~~of the office of preparedness, security, and fire safety~~ shall perform duties in connection with:

(2) The director ~~of the office of preparedness, security, and fire safety~~ may promulgate, ~~such~~ IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE, ANY rules ~~as are~~ necessary to implement sections 24-33.5-1604 (2) (a), 24-33.5-1608, and 24-33.5-1609. ~~Such rules shall be promulgated in accordance with article 4 of this title.~~

(3) The powers vested in the director ~~of the office of preparedness, security, and fire safety~~ as specified in ~~part 12 of this article~~ and this part 16 shall in no way DO NOT usurp or supersede the powers of fire chiefs, sheriffs, chiefs of police, and OR other law enforcement or fire protection agencies.

(4) The director ~~of the office of preparedness, security, and fire safety~~ who is required to perform any official function under the provisions of this part 16 shall be IS entitled to all protections, defenses, and immunities provided by statute to safeguard a peace officer in the performance of official acts.

SECTION 22. In Colorado Revised Statutes, **amend** 24-33.5-1606 as follows:

24-33.5-1606. Office of prevention and security - creation - duties. (1) There is hereby created within the ~~office of preparedness, security, and fire safety~~ DIVISION an office of anti-terrorism planning and training PREVENTION AND SECURITY, the head of which shall be IS the manager of anti-terrorism planning and training, which office is hereby created THE OFFICE OF PREVENTION AND SECURITY. The ~~manager of anti-terrorism planning and training~~ shall be appointed by the executive director SHALL APPOINT THE MANAGER OF THE OFFICE OF PREVENTION AND SECURITY pursuant to section 13 of article XII of the state constitution.

(2) THE DUTIES OF THE OFFICE OF PREVENTION AND SECURITY INCLUDE:

(a) ENHANCING INTERAGENCY COOPERATION THROUGH INFORMATION SHARING;

(b) OPERATING THE STATE'S FUSION CENTER; AND

(c) DEVELOPING AND MAINTAINING, THROUGH COOPERATION WITH OTHER TRIBAL, STATE, LOCAL, REGIONAL, AND FEDERAL AGENCIES, A

STANDARDIZED CRISIS COMMUNICATION AND INFORMATION-SHARING PROCESS.

SECTION 23. In Colorado Revised Statutes, **add with amended and relocated provisions** 24-33.5-1606.5 as follows:

24-33.5-1606.5. Office of preparedness - creation - duties - posting of notice of NIMS classes - definition. (1) THERE IS HEREBY CREATED WITHIN THE DIVISION THE OFFICE OF PREPAREDNESS, THE HEAD OF WHICH IS THE MANAGER OF THE OFFICE OF PREPAREDNESS. THE EXECUTIVE DIRECTOR SHALL APPOINT THE MANAGER OF THE OFFICE OF PREPAREDNESS PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION. THE OFFICE OF PREPAREDNESS IS RESPONSIBLE FOR CREATING AND IMPLEMENTING A STATE PREPAREDNESS GOAL AND SYSTEM TO IMPROVE STATE CAPABILITIES TO PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO, AND RECOVER FROM THREATS TO COLORADO.

(2) THE DUTIES OF THE OFFICE OF PREPAREDNESS INCLUDE:

(a) IMPROVING COMMUNITY PREPAREDNESS AND CITIZEN INVOLVEMENT THROUGH EXTERNAL OUTREACH;

(b) IDENTIFYING AND REDUCING DUPLICATIVE HOMELAND SECURITY-RELATED TRAINING NEEDS AND EFFORTS, COORDINATING HOMELAND SECURITY-RELATED TRAINING AMONG TRIBAL, STATE, LOCAL, AND REGIONAL AGENCIES, AND CREATING A SINGLE TRAINING AND EXERCISE CALENDAR WITH IDENTIFIED POINTS OF CONTACT THAT IS ACCESSIBLE VIA THE INTERNET;

(c) COORDINATING AND UPDATING HOMELAND SECURITY PLANS;

(d) COORDINATING ALL-HAZARD PUBLIC RISK COMMUNICATION PRODUCTS AMONG STATE AGENCIES; AND

(e) ADMINISTERING FEDERAL HOMELAND SECURITY GRANTS, IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, PROVIDING TECHNICAL ASSISTANCE TO GRANTEEES, AND COORDINATING GRANT FUNDING OPPORTUNITIES WITH OTHER STATE AGENCIES.

(3) (a) UNLESS OTHERWISE AUTHORIZED UNDER THIS ARTICLE 33.5, THE GRANT PROGRAMS FOR WHICH THE OFFICE OF PREPAREDNESS HAS AUTHORITY TO ADMINISTER ARE LIMITED TO:

(I) THE STATE HOMELAND SECURITY PROGRAM, OR ITS SUCCESSOR PROGRAM;

(II) THE DENVER URBAN AREAS SECURITY INITIATIVE, OR ITS SUCCESSOR PROGRAM;

(III) THE METROPOLITAN MEDICAL RESPONSE SYSTEM, OR ITS SUCCESSOR PROGRAM;

(IV) THE CITIZENS CORP PROGRAM, OR ITS SUCCESSOR PROGRAM;

(V) THE URBAN AREAS SECURITY INITIATIVE NONPROFIT SECURITY GRANT PROGRAM, OR ITS SUCCESSOR PROGRAM;

(VI) THE BUFFER ZONE PROTECTION PROGRAM, OR ITS SUCCESSOR PROGRAM; AND

(VII) THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM, OR ITS SUCCESSOR PROGRAM.

(b) AS USED IN THIS SUBSECTION (3), "SUCCESSOR PROGRAM" MEANS A FEDERAL HOMELAND SECURITY GRANT PROGRAM THAT THE MANAGER OF THE OFFICE OF PREPAREDNESS REASONABLY DETERMINES IS SIMILAR IN PURPOSE AND SCOPE TO ITS PREDECESSOR PROGRAM, REGARDLESS OF THE PARTICULAR NAME OF THE SUCCESSOR PROGRAM.

(4) **[Formerly 24-33.5-110]** The ~~department~~ OFFICE OF PREPAREDNESS shall place on its web site a description of the national incident management system, developed by the federal emergency management agency and referred to in this section as "NIMS", and a listing, with any applicable links, of on-line courses required to become NIMS-certified and courses related to NIMS at institutions within the state system of community and technical colleges.

SECTION 24. In Colorado Revised Statutes, 24-33.5-1610, **amend** (2) (b) as follows:

24-33.5-1610. Compliance with standards. (2) (b) If adequate funding is not available to fund compliance with any such rule by a state department or agency, the department or agency shall take appropriate measures to provide alternate interim solutions to protect the safety and security of persons and property and to ensure the continuity of the department or agency's critical functions during a state of emergency. Any alternate interim solution shall be approved by the ~~office of preparedness, security, and fire safety~~ DIVISION.

SECTION 25. In Colorado Revised Statutes, **amend**

24-33.5-1611 as follows: 1

24-33.5-1611. Assistance to state agencies - security assessment. (1) Upon request FROM ANY STATE AGENCY, the ~~office of preparedness, security, and fire safety~~ DIVISION shall provide advice and assistance to ~~any state department or~~ THE agency related to its THE AGENCY'S compliance with rules adopted pursuant to sections 24-33.5-1608 and 24-33.5-1609. 2

(2) The ~~office of preparedness, security, and fire safety~~ DIVISION shall conduct security assessments as needed to evaluate threats, risks, and compliance with security rules at state facilities. 3

SECTION 26. In Colorado Revised Statutes, **amend** 24-33.5-1612 as follows: 4

24-33.5-1612. Cooperation from other state agencies. (1) Upon request, other agencies of state government, including ~~but not limited to,~~ the department of personnel and the department of local affairs, shall provide advice and assistance to the ~~office of preparedness, security, and fire safety~~ DIVISION related to rules adopted pursuant to section 24-33.5-1608 or 24-33.5-1609. 5

(2) EXECUTIVE DEPARTMENTS AND AGENCIES OF STATE GOVERNMENT SHALL COORDINATE THEIR HOMELAND SECURITY EFFORTS THROUGH THE DIVISION AS NECESSARY. 6

SECTION 27. In Colorado Revised Statutes, **add** 24-33.5-1614 as follows: 7

24-33.5-1614. Homeland security and all-hazards senior advisory committee - creation - composition - duties - repeal. (1) TO HELP DEVELOP AND GUIDE THE DIVISION'S EFFORTS AND ADVISE THE HOMELAND SECURITY ADVISOR, THERE IS HEREBY CREATED THE HOMELAND SECURITY AND ALL-HAZARDS SENIOR ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "ADVISORY COMMITTEE". THE ADVISORY COMMITTEE SHALL ASSIST THE STATE IN BECOMING BETTER ABLE TO PREDICT, PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO, AND RECOVER FROM THOSE THREATS POSING THE GREATEST RISK TO COLORADO. 8

(2) (a) THE ADVISORY COMMITTEE CONSISTS OF AT LEAST THE DIRECTOR OF THE DIVISION, WHO IS A NONVOTING MEMBER, AND THE FOLLOWING TWENTY-ONE VOTING MEMBERS: 9

(I) THE EXECUTIVE DIRECTOR, WHO IS THE CHAIR OF THE ADVISORY COMMITTEE; 10

(II) THE DIRECTOR OF THE DIVISION OF FIRE SAFETY CREATED IN PART 12 OF THIS ARTICLE, OR HIS OR HER DESIGNEE; 11

(III) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY MANAGEMENT WHO REPRESENTS THE DEPARTMENT OF LOCAL AFFAIRS, CREATED IN SECTION 24-1-125, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS; 12

(IV) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY PREPAREDNESS AND RESPONSE WHO REPRESENTS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, CREATED IN SECTION 25-1-102, C.R.S., TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT; 13

(V) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN HOMELAND DEFENSE WHO REPRESENTS THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS CREATED IN SECTION 24-1-127 TO BE APPOINTED BY THE ADJUTANT GENERAL; 14

(VI) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY COMMUNICATIONS SYSTEMS WHO REPRESENTS THE GOVERNOR'S OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, TO BE APPOINTED BY THE CHIEF INFORMATION OFFICER; 15

(VII) THE CHIEF OF THE COLORADO STATE PATROL APPOINTED PURSUANT TO SECTION 24-33.5-205, OR HIS OR HER DESIGNEE; 16

(VIII) THE FOLLOWING FOURTEEN MEMBERS, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR IN CONSULTATION WITH THE ADJUTANT GENERAL OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS AND THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF LOCAL AFFAIRS AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: 17

(A) A REPRESENTATIVE OF COLORADO COUNTIES, INCORPORATED, OR ITS SUCCESSOR ENTITY; 18

(B) A REPRESENTATIVE OF THE COLORADO EMERGENCY MANAGEMENT ASSOCIATION, OR ITS SUCCESSOR ENTITY; 19

(C) A REPRESENTATIVE OF PRIVATE INDUSTRY; 20

(D) A REPRESENTATIVE OF THE COLORADO MUNICIPAL LEAGUE, OR ITS SUCCESSOR ENTITY;

(E) A REPRESENTATIVE OF THE COUNTY SHERIFFS OF COLORADO, INCORPORATED, OR A SUCCESSOR SHERIFFS' ORGANIZATION;

(F) A REPRESENTATIVE OF THE EMERGENCY MEDICAL SERVICES ASSOCIATION OF COLORADO, OR ITS SUCCESSOR ORGANIZATION;

(G) A REPRESENTATIVE OF THE COLORADO STATE FIRE CHIEFS' ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION;

(H) A REPRESENTATIVE OF THE COLORADO ASSOCIATION OF CHIEFS OF POLICE, OR ITS SUCCESSOR ORGANIZATION;

(I) A REPRESENTATIVE OF TRIBAL GOVERNMENT;

(J) A REPRESENTATIVE OF COLORADO VOLUNTARY ORGANIZATIONS ACTIVE IN DISASTER;

(K) A REGIONAL STATE HOMELAND SECURITY COORDINATOR, REPRESENTING AN ALL-HAZARDS EMERGENCY MANAGEMENT REGION ESTABLISHED BY EXECUTIVE ORDER OF THE GOVERNOR;

(L) A REPRESENTATIVE OF THE SPECIAL DISTRICTS ASSOCIATION OF COLORADO, OR ITS SUCCESSOR ORGANIZATION;

(M) A REPRESENTATIVE FROM THE STATE ALL-HAZARDS ADVISORY COMMITTEE FORMED UNDER THE DEPARTMENT, OR ANY SUCCESSOR ENTITY; AND

(N) A REPRESENTATIVE OF THE DENVER URBAN AREA SECURITY INITIATIVE, AS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

(b) ADDITIONAL ADVISORY COMMITTEE MEMBERS MAY BE ADDED TO THE ADVISORY COMMITTEE AS NECESSARY UPON:

(I) APPROVAL BY THE EXECUTIVE DIRECTOR; AND

(II) A MAJORITY VOTE OF APPROVAL BY THE ADVISORY COMMITTEE MEMBERS SERVING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).

(c) THE ADVISORY COMMITTEE SHALL SELECT ANNUALLY A VICE-CHAIRPERSON AND SECRETARY FROM AMONG ITS MEMBERS.

(d) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (d), ADVISORY COMMITTEE MEMBER TERMS ARE FOR TWO YEARS EACH.

(II) ONE-HALF OF THE INITIAL MEMBERS OF THE ADVISORY COMMITTEE SHALL BE APPOINTED TO ONE-YEAR TERMS, AND THE OTHER HALF OF THE INITIAL MEMBERS SHALL BE APPOINTED TO TWO-YEAR TERMS.

(e) IF A MEMBER OF THE ADVISORY COMMITTEE APPOINTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) VACATES HIS OR HER OFFICE PRIOR TO THE EXPIRATION OF HIS OR HER TERM, THE EXECUTIVE DIRECTOR OR, FOR THOSE MEMBERS DESCRIBED UNDER SUBPARAGRAPH (VII) OF PARAGRAPH (a) OF THIS SUBSECTION (2), THE APPROPRIATE APPOINTING AUTHORITY SHALL FILL THE VACANCY BY APPOINTMENT FOR THE UNEXPIRED TERM.

(f) (I) (A) THE ADVISORY COMMITTEE SHALL MEET AS NECESSARY, AS DETERMINED BY THE EXECUTIVE DIRECTOR.

(B) ADVISORY COMMITTEE MEMBERS MAY ATTEND MEETINGS AND VOTE VIA TELECONFERENCE.

(II) THE ADVISORY COMMITTEE SHALL ESTABLISH BY-LAWS AS APPROPRIATE FOR ITS EFFECTIVE OPERATION.

(III) THE MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE NO COMPENSATION.

(3) THE ADVISORY COMMITTEE SHALL:

(a) PROVIDE POLICY GUIDANCE TO THE DIVISION;

(b) ANNUALLY REVIEW THE STATE STRATEGY FOR HOMELAND SECURITY DEVELOPED BY THE DIVISION PURSUANT TO SECTION 24-33.5-1604 (2) (a) (VII) AND MAKE RECOMMENDATIONS ON THE STRATEGY'S GOALS, POLICIES, AND PRIORITIES;

(c) ADVISE THE GOVERNOR, THROUGH HIS OR HER HOMELAND SECURITY ADVISOR, REGARDING THE PLANNING AND IMPLEMENTATION OF TASKS AND OBJECTIVES TO ACHIEVE GOALS CONTAINED IN THE COLORADO HOMELAND SECURITY STRATEGY;

(d) REVIEW HOMELAND SECURITY GRANT APPLICATIONS AND MAKE RECOMMENDATIONS TO THE HOMELAND SECURITY ADVISOR REGARDING GRANT DISTRIBUTIONS;

(e) IDENTIFY OPPORTUNITIES TO CONSOLIDATE EXISTING STATE-LEVEL ADVISORY BOARDS, WHILE ENSURING THAT LOCAL AND TRIBAL ENTITIES HAVE LATITUDE IN DETERMINING THEIR NEEDS IN

PROGRAM AREAS; AND

(f) ESTABLISH SUBCOMMITTEES, AS NECESSARY, THAT FOCUS ON SPECIFIC ISSUES OR SUBJECT MATTERS AND MAKE RECOMMENDATIONS TO THE FULL ADVISORY COMMITTEE. THE EXECUTIVE DIRECTOR SHALL SELECT THE CHAIRPERSONS FOR ANY SUBCOMMITTEES AS WELL AS THE ADVISORY COMMITTEE MEMBERS TO SERVE ON THE SUBCOMMITTEES. THE CHAIRPERSON OF A SUBCOMMITTEE MAY SELECT NONADVISORY COMMITTEE MEMBERS FROM INTERESTED MEMBERS OF THE COMMUNITY TO SERVE ON THE SUBCOMMITTEE. EACH SUBCOMMITTEE SHALL MAKE FINDINGS AND RECOMMENDATIONS FOR CONSIDERATION BY THE FULL ADVISORY COMMITTEE. NONADVISORY COMMITTEE MEMBERS OF A SUBCOMMITTEE SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(4) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

(b) PRIOR TO REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION 2-3-1203, C.R.S.

SECTION 28. In Colorado Revised Statutes, **add** 24-33.5-1615 as follows:

24-33.5-1615. Report - repeal. (1) NOTWITHSTANDING SECTION 24-1-136 (11) (a), ON OR BEFORE FEBRUARY 1, 2013, AND ON OR BEFORE EACH FEBRUARY 1 THEREAFTER, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DESCRIBING ANY CHANGES, ISSUES, PROBLEMS, AND EFFICIENCIES REALIZED AS A RESULT OF THE CREATION OF THE DIVISION.

(2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

SECTION 29. In Colorado Revised Statutes, 2-3-1203, **add** (3) (hh.5) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(hh.5) SEPTEMBER 1, 2021:

(I) THE HOMELAND SECURITY AND ALL-HAZARDS SENIOR ADVISORY COMMITTEE CREATED PURSUANT TO SECTION 24-33.5-1614, C.R.S.;

(II) THE EMERGENCY FIRE FUND COMMITTEE CREATED IN SECTION 24-33.5-1220 (3), C.R.S.;

SECTION 30. In Colorado Revised Statutes, 2-3-1502, **repeal** (4); and **add** (8.5) as follows:

2-3-1502. Definitions. As used in this part 15, unless the context otherwise requires:

(4) ~~"Division" means the division of emergency management in the department of local affairs created in section 24-32-2105, C.R.S.~~

(8.5) "OFFICE" MEANS THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-705, C.R.S.

SECTION 31. In Colorado Revised Statutes, 2-3-1503, **amend** (1) (a) and (2) as follows:

2-3-1503. Legislative emergency preparedness, response, and recovery committee - creation - membership - duties. (1) (a) There is hereby created a legislative emergency preparedness, response, and recovery committee. The legislative committee shall develop a plan for the response by, and continuation of operations of, the general assembly and the legislative service agencies in the event of an emergency epidemic or disaster. The legislative committee shall cooperate and coordinate with the council, the ~~division~~ OFFICE, the department, and the GEEERC in developing the plan. The legislative committee shall develop and submit the plan to the speaker of the house of representatives, the president of the senate, the governor, the executive director of the department, the council, the director of the ~~division~~ OFFICE, and the GEEERC no later than July 1, 2011. The legislative committee shall meet at least annually to review and amend the plan as necessary and shall provide any updated plan to the persons or entities specified in this paragraph (a); except that the legislative committee shall not meet during the 2010 interim. The legislative committee may recommend legislation pertaining to the preparedness, response, and recovery by, and continuation of operations of, the general assembly and the legislative service agencies in the event of an emergency epidemic or disaster. The

legislative committee shall provide information to and fully cooperate with the council, the ~~division~~ OFFICE, the department, and the GEEERC in fulfilling its duties under this section.

(2) In the event of an emergency epidemic or disaster that the governor declares to be a disaster emergency pursuant to section 24-32-2104, C.R.S., the legislative committee shall convene as rapidly and as often as necessary to advise the speaker of the house of representatives, the president of the senate, and the legislative service agencies regarding reasonable and appropriate measures to be taken by the general assembly and the legislative service agencies to respond to the emergency epidemic or disaster and protect the public health, safety, and welfare. The legislative committee shall communicate, cooperate, and seek advice and assistance from the council, the ~~division~~ OFFICE, the department, and the GEEERC in responding to the emergency epidemic or disaster.

SECTION 32. In Colorado Revised Statutes, 12-29.3-109, **amend** (b) as follows:

12-29.3-109. Relation to other laws. (b) The ~~division~~ OFFICE of emergency management created in ~~section 24-32-2105, C.R.S.~~ SECTION 24-33.5-705, C.R.S., pursuant to the emergency management assistance compact, may incorporate into the emergency forces of this state volunteer health practitioners who are not officers or employees of this state, a political subdivision of this state, or a municipality or other local government within this state.

SECTION 33. In Colorado Revised Statutes, 15-18.6-101, **amend** (3) as follows:

15-18.6-101. Definitions. As used in this article, unless the context otherwise requires:

(3) "Emergency medical service personnel" means any emergency medical technician at any level who is certified or licensed by the department of public health and environment. "Emergency medical service personnel" includes a first responder certified by the department of public health and environment or the division of fire safety in the ~~office of preparedness, security, and fire safety in the~~ department of public safety, in accordance with section 24-33.5-1205 (2) (c), C.R.S.

SECTION 34. In Colorado Revised Statutes, 15-18.7-102, **amend** (8) as follows:

15-18.7-102. Definitions. As used in this article, unless the context otherwise requires:

(8) "Emergency medical service personnel" means an emergency medical technician who is certified or licensed by the department of public health and environment, created and existing pursuant to section 25-1-102, C.R.S., or any first responder certified by the department of public health and environment or the division of fire safety in the ~~office of preparedness, security, and fire safety in the~~ department of public safety, in accordance with part 12 of article 33.5 of title 24, C.R.S.

SECTION 35. In Colorado Revised Statutes, **amend** 16-2.5-112 as follows:

16-2.5-112. Director of the division of homeland security and emergency management. The director of the ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT in the department of public safety is a peace officer whose authority ~~shall include~~ INCLUDES the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

SECTION 36. In Colorado Revised Statutes, 22-32-109.1, **amend** (4) (1) as follows:

22-32-109.1. Board of education - specific powers and duties - safe schools. (4) **School response framework - school safety, readiness, and incident management plan.** Each board of education shall establish a school response framework that shall consist of policies described in this subsection (4). By satisfying the requirements of this subsection (4), a school or school district shall be in compliance with the national incident management system, referred to in this subsection (4) as "NIMS", developed by the federal emergency management agency. At a minimum, the policies shall require:

(1) School district employee safety and incident management training, including provisions stating that completion of any courses identified by the department of public safety pursuant to ~~section~~

~~24-33.5-110~~ SECTION 24-33.5-1606.5 (3), C.R.S., as related to NIMS count toward the professional development requirements of a person licensed pursuant to article 60.5 of this title;

SECTION 37. In Colorado Revised Statutes, 22-32-124, **amend** (1) (c) as follows:

22-32-124. Building codes - zoning - planning - fees - rules - definitions. (1) (c) All buildings and structures shall be constructed in conformity with the building and fire codes adopted by the director of the division of fire safety in the ~~office of preparedness, security, and fire safety~~ in the department of public safety, referred to in this section as the "division".

SECTION 38. In Colorado Revised Statutes, 23-71-122, **amend** (1) (v) (I) as follows:

23-71-122. Junior college board of trustees - specific powers - rules - definitions. (1) In addition to any other power granted by law to a board of trustees of a junior college district, each board shall have the power to:

(v) (I) Determine the location of each school site, building, or structure and construct, erect, repair, alter, rebuild, replace, and remodel buildings and structures without a permit or fee or compliance with a local building code. The authority delegated by this subparagraph (I) shall exist notwithstanding any authority delegated to or vested in any county, town, city, or city and county. Prior to the acquisition of land for school building sites or the construction of buildings thereon, the board of trustees of a junior college district shall consult with the planning commission that has jurisdiction over the territory in which the site, building, or structure is proposed to be located, on issues related to the location of the site, building, or structure in order to ensure that the proposed site, building, or structure conforms to the adopted plan of the community insofar as is feasible. All buildings and structures shall be constructed in conformity with the building and fire codes adopted by the director of the division of fire safety, referred to in this section as the "division", in the ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT in the department of public safety. The board shall notify the planning commission that has jurisdiction over the territory in which a site, building, or structure is proposed to be located, in writing, of the location of the site, building, or structure before awarding a contract for the purchase or the construction thereof.

SECTION 39. In Colorado Revised Statutes, 24-4-102, **repeal** (3) (b) as follows:

24-4-102. Definitions. As used in this article, unless the context otherwise requires:

(3) "Agency" means any board, bureau, commission, department, institution, division, section, or officer of the state, except those in the legislative branch or judicial branch and except:

(b) ~~The Colorado law enforcement training academy created in part 3 of article 33.5 of this title; and~~

SECTION 40. In Colorado Revised Statutes, 24-32-703, **amend** (8) as follows:

24-32-703. Definitions. As used in this part 7, unless the context otherwise requires:

(8) "State agency" means any board, bureau, commission, department, institution, division, section, or officer of the state, except those in the legislative branch or judicial branch, and except state educational institutions administered pursuant to ~~part 3 of article 33.5 of this title~~ and title 23, C.R.S., excluding articles 8 and 9, parts 2 and 3 of article 21, and parts 2 to 4 of article 30 of title 23, C.R.S.

SECTION 41. In Colorado Revised Statutes, 24-72-204, **amend** (2) (a) (VIII) (A) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions. (2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(VIII) (A) Specialized details of security arrangements or investigations. Nothing in this subparagraph (VIII) ~~shall prohibit~~ PROHIBITS the custodian from transferring records containing specialized details of security arrangements or investigations to the ~~office of~~

~~preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT in the department of public safety, the governing body of any city, county, city and county, or other political subdivision of the state, or any federal, state, or local law enforcement agency; except that the custodian shall not transfer any record received from a nongovernmental entity without the prior written consent of ~~such~~ THE entity unless such information is already publicly available.

SECTION 42. In Colorado Revised Statutes, 29-3.5-101, **amend** (3) as follows:

29-3.5-101. Definitions. As used in this article, unless the context otherwise requires:

(3) "State agency" means any board, bureau, commission, department, institution, division, section, or officer of the state, except those in the legislative branch or judicial branch and except state educational institutions administered pursuant to title 23, C.R.S. (except articles 8 and 9, parts 2 and 3 of article 21, and parts 2 to 4 of article 30). ~~and part 3 of article 33.5 of title 24, C.R.S.~~

SECTION 43. In Colorado Revised Statutes, 29-22-104, **repeal** (5) as follows:

29-22-104. Right to claim reimbursement. (5) (a) ~~(I) No later than June 15, 1999, the executive director of the department of public safety shall appoint a temporary committee on reimbursement for the costs of hazardous substance incidents. The executive director shall appoint as committee members representatives of facilities and transportation companies that produce or handle hazardous substances; insurance companies; fire departments and other hazardous substance incident response agencies; municipal and county governments; the Colorado state patrol; the division of fire safety; and such other entities as the director deems necessary and appropriate. The director shall appoint equal numbers of representatives of private and public entities to the committee.~~

~~(H) The committee shall hold its first meeting no later than July 1, 1999, and shall elect a chairperson at the first meeting. Subsequently, the committee shall meet at least once each month until it has made the written recommendations required by subparagraph (I) of paragraph (b) of this subsection (5) and may meet as often as the chairperson deems necessary. Members of the committee shall not receive compensation of any kind.~~

~~(b) (I) No later than August 15, 1999, the temporary committee on reimbursement for the costs of hazardous substance incidents shall make written recommendations to the executive director of the department of public safety regarding guidelines for administering and resolving claims for reimbursement made pursuant to this section against any party or person responsible for a hazardous substance incident. Such recommendations may include recommendations for proposed legislation or administrative rules and shall include recommendations for an administrative process to ensure prompt mediation of disputes concerning claims for reimbursement made pursuant to this section by any public entity against any person or party responsible for a hazardous substance incident. Such recommendations shall be designed to provide public entities and persons or parties responsible for hazardous substance incidents with the opportunity to resolve claims for reimbursement that result from hazardous substance incidents in a timely and reasonable manner.~~

~~(H) No recommendation made by the temporary committee on reimbursement for the costs of hazardous substance incidents shall be implemented or have the force and effect of law or rule, or be considered by any court or arbiter unless such recommendation is enacted into law or adopted by administrative rule in accordance with article 4 of title 24, C.R.S.~~

~~(c) Repealed.~~

SECTION 44. In Colorado Revised Statutes, 33-32-108, **amend** (1) (b) as follows:

33-32-108. Enforcement. (1) (b) As used in this section, "peace officer" means any division of parks and wildlife officer or any sheriff or city and county law enforcement officer certified by the ~~Colorado law enforcement training academy~~ PEACE OFFICERS STANDARDS AND TRAINING BOARD PURSUANT TO PART 3 OF ARTICLE 31 OF TITLE 24, C.R.S.

SECTION 45. Repeal of provisions being relocated in this act.

In Colorado Revised Statutes, **repeal** 23-31-203, 23-31-204, 23-31-303 (1), 23-31-304, 23-31-305, 23-31-306, 23-31-307, 23-31-308, 23-31-309, 23-31-313 (6) (a) (III), 24-1-125 (2) (m), (7), and (8), parts 21, 22, 23, 24, 25, and 26 of article 32 of title 24, 24-33.5-108, 24-33.5-110, and 24-33.5-1210.

SECTION 46. In Colorado Revised Statutes, **repeal** 23-31-313 (4) (e).

SECTION 47. Effective date. This act takes effect July 1, 2012.

SECTION 48. 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.".

MESSAGE FROM THE GOVERNOR

January 10, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

BOARD OF PINNACOL ASSURANCE

for a term expiring January 1, 2013:

Harold L. Logan, Jr. of Denver, Colorado, to serve as an employee of an employer whose liability is insured by Pinnacol, and occasioned by the resignation of John N. Cevette of Platteville, Colorado, appointed;

for terms expiring January 1, 2017:

Marcia Ann Benshoof of Highlands Ranch, Colorado, who has experience in the management and operation of insurance companies, not competing with Pinnacol Assurance, appointed;

Jeffrey L. Cummings of Arvada, Colorado, an employer whose liability is insured by Pinnacol Assurance, appointed.

I urge your immediate confirmation of these appointments.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/13/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Judiciary

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, May 1 was laid over until Wednesday, May 2, retaining its place on the calendar.

Consideration of Resolutions: SJR12-034, SJR12-038, SJR12-039, SJR12-040, SJR12-043.

Consideration of House Amendments to Senate Bills: SJR12-036.

Consideration of Governor's Appointments:

Members of the Colorado Tourism Office 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 Trusees 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 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.

Conference Committees to Report: SB12-020, HB12-1053

Requests for Conference Committee: HB12-1168.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Heath replaced Senator Grantham as the Senate prime sponsor on HB12-1267.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SR12-003 by Senator(s) Schwartz and Nicholson; --Concerning measures to create Colorado jobs by encouraging active forest management for healthy forest ecosystems and the use of Colorado forest biomass as a source of renewable energy.

Laid over one day under Senate Rule 30(c).

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, May 2, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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1.	SENATE JOURNAL	1
	Sixty-eighth General Assembly	2
	STATE OF COLORADO	3
	Second Regular Session	4
		5
		6
	113th Legislative Day	7
	Wednesday, May 2, 2012	8
		9
		10
Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	11
		12
Call to Order	By the President at 9:00 a.m.	13
		14
Pledge	By Senator Nicholson.	15
		16
Roll Call	Present--35	17
		18
		19
		20
Quorum	The President announced a quorum present.	21
		22
Reading of Journal	On motion of Senator Neville, reading of the Journal of Tuesday, May 1, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
		24
		25
		26
		27
		28
	COMMITTEE OF REFERENCE REPORTS	29
		30
Local Government	After consideration on the merits, the Committee recommends that HB12-1329 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31
		32
		33
		34
		35
	Amend reengrossed bill, page 2, strike lines 5 through 14 and substitute "salaries - reports. (6) THE PUBLIC TRUSTEE OF EACH COUNTY SHALL ADOPT A BUDGET PURSUANT TO THE REQUIREMENTS OF PART 1 OF ARTICLE 1 OF TITLE 29, C.R.S., AND SHALL SUBMIT THE BUDGET TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH HE OR SHE SERVES FOR REVIEW BY THE BOARD."	36
		37
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		40
		41
		42
		43
Trans- portation	The Committee on <u>Transportation</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	44
		45
		46
	MEMBERS OF THE	47
	<u>TRANSPORTATION COMMISSION</u>	48
		49
		50
	for terms expiring July 1, 2015:	51
		52
	Heather M. Barry of Westminster, Colorado to serve as a commissioner from the fourth district, reappointed;	53
		54
		55
	Kathleen R. Gilliland of Livermore, Colorado to serve as a commissioner from the fifth district, appointed;	56
		57
		58
	Leslie W. Gruen of Colorado Springs, Colorado to serve as a commissioner from the ninth district, reappointed;	59
		60
		61
	Edward James Peterson of Lakewood, Colorado to serve as a commissioner from the Second Transportation District, appointed.	62
		63
		64
		65
		66

		1
Trans-	The Committee on <u>Transportation</u> has had under consideration and has had a hearing on	2
portation	the following appointment and recommends that the appointment be confirmed:	3
		4
	MEMBER OF THE	5
	<u>WASTE TIRE ADVISORY COMMITTEE</u>	6
		7
		8
	for a term expiring on September 9, 2014:	9
		10
	Trent A. Peterson of Durango, Colorado, to serve as a representative of waste tire	11
	monofills that are operating in compliance with their certificates of designation, appointed.	12
		13
		14
Trans-	After consideration on the merits, the Committee recommends that SJR12-037 be	15
portation	amended to the Senate for final action.	16
		17
		18
	Amend printed joint resolution, page 3, line 9, strike "and inflation	19
	indexing of".	20
		21
	Page 3, line 10, strike "tolling," and substitute "tolling for new capacity	22
	created by public-private partnerships,".	23
		24
	Page 3, line 25, before "the" insert "operational barriers to and".	25
		26
		27
Trans-	After consideration on the merits, the Committee recommends that HB12-1038 be referred	28
portation	to the Committee on <u>Appropriations</u> with favorable recommendation.	29
		30
		31
Finance	After consideration on the merits, the Committee recommends that HB12-1315 be	32
	amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u>	33
	with favorable recommendation.	34
		35
		36
	Amend the State, Veterans & Military Affairs Committee Report, dated	37
	May 1, 2012, page 1, strike lines 7 and 8 and substitute:	38
		39
	"(III) CLEANER ENERGY SOURCES SUCH AS BIOGAS AND	40
	BIOMASS;".	41
		42
	Page 2 of the report, strike lines 5 through 9 and substitute:	43
		44
	"Page 17 of the reengrossed bill, strike lines 21 and 22.	45
		46
	Page 17 of the bill, line 23, strike "(c)" and substitute "(b)".	47
		48
	Page 17 of the bill, strike lines 24 and 25 and substitute:	49
		50
	"(c) OFFICE POLICIES THAT POSITIVELY OR NEGATIVELY IMPACT	51
	THE ENERGY SECTOR;".	52
		53
	Page 4 of the report, line 42, strike "STATE." and substitute "STATE;	54
	EXCEPT THAT THE MONEYS ARE LIMITED TO EFFICIENCY PROJECTS AND	55
	ANY OTHER PROJECTS RELATED TO THE SEVERANCE OF MINERALS SUBJECT	56
	TO TAXATION UNDER ARTICLE 29 OF TITLE 39, C.R.S."	57
		58
		59
Finance	After consideration on the merits, the Committee recommends that SB12-174 be amended	60
	as follows, and as so amended, be referred to the Committee of the Whole with favorable	61
	recommendation and with a recommendation that it be placed on the Consent Calendar.	62
		63
	Amend printed bill, page 2, strike lines 2 through 13.	64
		65
	Renumber succeeding sections accordingly.	66
		67
	Page 4, strike line 24 and substitute "COUNTY OF DENVER ELECTS TO USE	68
	THE PILOT ALTERNATE PROTEST".	69

Page 5, strike lines 1 through 3 and substitute "TAXPAYER MUST NOTIFY THE BOARD OF COUNTY COMMISSIONERS IN WRITING OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT SUCH NOTICE MUST BE DELIVERED OR POSTMARKED NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED; AND THAT AFTER SUCH DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST.".

Page 6, strike line 7 and substitute "COUNTY OF DENVER ELECTS TO USE THE PILOT ALTERNATE PROTEST".

Page 6, strike lines 16 through 18 and substitute "RIGHT TO OBJECT AND PROTEST, THE TAXPAYER MUST NOTIFY THE BOARD OF COUNTY COMMISSIONERS IN WRITING OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT SUCH NOTICE MUST BE DELIVERED OR POSTMARKED NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED; AND THAT AFTER SUCH DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST.".

Page 6, line 21, strike "On" and substitute "EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), on".

Page 7, line 2, strike "EXCEPT AS".

Page 7, strike line 3 and substitute "The".

Page 7, strike line 15 and substitute "COUNTY OF DENVER ELECTS TO USE THE PILOT ALTERNATE PROTEST".

Page 7, strike lines 18 through 27.

Page 8, strike lines 1 through 8 and substitute "TO STATE THAT THE CITY AND COUNTY OF DENVER HAS ELECTED TO USE THE PILOT ALTERNATE PROTEST PROCEDURE ESTABLISHED IN SECTION 39-5-122.8; THAT ALL OBJECTIONS AND PROTESTS WILL BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH THE PROTEST PROCEDURES SET FORTH IN SECTION 39-5-122.8; THAT TO PRESERVE THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST, THE TAXPAYER MUST NOTIFY THE BOARD OF COUNTY COMMISSIONERS IN WRITING OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT SUCH NOTICE MUST BE DELIVERED OR POSTMARKED NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED; AND THAT AFTER SUCH DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST.".

Page 8, line 11, strike "**and appeal**".

Page 8, line 12, strike "**Denver.**" and substitute "**Denver - repeal.**".

Page 8, strike line 14 and substitute "USE THE PILOT ALTERNATE PROTEST PROCEDURE DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO DETERMINE".

Page 8, line 18, strike "ARTICLES 5 AND 8" and substitute "ARTICLE 5".

Page 8, line 20, strike "SECTION 39-10-114." and substitute "THIS SECTION.".

Page 8, line 22, strike "AND APPEAL".

Page 8, line 26, after "THE" insert "PILOT" and strike "AND APPEAL".

Page 8, line 27, after "COUNTY" insert "OF DENVER".

Page 9, strike line 3 through 9 and substitute:

"(2) **Alternate protest procedure.** (a) THE CITY AND COUNTY OF DENVER SHALL AMEND THE NOTICES REQUIRED BY SECTIONS 39-5-121 AND 39-5-122 TO PROVIDE NOTICE THAT ALL OBJECTIONS AND PROTESTS

CONCERNING VALUATION OF TAXABLE PROPERTY SHALL BE DETERMINED IN ACCORDANCE WITH THIS SECTION.

(b) IF ANY TAXPAYER IS OF THE OPINION THAT HIS OR HER PROPERTY HAS BEEN VALUED TOO HIGH, HAS BEEN TWICE VALUED, OR IS EXEMPT BY LAW FROM TAXATION OR THAT THE PROPERTY HAS BEEN ERRONEOUSLY ASSESSED TO SUCH PERSON, HE OR SHE MAY FILE A WRITTEN OBJECTION AND PROTEST WITH THE BOARD OF COUNTY COMMISSIONERS BY DELIVERING OR MAILING THE WRITTEN OBJECTION AND PROTEST NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED.

(c) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (2), NO DECISION ON ANY WRITTEN OBJECTION AND PROTEST CONCERNING VALUATION OF TAXABLE PROPERTY SHALL BE MADE BY THE BOARD OF COUNTY COMMISSIONERS UNLESS A HEARING IS HELD THEREON, AT WHICH HEARING THE ASSESSOR AND THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE SHALL HAVE THE OPPORTUNITY TO BE PRESENT. THE BOARD MAY APPOINT INDEPENDENT REFEREES WHO ARE EXPERIENCED IN PROPERTY VALUATION TO CONDUCT THE HEARING ON BEHALF OF THE BOARD, TO MAKE FINDINGS, AND TO SUBMIT RECOMMENDATIONS TO THE BOARD FOR ITS FINAL DECISION. ALL DECISIONS SHALL BE MAILED TO THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE WITHIN FIVE BUSINESS DAYS OF THE DATE ON WHICH SUCH DECISION IS RENDERED. IF REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS, THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE SHALL BE PRESENT AT A HEARING HELD PURSUANT TO THIS PARAGRAPH (c) AND SHALL PRODUCE INFORMATION TO SUPPORT THE WRITTEN OBJECTION AND PROTEST. IN THE EVENT THE BOARD OF COUNTY COMMISSIONERS REQUESTS THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE TO BE PRESENT AT A HEARING, THE BOARD OF COUNTY COMMISSIONERS SHALL PROVIDE AT LEAST THIRTY DAYS' NOTICE OF THE HEARING, UNLESS THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE REQUESTS A HEARING AT AN EARLIER DATE. THE BOARD OF COUNTY COMMISSIONERS SHALL PROVIDE WRITTEN NOTICE OF THE HEARING BY CERTIFIED MAIL, AND SUCH WRITTEN NOTICE SHALL CONTAIN THE DATE, TIME, AND PLACE OF THE HEARING. UPON REQUEST OF THE TAXPAYER OR THE TAXPAYER'S REPRESENTATIVE THE BOARD OF COUNTY COMMISSIONERS MAY RESCHEDULE THE HEARING. IF THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE FAILS TO BE PRESENT AT THE HEARING WHEN REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS, ABSENT GOOD CAUSE, THE BOARD OF COUNTY COMMISSIONERS SHALL DISMISS THE WRITTEN OBJECTION AND PROTEST, AND THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE SHALL NOT HAVE THE RIGHT TO APPEAL THE DISMISSAL.

(d) UPON AUTHORIZATION BY THE BOARD OF COUNTY COMMISSIONERS, THE ASSESSOR MAY REVIEW WRITTEN OBJECTIONS AND PROTESTS CONCERNING VALUATION OF TAXABLE PROPERTY AND SETTLE BY WRITTEN MUTUAL AGREEMENT ANY SUCH WRITTEN OBJECTION AND PROTEST. ANY REDUCTION AGREED UPON AND SETTLED PURSUANT TO THIS PARAGRAPH (d) SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (c) OF THIS SUBSECTION (2).

(e) EVERY WRITTEN OBJECTION AND PROTEST CONCERNING THE VALUATION OF TAXABLE PROPERTY SHALL BE ACTED UPON PURSUANT TO THE PROVISIONS OF THIS SECTION BY THE BOARD OF COUNTY COMMISSIONERS OR THE ASSESSOR, AS APPROPRIATE, WITHIN SIX MONTHS OF THE DATE OF FILING SUCH PETITION.

(f) IF THE BOARD OF COUNTY COMMISSIONERS GRANTS AN OBJECTION AND PROTEST, IN WHOLE OR IN PART, THE ASSESSOR SHALL ADJUST THE VALUATION ACCORDINGLY; BUT, IF THE OBJECTION AND PROTEST IS DENIED, IN WHOLE OR IN PART, THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE MAY APPEAL THE VALUATION SET BY THE ASSESSOR OR, IF THE VALUATION IS ADJUSTED AS A RESULT OF A DECISION OF THE BOARD OF COUNTY COMMISSIONERS, THE ADJUSTED VALUATION TO THE BOARD OF ASSESSMENT APPEALS OR TO THE DENVER DISTRICT COURT FOR A TRIAL DE NOVO, OR THE TAXPAYER MAY SUBMIT THE CASE TO ARBITRATION PURSUANT TO THE PROVISIONS OF SECTION 39-8-108.5. SUCH APPEAL OR SUBMISSION TO ARBITRATION SHALL BE TAKEN NO LATER THAN THIRTY DAYS AFTER THE DATE SUCH DENIAL IS MAILED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (2).

(g) IF THE BOARD OF COUNTY COMMISSIONERS DOES NOT ISSUE A

WRITTEN DECISION ON AN OBJECTION OR PROTEST FOR VALUATION OF TAXABLE PROPERTY BEFORE DECEMBER 1 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED, THE TAXPAYER'S WRITTEN OBJECTION AND PROTEST SHALL BE DEEMED TO BE A PETITION FOR ABATEMENT OR REFUND AND SHALL BE DETERMINED IN ACCORDANCE WITH SECTION 39-10-114. IF THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO SECTION 39-10-114 (1), OR THE PROPERTY TAX ADMINISTRATOR, PURSUANT TO SECTION 39-2-116, DENIES THE PETITION FOR ABATEMENT OR REFUND OF TAXES IN WHOLE OR IN PART, THE TAXPAYER OR THE TAXPAYER'S AUTHORIZED REPRESENTATIVE MAY APPEAL TO THE BOARD OF ASSESSMENT APPEALS OR TO THE DENVER DISTRICT COURT FOR A TRIAL DE NOVO, OR MAY SUBMIT THE CASE TO ARBITRATION PURSUANT TO THE PROVISIONS OF SECTION 39-8-108.5. SUCH APPEAL OR SUBMISSION TO ARBITRATION SHALL BE TAKEN NO LATER THAN THIRTY DAYS AFTER THE ENTRY OF ANY SUCH DECISION.

(3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2017."

Page 9, line 21, strike "PROTEST AND APPEAL" and substitute "PILOT PROTEST".

Page 9, line 23, strike "HIS OR HER" and substitute "THE".

Page 9, strike line 24 and substitute "COUNTY OF DENVER THAT THE CITY AND COUNTY OF DENVER HAS MADE SUCH ELECTION; THAT".

Page 9, line 27, strike "39-10-114;" and substitute "39-5-122.8;"

Page 10, strike lines 1 through 7 and substitute "THE TAXPAYER MUST NOTIFY THE BOARD OF COUNTY COMMISSIONERS IN WRITING OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT SUCH NOTICE MUST BE DELIVERED OR POSTMARKED NO LATER THAN NOVEMBER 15 OF THE YEAR IN WHICH THE NOTICE OF VALUE WAS MAILED; AND THAT AFTER SUCH DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST."

Page 10, strike line 14 and substitute "ALTERNATE PILOT PROTEST PROCEDURE ESTABLISHED IN".

Page 10, line 19, strike "amend (1)".

Page 10, line 20, strike "and (2)" and substitute "add (6)".

Page 10, strike lines 21 through 27.

Strike pages 11 and 12.

Page 13, strike lines 1 through 6 and substitute:

"39-8-107. Hearings on appeal. (6) IF THE CITY AND COUNTY OF DENVER ELECTS TO USE THE ALTERNATIVE PILOT PROTEST PROCEDURE ESTABLISHED IN SECTION 39-5-122.8, ALL HEARINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THAT SECTION."

Page 13, strike line 8 and substitute "(1) (a) (I) (A) and (1) (a) (I) (D) as follows:"

Page 14, strike line 14 through 27 and substitute:

"(D) No abatement or refund of taxes shall be made based upon the ground of overvaluation of property if an objection or protest to such valuation has been made and a notice of determination has been mailed to the taxpayer pursuant to section 39-5-122 OR A WRITTEN DECISION HAS BEEN ISSUED PURSUANT TO SECTION 39-5-122.8; except that this prohibition shall not apply to personal property when a notice of determination has been mailed to the taxpayer, an objection or protest is withdrawn or not pursued, and the county assessor has undertaken an audit of such personal property that shows that a reduction in value is warranted."

Finance	After consideration on the merits, the Committee recommends that HB12-1273 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4 5 6 7 8
	Amend reengrossed bill, page 2, line 25, strike "JANUARY 1, 2014," and substitute "JANUARY 1, 2013,".	9 10 11 12 13 14 15 16 17
	Page 3, line 3, strike "ORGANIZATION." and substitute "ORGANIZATION; EXCEPT THAT, SUBJECT TO THE LIMITATIONS SPECIFIED IN SUBSECTIONS (5) AND (6) OF THIS SECTION AND PARAGRAPH (d) OF SUBSECTION (6.7) OF THIS SECTION, ANY CREDIT FOR A MONETARY CONTRIBUTION MADE TO AN APPROVED FACILITY SCHOOL IN THE INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2013, BUT BEFORE JANUARY 1, 2014, SHALL NOT BE CLAIMED UNTIL THE INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2014.".	18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42
Finance	After consideration on the merits, the Committee recommends that HB12-1326 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64
	Amend reengrossed bill, page 3, after line 4 insert:	65 66
	"SECTION 3. In Colorado Revised Statutes, 26-11-205.5, amend (5) as follows:	67 68 69
	26-11-205.5. Older Coloradans program - distribution formula. (5) (a) There is hereby created the older Coloradans cash fund, referred to in this subsection (5) as the "fund". The fund shall consist of moneys allocated and credited to the fund from sales and use taxes pursuant to the provisions of section 39-26-123 (3) (a) (III), C.R.S., and any moneys appropriated to the fund by the general assembly. In addition, the state treasurer may credit to the fund any public or private gifts, grants, or donations received by the state department for implementation of the program. The fund shall be subject to annual appropriation by the general assembly to the state department. Notwithstanding the provisions of section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any amount remaining in the fund at the end of any fiscal year shall remain in the fund and not be transferred or credited to the general fund or any other fund.	
	(b) THERE IS HEREBY CREATED WITHIN THE FUND THE SENIOR SERVICES ACCOUNT, REFERRED TO IN THIS PARAGRAPH (b) AS THE "ACCOUNT". THE ACCOUNT SHALL CONSIST OF MONEYS TRANSFERRED TO THE ACCOUNT PURSUANT TO SECTION 39-3-207 (6), C.R.S. MONEYS IN THE ACCOUNT ARE SUBJECT TO ANNUAL APPROPRIATION TO THE STATE DEPARTMENT FOR DISTRIBUTION TO AREA AGENCIES ON AGING PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE STATE DEPARTMENT MAY DESIGNATE THE SENIOR SERVICES FOR WHICH MONEYS IN THE ACCOUNT SHALL BE USED.	
	SECTION 4. In Colorado Revised Statutes, 39-3-207, add (6) as follows:	
	39-3-207. Reporting of exemptions - reimbursement to local governmental entities - transfer of unencumbered balances. (6) ON JUNE 30, 2013, AND ON EACH JUNE 30 THEREAFTER, THE TREASURER SHALL TRANSFER TO THE SENIOR SERVICES ACCOUNT WITHIN THE OLDER COLORADANS CASH FUND, CREATED PURSUANT TO SECTION 26-11-205.5 (5) (b), C.R.S., AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE TOTAL ESTIMATED AMOUNT SPECIFIED IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE COSTS OF THIS PART 2 EXCEEDS THE TOTAL AMOUNT OF ALL WARRANTS ISSUED BY THE STATE TREASURER PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION."	
	Renumber succeeding sections accordingly.	
	Page 3, line 9, strike "\$3,022,800," and substitute "\$3,022,800 and 1.0 FTE,".	

Finance	After consideration on the merits, the Committee recommends that HB12-1110 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4
Finance	After consideration on the merits, the Committee recommends that HB12-1042 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	5 6 7 8
Finance	After consideration on the merits, the Committee recommends that SB12-083 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	9 10 11 12 13
	Amend printed bill, strike everything below the enacting clause and substitute:	14 15 16
	"SECTION 1. In Colorado Revised Statutes, repeal and reenact, with amendments, 2-3-304.5 as follows:	17 18
	2-3-304.5. Dynamic model advisory committee - creation - duties - cash fund - repeal. (1) (a) THE DYNAMIC MODEL ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", IS HEREBY CREATED IN THE LEGISLATIVE BRANCH. THE COMMITTEE CONSISTS OF THE FOLLOWING FOUR MEMBERS:	19 20 21 22 23
	(I) THE DIRECTOR OF RESEARCH;	24
	(II) THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND BUDGETING OR HIS OR HER DESIGNEE;	25 26
	(III) ONE ECONOMIST APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND	27 28
	(IV) ONE ECONOMIST APPOINTED BY THE PRESIDENT OF THE SENATE.	29 30
	(b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL APPOINT THEIR RESPECTIVE MEMBERS NO LATER THAN JUNE 15, 2012, FOR A TERM EXPIRING ON JULY 1, 2013. THE APPOINTED MEMBER SERVES AT THE PLEASURE OF THE APPOINTING AUTHORITY.	31 32 33 34 35
	(c) THE DIRECTOR OF RESEARCH IS THE COMMITTEE CHAIRPERSON.	36
	(d) THE COMMITTEE SHALL CONVENE ITS FIRST MEETING NO LATER THAN JULY 15, 2012, AND SHALL MEET MONTHLY THEREAFTER, OR MORE FREQUENTLY IF NECESSARY, BASED ON THE WORKLOAD OF THE COMMITTEE. THE COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC MEETING AT WHICH THE COMMITTEE HEARS PUBLIC TESTIMONY REGARDING DYNAMIC MODELING.	37 38 39 40 41 42
	(e) MEMBERS OF THE COMMITTEE SERVE WITHOUT COMPENSATION.	43 44
	(2) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE DIRECTOR OF RESEARCH IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES ON BEHALF OF THE COMMITTEE TO FUND THE COMMITTEE'S COSTS. THE DIRECTOR OF RESEARCH SHALL TRANSMIT ALL MONEYS RECEIVED PURSUANT TO THIS PARAGRAPH (a) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DYNAMIC MODEL ADVISORY COMMITTEE CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY AND REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE COMMITTEE TO PAY ANY COSTS INCURRED IN COMPLYING WITH THIS SECTION. THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS SECTION AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF THE 2011-12 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2013, SHALL BE RETURNED, ON A PRO RATA BASIS, TO THE ORIGINAL DONORS.	45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64
	(b) THE DIRECTOR OF RESEARCH SHALL NOT ACCEPT MORE THAN ONE HUNDRED THOUSAND DOLLARS OF TOTAL GIFTS, GRANTS, AND DONATIONS PURSUANT TO THIS SECTION.	65 66 67
	(3) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE COMMITTEE SHALL:	68 69

- (I) CONDUCT RESEARCH ON THE DYNAMIC MODELS AVAILABLE TO THE STATE;
- (II) ANALYZE THE DYNAMIC MODELS USED IN OTHER STATES;
- (III) ASSESS THE AVAILABILITY OF DATA FOR THE STATE AND LOCAL GOVERNMENTS TO BE USED WITH THE DYNAMIC MODEL;
- (IV) IDENTIFY ANY ISSUES RELATED TO USING A DYNAMIC MODEL TO ANALYZE THE DIRECT AND INDIRECT OR SECONDARY ECONOMIC EFFECTS OF BILLS;
- (V) ESTIMATE THE ANNUAL COSTS OF USING THE DYNAMIC MODEL TO ANALYZE BILLS MAKING A TAX POLICY CHANGE AND FOR OTHER BILLS; AND
- (VI) MAKE RECOMMENDATIONS REGARDING THE ACQUISITION AND USE OF A DYNAMIC MODEL.
- (b) THE COMMITTEE SHALL UNDERTAKE THE DUTIES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE EXTENT THAT THERE ARE SUFFICIENT MONEYS IN THE FUND.
- (c) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF SUPPORT TO THE COMMITTEE.
- (4) (a) ON SEPTEMBER 1, 2012, THE COMMITTEE SHALL SUBMIT A STATUS REPORT REGARDING ITS WORK TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.
- (b) NO LATER THAN JANUARY 31, 2013, THE COMMITTEE SHALL SUBMIT A FINAL REPORT TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL THAT DETAILS THE WORK OF THE COMMITTEE AND THAT INCLUDES THE INFORMATION RELATED TO ITS DUTIES SET FORTH IN SUBSECTION (3) OF THIS SECTION. IF THE COMMITTEE HAS RECEIVED INSUFFICIENT GIFTS, GRANTS, OR DONATIONS TO PARTIALLY OR WHOLLY UNDERTAKE ITS DUTIES, THE COMMITTEE SHALL INCLUDE SUCH FACT IN THE REPORT.
- (5) THIS SECTION IS EXEMPT FROM THE PROVISIONS OF PART 13 OF ARTICLE 75 OF TITLE 24, C.R.S.
- (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.
- SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Appropriations
After consideration on the merits, the Committee recommends that **SB12-105** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

- Amend the Judiciary Committee Report, dated February 13, 2012, page 1, line 12, strike "16-24-107 and 16-24-108" and substitute "16-24-105 and 16-24-106".
- Page 2 of the committee report, line 2, strike "DEPARTMENT." and substitute "BRANCH."
- Page 2 of the committee report, line 11, strike "CLEAR AND CONVINCING".
- Page 2 of the committee report, line 23, strike "DEPARTMENT." and substitute "BRANCH."
- Page 3 of the committee report, strike lines 2 through 4 and substitute:
- "Page 13 of the bill, strike lines 3 and 4 and substitute "SHALL INCLUDE A NOTE IN THE APPLICANT'S RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT THE CERTIFICATE OF REHABILITATION WAS ISSUED."."
- Page 3 of the committee report, line 5, strike "19." and substitute "19 and substitute:
- "16-24-107. Effect of pardon and clemency. (1) A PARDON ISSUED BY THE GOVERNOR SHALL WAIVE ALL COLLATERAL CONSEQUENCES ASSOCIATED WITH EACH CONVICTION FOR WHICH THE PERSON RECEIVED A PARDON UNLESS THE PARDON LIMITS THE SCOPE OF THE PARDON REGARDING COLLATERAL CONSEQUENCES.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A PERSON WHO RECEIVES CLEMENCY FROM THE GOVERNOR MAY APPLY FOR AN ORDER OF REHABILITATIVE RELIEF PURSUANT TO SECTION 16-24-106 NO SOONER THAN THREE YEARS AFTER THE DATE OF CLEMENCY.

(3) IF THE GOVERNOR GRANTS A PARDON OR A REQUEST FOR CLEMENCY, THE GOVERNOR SHALL PROVIDE A COPY OF THE PARDON OR CLEMENCY TO THE CHIEF INFORMATION OFFICER OF THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM, AND THE CHIEF INFORMATION OFFICER SHALL INCLUDE A NOTE IN THE INDIVIDUAL'S RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT THE PARDON OR REQUEST FOR CLEMENCY WAS GRANTED."."

Page 3 of the committee report, line 23, strike "RETAINING,".

Page 4 of the committee report, strike line 25 and substitute "if:

SECTION 8. In Colorado Revised Statutes, 19-1-306, **amend** (5) (c) (I) as follows:

19-1-306. Expungement of juvenile delinquent records. (5) (c) The court may order expunged all records in the petitioner's case in the custody of the court and any records in the custody of any other agency or official if at the hearing the court finds that:

(I) The petitioner who is the subject of the hearing has not been convicted of a felony AS AN ADULT WITHIN THE PRECEDING TEN YEARS or of a misdemeanor AS AN ADULT WITHIN THE PRECEDING FIVE YEARS and has not been adjudicated a juvenile delinquent since the termination of the court's jurisdiction or the petitioner's unconditional release from parole supervision;

SECTION 9. In Colorado Revised Statutes, 24-34-102, **add** (8.7) as follows:

24-34-102. Division of registrations - creation - duties of division and department heads - license, registration, or certification renewal, reinstatement, and endorsement - definitions. (8.7) IF AN APPLICANT PROVIDES A LICENSING ENTITY WITH AN ORDER OF COLLATERAL RELIEF PURSUANT TO SECTION 16-24-105, C.R.S., OR AN ORDER OF REHABILITATIVE RELIEF PURSUANT TO SECTION 16-24-106, C.R.S., THE ORDER PERMITS, BUT DOES NOT REQUIRE THE LICENSING ENTITY TO GRANT THE APPLICANT THE LICENSE REQUESTED. THE ORDER SHALL BE CONSIDERED ALONG WITH ALL OF THE OTHER INFORMATION PROVIDED TO THE LICENSING ENTITY."."

Amend printed bill, page 4, strike line 21 and substitute "FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION ON AN INDIVIDUAL'S DRIVING PRIVILEGE.".

Page 5 of the bill, strike line 25 and substitute "SECTION 16-24-105.".

Page 6 of the bill, strike lines 5 through 27.

Page 7 of the bill, strike lines 1 through 25 and substitute:

"16-24-105. Notice of collateral consequences upon release. (1) (a) IF AN INDIVIDUAL IS SENTENCED TO IMPRISONMENT OR OTHER INCARCERATION, THE OFFICER OR AGENCY RELEASING THE INDIVIDUAL SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) NOT MORE THAN THIRTY, AND, IF PRACTICABLE, AT LEAST TEN DAYS BEFORE RELEASE.

(b) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:
(I) THAT COLLATERAL CONSEQUENCES MAY APPLY BECAUSE OF THE CONVICTION;

(II) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF LAWS THAT IMPOSE COLLATERAL CONSEQUENCES RELATED TO A CRIMINAL CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC DEFENDER'S WEB SITE; AND

(III) THAT PURSUANT TO SECTION 1-2-103 (4), C.R.S. A PERSON SERVING A SENTENCE OF PAROLE IS NOT ELIGIBLE TO REGISTER TO VOTE."."

Renumber succeeding sections accordingly.

Page 7 of the bill, line 26, after "(1)" insert "(a)".

Page 7 of the bill, line 27, after "SENTENCING,"insert "SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON THE COURT'S OWN MOTION,".

Page 8 of the bill, line 5, strike "IF THE COURT ISSUES AN ORDER" and substitute "THE PROVISIONS OF SECTION 16-24-106 (5), (6), (7), AND (8) APPLY TO THIS SECTION. A DEFENDANT IS NOT REQUIRED TO PAY FILING FEE AS RESULT OF THIS SECTION.".

Page 10 of the bill, line 3, strike "16-24-107" and substitute "16-24-105".

Page 10 of the bill, line 18, strike "AND".

Page 10 of the bill, after line 21 insert:

"(III) A JUVENILE SUCCESSFULLY COMPLETES A SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM, IF THE PETITION RELATES TO AN OFFENSE THAT RESULTED IN THE JUVENILE'S SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM.".

Page 11 of the bill, line 7, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 11 of the bill, line 19, strike "RELIEF." and substitute "RELIEF, THE TYPE OF RELIEF SOUGHT AND THE SPECIFIC COLLATERAL CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF, THE CRIMINAL CASE NUMBER FOR EACH CASE FOR WHICH RELIEF IS BEING SOUGHT, A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK, AND, IF AVAILABLE, A COPY OF THE APPLICANT'S PROBATION OR PRESENTENCE REPORT FOR EACH CONVICTION FOR WHICH THE APPLICANT IS SEEKING RELIEF. THE STATE COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN APPLICANT MAY SUBMIT IN APPLICATION.".

Page 11 of the bill, line 24, strike "FILED. WHEN THE INDIVIDUAL" and substitute "FILED AND TO THE REGULATORY OR LICENSING BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY."

(c) WHEN THE INDIVIDUAL".

Page 11 of the bill, line 25, strike "SHALL" and substitute "SHALL, IN ADDITION TO THE COURT'S DOCKET FEE,".

Page 12 of the bill, after line 13, insert:

"(b) IF THE COURT ORDERS AN ORDER OF REHABILITATIVE RELIEF, IT SHALL SPECIFY EACH CONVICTION FOR WHICH THE ORDER APPLIES.".

Reletter succeeding paragraphs accordingly.

Page 12 of the bill, line 19, strike "A COURT" and substitute "UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION OFFICER OR UPON THE COURT'S OWN MOTION, A COURT".

Page 12 of the bill, line 20, strike "CLEAR AND CONVINCING".

Page 12 of the bill, line 21, strike "HOLDER OF THE JUDGMENT HAS BECOME" and substitute "DEFENDANT IS NO LONGER ENTITLED TO RELIEF.".

Page 12 of the bill, line 22, strike "A PRESENT RISK TO PUBLIC SAFETY".

Page 12 of the bill, line 25, strike "HOLDER." and substitute "HOLDER AND TO ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED IN HIS OR HER MOTION FOR RELIEF.".

Page 12 of the bill, line 26, strike "A CERTIFICATE OF REHABILITATION," and substitute "A CERTIFICATE OF REHABILITATION RELATED TO A COLORADO CONVICTION,".

Page 22 of the bill, before line 25 insert:

"SECTION 10. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the judicial stabilization cash fund created in section 13-32-101 (6), Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2012, the sum of \$333,674 cash funds and 5.2 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

- (a) \$75,724 for courthouse capital/infrastructure maintenance;
- (b) \$250,575 and 5.2 FTE for trial court programs for personal services; and
- (c) \$7,375 for trial court programs for operating expenses.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2012, the sum of \$33,901 cash funds and 1.0 FTE, or so much thereof as may be necessary, for allocation to the Colorado bureau of investigation for the implementation of this act as follows:

- (a) \$28,485 and 1.0 FTE for administration for personal services; and
- (b) \$5,416 for administration for operating expenses.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2012, the sum of \$15,000, or so much thereof as may be necessary, for allocation to the Colorado bureau of investigation, Colorado crime information center, for information technology costs related to the implementation of this act.

SECTION 11. Appropriation - adjustments in 2012 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the judicial department for the fiscal year beginning July 1, 2012, are adjusted as follows:

- (a) The general fund appropriation for trial court programs, personal services, is decreased by \$15,000.
- (b) The cash funds appropriation for trial court programs, personal services, is increased by \$15,000. Said sum is from the judicial stabilization cash fund created in section 13-32-101 (6), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1 of the bill, line 103, strike "**SYSTEM.**" and substitute "**SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**".

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1223** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 23, strike "\$392,724." and substitute "\$331,766."

Page 4, line 25, strike "\$29,560." and substitute "\$24,972."

Page 4, line 27, strike "\$36,593." and substitute "\$22,139."

Page 5, line 4, strike "\$458,887," and substitute "\$378,877,".

Page 5, after line 5 insert:

- "(a) \$84,337 and 2.0 FTE for the offender services subprogram;"

Reletter succeeding paragraphs accordingly.

Appropriations

Page 5, line 7, strike "\$358,237" and substitute "\$193,900".

Page 5, line 15, strike "(a)" and substitute "(b)".

After consideration on the merits, the Committee recommends that **SB12-171** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 20.

Strike page 3.

Page 4, strike line 1.

Renumber succeeding sections accordingly.

Page 4, strike lines 24 through 27 and substitute:

"(3) (a) A PERSON MAY APPLY FOR A COLORADO CONSERVATION LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED UNDER THIS SECTION AND PROVIDES TO THE DEPARTMENT OR AN AUTHORIZED AGENT A CERTIFICATE ISSUED BY THREE RIVERS ALLIANCE, OR ITS SUCCESSOR ORGANIZATION, CONFIRMING THAT THE APPLICANT HAS DONATED FIFTY DOLLARS.

(b) THREE RIVERS ALLIANCE, OR ITS SUCCESSOR ORGANIZATION, SHALL FILE WITH THE DEPARTMENT AN ANNUAL STATEMENT VERIFYING THAT IT IS A NONPROFIT ORGANIZATION."

Page 5, strike lines 1 through 10 and substitute:

"(4) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES FOR REGULAR MOTOR VEHICLE LICENSE PLATES."

Renumber succeeding subsection accordingly.

Page 5, strike lines 26 and 27.

Page 6, strike lines 1 through 11.

Renumber succeeding section accordingly.

Page 6, after line 11 insert:

"SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$2,960, or so much thereof as may be necessary, to be allocated for the purchase of computer center services related to the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$2,960, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$5,920, or so much thereof as may be necessary, for allocation to the division of motor vehicles for the purchase of license plates and tabs related to the implementation of this act."

	Renumber succeeding section accordingly.	1
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	Page 1, line 103, strike "PLATE." and substitute "PLATE AND MAKING AN	3
	APPROPRIATION."	4
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Appropriations	After consideration on the merits, the Committee recommends that SB12-182 be amended	7
	as follows, and as so amended, be referred to the Committee of the Whole with favorable	8
	recommendation.	9
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	Amend printed bill, page 21, after line 2 insert:	12
		13
	" SECTION 4. Appropriation. In addition to any other	14
	appropriation, there is hereby appropriated, out of any moneys in the	15
	department of state cash fund created in section 24-21-104 (3) (b),	16
	Colorado Revised Statutes, not otherwise appropriated, to the department	17
	of state, for the fiscal year beginning July 1, 2012, the sum of \$52,688, or	18
	so much thereof as may be necessary, for allocation to the information	19
	technology services division for contract programming related to the	20
	implementation of this act."	21
		22
	Renumber succeeding section accordingly.	23
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	Page 1, line 101, strike "CORPORATIONS." and substitute	25
	"CORPORATIONS, AND, IN CONNECTION THEREWITH, MAKING AN	26
	APPROPRIATION."	27
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1314 be referred	30
	to the Committee of the Whole with favorable recommendation.	31
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		33
Appropriations	After consideration on the merits, the Committee recommends that HB12-1084 be referred	34
	to the Committee of the Whole with favorable recommendation.	35
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	SENATE SERVICES REPORT	40
		41
	Correctly Printed: SR12-003.	42
	Correctly Engrossed: SB12-086, 117, 132, 162, 163 and 172; SJR12-036.	43
	Correctly Reengrossed: SB12-170, 176 and 177; SCR12-001.	44
	Correctly Revised: HB12-1226, 1274, 1294, 1302, 1303 and 1331.	45
	Correctly Rerevised: HB12-1041, 1068, 1108, 1241 and 1293; HCR12-1001.	46
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	MESSAGE FROM THE HOUSE	51
		52
	May 1, 2012	53
		54
	The House has voted to concur in the Senate amendments to HB12-1008, 1034,	55
	1012 and has repassed the bills as so amended.	56
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	INTRODUCTION OF BILLS -- FIRST READING	61
		62
	The following bills were read by title and referred to the committees indicated:	63
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- HB12-1268** by Representative(s) Acree, Beezley, Joshi, Kerr J., McCann, Ramirez; also Senator(s) Hudak--Concerning a transfer of functions pertaining to health facility compliance with certain building safety standards from the department of public health and environment to the division of fire safety in the office of preparedness, security, and fire safety within the department of public safety, and, in connection therewith, creating the health facility construction and inspection section in the division of fire safety.
Business, Labor and Technology
- HB12-1319** by Representative(s) Gardner B.; also Senator(s) King K.--Concerning building inspections relating to utilities.
Local Government
- HB12-1333** by Representative(s) Becker, Beezley, Coram, Kerr J., Priola; also Senator(s) Grantham--Concerning public school employees' participation in labor organizations.
State, Veterans & Military Affairs
- HB12-1346** by Representative(s) Gardner B.; also Senator(s) King S.--Concerning sex offender registration.
Judiciary
- HB12-1350** by Representative(s) Waller, Balmer, Barker, Casso, Court, Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A., Liston, Looper, Massey, Pabon, Priola, Ramirez, Soper, Stephens, Summers, Swerdfeger, Vigil; also Senator(s) Hodge, Heath, Guzman, Hudak, King K., Morse, Nicholson--Concerning in-state tuition classification for dependents of members of the armed forces.
State, Veterans & Military Affairs

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

- SJR12-040** by Senator(s) Lambert and Shaffer B., Harvey, Mitchell, Renfroe, Scheffel, Williams S., Morse, Boyd, Aguilar, Schwartz, Giron, Jahn, Steadman, Guzman, Hodge, Tochtrop, Bacon, Brophy, Cadman, Grantham, Heath, Johnston, King K., King S., Lundberg, Neville, Roberts, Spence, White; also Representative(s) Soper and Waller--Concerning service to veterans by the Colorado Bar Association and the Veteran Trauma Court.

On motion of Senator Lambert, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Carroll, Foster, Hudak, Newell and Nicholson.

SJR12-048 by Senator(s) White and Tochtrop; also Representative(s) Bradford--Concerning the designation of May 13 through 19, 2012, as "National Nursing Home Week".

On motion of Senator White, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman 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 expressions of personal privilege.

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 Memorials.

CONSIDERATION OF MEMORIALS

SJM12-004 by Senator(s) Mitchell; also Representative(s) Priola--Memorializing former Senator Ted L. Strickland.

On motion of Senator Mitchell, the memorial was read at length.

Senate in recess. Senate reconvened.

On motion of Senator Mitchell, the memorial was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

HB12-1331 by Representative(s) Brown, Wilson, Pace, Hamner, Kerr A., Massey, Murray, Ramirez, Schafer S., Summers, Todd; also Senator(s) Schwartz, Bacon, Heath, Johnston, King K., King S.--Concerning changing the name of Western state college of Colorado to Western state Colorado university.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	N
Brophy	Y	Hodge	Y	Morse	Y	Steadman	N
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.

HB12-1274 by Representative(s) Swerdfeger; also Senator(s) Jahn--Concerning the regulation of notaries public, and, in connection therewith, 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-sponsors added: Lambert and Tochtrop.

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:

SB12-086 by Senator(s) Cadman, Shaffer B.; also Representative(s) Szabo--Concerning a study of the cost of regulatory compliance for businesses in Colorado.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	Y	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	N	Steadman	Y
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Brophy, Grantham, Harvey, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Neville, Roberts, Scheffel, Spence, White and Williams S.

SB12-129 by Senator(s) Schwartz, Aguilar, Bacon, Heath, Hodge, Hudak, Johnston, King S., Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram--Concerning access to affordable broadband internet connectivity in noncompetitive rural areas.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	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	Y
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.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Senators Harvey, Grantham, and Lundberg requested their names be removed as sponsors on SB12-129.

Co-sponsors added: Foster, Giron, Guzman, Nicholson and Shaffer B.

SB12-132

by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits, and, in connection therewith, making an appropriation.

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The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	30	NO	5	EXCUSED	0	ABSENT	0	
Aguilar		N	Guzman	N	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		N	Jahn	Y	Newell	Y	White	Y
Foster		Y	Johnston	Y	Nicholson	N	Williams S.	Y
Giron		N	King K.	Y	Renfroe	Y	President	Y
Grantham		Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

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Co-sponsor added: Mitchell.

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SB12-172

by Senator(s) Johnston and Spence, Bacon, Heath, Hudak; also Representative(s) Massey and Hamner--Concerning student assessments adopted by the state board.

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The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	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	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

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Co-sponsors added: Aguilar, Boyd, Newell, Nicholson, Steadman, Tochtrop and Williams S.

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SB12-163

by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes.

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The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	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	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Bacon, Boyd, Carroll, Foster, Giron, Heath, Hudak, King S., Newell, Roberts, Tochtrop and Williams S.

SB12-162

by Senator(s) Tochtrop; also Representative(s) Peniston--Concerning remediation performed on property contaminated by an illegal drug laboratory, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	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	Y
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.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Foster, Guzman, Heath, Hodge, Hudak, Johnston, Newell, Nicholson, Schwartz, Shaffer B. and Williams S.

HB12-1294

by Representative(s) Liston, Todd, Acree, Gardner B., Kerr J., Massey, Miklosi, Murray, Priola, Ramirez, Soper, Swalm, Swerdfeger, Szabo; also Senator(s) Tochtrop, Boyd, Mitchell, Neville, White--Concerning modifications to the system of regulation of health facilities currently regulated by the department of public health and environment, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Hudak, King S., Newell, Steadman and Williams S.

HB12-1226 by Representative(s) Barker; also Senator(s) Aguilar--Concerning a surcharge on persons convicted of crimes against at-risk persons, 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	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Bacon, Boyd, Foster, Heath, Hodge, Hudak, Johnston, Morse, Newell, Tochtrop and Williams S.

HB12-1303 by Representative(s) Schafer S., Hamner, Kerr J., Peniston, Summers, Young; also Senator(s) Spence, Jahn--Concerning the regulation of speech-language pathologists by the department of regulatory agencies, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	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	Y
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.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Newell, Nicholson, Tochtrop and Williams S.

HB12-1302 by Representative(s) Massey; also Senator(s) Tochtrop--Concerning the creation of a flight for life Colorado license plate, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, Newell and Schwartz.

SB12-117 by Senator(s) King S.; also Representative(s) Waller--Concerning the penalties for persons who drive while under the influence of alcohol or drugs, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: King K. and Lambert.

RECONSIDERATION OF SB12-086

SB12-086 by Senator(s) Cadman, Shaffer B.; also Representative(s) Szabo--Concerning a study of the cost of regulatory compliance for businesses in Colorado.

Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-086.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

SB12-086 by Senator(s) Cadman, Shaffer B.; also Representative(s) Szabo--Concerning a study of the cost of regulatory compliance for businesses in Colorado.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	Y	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	N	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	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.

Call of the Senate.

Call raised.

RECONSIDERATION OF SB12-163

SB12-163 by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-163.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

SB12-163 by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Newell was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1036 by Representative(s) Kerr J.; also Senator(s) Boyd--Concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files.
Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 25, page 848 and placed in members' bill files.)
As amended, ordered revised and placed on the calendar for third reading and final passage.

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.
Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 27, pages 913-914 and placed in members' bill files.)
As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1086 by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.
Amendment No. 1, Legal Services Committee Amendment.
(Printed in Senate Journal, April 30, page 929 and placed in members' bill files.)
Ordered revised 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.)

SB12-173 by Senator(s) Jahn, Boyd, Harvey, Lundberg, Neville, Newell, Roberts, White, Williams S.; also Representative(s) Summers and DelGrosso--Concerning repeal of the requirement that mental health professionals make certain disclosures verbally.
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 (SB12-155, SB12-070, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178) of Wednesday, May 2 was laid over until Thursday, May 3, retaining its place on the calendar.

Call of the Senate. Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1086 by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 12-1086 did pass.

Amend reengrossed bill, page 2, strike lines 11 through 18.

Reletter succeeding paragraphs accordingly.

Less than majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	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 Newell, 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: SB12-173, HB12-1036 as amended, HB12-1043 as amended, HB12-1086 as amended.
Laid over until Thursday, May 3: SB12-155, SB12-070, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB12-020 by Senator(s) Aguilar, Steadman; also Representative(s) Summers--Concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event.

Senator Aguilar moved that the Senate conferees on the first conference committee on **SB12-020** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SB12-129

Senator Steadman gave notice of intent to reconsider SB12-129.

MESSAGE FROM THE HOUSE

May 2, 2012

The House has adopted and returns herewith SJR12-040.
The House has adopted and returns herewith SJR12-048.
The House has adopted and returns herewith SJM12-004.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1351, 1353.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1327, amended as printed in House Journal, May 1, page 1212.
HB12-1352, amended as printed in House Journal, May 1, page 1213.

The House has voted to concur in the Senate amendments to HB12-1307, 1052, 1105, 1146, HCR-1001 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

May 2, 2012

We herewith transmit:

Without comment, HB12-1351 and 1353.
Without comment, as amended, HB12-1327 and 1352.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB12-1352 by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman--Concerning the creation of a state commission to address matters arising out of the lower north fork wildfire, and, in connection therewith, making an appropriation.
State, Veterans & Military Affairs

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1080; SB12-012, 041, 060, 121, 123, 150 and 168.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Morse, Chair, Johnston, and King S. as Senate conferees on the first conference committee on HB12-1168.

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 Wednesday, May 2 was laid over until Thursday, May 3, retaining its place on the calendar.

Consideration of Resolutions: SJR12-034, SJR12-038, SJR12-039, SJR12-043, 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.

Conference Committees to Report: SB12-020, HB12-1053.

TRIBUTES

Honoring Senate aide, Kara Wheeler -- by Senator Brophy.

Honoring Senate aide, Nathan Pesch -- by Senator Grantham.

Honoring Senate aide, Laurie Bratten -- by Senators Harvey and Lambert.

Honoring Senate aide, Anne Willhardt -- by Senator King K.

Honoring Senate aide, JD Key -- by Senator King S.

Honoring Senate aide, Beth Folsom -- by Senator Lundberg.

Honoring Senate aide, Bethany Mitchell -- by Senator Mitchell.

Honoring Senate aide, Caleb Martinez -- by Senator Neville.

Honoring Senate aide, David Keimig -- by Senator Renfroe.

Honoring Senate aide, Ezra Riggs -- by Senator Roberts.

Honoring Senate aide, Shey Taylor -- by Senator Scheffel.

Honoring Senate aide, Mitch Whitus -- by Senator Scheffel.

Honoring Senate aide, Meg Waltrip -- by Senator Spence.

Honoring Senate aide, Richard Sandrock -- by Senator White.

Honoring Senate intern, Ryann Marie Woolf -- by Senator Brophy.

Honoring Senate intern, Alexander Morin -- by Senator Grantham.

Honoring Senate intern, Rick Wyman -- by Senator Grantham.

Honoring Senate intern, Lindon Belshe -- by Senator Harvey.

Honoring Senate intern, Andrew Challenger -- by Senator Harvey.

Honoring Senate intern, Daniel Arsenault -- by Senator Harvey.

Honoring Senate intern, Amelia Ransom -- by Senator Harvey.

Honoring Senate intern, Samantha Ford -- by Senator King K.

Honoring Senate intern, Marko Mocevic -- by Senator King K.

Honoring Senate intern, Ryan McKinley -- by Senator King S.
Honoring Senate intern, Jesse Altum -- by Senator Lambert.
Honoring Senate intern, MaryGrace Klippert -- by Senator Lundberg.
Honoring Senate intern, Catherine Cox -- by Senator Lundberg.
Honoring Senate intern, Erica Lloyd -- by Senator Lundberg.
Honoring Senate intern, Kelly Grieve -- by Senator Mitchell.
Honoring Senate intern, Steve Szutenbach -- by Senator Neville.
Honoring Senate intern, Alexandra Bolch -- by Senator Renfroe.
Honoring Senate intern, Andrew West -- by Senator Renfroe.
Honoring Senate intern, Irina Yusifina -- by Senator Scheffel.
Honoring Senate intern, Maria Scheffel -- by Senator Scheffel.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB12-1286** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 25, after "(1)" insert "(a)".

Page 4, line 3, strike "(a)" and substitute "(I)".

Page 4, line 6, strike "(b)" and substitute "(II)".

Page 4, after line 6, insert:

"(b) "FILM" DOES NOT INCLUDE AN OBSCENE FILM.

(2) "OBSCENE" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-7-101 (2), C.R.S.".

Page 4, line 7, strike "(2)" and substitute "~~(2)~~ (3)".

Page 4, line 9, strike "(3)" and substitute "(4)".

Page 4, line 18, strike "(4)" and substitute "(5)".

Page 4, line 23, strike "(5)" and substitute "(6)".

Page 4, line 26, strike "(6)" and substitute "(7)".

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, May 3, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

114th Legislative Day Thursday, May 3, 2012

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--33
Excused--2, Mitchell, Steadman.
Present later--2, Mitchell, Steadman.

Quorum The President announced a quorum present.

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.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-181** be postponed indefinitely.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1328** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB12-1268** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 8, line 26, after "CENTER," insert "HOME CARE AGENCY, ASSISTED LIVING RESIDENCE,".

Page 9, line 24, after "DEPARTMENT," insert "OR WHEN NECESSARY FOR FACILITIES CERTIFIED OR SEEKING CERTIFICATION BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES,".

Page 9, line 27, strike "OCCUPANCY" and substitute "COMPLIANCE".

Page 11, line 26, after "FUNCTIONS." insert "THE DIVISION SHALL CONDUCT THE NECESSARY PLAN REVIEWS AND INSPECTIONS AND ISSUE CERTIFICATES OF COMPLIANCE TO CERTIFY THAT SUCH BUILDINGS OR STRUCTURES ARE CONSTRUCTED OR MAINTAINED IN CONFORMITY WITH THE CODES ADOPTED BY THE DIRECTOR.".

Judiciary	After consideration on the merits, the Committee recommends that SB12-107 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72
	Amend printed bill, page 4, strike lines 4 through 27.	
	Strike pages 5 through 7.	
	Page 8, strike lines 1 through 16 and substitute:	
	"34-60-130. Hydraulic fracturing - rules. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "FRACKING SAFETY AND WATER PROTECTION ACT".	
	(2) THE COMMISSION SHALL, WITHIN EXISTING RESOURCES, ADOPT RULES PURSUANT TO THIS SUBSECTION (2). THE RULES MUST CONTAIN DEADLINES, INCLUDING APPROPRIATE MILESTONES, FOR OPERATORS TO COMPLY WITH ANY ASPECT OF THE RULES THAT CANNOT REASONABLY BE COMPLIED WITH IMMEDIATELY. THE RULES MUST REQUIRE OPERATORS TO USE PRACTICES THAT ARE DESIGNED TO PREVENT OR REDUCE IMPACTS CAUSED BY OIL AND GAS OPERATIONS TO AIR, WATER, SOIL, OR BIOLOGICAL RESOURCES, AND TO MINIMIZE ADVERSE IMPACTS TO PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING THE ENVIRONMENT AND WILDLIFE RESOURCES, REGARDING:	
	(a) HYDRAULIC FRACTURING NEAR:	
	(I) RADIOACTIVE MATERIAL, AS DEFINED SECTION 25-11-101 (6), C.R.S.;	
	(II) EXPLOSIVES, INCLUDING MUNITIONS; AND	
	(III) SITES LISTED ON THE NATIONAL PRIORITY LIST PURSUANT TO THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980", 42 U.S.C. SEC. 9601 ET SEQ., AS AMENDED;	
	(b) THE SHUT-DOWN OF HYDRAULIC FRACTURING OPERATIONS WHEN PRESSURE READINGS INDICATE THAT THE HYDRAULIC FRACTURING FLUID HAS ENTERED A NONTARGETED AREA OF THE GEOLOGIC FORMATION;	
	(c) INCREASED SET BACKS COMPARED WITH THOSE IN THE COMMISSION'S RULES ON THE EFFECTIVE DATE OF THIS SECTION;	
	(d) THE USE OF OPEN PITS TO STORE OR DISPOSE OF DRILLING MUDS, HYDRAULIC FRACTURING FLUIDS, OR FLOW-BACK IN AREAS WHERE THERE IS RISK TO OCCUPIED STRUCTURES, SURFACE WATER, OR TRIBUTARY GROUNDWATER FROM SUCH USE, STORAGE, OR DISPOSAL;	
	(e) THE USE OF CLOSED-LOOP SYSTEMS FOR HYDRAULIC FRACTURING TREATMENTS;	
	(f) AFTER CONSULTATION WITH THE AIR QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 (1), C.R.S., THE MINIMIZATION OF AIR EMISSIONS FROM OIL AND GAS OPERATIONS;	
	(g) (I) THE COLLECTION OF WATER QUALITY SAMPLES RELATED TO POTENTIAL IMPACTS FROM HYDRAULIC FRACTURING, AS DETERMINED BY THE COMMISSION, FROM ALL ACTIVE WATER WELLS LOCATED WITHIN ONE-HALF MILE OF AN OIL AND GAS WELL THAT WILL BE HYDRAULICALLY FRACTURED. THE OPERATOR SHALL ALSO COLLECT WATER QUALITY SAMPLES RELATED TO POTENTIAL IMPACTS FROM HYDRAULIC FRACTURING AT LEAST ONCE AFTER THE COMPLETION OF THE HYDRAULIC FRACTURING, PURSUANT TO A SCHEDULE ESTABLISHED BY THE COMMISSION, FROM ALL WATER WELLS LOCATED WITHIN ONE-HALF MILE OF THE OIL AND GAS WELL. THE OPERATOR SHALL SUBMIT THE SAMPLES IN A WATER QUALITY REPORT TO THE COMMISSION, IN A FORMAT AND BY A DEADLINE ESTABLISHED BY THE COMMISSION.	
	(II) THE COMMISSION SHALL PROMPTLY POST THE WATER QUALITY REPORTS ON ITS WEB SITE. THE REPORTS MUST BE SEARCHABLE BY OPERATOR, WELL LOCATION, AND OTHER FACTORS ESTABLISHED BY THE COMMISSION.	
	(III) THE RULES MUST INCLUDE TARGETED GOALS FOR THE REDUCTION OF THE TOXICITY OF HYDRAULIC FRACTURING FLUIDS; EXCEPT THAT NOTHING IN THIS PARAGRAPH (g) PROHIBITS THE USE OR REINJECTION OF FLOW-BACK FLUID.	
	(h) THE FINANCIAL ASSURANCES OF SECTION 34-60-106 (3.5) AND (13) MUST BE SUFFICIENT TO COVER REMEDIATION OF ALL FORESEEABLE DAMAGES TO PEOPLE, PROPERTY, SOIL, FOOD, AND WATER IN THE EVENT OF A SPILL, ACCIDENT, OR CONTAMINATION CAUSED DIRECTLY FROM CHEMICALS, LEAK OF METHANE, OIL, OR OTHER RELEASE OF OTHER	

UNDERGROUND CONTAMINANTS DISLODGED BY THE DRILLING PROCESS.
(3) (a) NOTHING IN THIS SECTION REQUIRES THE COMMISSION TO
HIRE ANY NEW PERSONNEL OR CONTRACT WITH ADDITIONAL
CONSULTANTS.
(b) ALL COSTS OF IMPLEMENTATION OF THIS SECTION MUST BE
PAID BY PERMIT FEES ESTABLISHED AND COLLECTED PURSUANT TO
SECTION 34-60-106 (16).".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-065** be postponed indefinitely.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB12-183** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** In Colorado Revised Statutes, 40-2-108, **add** (3) as follows:

40-2-108. Rules - repeal. (3) (a) THE COMMISSION SHALL REQUIRE NATURAL GAS AND ELECTRIC UTILITIES SUBJECT TO ITS JURISDICTION TO PROVIDE THE COMMISSION ON LOW-INCOME ENERGY ASSISTANCE, CREATED IN SECTION 40-8.5-103.5, DATA CONCERNING NOTIFICATION AND DISCONTINUANCE OF UTILITY SERVICE TO RESIDENTIAL CUSTOMERS TO ASSIST WITH THE ASSESSMENT AND REVIEW REQUIRED BY SECTION 40-8.5-103.5 (5).

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 2. In Colorado Revised Statutes, 40-8.5-103.5, **add** (5) as follows:

40-8.5-103.5. Commission created - duties - repeal. (5) (a) ON OR BEFORE DECEMBER 15, 2013, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE HOUSE COMMITTEE ON HEALTH AND ENVIRONMENT AND THE SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES, OR THEIR SUCCESSOR COMMITTEES, CONCERNING ANY NECESSARY LEGISLATIVE CHANGES TO EXISTING MEASURES INTENDED TO PREVENT THE DISCONTINUANCE OF RESIDENTIAL ELECTRIC AND NATURAL GAS SERVICE DURING PERIODS OF EXTREME WEATHER. THE COMMISSION SHALL CONSIDER CURRENT PRACTICES, POLICIES, AND RULES THAT ADDRESS THE DISCONTINUANCE OF SERVICE TO LOW-INCOME HOUSEHOLDS, INCLUDING VENDOR AGREEMENT REQUIREMENTS OF THE LOW-INCOME ENERGY ASSISTANCE PROGRAM, CREATED IN SECTION 40-8.7-104, RULES OF THE COLORADO PUBLIC UTILITIES COMMISSION CONCERNING DISCONTINUANCE OF NATURAL GAS AND ELECTRIC UTILITY SERVICE AND LOW-INCOME RATE RELIEF, AND CURRENT UTILITY PRACTICES.

(b) THE COMMISSION SHALL REVIEW DATA PROVIDED BY UTILITIES PURSUANT TO SECTION 40-2-108 (3) TO ASSESS THE IMPACT THAT EXISTING UTILITY RULES, AGREEMENTS, AND POLICIES HAVE ON LOW-INCOME RESIDENTIAL CUSTOMERS.

(c) THE COMMISSION MAY SEEK AND RECEIVE PUBLIC AND PRIVATE FUNDING TO ASSIST IN THE CONDUCT OF THE ASSESSMENT AND REVIEW REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (5), INCLUDING ASSISTANCE FROM THE EXISTING RESOURCES OF THE DEPARTMENT OF HUMAN SERVICES, CREATED IN SECTION 24-1-120, C.R.S., THE EXISTING RESOURCES OF THE COLORADO PUBLIC UTILITIES COMMISSION, AND THE RESOURCES OF ENERGY OUTREACH COLORADO, A COLORADO NONPROFIT CORPORATION, AS DESCRIBED IN SECTION 40-8.7-112 (2) (a).

(d) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2014.

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.".

Page 1, strike lines 102 and 103 and substitute: "**CERTAIN RESIDENTIAL**

Health &
Human
Services

CUSTOMERS' UTILITY SERVICE, AND, IN CONNECTION THEREWITH,
DIRECTING THE COMMISSION ON LOW-INCOME ENERGY ASSISTANCE TO
REVIEW AND REPORT ON THE EFFECTIVENESS OF EXISTING MEASURES
CONCERNING DISCONTINUANCE OF SERVICE AND LOW-INCOME RATE
RELIEF."

After consideration on the merits, the Committee recommends that **HB12-1332** be
amended as follows, and as so amended, be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 4, line 5, after the period insert "A PATIENT
SHALL BE ADVISED IF AN ANESTHESIOLOGIST ASSISTANT IS INVOLVED IN
THE CARE OF A PATIENT."

Page 4, line 10, after the period insert "THE BOARD MAY CONSIDER
INFORMATION FROM ANESTHESIOLOGISTS, ANESTHESIOLOGIST
ASSISTANTS, PATIENTS, AND OTHER SOURCES WHEN CONSIDERING A RATIO
CHANGE OF SUPERVISION OF ANESTHESIOLOGIST ASSISTANTS."

Page 4, after line 13 insert:

"(c) NOTHING IN THIS SUBSECTION (7) AFFECTS THE PRACTICE OF
DENTISTS AND DENTAL ASSISTANTS PRACTICING PURSUANT TO ARTICLE 35
OF TITLE 12."

SENATE SERVICES REPORT

Correctly Engrossed: SB12-173; SJM12-004; SJR12-040 and 048.
Correctly Reengrossed: SB12-086, 117, 129, 132, 162, 163 and 172.
Correctly Revised: HB12-1036, 1043 and 1086.
Correctly Rerevised: HB12-1226, 1274, 1294, 1302, 1303 and 1331.

MESSAGE FROM THE HOUSE

May 2, 2012

The House has voted to concur in the Senate amendments to HB12-1321,
and has repassed the bills as so amended.

The House has voted to grant the House conferees on the First Conference Committee on
SB12-020 to consider matters not at issue between the two houses.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

HB12-1327 by Representative(s) Coram; also Senator(s) Roberts and King S.--Concerning financial
responsibility requirements for motor carriers, and, in connection therewith, repealing the
surety bond requirement for towing carriers, imposing a period of disqualification from the
right to operate as a towing carrier as an additional penalty for failure to respond as required
after violating applicable provisions, creating a designated tow truck license plate, and, in
connection therewith, making an appropriation.
Transportation

HB12-1351 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning inclusion under the renewable energy standard's definition of recycled energy such energy that combusts gas generated from synthetic gas derived from waste materials through pyrolysis as the fuel source for generation.
State, Veterans & Military Affairs

HB12-1353 by Representative(s) Becker, Gerou, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning the mitigation of the effect of automatic proportional reductions to the tier 2 transfers out of the operational account of the severance tax trust fund when revenue shortfalls occur.
Finance

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

SJR12-043 by Senator(s) White, Foster, Guzman, Hudak, Jahn, King S., Lundberg, Newell, Nicholson, Roberts, Scheffel, Shaffer B., Spence, Tochtrop, Williams S.; also Representative(s) Murray--Concerning ovarian cancer in Colorado.

On motion of Senator White, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Giron, Grantham, Harvey, Heath, Hodge, Johnston, King K., Lambert, Mitchell, Morse, Neville, Renfroe, Schwartz and Steadman.

SJR12-039 by Senator(s) Scheffel; also Representative(s) Massey--Concerning the designation of September 27, 2012, as "First Responder Appreciation Day".

On motion of Senator Scheffel, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

Senate in recess. Senate reconvened.

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:

HB12-1036 by Representative(s) Kerr J.; also Senator(s) Boyd--Concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files.

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.

Call of the Senate. Call raised.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Foster, Grantham, Heath, Hodge, Hudak, Jahn, King S., Lambert, Lundberg, Mitchell, Neville, Roberts, Scheffel, Schwartz, Spence, Tochtrop, White and Williams S.

HB12-1086 by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB12-173 by Senator(s) Jahn, Boyd, Harvey, Lundberg, Neville, Newell, Roberts, White, Williams S.; also Representative(s) Summers and DelGrosso--Concerning repeal of the requirement that mental health professionals make certain disclosures verbally.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Nicholson, Steadman and Tochtrop.

Committee of the Whole On motion of Senator Guzman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Guzman was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1272 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.

Ordered revised and placed on the calendar for third reading and final passage.

SB12-169 by Senator(s) Tochtrop; --Concerning the administration of county powers to maintain the landscape.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, May 1, page 964 and placed in members' bill files.)

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.)

Senator Tochtrop moved that the Committee of the Whole rise, report progress, and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

Call of the Senate. Call raised.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION WITHDRAWN

SB12-129 by Senator(s) Schwartz, Aguilar, Bacon, Heath, Hodge, Hudak, Johnston, King S., Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram-- Concerning access to affordable broadband internet connectivity in noncompetitive rural areas.

Senator Steadman withdrew his notice of intent to move for reconsideration of SB12-129.

Senate in recess. Senate reconvened.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

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.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 1, page 894-910 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 1, pages 965-966 and placed in members' bill files.)

Amendment No. 3(L.050), by Senator Johnston.

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 3, after line 16, insert:

"Page 9 of the bill, line 23, strike "CANNOT DEMONSTRATE READING COMPETENCY AT" and substitute "DOES NOT MEET".

Page 7 of the committee report, line 12, strike "THAT STUDENTS" and substitute "THE STUDENT".

Page 14 of the committee report, line 33, strike "PARAGRAPH (d)" and substitute "SUBPARAGRAPH (IV) OF PARAGRAPH (b)".

Page 15 of the committee report, line 9, strike "PARAGRAPH (d)" and substitute "SUBPARAGRAPH (IV) OF PARAGRAPH (b)".

Page 16 of the committee report, line 35, strike "DEFICIENCIES OR, FOR THE 2012-13 BUDGET" and substitute "DEFICIENCIES".

Page 16 of the committee report, strike line 36.

Page 20 of the committee report, strike line 35 and substitute "PERCENTAGES OF STUDENTS ENROLLED IN THIRD AND FOURTH GRADES IN THE PUBLIC SCHOOL, THE SCHOOL DISTRICT, ALL INSTITUTE CHARTER SCHOOLS, AND THE STATE AS A WHOLE".

Page 20 of the committee report, line 36, strike "AND FOURTH GRADES".

Amendment No. 4(L.057), by Senator Johnston.

Amend reengrossed bill, page 26, line 17, after "IS" insert "VALID AND RELIABLE AND".

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 12, strike lines 2 through 5 and substitute:

""(d) RULES TO PROVIDE NOTICE AND AN APPEALS PROCESS, WHICH MAY BE A PROCESS FOR WRITTEN APPEALS, FOR PUBLISHERS WHO SUBMIT MATERIALS FOR INCLUSION ON THE LIST OF APPROVED ASSESSMENTS AND THE ADVISORY LISTS OF INSTRUCTIONAL PROGRAMMING AND PROFESSIONAL DEVELOPMENT PROGRAMS;".

Page 14 of the committee report, line 18, before "ON" insert "IN THE FORM OF PROFESSIONAL DEVELOPMENT DELIVERED BY EXPERTS IN LITERACY".

Amendment No. 5(L.053), by Senator Hudak.

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 4, line 25, after the period add "TO THE EXTENT PRACTICABLE, THE TEACHER AND OTHER PERSONNEL SHALL COMMUNICATE WITH THE PARENT, ORALLY AND IN WRITING, IN A LANGUAGE THE PARENT UNDERSTANDS".

Page 6 of the committee report, line 3, strike "RECEIVES:" and substitute "RECEIVES THE FOLLOWING INFORMATION IN A LANGUAGE THE PARENT UNDERSTANDS, IF PRACTICABLE:".

Page 6 of the committee report, after line 17, insert:
"Page 14 of the bill, line 14, after "PLAN." add "TO THE EXTENT

PRACTICABLE, THE TEACHER SHALL COMMUNICATE WITH THE PARENT IN A LANGUAGE THE PARENT UNDERSTANDS."

Page 11 of the committee report, strike line 1 and substitute:

"Page 22 of the bill, before line 4, insert:
"(7) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT, TO THE EXTENT PRACTICABLE, ALL OF THE ORAL AND WRITTEN COMMUNICATIONS TO A PARENT THAT ARE REQUIRED IN THIS SECTION ARE DELIVERED IN A LANGUAGE THE PARENT UNDERSTANDS."

Page 22 of the bill, line 4, strike "(6)" and substitute "(8)".

As amended, ordered revised 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.)

HB12-1237 by Representative(s) Williams A.; also Senator(s) Harvey--Concerning the records kept by the unit owners' association of a common interest community.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 28, pages 595-596 and placed in members' bill files.)

Amendment No. 2(L.014), by Senator Harvey.

Amend the Local Government Committee Report, dated March 27, 2012, page 1, after line 8 insert:

"Page 3 of the reengrossed bill, line 22, strike the semicolon and substitute "AND CONTRACTS FOR WORK PERFORMED FOR THE ASSOCIATION WITHIN THE IMMEDIATELY PRECEDING TWO YEARS;".

Page 2 of the report, after line 6 insert:

"Page 5 of the bill, strike lines 16 through 21.

Reletter succeeding paragraphs accordingly.

Page 5 of the bill, line 26, change the comma to a semicolon.

Page 5 of the bill, strike line 27.

Page 6 of the bill, strike line 1."

Amendment No. 3(L.009), by Senator Steadman.

Amend reengrossed bill, page 3, line 13, strike "NAMES" and substitute "NAMES, ELECTRONIC MAIL ADDRESSES,"

As amended, ordered revised 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.)

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 (SB12-155, SB12-070, HB12-1160, SB12-106, SB12-135, HB12-1267, SB12-178) of Thursday, May 3 was laid over until Friday, May 4, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-169 by Senator(s) Tochtrop; also Representative(s) Sonnenberg--Concerning the administration of county powers to maintain the landscape.

Senator Nicholson moved to amend the Report of the Committee of the Whole to show that the following Brophy floor amendment, (L.003) to SB 12-169, did not pass.

Amend printed bill, page 2, strike lines 16 through 20 and substitute "notice. Any relief ordered pursuant to this article shall be at the expense of the owner, but the cost to the owner or owners of any one parcel, including parcels contiguous thereto, shall not exceed ~~five thousand dollars~~ FIFTEEN PERCENT OF THE ASSESSED VALUE OF THE PROPERTY annually, AS DETERMINED BY SECTION 39-1-103, C.R.S."

Page 3, strike lines 1 through 3 and substitute "costs and expenses only, ~~No such written demand for reimbursement of pest infestation or infection costs and expenses shall be in excess of five thousand dollars~~ FIFTEEN PERCENT OF THE ASSESSED VALUE OF THE PROPERTY annually, ~~Such written notice~~ AS DETERMINED BY SECTION 39-1-103, C.R.S. IN THE WRITTEN NOTICE,".

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	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	N
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		

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.

Senator Aguilar moved to amend the Report of the Committee of the Whole to show that the following Hudak floor amendment, (L.058) to HB 12-1238, did pass.

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 5, line 18, strike "RETENTION".

Page 5, line 19, strike "AS AN INTERVENTION STRATEGY" and substitute "INTERVENTION STRATEGIES AND POSSIBLY RETENTION".

Page 8, line 29, strike "RETENTION AS AN INTERVENTION".

Page 8, line 30, strike "STRATEGY" and substitute "INTERVENTION STRATEGIES AND POSSIBLY RETENTION".

Page 9, line 15, strike "RETENTION AS AN INTERVENTION".

Page 9, line 16, strike "STRATEGY" and substitute "INTERVENTION STRATEGIES AND POSSIBLY RETENTION".

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	13	NO	22	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	N	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	N	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	N	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	N
Carroll	Y	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	Y	Williams S.	Y
Giron	N	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

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.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 12-1237 did pass.

Amend the Local Government Committee Report, dated March 27, 2012, page 1, strike line 7 and substitute:

"Page 2 of the reengrossed bill, strike lines 19 through 22 and substitute:

(d) WRITTEN COMMUNICATIONS AMONG, AND THE VOTES CAST BY, EXECUTIVE BOARD MEMBERS THAT ARE:
(I) DIRECTLY RELATED TO AN ACTION TAKEN BY THE BOARD WITHOUT A MEETING PURSUANT TO SECTION 7-128-202, C.R.S.; OR
(II) DIRECTLY RELATED TO AN ACTION TAKEN BY THE BOARD WITHOUT A MEETING PURSUANT TO THE ASSOCIATION'S BYLAWS;".

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 **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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Guzman, 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: SB12-169 as amended, HB12-1272, HB12-1238 as amended, HB12-1237 as amended.

Laid over until Friday, May 4: SB12-155, SB12-070, HB12-1160, SB12-106, SB12-135, HB12-1267, SB12-178.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the Committee recommends that **HB12-1240** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, line 24, after the period add "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (9) TO THE CONTRARY, ANY ON-LINE PROGRAM WITH ONE HUNDRED OR MORE STUDENTS SHALL BE CONSIDERED AN ON-LINE SCHOOL AND NOT AN ON-LINE PROGRAM."

Page 11, line 22, after "repeal" insert "as amended by House Bill 12-1090".

Page 43, after line 16 insert:

"SECTION 50. 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 51. 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 FACILITY OR THAT IS 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 52. In Colorado Revised Statutes, 22-28-105, **amend** (1) (b) (III) (D) and (1) (b) (III) (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 53. In Colorado Revised Statutes, 22-30.5-103, **amend as added by Senate Bills 12-061 and 12-067** (3.5) as follows:

22-30.5-103. Definitions. As used in this part 1, unless the context otherwise requires:

(3.5) "Education management provider" means a nonprofit, not-for-profit, or for-profit entity that contracts with a charter school to provide, manage, or oversee all or substantially all of the educational services provided by the charter school. EDUCATION MANAGEMENT PROVIDER DOES NOT INCLUDE A CHARTER SCHOOL COLLABORATIVE ESTABLISHED PURSUANT TO PART 6 OF ARTICLE 30.5 OF THIS TITLE.

SECTION 54. In Colorado Revised Statutes, 22-87-103, **amend** (1) and (7) introductory portion; **repeal** (2); and **add** (6.5) as follows:

22-87-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Access to the internet" means, with reference to a particular ~~computer~~ TECHNOLOGY DEVICE, that the ~~computer~~ TECHNOLOGY DEVICE ~~is equipped with a modem or~~ is connected to a ~~computer~~ network that provides access to the internet.

(2) ~~"Computer" includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.~~

(6.5) "TECHNOLOGY DEVICE" MEANS ANY COMPUTER, HARDWARE, SOFTWARE, OR OTHER TECHNOLOGY THAT IS USED FOR LEARNING PURPOSES AND HAS THE ABILITY TO CONNECT WITH THE INTERNET.

(7) "Technology protection measure" ~~means a specific technology, including~~ INCLUDES, without limitation, computer software that blocks or filters access to the internet to visual depictions that are:

SECTION 55. In Colorado Revised Statutes, **amend** 22-87-104 as follows:

22-87-104. Adoption and enforcement of policy of internet safety for minors including technology protection measures - public schools. (1) No later than December 31, ~~2003~~ 2012, the governing body of each district shall adopt and implement a policy of internet safety for minors that includes ~~the operation of~~ a technology protection measure for each ~~computer-operated~~ TECHNOLOGY DEVICE PROVIDED by the district that allows for access to the internet by a minor FROM ANY LOCATION.

(2) After the adoption and implementation of the policy of internet safety required by subsection (1) of this section, the governing body of each district shall continue to enforce the policy ~~and the operation of the technology protection measure for each computer operated by the district that allows for access to the internet by a minor~~ ADOPTED.

SECTION 56. In Colorado Revised Statutes, 22-87-105, **amend** (1) introductory portion as follows:

22-87-105. Temporary disabling of technology protection measure. (1) An administrator, supervisor, or any other person authorized by the district to enforce the operation of the technology protection measure adopted and implemented in accordance with the

requirements of section 22-87-104 may temporarily disable the technology protection measure to enable access to the internet on a particular ~~computer~~ TECHNOLOGY DEVICE by:

SECTION 57. In Colorado Revised Statutes, **amend** 22-87-106 as follows:

22-87-106. No restrictions on blocking access to the internet of other material. Nothing in this article shall be construed as prohibiting a local board of education, or an elementary or secondary school, from blocking access to the internet on ~~computers~~ TECHNOLOGY DEVICES owned or operated by that board or school to material other than the material for which a technology protection measure is explicitly required in accordance with the requirements of this article."

Renumber succeeding section accordingly.

State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2015:

Nancy Lee Ferrier of Wheat Ridge, Colorado, the state long-term care ombudsman, and occasioned by the resignation of Shelley K. Hitt of Centennial, Colorado, appointed.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1333** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SJR12-047** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HJR12-1019** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1136** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1350** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1099** be referred to the Committee on Legislative Council with favorable recommendation.

Agriculture, Natural Resources, & Energy	The Committee on <u>State, Veterans, and Military Affairs</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	1
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		6
	MEMBERS OF THE	7
	<u>RENEWABLE ENERGY AUTHORITY BOARD OF DIRECTORS</u>	8
		9
	effective immediately for terms expiring July 1, 2015:	10
		11
	Tanuj "TJ" Deora of Denver, Colorado, appointed;	12
		13
	Kimberley Beth Jordan of Fort Collins, Colorado, reappointed.	14
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1317 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	17
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	Amend reengrossed bill, page 3, line 18, strike "LAND;" and substitute "LAND AND WHO CAN DEMONSTRATE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES;"	22
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		Page 4, line 27, strike "FIVE" and substitute "FOUR".
		27
	Page 7, line 8, after "DUTIES." add "THE COMMISSION SHALL CONDUCT AT LEAST TWO MEETINGS PER CALENDAR YEAR AT LOCATIONS WEST OF THE CONTINENTAL DIVIDE."	28
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Trans- portation	After consideration on the merits, the Committee recommends that HB12-1327 be referred to the Committee on <u>Finance</u> with favorable recommendation.	33
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Finance		35
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	After consideration on the merits, the Committee recommends that HB12-1069 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	37
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	Amend reengrossed bill, page 4, line 9, strike "FIVE" and substitute "TWO".	42
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	Page 5, line 3, strike "FIFTH" and substitute "SECOND".	45
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Finance	After consideration on the merits, the Committee recommends that HB12-1311 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	48
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	Amend reengrossed bill, page 65, line 23, strike "In" and substitute "(a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), in".	53
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		56
		Page 65, line 27, strike "THE BOARD" and substitute:
		58
	"(II) IN ADDITION TO ANY OTHER PENALTY THE BOARD MAY IMPOSE PURSUANT TO THIS SECTION, THE BOARD MAY FINE A REGISTRANT VIOLATING PART 4 OF THIS ARTICLE NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST TIME THE BOARD IMPOSES A FINE, NOT MORE THAN TWO THOUSAND DOLLARS FOR THE SECOND TIME THE BOARD IMPOSES A FINE, AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT TIME THE BOARD IMPOSES A FINE. IF A REGISTRANT VIOLATES AN AGREEMENT TO REFRAIN FROM COMMITTING SUBSEQUENT VIOLATIONS OF PART 4 OF THIS ARTICLE, THE BOARD MAY IMPOSE A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION OF THE AGREEMENT.	59
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Finance

- (b) THE BOARD".
- After consideration on the merits, the Committee recommends that **HB12-1266** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Amend reengrossed bill, page 2, line 3, after "(3.5)" insert "and (3.7)".
- Page 2, after line 14 insert:
 - "(3.7) "BAIL RECOVERY" MEANS ACTIONS TAKEN BY A PERSON OTHER THAN A PEACE OFFICER TO APPREHEND AN INDIVIDUAL OR TAKE AN INDIVIDUAL INTO CUSTODY BECAUSE OF THE INDIVIDUAL'S FAILURE TO COMPLY WITH BAIL CONDITIONS."
- Page 6, line 25, before "(1.5)," insert "(1) (c) AND".
- Page 8, line 11, strike "(5)" and substitute "(2)(c)".
- Page 9, after line 9 insert:
 - "(c) (I) A BAIL INSURANCE COMPANY SHALL NOT APPOINT AN INSURANCE PRODUCER TO ACT AS ITS AGENT TO WRITE BAIL BONDS UNLESS THE AGENT IS LICENSED AS AN INSURANCE PRODUCER AUTHORIZED TO WRITE BAIL BONDS AND HAS COMPLETED THE PRELICENSURE EDUCATION REQUIRED BY THIS PARAGRAPH (c) AND SUBMITTED TO THE BAIL INSURANCE COMPANY EVIDENCE OF SATISFACTORY COMPLETION OF THE EDUCATION. THE EDUCATION MUST BE APPROVED BY THE DIVISION AND CONSIST OF AT LEAST:
 - (A) EIGHT CLOCK HOURS REGARDING BAIL BONDING, TWO OF WHICH CONCERN THE CRIMINAL COURT SYSTEM, TWO OF WHICH CONCERN BAIL BOND INDUSTRY ETHICS, AND FOUR OF WHICH CONCERN THE BAIL BOND LAWS; AND
 - (B) SIXTEEN CLOCK HOURS OF TRAINING IN BAIL RECOVERY PRACTICES THAT COMPLIES WITH STANDARDS ESTABLISHED BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD UNDER SECTION 24-31-303 (1) (h), C.R.S.
 - (II) THIS PARAGRAPH (c) DOES NOT APPLY TO A PERSON WHO HAS SUCCESSFULLY COMPLETED THE REQUIRED PRELICENSURE TRAINING PURSUANT TO SECTION 12-7-102.5, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2012.
 - (III) A BAIL INSURANCE COMPANY FAILING TO COMPLY WITH THIS PARAGRAPH (c) IS SUBJECT TO DISCIPLINE UNDER SECTION 10-1-110 OR THE ASSESSMENT OF A PENALTY."
- Page 9, strike lines 16 through 27.
- Page 10, strike lines 1 through 19 and substitute:
 - "**SECTION 11.** In Colorado Revised Statutes, **add** 10-2-415.6 as follows:
 - 10-2-415.6. Bail bond reports required - repeal.** (1) EACH INSURANCE PRODUCER WHO FUNDS OR WRITES BAIL BONDS SHALL SUBMIT AN ANNUAL REPORT COVERING JULY 1 TO JUNE 30, NO LATER THAN OCTOBER 1 OF THE FOLLOWING YEAR, OF THE FOLLOWING INFORMATION FOR BAIL BONDS POSTED IN COLORADO BY THE PRODUCER DURING THE REPORTING PERIOD:
 - (a) THE NUMBER OF BAIL BONDS POSTED WITH A COURT;
 - (b) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT;
 - (c) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT APPEARED FOR ALL SCHEDULED COURT APPEARANCES FOR THE DURATION OF THE BOND; AND
 - (d) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT'S BOND WAS REVOKED BY A COURT AT THE REQUEST OF THE PRODUCER FOR ANY REASON OTHER THAN FAILURE TO APPEAR.
 - (2) IF, DURING THE REPORTING PERIOD FROM JULY 1, 2012, TO

JUNE 30, 2013, OR ANY YEAR THEREAFTER, THE INSURANCE PRODUCER, THE STATE JUDICIAL DEPARTMENT, REPRESENTATIVES OF LAW ENFORCEMENT, AND REPRESENTATIVES OF COUNTY GOVERNMENT COMPLETE THE DESIGN OF AN INSTRUMENT, SYSTEM, OR OTHER METHOD OF PROPER VERIFICATION OF THE ACTIONS OF AN INSURANCE PRODUCER IN RETURNING THE DEFENDANT TO CUSTODY OR TO THE COURT FOR FURTHER PROCEEDINGS FOLLOWING A FAILURE TO APPEAR ON A POSTED BOND, THEN THE INSURANCE PRODUCER MAY REPORT THE FOLLOWING:

(a) THE NUMBER OF DEFENDANTS WHO WERE RETURNED TO COURT THROUGH THE ACTIONS OF THE INSURANCE PRODUCER OR THE PRODUCER'S AGENT AFTER FAILURE TO APPEAR;

(b) THE NUMBER OF DEFENDANTS WHO WERE RETURNED TO CUSTODY BY ACTION OF THE INSURANCE PRODUCER OR THE PRODUCER'S AGENT AFTER FAILURE TO APPEAR; AND

(c) THE NUMBER OF CONSENTS OF SURETY FILED WITH THE COURT TO CONTINUE THE BOND AFTER FAILURE TO APPEAR.

(3) IN THE ANNUAL REPORT REQUIRED BY THIS SECTION, THE INSURANCE PRODUCER SHALL SIGN AND AFFIRM THE INFORMATION SUBMITTED IS TRUE AND ACCURATE TO THE BEST OF THE PRODUCER'S KNOWLEDGE.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015."

Renumber succeeding sections accordingly.

Page 12, after line 3 insert:

"**SECTION 16.** In Colorado Revised Statutes, **add** 10-2-705, 10-2-706, and 10-2-707 as follows:

10-2-705. Bail bond documents - requirements - rules. (1) THE INSURANCE PRODUCER WHO POSTS A BAIL BOND WITH THE COURT ON BEHALF OF A DEFENDANT SHALL ENSURE THAT THE FOLLOWING DOCUMENTS COMPLY WITH THE FOLLOWING PROVISIONS:

(a) AN INDEMNITY AGREEMENT MUST:

(I) BE IN WRITING;

(II) BE SIGNED BY THE PRODUCER;

(III) BE SIGNED BY THE DEFENDANT OR INDEMNITOR;

(IV) SET FORTH THE AMOUNT OF BAIL SET IN THE CASE, THE NAME OF THE DEFENDANT RELEASED ON THE BAIL BOND, THE COURT CASE NUMBER IF AVAILABLE, THE COURT WHERE THE BOND IS EXECUTED, THE PREMIUM CHARGED, THE AMOUNT AND TYPE OF COLLATERAL HELD BY THE INSURANCE PRODUCER, AND THE CONDITIONS UNDER WHICH THE COLLATERAL IS RETURNED;

(V) CONTAIN DOCUMENTATION THAT THE INDEMNITOR HAS RECEIVED COPIES OF SIGNED AND DATED DISCLOSURE FORMS; AND

(VI) IF THE DEFENDANT OR INDEMNITOR IS ILLITERATE OR DOES NOT READ ENGLISH, CONTAIN A NOTE ON THE INDEMNITY AGREEMENT THAT THE PRODUCER OR A THIRD PARTY HAS READ OR TRANSLATED THE AGREEMENT TO THE DEFENDANT OR INDEMNITOR AND BE AFFIXED WITH AN AFFIDAVIT TO THE INDEMNITY AGREEMENT ATTESTING THAT THE DOCUMENT WAS TRANSLATED;

(b) A PROMISSORY NOTE MUST BE:

(I) IN WRITING;

(II) SIGNED BY THE PRODUCER; AND

(III) SIGNED BY THE DEFENDANT OR INDEMNITOR;

(c) A COLLATERAL RECEIPT MUST:

(I) BE DATED;

(II) BE IN WRITING;

(III) BE SIGNED BY THE PRODUCER;

(IV) BE SIGNED BY THE DEFENDANT OR INDEMNITOR;

(V) BE PRENUMBERED;

(VI) CONTAIN A FULL DESCRIPTION OF THE COLLATERAL, INCLUDING THE CONDITION OF THE COLLATERAL AT THE TIME IT IS TAKEN INTO CUSTODY; AND

(VII) STATE THE PURPOSE FOR WHICH IT WAS RECEIVED;

(d) A BAIL BOND REVOCATION REQUEST MUST BE:

(I) DATED;

(II) IN WRITING;

(III) SIGNED BY THE PRODUCER; AND

(IV) SIGNED BY THE DEFENDANT OR INDEMNITOR.

(2) (a) BEFORE ACCEPTING CONSIDERATION, THE INSURANCE PRODUCER WHO WRITES BAIL BONDS SHALL COMMIT TO WRITING, SIGN, DATE, AND OBTAIN THE DEFENDANT'S OR INDEMNITOR'S SIGNATURE ON AN ARRANGEMENT FOR THE PAYMENT OF ALL OR PART OF THE PREMIUM, COMMISSION, OR FEE, INCLUDING THE PAYMENT SCHEDULE. THE SIGNATURE OF THE INSURANCE PRODUCER WHO WRITES BAIL BONDS IS NOT AN OBLIGATION TO PAY ANY DEBT OWED TO A LENDER. TO BE ENFORCEABLE, INTEREST AND FINANCIAL CHARGES ON ANY UNPAID PREMIUM MUST COMPLY WITH THE "UNIFORM CONSUMER CREDIT CODE", ARTICLES 1 TO 9 OF TITLE 5, C.R.S.

(b) BEFORE ACCEPTING CONSIDERATION OR TAKING COLLATERAL, THE INSURANCE PRODUCER WHO WRITES BAIL BONDS SHALL PROVIDE, IN A FORM PRESCRIBED BY THE COMMISSIONER, A DISCLOSURE STATEMENT TO EACH DEFENDANT AND INDEMNITOR DETAILING THE TERMS OF THE BAIL BOND.

(3) (a) AN INSURANCE PRODUCER WHO POSTS A BAIL BOND WITH THE COURT AND WHO ACCEPTS CONSIDERATION FOR A BAIL BOND OR UNDERTAKING SHALL, FOR EACH PAYMENT RECEIVED, PROVIDE TO THE PERSON TENDERING PAYMENT A PRENUMBERED, SIGNED RECEIPT CONTAINING THE FOLLOWING:

(I) THE DATE;

(II) THE DEFENDANT'S NAME;

(III) A DESCRIPTION OF THE CONSIDERATION AND AMOUNT OF MONEY RECEIVED;

(IV) THE PURPOSE FOR WHICH IT WAS RECEIVED;

(V) THE NUMBER OF ANY POWER-OF-ATTORNEY FORM ATTACHED TO THE BAIL BOND;

(VI) THE PENAL SUM OF THE BAIL BOND;

(VII) THE NAME OF THE PERSON TENDERING PAYMENT; AND

(VIII) THE TERMS UNDER WHICH THE MONEY OR OTHER CONSIDERATION IS RELEASED.

(b) THE INSURANCE PRODUCER WHO POSTS A BAIL BOND WITH THE COURT SHALL "PROVIDE THE PERSON TENDERING PAYMENT A SIGNED AND DATED RECEIPT FOR EACH PREMIUM PAYMENT LISTING THE AMOUNT PAID.

(4) THE INSURANCE PRODUCER SHALL PREPARE OR EXECUTE SEPARATE AGREEMENTS AND DOCUMENTS FOR EACH TIME THE PRODUCER POSTS A BAIL BOND WITH THE COURT. THE PRODUCER SHALL GIVE THE INDEMNITOR A COPY OF EACH DOCUMENT EXECUTED IN THE COURSE OF THE BAIL BOND TRANSACTION.

(5) FOR THREE YEARS AFTER THE DATE OF DISCHARGE OF A BAIL BOND AND RETURN OF ANY COLLATERAL OR PROOF OF NOTICE TO THE DEFENDANT OR INDEMNITOR THAT ANY PROMISSORY NOTE HAS BEEN SATISFIED, THE INSURANCE PRODUCER WHO POSTS THE BAIL BOND WITH THE COURT SHALL KEEP AT THE PRODUCER'S BUSINESS COPIES OF EACH RECEIPT, INDEMNITY AGREEMENT, BOND, DISCLOSURE STATEMENT, PAYMENT PLAN, BOND REVOCATION REQUEST, OR OTHER DOCUMENT OR INFORMATION RELATED TO THE BOND TRANSACTION THE COMMISSIONER REASONABLY REQUIRES BY RULE AND SHALL MAKE THESE DOCUMENTS AVAILABLE FOR INSPECTION BY THE COMMISSIONER OR THE COMMISSIONER'S AUTHORIZED REPRESENTATIVE DURING NORMAL BUSINESS HOURS.

(6) THE INDEMNITOR MAY BE THE DEFENDANT.

(7) THE COMMISSIONER MAY EXAMINE THE BUSINESS PRACTICES, BOOKS, AND RECORDS OF ANY INSURANCE PRODUCER AS OFTEN AS THE COMMISSIONER DEEMS APPROPRIATE.

10-2-706. Insurance producer designee - responsibility. AN INSURANCE PRODUCER MAY USE ANOTHER PROPERLY LICENSED AND APPOINTED INSURANCE PRODUCER AS AN AGENT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, BUT THE INSURANCE PRODUCER WHO POSTS THE BAIL BOND WITH THE COURT IS RESPONSIBLE FOR COMPLIANCE WITH THIS SECTION AND IS SUBJECT TO DISCIPLINE FOR NONCOMPLIANCE WITH ANY PROVISION OF THIS SECTION.

10-2-707. Business practices - price limits - collateral. (1) AN INSURANCE PRODUCER WHO WRITES BAIL BONDS SHALL NOT CHARGE A PREMIUM OR COMMISSION OF MORE THAN THE GREATER OF FIFTY DOLLARS OR FIFTEEN PERCENT OF THE AMOUNT OF BAIL FURNISHED. AN INSURANCE PRODUCER WHO WRITES BAIL BONDS SHALL NOT ASSESS FEES FOR ANY BAIL BOND POSTED BY THE PRODUCER WITH THE COURT UNLESS THE FEE IS FOR PAYMENT OF A BAIL BOND FILING CHARGED BY A COURT OR LAW

ENFORCEMENT AGENCY, THE FEE IS FOR THE ACTUAL COST OF STORING COLLATERAL IN A SECURE, SELF-SERVICE PUBLIC STORAGE FACILITY, OR THE FEE IS FOR PREMIUM FINANCING.

(2) IF AN INSURANCE PRODUCER WHO POSTS THE BAIL BOND WITH THE COURT HAS ISSUED A DISCLOSURE STATEMENT IN ACCORDANCE WITH SECTION 10-2-705 (2)(b), THE PRODUCER MAY USE COLLATERAL RECEIVED FROM THE DEFENDANT OR INDEMNITOR TO SECURE THE FOLLOWING OBLIGATIONS:

(a) COMPLIANCE WITH THE BOND ISSUED ON BEHALF OF THE PRINCIPAL;

(b) ANY BALANCE DUE ON THE PREMIUM, COMMISSION, OR FEE FOR THE BAIL BOND; AND

(c) ANY ACTUAL COSTS INCURRED BY THE INSURANCE PRODUCER AS A RESULT OF ISSUING THE BAIL BOND."

Renumber succeeding sections accordingly.

Page 12, line 4, after "10-2-801," insert "**amend** (1) (c); and".

Page 12, after line 14 insert:

"(c) Violation of, or noncompliance with, SECTION 18-13-130, C.R.S., OR any insurance law, or violation of any lawful rule, order, or subpoena of the commissioner or of the insurance department of another state;"

Page 25, line 2, strike "(mm)" and substitute "(mm), (1) (nn), (1) (oo), (1) (pp), and (1) (qq)".

Page 25, after line 11 insert:

"(nn) UNLESS THE INDEMNITOR CONSENTS IN WRITING OTHERWISE, FAILURE TO POST A BAIL BOND WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF FULL PAYMENT OR A SIGNED CONTRACT FOR PAYMENT, AND IF THE BAIL BOND IS NOT POSTED WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF FULL PAYMENT OR A SIGNED CONTRACT FOR PAYMENT, FAILURE TO REFUND ALL MONEYS RECEIVED, RELEASE ALL LIENS, AND RETURN ALL COLLATERAL WITHIN SEVEN DAYS AFTER RECEIPT OF GOOD FUNDS.

(oo) FAILURE TO REPORT, PRESERVE WITHOUT USE, RETAIN SEPARATELY, OR RETURN AFTER PAYMENT IN FULL, COLLATERAL TAKEN AS SECURITY ON ANY BAIL BOND TO THE PRINCIPAL, INDEMNITOR, OR DEPOSITOR OF THE COLLATERAL;

(pp) SOLICITING BAIL BOND BUSINESS IN OR ABOUT ANY PLACE WHERE PRISONERS ARE CONFINED, ARRAIGNED, OR IN CUSTODY; OR

(qq) FAILURE TO PAY A FINAL, NONAPPEALABLE JUDGMENT AWARD FOR FAILURE TO RETURN OR REPAY COLLATERAL RECEIVED TO SECURE A BOND."

Page 30, line 9, after "(6)" insert "(a)".

Page 30, strike lines 11 through 27 and substitute "~~regulation of bail bonding agents~~. EACH PROFESSIONAL CASH-BAIL AGENT AND CASH-BONDING AGENT SHALL SUBMIT AN ANNUAL REPORT COVERING JULY 1 TO JUNE 30, NO LATER THAN OCTOBER 1 OF THE FOLLOWING YEAR, FOR BAIL BONDS POSTED IN COLORADO BY THE PRODUCER DURING THE REPORTING PERIOD:

(I) THE NUMBER OF BAIL BONDS POSTED WITH A COURT;
(II) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT;
(III) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT APPEARED FOR ALL SCHEDULED COURT APPEARANCES FOR THE DURATION OF THE BOND; AND

(IV) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT'S BOND WAS REVOKED BY A COURT AT THE REQUEST OF THE PRODUCER FOR ANY REASON OTHER THAN FAILURE TO APPEAR.

(b) IF, DURING THE REPORTING PERIOD FROM JULY 1, 2012, TO JUNE 30, 2013, OR ANY YEAR THEREAFTER, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT, THE STATE JUDICIAL DEPARTMENT,

REPRESENTATIVES OF LAW ENFORCEMENT, AND REPRESENTATIVES OF COUNTY GOVERNMENT COMPLETE THE DESIGN OF AN INSTRUMENT, SYSTEM, OR OTHER METHOD OF PROPER VERIFICATION OF THE ACTIONS OF AN AGENT IN RETURNING THE DEFENDANT TO CUSTODY OR TO THE COURT FOR FURTHER PROCEEDINGS FOLLOWING A FAILURE TO APPEAR ON A POSTED BOND, THEN THE AGENT MAY REPORT THE FOLLOWING:

(I) THE NUMBER OF DEFENDANTS WHO WERE RETURNED TO COURT THROUGH THE ACTIONS OF THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT OR THE AGENTS THEREOF AFTER FAILURE TO APPEAR;

(II) THE NUMBER OF DEFENDANTS WHO WERE RETURNED TO CUSTODY BY ACTION OF THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT OR THE AGENTS THEREOF AFTER FAILURE TO APPEAR; AND

(III) THE NUMBER OF CONSENTS OF SURETY FILED WITH THE COURT TO CONTINUE THE BOND AFTER FAILURE TO APPEAR.

(c) IN THE ANNUAL REPORT REQUIRED BY THIS SECTION, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL SIGN AND AFFIRM THE INFORMATION SUBMITTED IS TRUE AND ACCURATE TO THE BEST OF THE AGENT'S KNOWLEDGE.

(d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2015."

Page 31, strike lines 1 through 14.

Page 41, strike line 10 and substitute "18-13-130, C.R.S.;".

Page 42, strike lines 12 through 23 and substitute "DIVISION;

(h) ~~Soliciting business in or about any place where prisoners are confined, arraigned, or in custody~~ FAILURE TO REPORT, PRESERVE WITHOUT USE, RETAIN SEPARATELY, OR RETURN AFTER PAYMENT IN FULL, COLLATERAL TAKEN AS SECURITY ON ANY BAIL BOND TO THE PRINCIPAL, INDEMNITOR, OR DEPOSITOR OF THE COLLATERAL;

(i) ~~Failure to pay a final, nonappealable judgment award for failure to return or repay collateral received to secure a bond~~ SOLICITING BAIL BOND BUSINESS IN OR ABOUT ANY PLACE WHERE PRISONERS ARE CONFINED, ARRAIGNED, OR IN CUSTODY;

(j) ~~Hiring, contracting with, or paying compensation to any individual for bail recovery services in violation of the provisions of section 12-7-105.5~~ FAILURE TO PAY A FINAL, NONAPPEALABLE JUDGMENT AWARD FOR FAILURE TO RETURN OR REPAY COLLATERAL RECEIVED TO SECURE A BOND; OR

(k) ~~Continuing to execute bail bonds in any court in this state while on the board pursuant to section 16-4-112 (5) (e), C.R.S., where the bail forfeiture judgment that resulted in being placed on the board has not been paid, stayed, vacated, exonerated, or otherwise discharged;~~ ANY ACT PROHIBITED BY SECTION 18-13-130, C.R.S."

Page 50, strike lines 6 through 27 and substitute:

"10-23-107. [Formerly 12-7-109 (3)] Unlicensed practice - penalties. ~~(3) Any~~ A person who acts or attempts to act as a bail bonding".

Strike pages 51 through 54.

Page 55, strike lines 1 through 7.

Page 55, after line 16 insert:

"10-23-108. Bail bond documents - requirements - rules.

(1) THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT WHO POSTS A BAIL BOND WITH THE COURT ON BEHALF OF A DEFENDANT SHALL ENSURE THAT THE FOLLOWING DOCUMENTS COMPLY WITH THE FOLLOWING PROVISIONS:

(a) AN INDEMNITY AGREEMENT MUST:

(I) BE IN WRITING;

(II) BE SIGNED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT;

(III) BE SIGNED BY THE DEFENDANT OR INDEMNITOR;

(IV) SET FORTH THE AMOUNT OF BAIL SET IN THE CASE, THE NAME OF THE DEFENDANT RELEASED ON THE BAIL BOND, THE COURT CASE NUMBER IF AVAILABLE, THE COURT WHERE THE BOND IS EXECUTED, THE PREMIUM CHARGED, THE AMOUNT AND TYPE OF COLLATERAL HELD BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT, AND THE CONDITIONS UNDER WHICH THE COLLATERAL IS RETURNED;
(V) CONTAIN DOCUMENTATION THAT THE INDEMNITOR HAS RECEIVED COPIES OF SIGNED AND DATED DISCLOSURE FORMS; AND
(VI) IF THE DEFENDANT OR INDEMNITOR IS ILLITERATE OR DOES NOT READ ENGLISH, CONTAIN A NOTE ON THE INDEMNITY AGREEMENT THAT THE AGENT OR A THIRD PARTY HAS READ OR TRANSLATED THE AGREEMENT TO THE DEFENDANT OR INDEMNITOR AND BE AFFIXED WITH AN AFFIDAVIT TO THE INDEMNITY AGREEMENT ATTESTING THAT THE DOCUMENT WAS TRANSLATED;
(b) A PROMISSORY NOTE MUST BE:
(I) IN WRITING;
(II) SIGNED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT; AND
(III) SIGNED BY THE DEFENDANT OR INDEMNITOR;
(c) A COLLATERAL RECEIPT MUST:
(I) BE DATED;
(II) BE IN WRITING;
(III) BE SIGNED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT;
(IV) BE SIGNED BY THE DEFENDANT OR INDEMNITOR;
(V) BE PRENUMBERED;
(VI) CONTAIN A FULL DESCRIPTION OF THE COLLATERAL, INCLUDING THE CONDITION OF THE COLLATERAL AT THE TIME IT IS TAKEN INTO CUSTODY; AND
(VII) STATE THE PURPOSE FOR WHICH IT WAS RECEIVED;
(d) A BAIL BOND REVOCATION REQUEST MUST BE:
(I) DATED;
(II) IN WRITING;
(III) SIGNED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT; AND
(IV) SIGNED BY THE DEFENDANT OR INDEMNITOR.
(2) (a) BEFORE ACCEPTING CONSIDERATION, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL COMMIT TO WRITING, SIGN, DATE, AND OBTAIN THE DEFENDANT'S OR INDEMNITOR'S SIGNATURE ON AN ARRANGEMENT FOR THE PAYMENT OF ALL OR PART OF THE PREMIUM, COMMISSION, OR FEE, INCLUDING THE PAYMENT SCHEDULE. THE SIGNATURE OF THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT IS NOT AN OBLIGATION TO PAY ANY DEBT OWED TO A LENDER. TO BE ENFORCEABLE, INTEREST AND FINANCIAL CHARGES ON ANY UNPAID PREMIUM MUST COMPLY WITH THE "UNIFORM CONSUMER CREDIT CODE", ARTICLES 1 TO 9 OF TITLE 5, C.R.S.
(b) BEFORE ACCEPTING CONSIDERATION OR TAKING COLLATERAL, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL PROVIDE, IN A FORM PRESCRIBED BY THE COMMISSIONER, A DISCLOSURE STATEMENT TO EACH DEFENDANT AND INDEMNITOR DETAILING THE TERMS OF THE BAIL BOND.
(3) (a) A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT WHO ACCEPTS CONSIDERATION FOR A BAIL BOND OR UNDERTAKING SHALL, FOR EACH PAYMENT RECEIVED, PROVIDE TO THE PERSON TENDERING PAYMENT A PRENUMBERED, SIGNED RECEIPT CONTAINING THE FOLLOWING:
(I) THE DATE;
(II) THE DEFENDANT'S NAME;
(III) A DESCRIPTION OF THE CONSIDERATION AND AMOUNT OF MONEY RECEIVED;
(IV) THE PURPOSE FOR WHICH IT WAS RECEIVED;
(V) THE PENAL SUM OF THE BAIL BOND;
(VI) THE NAME OF THE PERSON TENDERING PAYMENT; AND
(VII) THE TERMS UNDER WHICH THE MONEY OR OTHER CONSIDERATION IS RELEASED.
(b) THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL "PROVIDE THE PERSON TENDERING PAYMENT A SIGNED AND DATED RECEIPT FOR EACH PREMIUM PAYMENT LISTING THE AMOUNT PAID.
(4) THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING

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AGENT SHALL PREPARE OR EXECUTE SEPARATE AGREEMENTS AND DOCUMENTS FOR EACH TIME THE AGENT POSTS A BAIL BOND WITH THE COURT. THE AGENT SHALL GIVE THE INDEMNITOR A COPY OF EACH DOCUMENT EXECUTED IN THE COURSE OF THE BAIL BOND TRANSACTION.

(5) FOR THREE YEARS AFTER THE DATE OF DISCHARGE OF A BAIL BOND AND RETURN OF ANY COLLATERAL OR PROOF OF NOTICE TO THE DEFENDANT OR INDEMNITOR THAT ANY PROMISSORY NOTE HAS BEEN SATISFIED, THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL KEEP AT THE AGENT'S BUSINESS, COPIES OF EACH RECEIPT, INDEMNITY AGREEMENT, BOND, DISCLOSURE STATEMENT, PAYMENT PLAN, BOND REVOCATION REQUEST, OR OTHER DOCUMENT OR INFORMATION RELATED TO THE BOND TRANSACTION AND SHALL MAKE THESE DOCUMENTS AVAILABLE FOR INSPECTION BY THE COMMISSIONER OR THE COMMISSIONER'S AUTHORIZED REPRESENTATIVE DURING NORMAL BUSINESS HOURS.

(6) THE INDEMNITOR MAY BE THE DEFENDANT.

(7) THE COMMISSIONER MAY EXAMINE THE BUSINESS PRACTICES, BOOKS, AND RECORDS OF ANY PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT AS OFTEN AS THE COMMISSIONER DEEMS APPROPRIATE.

10-23-109. Business practices - price limits - collateral. (1) A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL NOT CHARGE A PREMIUM OR COMMISSION OF MORE THAN THE GREATER OF FIFTY DOLLARS OR FIFTEEN PERCENT OF THE AMOUNT OF BAIL FURNISHED. A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT SHALL NOT ASSESS FEES FOR ANY BAIL BOND POSTED BY THE AGENT WITH THE COURT UNLESS THE FEE IS FOR PAYMENT OF A BAIL BOND FILING CHARGED BY A COURT OR LAW ENFORCEMENT AGENCY, THE FEE IS FOR THE ACTUAL COST OF STORING COLLATERAL IN A SECURE, SELF-SERVICE PUBLIC STORAGE FACILITY, OR THE FEE IS FOR PREMIUM FINANCING.

(2) IF A PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT HAS ISSUED A DISCLOSURE STATEMENT IN ACCORDANCE WITH SECTION 10-23-108 (2) (b), THE AGENT MAY USE COLLATERAL RECEIVED FROM THE DEFENDANT OR INDEMNITOR TO SECURE THE FOLLOWING OBLIGATIONS:

(a) COMPLIANCE WITH THE BOND ISSUED ON BEHALF OF THE PRINCIPAL;

(b) ANY BALANCE DUE ON THE PREMIUM, COMMISSION, OR FEE FOR THE BAIL BOND; AND

(c) ANY ACTUAL COSTS INCURRED BY THE PROFESSIONAL CASH-BAIL AGENT OR CASH-BONDING AGENT AS A RESULT OF ISSUING THE BAIL BOND."

Renumber succeeding C.R.S. section accordingly.

Page 57, after line 20 insert:

"SECTION 46. In Colorado Revised Statutes, **add with amended and relocated provisions** 18-13-130 as follows:

18-13-130. [Formerly 12-7-109 (1) and (2)] Bail bond - prohibited activities - penalties. (1) It is unlawful for any licensee ~~under this article~~ PERSON WHO ENGAGES IN THE BUSINESS OF WRITING BAIL BONDS to engage in any of the following activities RELATED TO A BAIL BOND TRANSACTION:

(a) Specify, suggest, or advise the employment of ~~any~~ A particular attorney to represent ~~such~~ THE licensee's principal;

(b) Pay a fee or rebate or give or promise to give anything of value to a jailer, ~~police officer~~, peace officer, clerk, deputy clerk, ~~any other~~ AN employee of ~~any~~ A court, district attorney or ~~any of such~~ district attorney's employees, or any person who has power to arrest or to hold ~~any~~ A person in custody;

(c) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond or as counsel to represent ~~such bail bonding agent or such bonding agent's~~ THE PERSON WHO WROTE OR POSTED THE BOND OR THE PERSON'S representative or employees;

(d) Pay a fee or rebate or give or promise to give anything of value to the person on whose bond ~~such licensee~~ THE PERSON is surety;

~~(d.5) Except for the fee received for the bond, to fail to return any~~

collateral or security within ten working days after receipt of a copy of the court order that results in a release of the bond by the court, unless the collateral also secures other obligations in compliance with section 12-7-108 (10). A copy of the court order shall be provided to the bonding agent in Colorado or the company, if any, for whom the bonding agent works whether in Colorado or out-of-state, or both, by the person for whom the bond was written; except that, if three years have elapsed from the date of the posting of the bond, unless a judgment has been entered against the surety or the principal for the forfeiture of the bond, or unless the court grants an extension of the three-year time period for good cause shown, the bail bonding agent, as principal or as surety, shall be exonerated and, at the request of the person who tendered the collateral or security, return the collateral or security to the person who posted the collateral or security within ten business days after the three-year time period. The commissioner may release a lien after the three-year time period has expired if the lienholder cannot be contacted after an attempt has been made by certified mail and the attempt has failed.

(e) Accept anything of value from a person on whose bond ~~such~~ **licensee** THE PERSON IN THE BUSINESS OF WRITING BAIL BONDS is surety or from others on behalf of ~~such~~ **THE** person except the fee or premium on the bond, but the ~~bail bonding agent~~ **PRODUCER OR AGENT** may accept collateral security or other indemnity if:

(I) No collateral or security in tangible property is taken by pledge or debt instrument ~~which~~ THAT allows retention, sale, or other disposition of ~~such~~ THE property upon default except in accordance with ~~the~~ provisions of article 9 of title 4, C.R.S.;

(II) No collateral or security interest in real property is taken by deed or any other instrument unless the bail bonding agent's interest in the property is limited to the amount of the bond AND THE INTEREST IS RECORDED IN THE NAME OF THE BAIL INSURANCE COMPANY OR INSURANCE PRODUCER, CASH-BONDING AGENT, OR PROFESSIONAL CASH-BAIL AGENT WHO POSTED THE BOND WITH THE COURT;

(III) ~~The collateral or security taken by the bail bonding agent is not pledged directly to any court as security for any appearance bond; and~~

(IV) The person from whom the collateral or security is taken is issued a receipt describing the condition of the collateral at the time it is taken into the custody of the bail bonding agent;

(f) Coerce, suggest, aid and abet, offer promise of favor, or threaten any person on whose BAIL bond ~~such licensee~~ THE PERSON is surety or offers to become surety to induce that person to commit any crime;

(g) ~~Act as a bail bonding agent~~ POST A BAIL BOND in any court of record in this state while the name of ~~such licensee~~ THE PERSON is on the board pursuant to UNDER section 16-4-112 (5) (e), C.R.S., or under any circumstance where a ~~licensee~~ THE PERSON has failed to pay a bail forfeiture judgment after all applicable stays of execution have expired and the bond has not been ~~otherwise~~ exonerated or discharged;

~~(h) to (j) Repealed.~~

(h) EXCEPT FOR THE BOND FEE, TO FAIL TO RETURN ANY NONFORFEITED COLLATERAL OR SECURITY WITHIN FOURTEEN DAYS AFTER RECEIPT OF A COPY OF THE COURT ORDER THAT RESULTS IN A RELEASE OF THE BOND BY THE COURT, UNLESS:

(I) THE COLLATERAL ALSO SECURES ANOTHER OBLIGATION, PREMIUM PAYMENT PLAN, OR BAIL RECOVERY FEE; OR

(II) (A) THE LATER OF THREE YEARS OR, IF THE COURT GRANTS AN EXTENSION, SIX YEARS HAVE ELAPSED FROM THE DATE THE BOND WAS POSTED: OR

(B) THE REGISTRANT IS EXONERATED AND, AT THE REQUEST OF THE PERSON WHO TENDERED THE COLLATERAL OR SECURITY, RETURNS THE COLLATERAL TO THE PERSON WHO POSTED THE COLLATERAL WITHIN FOURTEEN DAYS AFTER THE THREE-YEAR PERIOD;

~~(k) (i) Accept anything of value from a person on whose bond~~
~~such licensee~~ THE PERSON IN THE BUSINESS OF WRITING BAIL BONDS is
indemnitor or from another on behalf of such THE principal except the
premium, except that the bail bonding agent licensed under this article
may accept collateral security or other indemnity from the person on
whose bond such bail bonding agent is indemnitor or from another on
behalf of such principal. All such collateral or other indemnity shall be
returned pursuant to the requirements contained in paragraph (d.5) of this

~~subsection (1). The bail bonding agent licensed under this article shall preserve and separately retain such collateral and shall be responsible for the return of all such collateral taken and shall be liable for failure thereof as will also be the surety company. When a bail bonding agent accepts collateral as security pursuant to this paragraph (k), such bail bonding agent shall give a written receipt for such collateral to the person on whose bond such bail bonding agent is indemnitor or to another on behalf of such principal and the surety, which shall provide in detail a full description of the collateral received. In the event of the failure of or inability for any reason of a bail bonding agent or such bail bonding agent's heirs or assignees to return collateral as required in this paragraph (k), the commissioner or the commissioner's designee is authorized to take immediate possession of the collateral and take whatever actions are necessary and appropriate to assure compliance with the obligations of this article relating to the return of collateral. The commissioner is authorized to utilize any or all of the qualification bond required in section 12-7-103 (3) for any costs incurred. Any such payment received by the commissioner is hereby appropriated to the division of insurance in addition to any other funds appropriated for its normal operation. The commissioner shall forfeit a qualification bond in the amount necessary to pay any final, nonappealable judgment award for failure to return collateral, including costs and attorney's fees, if awarded. AS AUTHORIZED BY TITLE 10, C.R.S., OR ANY RULE OF THE DIVISION OF INSURANCE PROMULGATED UNDER TITLE 10, C.R.S.;~~

~~(b) (j) Sign or countersign blank bail bonds; or execute a power of attorney or otherwise authorize anyone to countersign such licensee's name to bonds;~~

~~(m) (k) For any one licensee To have more than one bond posted at any one time and in any single ONE case on behalf of any one person;~~

~~(n) (l) Fail to issue to the person from whom collateral or security is taken a receipt which THAT includes a description of the collateral or security at the time WHEN it is taken into the custody; of the bail bonding agent;~~

~~(o) Failure to post a bond within twenty-four hours of receipt of full payment or a signed contract for payment, or if the bond is not posted within twenty-four hours of receipt of full payment or a signed contract for payment, failure to refund all moneys received, release all liens, and return all collateral within forty-eight hours of receipt of such payment or contract.~~

~~(2) Any licensee A PERSON who violates any provision of subsection (1) of this section is guilty of a AN UNCLASSIFIED misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Any criminal penalty prescribed in this section for a violation of this article shall be IS in addition to, and not exclusive of, any other applicable penalty prescribed by law."~~

Renumber succeeding sections accordingly.

- Finance
- After consideration on the merits, the Committee recommends that **HB12-1268** be referred to the Committee on Appropriations with favorable recommendation.
- Finance
- After consideration on the merits, the Committee recommends that **HB12-1353** be referred to the Committee on Appropriations with favorable recommendation.
- Finance
- After consideration on the merits, the Committee recommends that **HB12-1310** be referred to the Committee on Appropriations with favorable recommendation.
- Finance
- After consideration on the merits, the Committee recommends that **HB12-1037** be re-referred to the Committee on Appropriations with favorable recommendation.
- Finance
- After consideration on the merits, the Committee recommends that **HB12-1045** be referred to the Committee on Appropriations with favorable recommendation.

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Education	After consideration on the merits, the Committee recommends that HB12-1218 be referred to the Committee on <u>Legislative Council</u> with favorable recommendation.	4
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Health & Human Services	After consideration on the merits, the Committee recommends that HB12-1300 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	8
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	Amend reengrossed bill, page 3, line 19, strike "AN".	12
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	Page 4, line 13, strike "AN".	14
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	Page 4, line 23, strike "AN".	16
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	Page 5, line 7, strike "(3) OR (4)" and substitute "(4) OR (5)".	18
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	Page 5, strike lines 20 through 22 and substitute:	20
		21
	"(4) "JOINT COMMISSION" MEANS THE JOINT COMMISSION OR ITS SUCCESSOR ENTITY."	22
		23
	Page 5, strike line 27 and substitute "COMPETENCE, professional conduct of, and OR the".	24
		25
	Page 6, line 3, strike "AN AUTHORITY" and substitute "AUTHORITY".	26
		27
	Page 6, line 5, strike "BODY" and substitute "BOARD".	28
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	Page 6, strike line 16 and substitute:	30
		31
	"(I) LETTERS OF REFERENCE;"	32
		33
	Page 7, line 1, after "ACTIVITIES" insert "OR THE COMMITTEE ON ANTICOMPETITIVE CONDUCT".	34
		35
	Page 7, line 5, strike "AN ORIGINAL SOURCE" and substitute "A SOURCE".	36
		37
	Page 8, strike line 14 and substitute "COMPETENCE, PROFESSIONAL CONDUCT OF, OR".	38
		39
	Page 8, line 25, strike "SUIT AND".	40
		41
	Page 8, line 26, strike "FOR DAMAGES".	42
		43
	Page 9, line 1, strike "SUIT AND liability FOR" and substitute "liability".	44
		45
	Page 9, line 2, strike "DAMAGES".	46
		47
	Page 9, line 10, strike "QUALIFICATIONS AND".	48
		49
	Page 9, line 11, strike "and" and substitute " and OR".	50
		51
	Page 9, line 14, strike "AN AUTHORITY" and substitute "AUTHORITY".	52
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	Page 9, line 21, after "A" insert "GOVERNING".	54
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	Page 9, line 26, strike "QUALIFICATIONS AND".	56
		57
	Page 10, line 11, after the period add "THE PERSON CONDUCTING THE INDEPENDENT REVIEW MUST BE A PERSON WHO WAS NOT PREVIOUSLY INVOLVED IN THE REVIEW."	58
		59
	Page 10, line 19, strike "SUBSTANTIAL".	60
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	Page 10, strike line 22 and substitute "governing board AND IF IT IS".	62
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Page 12, line 14, strike "physicians" and substitute "~~physicians~~ PERSONS
LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE
38 OF THIS TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE
NURSES,".

Page 12, line 18, strike "physician" and substitute "~~physician~~ PERSON
LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE
38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE
NURSE,".

Page 13, strike lines 14 through 19 and substitute "representatives being
~~physicians~~ PERSONS LICENSED UNDER ARTICLE 36 OF THIS TITLE WHEN THE
SUBJECT OF THE INVESTIGATION IS A PERSON LICENSED UNDER ARTICLE 36
OF THIS TITLE, AND AT LEAST ONE OF THE REPRESENTATIVES BEING A
PERSON LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED
AUTHORITY AS AN ADVANCED PRACTICE NURSE WHEN THE SUBJECT OF THE
INVESTIGATION IS A PERSON LICENSED UNDER ARTICLE 38 OF THIS TITLE
AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE. The
association may establish, or contract for, one or more ~~peer~~ PROFESSIONAL
review committees to review the care by hospital staff ~~physicians~~
PERSONNEL WHO ARE LICENSED UNDER ARTICLE 36 OF THIS TITLE OR
LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS
ADVANCED PRACTICE NURSES, with priority given to small rural ~~medical~~
HOSPITAL staffs.".

Page 14, line 6, strike "SUBSTANTIAL".

Page 14, strike lines 12 through 14 and substitute:

"(I) A PROVIDER NETWORK THAT INCLUDES PERSONS LICENSED
UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS
TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES, AND IS
ORGANIZED PURSUANT TO PART 3 OF ARTICLE 18 OF TITLE 6, C.R.S.;".

Page 14, strike line 24.

Page 14, strike line 27 and substitute:

"(II), C.R.S.; AND

(r) AN AMBULATORY SURGICAL CENTER LICENSED PURSUANT TO
PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S.".

Page 15, line 21, strike "ADVANCED-PRACTICE" and substitute
"ADVANCED PRACTICE".

Page 15, line 24, strike "SUBSTANTIAL".

Page 16, line 19, strike the period and add "OR IS GIVEN NOTICE OF A
HEARING AND FAILS TO APPEAR.".

Page 18, line 12, strike "physician ~~shall have~~ OR PHYSICIAN ASSISTANT,"
and substitute "~~physician shall have~~ PERSON,".

Page 19, strike lines 18 through 21 and substitute:

"(V) BY CMS IN ACCORDANCE WITH ITS AUTHORITY OVER
FEDERAL HEALTH CARE PROGRAM PARTICIPATION BY AN AUTHORIZED
ENTITY;

~~(IV)~~ (VI) By a AN AUTHORIZED ENTITY OR governing board
seeking judicial review;".

Page 20, strike line 25 and substitute "COMPETENCE, PROFESSIONAL
CONDUCT OF, OR THE".

Page 21, line 8, strike "(14)" and substitute "(15)".

Page 21, line 10, after "ENVIRONMENT," insert "THE COMMITTEE ON
ANTICOMPETITIVE CONDUCT,".

Page 21, line 16, after "ENVIRONMENT," insert "THE COMMITTEE ON ANTICOMPETITIVE CONDUCT,".

Page 21, line 18, strike "SUIT AND" and strike "FOR DAMAGES".

Page 22, line 10, strike "SUBSTANTIALY".

Page 22, strike line 22 and substitute "COMPETENCE, PROFESSIONAL CONDUCT OF, OR".

Page 23, line 1, strike "rules." and substitute "definition - rules.".

Page 23, line 2, strike "(1)" and substitute:

(1) AS USED IN THIS SECTION, "ADVERSELY AFFECTING" HAS THE SAME MEANING AS SET FORTH IN 45 CFR 60.3; EXCEPT THAT IT DOES NOT INCLUDE A PRECAUTIONARY SUSPENSION OR ANY PROFESSIONAL REVIEW ACTION AFFECTING A PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE, FOR A PERIOD OF THIRTY DAYS OR LESS.

(2)".

Renumber succeeding subsections accordingly.

Page 23, line 8, after "HAS" insert "ONE OR MORE".

Page 23, line 10, after "BOARD" insert "FIRST".

Page 23, strike lines 13 through 27 and substitute:

"COMMITTEE;

(b) IN ADDITION TO ANY OTHER STATE OR FEDERAL REPORTING REQUIREMENTS:

(I) REPORT ANNUALLY TO THE MEDICAL BOARD, IN A FORM SATISFACTORY TO THE MEDICAL BOARD, THE NUMBER OF FINAL PROFESSIONAL REVIEW ACTIONS IN EACH OF THE FOLLOWING CATEGORIES RELATING TO INDIVIDUALS LICENSED UNDER ARTICLE 36 OF THIS TITLE:

(A) ADVERSELY AFFECTING THE INDIVIDUAL;

(B) IN WHICH AN AUTHORIZED ENTITY ACCEPTED THE INDIVIDUAL'S SURRENDER OF CLINICAL PRIVILEGES, MEMBERSHIP, OR AFFILIATION WHILE THE INDIVIDUAL WAS UNDER INVESTIGATION;

(C) IN WHICH AN AUTHORIZED ENTITY ACCEPTED THE INDIVIDUAL'S SURRENDER OF CLINICAL PRIVILEGES, MEMBERSHIP, OR AFFILIATION IN RETURN FOR NOT CONDUCTING AN INVESTIGATION; AND

(D) IN WHICH THE PROFESSIONAL REVIEW COMMITTEE MADE RECOMMENDATIONS REGARDING THE INDIVIDUAL FOLLOWING A HEARING PURSUANT TO SECTION 12-36.5-104 (7) (d).

(II) REPORT ANNUALLY TO THE NURSING BOARD, IN A FORM SATISFACTORY TO THE NURSING BOARD, THE NUMBER OF FINAL PROFESSIONAL REVIEW ACTIONS IN EACH OF THE FOLLOWING CATEGORIES RELATING TO INDIVIDUALS LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES:

(A) ADVERSELY AFFECTING THE INDIVIDUAL;

(B) IN WHICH AN AUTHORIZED ENTITY ACCEPTED THE INDIVIDUAL'S SURRENDER OF CLINICAL PRIVILEGES, MEMBERSHIP, OR AFFILIATION WHILE THE INDIVIDUAL WAS UNDER INVESTIGATION;

(C) IN WHICH AN AUTHORIZED ENTITY ACCEPTED THE INDIVIDUAL'S SURRENDER OF CLINICAL PRIVILEGES, MEMBERSHIP, OR AFFILIATION IN RETURN FOR NOT CONDUCTING AN INVESTIGATION; AND

(D) IN WHICH THE PROFESSIONAL REVIEW COMMITTEE MADE RECOMMENDATIONS REGARDING THE INDIVIDUAL FOLLOWING A HEARING PURSUANT TO SECTION 12-36.5-104 (7) (d).

(c) (I) REPORT TO THE DIVISION, IN A DE-IDENTIFIED MANNER, ON ITS PROFESSIONAL REVIEW ACTIVITIES DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR IN A FORM SATISFACTORY TO THE DIVISION. THESE REPORTS MUST INCLUDE AGGREGATE DATA, WHICH IS LIMITED TO THE FOLLOWING:

(A) THE NUMBER OF INVESTIGATIONS COMPLETED DURING THE

YEAR;

(B) THE NUMBER OF INVESTIGATIONS THAT RESULTED IN NO ACTION;

(C) THE NUMBER OF INVESTIGATIONS THAT RESULTED IN WRITTEN INVOLUNTARY REQUIREMENTS FOR IMPROVEMENT SENT TO THE SUBJECT OF THE INVESTIGATION BY THE AUTHORIZED ENTITY; AND

(D) THE NUMBER OF INVESTIGATIONS THAT RESULTED IN WRITTEN AGREEMENTS FOR IMPROVEMENT BETWEEN THE SUBJECT OF THE INVESTIGATION AND THE AUTHORIZED ENTITY.

(II) (A) THE MEDICAL BOARD AND THE NURSING BOARD SHALL FORWARD THE REPORTS RECEIVED PURSUANT TO SUB-SUBPARAGRAPHS (I) AND (II), RESPECTIVELY, OF PARAGRAPH (b) OF THIS SUBSECTION (2) TO THE DIVISION IN A DE-IDENTIFIED MANNER.

(B) THE DIVISION SHALL NOT PUBLISH ANY INFORMATION IDENTIFYING THE GOVERNING BOARD OR AUTHORIZED ENTITY MAKING A REPORT UNDER PARAGRAPH (b) OF THIS SUBSECTION (2) OR THIS PARAGRAPH (c), AND SUCH REPORTS AND INFORMATION ARE NOT PUBLIC RECORDS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S..

Page 24, line 1, strike "(b)" and substitute "(c)".

Page 24, line 3, strike "INVESTIGATION, AS" and substitute "INVESTIGATION".

Page 24, strike line 4 and substitute "WAS TAKEN OR".

Page 24, line 7, strike "PARAGRAPH (b) OF SUBSECTION (1)" and substitute "PARAGRAPHS (b) AND (c) OF SUBSECTION (2)".

Page 24, line 9, strike "LICENSED PROFESSIONALS" and substitute "GOVERNING BOARD, THE AUTHORIZED ENTITY, OR ANY PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE, WHO WAS".

Page 24, line 12, strike "PROFESSIONAL REVIEW".

Page 24, line 13, strike "COMMITTEES" and substitute "GOVERNING BOARDS".

Page 24, after line 18 insert:

"(5) FOR PURPOSES OF THIS SECTION, AN INVESTIGATION OCCURS WHEN THE AUTHORIZED ENTITY OR ITS PROFESSIONAL REVIEW COMMITTEE NOTIFIES THE SUBJECT OF THE INVESTIGATION IN WRITING THAT AN INVESTIGATION HAS COMMENCED.

(6) THE MEDICAL BOARD AND THE NURSING BOARD SHALL NOT INITIATE AN INVESTIGATION OR ISSUE A SUBPOENA BASED SOLELY ON THE DATA REPORTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION.

(7) (a) A GOVERNING BOARD THAT FAILS TO REGISTER WITH THE DIVISION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION IS NOT ENTITLED TO ANY IMMUNITY AFFORDED UNDER THIS ARTICLE UNTIL THE DATE THAT THE GOVERNING BOARD SO REGISTERS. A GOVERNING BOARD'S FAILURE TO REGISTER DOES NOT AFFECT ANY IMMUNITY, CONFIDENTIALITY, OR PRIVILEGE AFFORDED TO AN INDIVIDUAL PARTICIPATING IN PROFESSIONAL REVIEW ACTIVITIES.

(b) A GOVERNING BOARD'S FAILURE TO REPORT AS REQUIRED BY THIS SECTION DOES NOT AFFECT ANY IMMUNITY, CONFIDENTIALITY, OR PRIVILEGE AFFORDED TO THE GOVERNING BOARD UNDER THIS ARTICLE."

Page 24, strike lines 21 through 27.

Strike page 25.

Page 26, strike lines 1 through 5 and substitute:

"12-36.5-105. Immunity from liability. (1) A member of a

professional review committee, A GOVERNING BOARD OR ANY COMMITTEE OR THIRD PARTY DESIGNATED BY THE GOVERNING BOARD UNDER SECTION 12-36.5-104 (8) (b) AND ANY PERSON SERVING ON THE STAFF OF THAT COMMITTEE, BOARD, PANEL, OR THIRD PARTY, a witness OR CONSULTANT before a professional review committee, or AND any person who files a complaint or otherwise participates in the professional review process shall be IS immune from suit AND LIABILITY FOR DAMAGES in any civil or criminal action, including antitrust actions, brought by a physician who is the subject of the review by such professional review committee, if such member made a reasonable effort to obtain the facts of the matter as to which he acted, acted in the reasonable belief that the action taken by him was warranted by the facts, and otherwise acted in good faith within the scope of such professional review committee process and if such witness or participant acted in good faith within the scope of such professional review committee process PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE WHO IS THE SUBJECT OF THE REVIEW BY SUCH PROFESSIONAL REVIEW COMMITTEE UNLESS, IN CONNECTION WITH THE PROFESSIONAL REVIEW PROCESS, THE PERSON PROVIDED FALSE INFORMATION AND KNEW THAT THE INFORMATION WAS FALSE.

(2) The governing board the individual members of such board and the AUTHORIZED entity that has established a peer PROFESSIONAL review committee pursuant to section 12-36.5-104 the board's staff, any person acting as a witness or consultant to the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as board member, staff, consultant, or witness, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any civil or criminal liability that may result from such participation. IS IMMUNE FROM SUIT AND LIABILITY FOR DAMAGES IN ANY CIVIL OR CRIMINAL ACTION, INCLUDING ANTITRUST ACTIONS, BROUGHT BY A PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE WHO IS THE SUBJECT OF THE REVIEW BY SUCH PROFESSIONAL REVIEW COMMITTEE IF THE PROFESSIONAL REVIEW ACTION WAS TAKEN WITHIN THE SCOPE OF THE PROFESSIONAL REVIEW PROCESS AND WAS TAKEN:".

Page 26, line 15, strike "AN AUTHORITY" and substitute "AUTHORITY".

Page 32, strike lines 14 through 26 and substitute:

"12-36.5-203. Limitations on liability relating to professional review actions. (1) The following persons shall ARE IMMUNE FROM SUIT AND not be liable for damages in any civil action with respect to their participation in, assistance to, or reporting of information to a professional review body COMMITTEE in connection with a professional review action in this state, and such persons shall ARE not be liable for damages in any A civil action with respect to their participation in, assistance to, or reporting of information to a professional review body which COMMITTEE THAT meets the standards of and is in conformity with the provisions of the federal "Health Care Quality Improvement Act of 1986", as amended, 42 U.S.C. secs. 11101 through 11152: upon implementation of such act by the federal government:".

Page 33, line 11, after "(2)" insert "(a)".

Page 33, line 16, after "false:" add:

"NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NOTHING IN THIS ARTICLE RELIEVES AN AUTHORIZED ENTITY THAT IS A HEALTH CARE FACILITY LICENSED OR CERTIFIED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., OR CERTIFIED PURSUANT TO SECTION 25-1.5-103, C.R.S., OF LIABILITY TO AN INJURED PERSON OR WRONGFUL DEATH CLAIMANT FOR

THE FACILITY'S INDEPENDENT NEGLIGENCE IN THE CREDENTIALING OR PRIVILEGING PROCESS FOR A PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE WHO PROVIDED HEALTH CARE SERVICES FOR THE INJURED OR DECEASED PERSON AT THE FACILITY. FOR PURPOSES OF THIS SECTION, THE FACILITY'S PARTICIPATION IN THE CREDENTIALING PROCESS OR THE PRIVILEGING PROCESS DOES NOT CONSTITUTE THE CORPORATE PRACTICE OF MEDICINE.

(b) NOTHING IN THIS SECTION AFFECTS THE CONFIDENTIALITY OR PRIVILEGE OF ANY RECORDS SUBJECT TO SECTION 12-36.5-104 (10) OR OF INFORMATION OBTAINED AND MAINTAINED IN ACCORDANCE WITH A QUALITY MANAGEMENT PROGRAM AS DESCRIBED IN SECTION 25-3-109, C.R.S. THE EXCEPTIONS TO CONFIDENTIALITY OR PRIVILEGE AS SET FORTH IN SECTION 25-3-109 (4), C.R.S., AND 12-36.5-104 (10) APPLY.

(c) THIS SUBSECTION (2), AS AMENDED, APPLIES TO ACTIONS FILED ON OR AFTER JULY 1, 2012."

Page 33, strike line 23 and substitute "PROVIDED BY, OR THE competence or professional".

Page 33, line 26, strike "AN AUTHORITY" and substitute "AUTHORITY".

Page 34, line 22, strike "QUALIFICATIONS, competence," and substitute "competence".

Page 34, line 24, strike "AN AUTHORITY" and substitute "AUTHORITY".

Page 35, line 8, strike "~~shall be considered~~ IS" and substitute "~~shall be~~ IS considered".

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1161** be postponed indefinitely.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1330** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1334** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2015:

Mark A. Arndt of Fort Morgan, Colorado to serve as a Republican from the Fourth Congressional District, and with substantial experience in agriculture or in the activities of 4-H clubs, reappointed;

Patty Shaw Castilian of Denver, Colorado to serve as a Democrat from the First Congressional District, reappointed.

Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	<div>MEMBER OF THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS</div>	1
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Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	<div>MEMBERS OF THE COLORADO TOURISM OFFICE BOARD OF DIRECTORS</div>	11
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Education	After consideration on the merits, the Committee recommends that SB12-179 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	<div>"SECTION 1. In Colorado Revised Statutes, 22-32-124, amend</div> <div>(2) (a) (I) (A) and (2) (a) (II) as follows:</div> <div>22-32-124. Building codes - zoning - planning - fees - rules - definitions. (2) (a) (I) (A) This subsection (2) shall apply to building or structure construction. Except as specified in subparagraph (II) of this paragraph (a), the division shall conduct the necessary plan reviews, issue building permits, cause the necessary inspections to be performed, perform final inspections, and issue certificates of occupancy to assure that a building or structure constructed pursuant to subsection (1) or (1.5) of this section has been constructed in conformity with the building and fire codes adopted by the director of the division and that the school district or charter school, whichever is appropriate, has complied with the provisions of paragraph (b) of subsection (1) of this section. Pursuant to this sub-subparagraph (A), the division may contract with third-party inspectors that are certified in accordance with section 24-33.5-1213.5, C.R.S., to perform inspections. IN ADDITION, EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE DIVISION SHALL CONTRACT WITH SUCH A CERTIFIED THIRD-PARTY INSPECTOR TO REVIEW AND INSPECT THE STRUCTURAL ENGINEERING OF ANY BUILDING OR STRUCTURE FOR WHICH STRUCTURAL WORK THAT REQUIRES PLANNING BY AN ENGINEER IS BEING DONE AND FOR WHICH FINANCIAL ASSISTANCE, AS</div>	21
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DEFINED IN SECTION 22-43.7-103 (10), IS BEING PROVIDED PURSUANT TO THE "BUILDING EXCELLENT SCHOOLS TODAY ACT", ARTICLE 43.7 OF THIS TITLE, AND SHALL NOT ISSUE BUILDING PERMITS FOR SUCH A BUILDING OR STRUCTURE UNLESS THE INSPECTOR CERTIFIES TO THE DIVISION THAT ITS STRUCTURAL ENGINEERING IS SOUND. The affected board of education, state charter school institute, or charter school may hire and compensate third-party inspectors under contract with the division or hire and compensate other third-party inspectors that are certified in accordance with section 24-33.5-1213.5, C.R.S., to perform inspections. If the board of education, state charter school institute, or charter school is unable to obtain a third-party inspector and no building department has been prequalified, the division shall perform the required inspections. If a third-party inspector is used, the division shall require a sufficient number of third-party inspection reports to be submitted by the inspector to the division based upon the scope of the project to ensure quality inspections are performed. Except as specified in sub-subparagraph (B) of this subparagraph (I), the third-party inspector shall attest that inspections are complete and all violations are corrected before the board of education, state charter school institute, or charter school is issued a certificate of occupancy. Inspection records shall be retained by the third-party inspector for two years after the certificate of occupancy is issued. If the division finds that inspections are not completed satisfactorily, as determined by rule of the division, or that all violations are not corrected, the division shall take enforcement action against the appropriate board of education, state charter school institute, or charter school pursuant to section 24-33.5-1213, C.R.S.

(II) Pursuant to a memorandum of understanding between the appropriate building department and the division, the division may prequalify an appropriate building department to conduct the necessary plan reviews, issue building permits, conduct inspections, INCLUDING IF APPROPRIATE FOR A GIVEN BUILDING DEPARTMENT THE STRUCTURAL ENGINEERING REVIEW AND INSPECTION REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR ANY BUILDING OR STRUCTURE FOR WHICH STRUCTURAL WORK THAT REQUIRES PLANNING BY AN ENGINEER IS BEING DONE AND FOR WHICH FINANCIAL ASSISTANCE, AS DEFINED IN SECTION 22-43.7-103 (10), IS BEING PROVIDED PURSUANT TO THE "BUILDING EXCELLENT SCHOOLS TODAY ACT", ARTICLE 43.7 OF THIS TITLE, issue certificates of occupancy, and issue temporary certificates of occupancy pursuant to sub-subparagraph (B) of subparagraph (I) of this paragraph (a), to ensure that a building or structure constructed pursuant to subsection (1) or (1.5) of this section has been constructed in conformity with the building and fire codes adopted by the director of the division, and take enforcement action. IF AN APPROPRIATE BUILDING DEPARTMENT IS PREQUALIFIED TO CONDUCT THE STRUCTURAL ENGINEERING REVIEW AND INSPECTION REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR ANY BUILDING OR STRUCTURE FOR WHICH STRUCTURAL WORK THAT REQUIRES PLANNING BY AN ENGINEER IS BEING DONE AND FOR WHICH FINANCIAL ASSISTANCE, AS DEFINED IN SECTION 22-43.7-103 (10), IS BEING PROVIDED PURSUANT TO THE "BUILDING EXCELLENT SCHOOLS TODAY ACT", ARTICLE 43.7 OF THIS TITLE, IT SHALL PERFORM THE REVIEW AND INSPECTION. IF THE APPROPRIATE BUILDING DEPARTMENT IS NOT PREQUALIFIED TO PERFORM THE STRUCTURAL ENGINEERING REVIEW AND INSPECTION, IT SHALL ADVISE THE DIVISION THAT IT WILL NOT BE PERFORMING THE REVIEW AND INSPECTION, AND THE DIVISION SHALL CONTRACT FOR THE REVIEW AND INSPECTION AS SPECIFIED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a). Nothing in the memorandum of understanding shall be construed to allow the building department to take enforcement action other than in relation to the building and fire codes adopted by the division. An appropriate building department shall meet certification requirements established by the division pursuant to section 24-33.5-1213.5, C.R.S., prior to prequalification. An affected board of education, state charter school institute, or charter school may, at its own discretion, opt to use a prequalified building department that has entered into a memorandum of understanding with the division as the delegated authority. If a building department conducts an inspection, the building department shall retain the inspection records for two years after the final certificate of occupancy is issued. The fees charged by the building department shall cover actual, reasonable, and necessary costs. For

purposes of this section, "appropriate building department" means the building department of a county, town, city, or city and county and includes a building department within a fire department.

SECTION 2. In Colorado Revised Statutes, 22-43.7-111, **amend** (1) introductory portion, (1) (c), (1) (d) (IV), and (2); and **add** (1) (e) as follows:

22-43.7-111. Reporting requirements - auditing by state auditor. (1) No later than February 15, 2010, and no later than each February 15 thereafter, the board shall present a written report to the education and finance committees of the house of representatives and the senate, or any successor committees, regarding the provision of financial assistance to applicants pursuant to this article. THE BOARD SHALL MAKE THE REPORT AVAILABLE ELECTRONICALLY ON THE WEB SITE OF THE DEPARTMENT AS SOON AS IS FEASIBLE AFTER IT PRESENTS THE REPORT. The report shall include, at a minimum:

(c) A summary of any differences between the common physical design elements and characteristics of the highest performing schools in the state and the lowest performing schools in the state as measured by academic productivity measures such as the Colorado student assessment program created in part 4 of article 7 of this title or Colorado ACT results; ~~and~~

(d) A list of the financial assistance applications for public school facility capital construction that were denied financial assistance during the prior fiscal year that includes for each project:

(IV) A summary of the reasons why the board or the state board denied financial assistance for the project; AND

(e) STATEMENTS OF:

(I) THE AGGREGATE AMOUNT AND AMOUNT BY SOURCE OF THE MONEYS CREDITED TO THE ASSISTANCE FUND DURING THE PRIOR FISCAL YEAR; AND

(II) THE BALANCE OF THE ASSISTANCE FUND AT THE END OF THE PRIOR FISCAL YEAR.

(2) No later than February 15, 2014, AND NO LATER THAN EACH FEBRUARY 15 THEREAFTER, the board shall prepare and make available electronically on the web site of the department a report to the taxpayers of the state regarding the provision of financial assistance to applicants pursuant to this article during the five prior fiscal years. The report shall include, at a minimum, the information specified in subsection (1) of this section for each of the five prior fiscal years and an aggregation of any of such information that can feasibly be aggregated for the full five-year period.

SECTION 3. In Colorado Revised Statutes, 24-33.5-1203, **amend** (1) (p) as follows:

24-33.5-1203. Duties of division. (1) The division shall perform the following duties:

(p) Conduct construction plan reviews and inspect public school and junior college buildings and structures and enforce the codes adopted in accordance with sections 22-32-124 (2) and 23-71-122 (1) (v), C.R.S., and sections 24-33.5-1213 and 24-33.5-1213.3. THE GENERAL ASSEMBLY ENCOURAGES THE DIVISION, IN PERFORMING THIS DUTY, TO PREQUALIFY APPROPRIATE BUILDING DEPARTMENTS TO CONDUCT CONSTRUCTION PLAN REVIEWS AND INSPECTIONS OF PUBLIC SCHOOL BUILDINGS AND STRUCTURES AS AUTHORIZED BY SECTION 22-32-124 (2) (a) (II), C.R.S., IN LIEU OF CONDUCTING THE REVIEWS AND INSPECTIONS ITSELF WHENEVER FEASIBLE.

SECTION 4. In Colorado Revised Statutes, 24-33.5-1213.7, **amend** (1) (a), (1) (b), and (1) (c) as follows:

24-33.5-1213.7. Board of appeals. (1) (a) There is hereby created in the division a board of appeals, referred to in this section as the "board of appeals". The board of appeals shall consist of ~~seven~~ EIGHT members appointed by the executive director AND, AS AN EX OFFICIO MEMBER WITHOUT VOTING RIGHTS, THE DIRECTOR OF THE DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE IN THE DEPARTMENT OF EDUCATION.

(b) The members of the board of appeals shall be persons who are qualified by experience and training to pass upon matters pertaining to building construction and, IN ADDITION TO THE DIRECTOR OF THE DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE IN THE DEPARTMENT OF EDUCATION, shall include one representative nominated

by each of the Colorado association of school boards, the Colorado association of school executives, THE COLORADO LEAGUE OF CHARTER SCHOOLS, the Colorado chapter of the international code council, the fire marshal's association of Colorado, the Colorado state fire chiefs' association, the rocky mountain chapter of the council for educational facilities FACILITY planners international, and Colorado counties, incorporated, or from a successor to any of these organizations representing comparable interests.

(c) The members of the board of appeals shall serve at the pleasure of the executive director; EXCEPT THAT THE DIRECTOR OF THE DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE IN THE DEPARTMENT OF EDUCATION SHALL SERVE FOR AS LONG AS HE OR SHE REMAINS THE DIRECTOR OF THE DIVISION. For the initial board, the executive director shall appoint one member for a one-year term, two members for two-year terms, and three members for three-year terms. Subsequent appointments shall be for three-year terms; except that an appointment to fill a vacancy on the board shall be for the remainder of the predecessor's term.

SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 6. Effective date. This act takes effect July 1, 2012.

SECTION 7. 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."

Page 1, strike lines 101 and 102 and substitute:

"CONCERNING MODIFICATION OF THE GOVERNMENTAL OVERSIGHT OF THE CONSTRUCTION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION PROJECTS THAT RECEIVE FINANCIAL ASSISTANCE UNDER THE "BUILDING EXCELLENT SCHOOLS TODAY ACT" THAT DOES NOT INCLUDE ANY CHANGES TO THE FUNDING OF THE "BUILDING EXCELLENT SCHOOLS TODAY ACT."

Education

After consideration on the merits, the Committee recommends that **HB12-1261** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 22, after "and" insert "**repeal**".

Page 3, line 27, strike "one thousand six hundred" and substitute "**one thousand** ~~thousand six hundred~~ FOUR THOUSAND EIGHT HUNDRED".

Page 4, strike lines 1 through 4 and substitute "who is employed to teach in a school district, a program operated by a board of cooperative services a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title, or a charter school authorized by the state charter school institute pursuant to part 5 of article".

Page 4, line 5, strike "30.5 of this title," and substitute "~~30.5 of this title,~~ LOW-PERFORMING, HIGH-NEEDS SCHOOL".

Page 4, line 12, strike "one thousand" and substitute "~~one thousand~~ FOUR THOUSAND EIGHT HUNDRED".

Page 4, line 13, strike "six hundred" and substitute "~~six hundred~~".

Page 4, strike lines 23 through 27 and substitute:

~~"(2) Beginning with the 2009-10 school year and ending with the 2011-12 school year, subject to available appropriations, an additional annual stipend of three thousand two hundred dollars shall be awarded to any teacher who meets the criteria set forth in subsection (1) of this section and who is employed as of May 1 in a given school year in a school that is required to implement a priority improvement or turnaround~~

~~plan pursuant to section 22-11-405 or 22-11-406, respectively. Subject to available appropriations, a teacher shall continue to receive the additional stipend award pursuant to this subsection (2) if he or she remains employed in a school that was previously required to implement a priority improvement or turnaround plan but improves sufficiently to implement an improvement or performance plan pursuant to section 22-11-404 or 22-11-403, respectively. The additional stipend for such teachers shall be subject to the same restrictions and requirements as set forth in subsection (1) of this section."~~

Page 5, strike lines 1 through 12.

Education After consideration on the merits, the Committee recommends that **HB12-1345** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 10, after line 14 insert:

"SECTION 7. In Colorado Revised Statutes, **add** 22-2-140 as follows:

22-2-140. Early literacy assessment tool - request for proposals - software - hardware - training - distribution - legislative declaration. (1) (a) BY OCTOBER 1, 2012, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR THE PURCHASE OF AN EARLY LITERACY ASSESSMENT TOOL THAT TEACHERS MAY USE TO OBTAIN REAL-TIME ASSESSMENTS OF THE READING SKILL LEVELS OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES AND, BASED ON THE ASSESSMENT RESULTS, GENERATE INTERVENTION PLANS AND MATERIALS.

(b) AT A MINIMUM, THE REQUEST FOR PROPOSALS SHALL INCLUDE THE PURCHASE OF:

(I) SOFTWARE THAT, AT A MINIMUM:

(A) PROVIDES INDIVIDUALIZED ASSESSMENTS WITH IMMEDIATE RESULTS;

(B) STORES AND ANALYZES ASSESSMENTS RESULTS, RECOMMENDS ACTIVITIES THAT ARE ALIGNED WITH THE ASSESSMENT RESULTS, AND ASSISTS IN TRACKING STUDENT PERFORMANCE AND IDENTIFYING STRATEGIES TO IMPROVE STUDENT PERFORMANCE;

(C) PROVIDES STUDENT GROUPING RECOMMENDATIONS BASED ON THE ASSESSMENT SCORES AND PROVIDES PROPOSED LESSON PLANS ON A SHORT-TERM CYCLE; AND

(D) ASSISTS IN GENERATING AND POPULATING INDIVIDUALIZED PLANS TO IMPROVE STUDENTS' READING SKILLS;

(II) MOBILE DEVICES FOR USE WITH THE SOFTWARE; AND

(III) TRAINING IN USING THE SOFTWARE AND MOBILE DEVICES FOR TEACHERS OR OTHER PERSONNEL SELECTED BY EACH LOCAL EDUCATION PROVIDER.

(c) THE REQUEST FOR PROPOSALS SHALL INCLUDE THE PURCHASE OF A SUFFICIENT NUMBER OF MOBILE DEVICES AND SOFTWARE LICENSES FOR EACH LOCAL EDUCATION PROVIDER IN THE STATE TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF ITS KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES.

(2) THE DEPARTMENT SHALL SELECT FROM AMONG THE RESPONSES RECEIVED AND ENTER INTO A CONTRACT FOR THE PURCHASE OF MOBILE DEVICES, SOFTWARE, AND TRAINING NO LATER THAN MARCH 1, 2013.

(3) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION PROVIDERS AND PROVIDE INFORMATION EXPLAINING THE SOFTWARE PURCHASED; THE MOBILE DEVICES PURCHASED, INCLUDING THE NUMBER AVAILABLE TO EACH LOCAL EDUCATION PROVIDER; AND THE AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE AND MOBILE DEVICES, INCLUDING DATES, TIMES, AND LOCATIONS. THE DEPARTMENT SHALL ENSURE THAT TRAINING IS COMPLETED IN SUFFICIENT TIME TO ALLOW EACH LOCAL EDUCATION PROVIDER TO BEGIN USING THE EARLY LITERACY ASSESSMENT TOOL BY THE BEGINNING OF THE 2013-14 SCHOOL YEAR.

(4) BY JULY 1, 2013, THE DEPARTMENT, UPON REQUEST, SHALL

PROVIDE TO EACH LOCAL EDUCATION PROVIDER AN ADEQUATE NUMBER OF MOBILE DEVICES AND SOFTWARE LICENSES TO ENABLE THE LOCAL EDUCATION PROVIDER TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF ITS KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES.

(5) AS USED IN THIS SECTION, "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT; A CHARTER SCHOOL THAT ENROLLS STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES; AND A PUBLIC SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES THAT ENROLLS STUDENTS IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES.

(6) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PURCHASING AN EARLY LITERACY ASSESSMENT TOOL AS DESCRIBED IN THIS SECTION FOR THE USE OF LOCAL EDUCATION PROVIDERS IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 8. In Colorado Revised Statutes, **add 22-30.5-112.2** as follows:

22-30.5-112.2. Charter schools - at-risk supplemental aid - definitions - legislative declaration. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADJUSTED DISTRICT PER PUPIL REVENUES" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112.1 (1) (a).

(b) "ASCENT PROGRAM" MEANS THE ACCELERATING STUDENTS THROUGH CONCURRENT ENROLLMENT PROGRAM CREATED IN SECTION 22-35-108.

(c) "AT-RISK PUPILS" HAS THE SAME MEANING AS DEFINED IN SECTION 22-54-103 (1.5).

(d) "DISTRICT PER PUPIL REVENUES" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112 (2) (a.5) (II).

(e) "QUALIFYING SCHOOL DISTRICT" HAS THE SAME MEANING AS DEFINED IN SECTION 22-30.5-112.1.

(2) (a) FOR THE 2012-13 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT OF EDUCATION FOR ALLOCATION TO SCHOOL DISTRICTS THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID FOR THOSE SCHOOL DISTRICTS AND DISTRICT CHARTER SCHOOLS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE AT-RISK SUPPLEMENTAL AID IS ADDITIONAL FUNDING AND DOES NOT SUPPLANT ANY OTHER FUNDING PROVIDED PURSUANT TO THIS ARTICLE.

(b) (I) EACH QUALIFYING SCHOOL DISTRICT SHALL RECEIVE AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK PUPILS IN A DISTRICT CHARTER SCHOOL AUTHORIZED BY THE QUALIFYING SCHOOL DISTRICT PRIOR TO JULY 1, 2004, IS LESS THAN THE PERCENTAGE OF AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF THE SCHOOL DISTRICT'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM.

(II) EACH DISTRICT CHARTER SCHOOL IN A QUALIFYING SCHOOL DISTRICT THAT WAS INITIALLY AUTHORIZED PRIOR TO JULY 1, 2004, SHALL RECEIVE AT-RISK SUPPLEMENTAL AID IF THE PERCENTAGE OF AT-RISK STUDENTS IN THE DISTRICT CHARTER SCHOOL EXCEEDS THE PERCENTAGE OF AT-RISK PUPILS IN THE QUALIFYING SCHOOL DISTRICT. THE AMOUNT OF THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

(III) EACH DISTRICT CHARTER SCHOOL IN A SCHOOL DISTRICT THAT IS NOT A QUALIFYING DISTRICT AND WHOSE PERCENTAGE OF AT-RISK PUPILS EXCEEDS THE PERCENTAGE OF AT-RISK PUPILS IN THE CHARTERING SCHOOL DISTRICT SHALL RECEIVE AT-RISK SUPPLEMENTAL AID. THE AMOUNT OF THE DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID

IS EQUAL TO THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF ADJUSTED DISTRICT PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM. A SCHOOL DISTRICT SHALL PASS THROUGH ONE HUNDRED PERCENT OF A DISTRICT CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE DISTRICT CHARTER SCHOOL.

(3) IF THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION IS INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK SUPPLEMENTAL AID CALCULATED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL ALLOCATE THE AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

(4) DURING THE FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY, THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, SHALL REVIEW THE PROVISIONS FOR AT-RISK FUNDING PURSUANT TO ARTICLE 54 OF THIS TITLE, THE NEGATIVE FACTOR REQUIRED PURSUANT TO SECTION 22-54-104 (5) (g), AND THE IMPACT THAT THE NEGATIVE FACTOR HAS HAD ON AT-RISK FUNDING.

SECTION 9. In Colorado Revised Statutes, 22-30.5-513, add (4.5) as follows:

22-30.5-513. Institute charter schools - definitions - funding - at-risk supplemental aid - legislative declaration. (4.5) (a) FOR THE 2012-13 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE CHARTER SCHOOL INSTITUTE THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.5) FOR EACH INSTITUTE CHARTER SCHOOL WHOSE PERCENTAGE OF AT-RISK PUPILS IS LESS THAN THE PERCENTAGE OF AT-RISK PUPILS IN THE ACCOUNTING DISTRICT. AT-RISK SUPPLEMENTAL AID IS ADDITIONAL FUNDING AND DOES NOT SUPPLANT ANY OTHER FUNDING ALLOCATED PURSUANT TO THIS SECTION. THE CHARTER SCHOOL INSTITUTE SHALL PASS THROUGH ONE HUNDRED PERCENT OF AN INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID TO THE INSTITUTE CHARTER SCHOOL.

(b) THE INSTITUTE CHARTER SCHOOL'S AT-RISK SUPPLEMENTAL AID IS EQUAL TO ONE-HALF OF THE DIFFERENCE BETWEEN ONE HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S PER PUPIL REVENUES AND ONE HUNDRED PERCENT OF THE ACCOUNTING DISTRICT'S ADJUSTED PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL, NOT INCLUDING ON-LINE PUPILS OR PUPILS ENROLLED IN THE ASCENT PROGRAM.

(c) FOR PURPOSES OF THIS SUBSECTION (4.5), UNLESS THE CONTEXT OTHERWISE REQUIRES, "ACCOUNTING DISTRICT'S PER PUPIL REVENUES" HAS THE SAME MEANING AS THE TERM "DISTRICT PER PUPIL REVENUES" DEFINED IN SECTION 22-30.5-112.

(d) IF THE APPROPRIATION TO THE CHARTER SCHOOL INSTITUTE IS INSUFFICIENT TO FUND ONE HUNDRED PERCENT OF THE AT-RISK SUPPLEMENTAL AID CALCULATED PURSUANT TO THIS SUBSECTION (4.5), THE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE THE AT-RISK SUPPLEMENTAL AID PROPORTIONATELY.

(e) DURING THE FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY, THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, SHALL REVIEW THE PROVISIONS FOR AT-RISK FUNDING PURSUANT TO ARTICLE 54 OF THIS TITLE, THE NEGATIVE FACTOR REQUIRED PURSUANT TO SECTION 22-54-104 (5) (g), AND THE IMPACT THAT THE NEGATIVE FACTOR HAS HAD ON AT-RISK FUNDING.

SECTION 10. In Colorado Revised Statutes, 22-54-114, add (4) (c) as follows:

22-54-114. State public school fund. (4) (c) FOR THE 2012-13 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THE AMOUNT CALCULATED FOR AT-RISK SUPPLEMENTAL AID PURSUANT TO SECTIONS 22-30.5-112.2 AND 22-30.5-513, UP TO THREE MILLION EIGHT HUNDRED THIRTY-NINE THOUSAND SIX HUNDRED TWENTY-SEVEN DOLLARS, FROM ANY AMOUNTS RECOVERED BY THE DEPARTMENT OF EDUCATION DURING THE APPLICABLE BUDGET YEAR WHERE THE DEPARTMENT HAS RECEIVED PAYMENTS FROM SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS IN EXCESS OF THREE MILLION DOLLARS."

Renumber succeeding sections accordingly.

Page 11, line 11, after "**Appropriation.**" insert "(1)".

Page 11, after line 17 insert:

"(2) In addition to any other appropriation, there is hereby appropriated, out of audit recoveries credited to the state public school fund pursuant to section 22-54-114 (4), not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$3,839,627, or so much thereof as may be necessary, for allocation to the public school finance unit for the payment of at-risk supplemental aid to school districts, district charter schools, and institute charter schools pursuant to sections 22-30.5-112.2 and 22-30.5-513, Colorado Revised Statutes."

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB12-020**

**THIS REPORT AMENDS THE
REREVISED BILL**

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB12-020, concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 4, strike lines 6 and 7 and substitute "DESCRIBED IN SECTION 18-18-403.5 (2) (a) (I), (2) (b) (I), OR (2) (c);".

2. That, under the authority granted to the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 3, line 12, strike "ARREST AND".

Page 5, strike lines 4 through 10 and substitute:

"(4) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PROHIBIT THE PROSECUTION OF A PERSON FOR AN OFFENSE OTHER THAN AN OFFENSE LISTED IN SUBSECTION (3) OF THIS SECTION OR TO LIMIT THE ABILITY OF A DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER TO OBTAIN OR USE EVIDENCE OBTAINED FROM A REPORT, RECORDING, OR ANY OTHER STATEMENT PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO INVESTIGATE AND PROSECUTE AN OFFENSE OTHER THAN AN OFFENSE LISTED IN SUBSECTION (3) OF THIS SECTION."

Respectfully submitted,

Senate Committee:
(signed)
Irene Aguilar, Chairman
Morgan Carroll
Ellen Roberts

House Committee:
(signed)
Ken Summers, Chairman
Mark Waller
Pete Lee

MESSAGE FROM THE HOUSE

May 3, 2012
The House has postponed indefinitely SB12-139, 154. The bills are returned herewith.
The House has adopted and returns herewith SJR12-039.
The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB12-1119, amended as printed in House Journal, May 2, pages 1238-1241.

MESSAGE FROM THE REVISOR OF STATUTES

May 3, 2012

We herewith transmit:

Without comment, as amended, HB12-1119.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-023, 031 and 035; HB12-1012, 1070, 1114, 1140, 1151,
1224, 1239, 1244, 1262, 1276.

MESSAGE FROM THE GOVERNOR

May 3, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State
the following Act:

SB12-013: CONCERNING LOW-SPEED ELECTRIC VEHICLES.

Approved May 3, 2012 at 1:02 p.m.

SB12-158: CONCERNING THE CONSOLIDATION OF TWO PUBLIC HOUSING
AGENCIES WITHIN THE DIVISION OF HOUSING IN THE DEPARTMENT OF
LOCAL AFFAIRS.

Approved May 3, 2012 at 1:12 p.m.

SB12-110: CONCERNING A FUND CONSISTING OF SURCHARGES ON INSURANCE PREMIUMS TO PAY FOR COSTS ASSOCIATED WITH CRIMINAL PROSECUTION OF INSURANCE FRAUD INVESTIGATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Approved May 3, 2012 at 1:21 p.m.

SB12-156: CONCERNING THE AUTHORITY OF THE DEPARTMENT OF PERSONAL TO EXPEND GIFTS, GRANTS AND DONATIONS.

Approved May 3, 2012 at 1:21 p.m.

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 Thursday, May 3 was laid over until Friday, May 4, retaining its place on the calendar.

- Consideration of Resolutions: SJR12-034, SJR12-038, SR12-003, HJR12-1022.
- 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.
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1168.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, May 4, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--25
Excused--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Scheffel, Steadman.
Present later--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Scheffel, Steadman.

Quorum The President announced a quorum present.

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.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **HB12-1319** be postponed indefinitely.

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:

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.
Correctly Reengrossed: SB12-173.
Correctly Revised: HB12-1237, 1238 and 1272.
Correctly Rerevised: HB12-1036, 1043 and 1086.
Correctly Enrolled: SB12-010, 128 and 145.

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.

(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

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."

	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	1 2 3 4
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.	5 6 7 8 9
	<u>Amendment No. 1, Local Government Committee Amendment.</u> (Printed in Senate Journal, May 2, page 1024 and placed in members' bill files.)	10 11 12
	As amended, ordered revised and placed on the calendar for third reading and final passage.	13 14 15 16
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.	17 18 19 20
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, February 14, pages 147-149 and placed in members' bill files.)	21 22 23
	<u>Amendment No. 2, Finance Committee Amendment.</u> (Printed in Senate Journal, February 17, page 201 and placed in members' bill files.)	24 25 26
	<u>Amendment No. 3, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 2, pages 1026-1029 and placed in members' bill files.)	27 28 29
	<u>Amendment No. 4(L.006), by Senator Steadman.</u>	30 31
	Amend the Appropriations Committee Report, dated May 2, 2012, page 1, strike line 9 and substitute:	32 33 34
	"Page 2 of the committee report, strike lines 30 and 31.	35 36
	Page 3 of the committee report, strike lines 1 through 4 and substitute:	37 38
	"Page 12 of the bill, strike lines 26 and 27.	39 40
	Page 13 of the bill, strike lines 1 through 4 and substitute:	41 42
	"(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."."	43 44 45 46 47 48 49 50
	Page 1 of the Appropriations committee report, strike lines 10 through 13.	51 52 53
	Page 5 of the Appropriations committee report, line 10, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".	54 55 56 57
	Amend the Judiciary Committee Report, dated February 13, 2012, page 2 of the committee report, line 19, strike "A".	58 59 60
	Page 2 of the Judiciary committee report, line 20, strike "CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".	61 62 63
	Page 3 of the Judiciary committee report, line 21, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".	64 65 66 67
	Page 3 of the Judiciary committee report, line 33, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".	68 69 70 71
	Amend printed bill, page 6 of the bill, line 3, strike "A CERTIFICATE OF	72

REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 8 of the bill, strike lines 6 and 7.

Page 9 of the bill, line 2, strike "**Certificate of rehabilitation.**" and substitute "**Order of rehabilitative relief.**".

Page 9 of the bill, line 3, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 9 of the bill, line 10, strike "A".

Page 9 of the bill, line 11, strike "CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 9 of the bill, line 18, strike "A".

Page 9 of the bill, line 19, strike "CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 10 of the bill, line 4, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 10 of the bill, line 14, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 10 of the bill, line 21, strike "CONVICTION." and substitute "CONVICTION; AND".

Page 10 of the bill, line 22, strike "A CERTIFICATE".

Page 10 of the bill, line 23, strike "OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 11 of the bill, line 7, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 11 of the bill, line 17, strike "A".

Page 11 of the bill, line 18, strike "CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 11 of the bill, line 20, strike "A".

Page 11 of the bill, line 21, strike "CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 12 of the bill, line 7, strike "A".

Page 12 of the bill, line 8, strike "CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 12 of the bill, line 9, strike "CERTIFICATE OF REHABILITATION" and substitute "ORDER OF REHABILITATIVE RELIEF".

Page 12 of the bill, line 14, strike "A CERTIFICATE OF" and substitute "AN ORDER OF REHABILITATIVE RELIEF,".

Page 12 of the bill, line 15, strike "REHABILITATION,".

Page 12 of the bill, line 19, strike "A CERTIFICATE OF REHABILITATION" and substitute "AN ORDER OF REHABILITATIVE RELIEF".

Page 12 of the bill, line 27, strike "CERTIFICATE OF REHABILITATION" and substitute "ORDER OF REHABILITATIVE RELIEF".

Page 13 of the bill, line 3, strike "CERTIFICATE OF REHABILITATION" and substitute "ORDER OF REHABILITATIVE RELIEF".

Page 13 of the bill, line 6, strike "CERTIFICATE OF REHABILITATION" and substitute "ORDER OF REHABILITATIVE RELIEF".

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.".

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.

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.

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

Finance After consideration on the merits, the Committee recommends that **HB12-1327** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1300** be referred to the Committee on Appropriations with favorable recommendation.

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 CHARTER SCHOOL INSTITUTE BOARD

Steven Richard Schneider, Colorado Springs, Colorado, a Republican who has experience as a public school administrator with experience working with charter schools and with other board or public service experience, appointed.

Education After consideration on the merits, the Committee recommends that **SB12-103** be postponed indefinitely.

Education After consideration on the merits, the Committee recommends that **HB12-1214** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB12-1155** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB12-1306** be postponed indefinitely.

Legislative Council After consideration on the merits, the Committee recommends that **HB12-1099** be referred to the Committee on Finance with favorable recommendation.

Legislative Council After consideration on the merits, the Committee recommends that **HB12-1218** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **SB12-157** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **SB12-083** be referred to the Committee of the Whole with favorable recommendation.

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.

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".

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.".

	Page 2, after line 21 insert:	1
	"SECTION 3. In Colorado Revised Statutes, 40-8.7-112, add (1)	2
	(f) as follows:	3
	40-8.7-112. Department of human services low-income energy	4
	assistance fund - creation - energy outreach Colorado low-income	5
	energy assistance fund - creation - governor's energy office	6
	low-income energy assistance fund - creation - definitions.	7
	(1) (f) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS	8
	SUBSECTION (1) TO THE CONTRARY, THE DEPARTMENT OF HUMAN	9
	SERVICES MAY ACCEPT AND EXPEND PUBLIC AND PRIVATE GIFTS, GRANTS,	10
	AND DONATIONS FOR DEPOSIT INTO THE FUND FOR PURPOSES OF THE	11
	ASSESSMENT AND REVIEW REQUIRED BY SECTION 40-8.5-103.5 (5).".	12
	Renumber succeeding sections accordingly.	13
		14
Appropriations	After consideration on the merits, the Committee recommends that HB12-1281 be	15
	amended as follows, and as so amended, be referred to the Committee of the Whole with	16
	favorable recommendation.	17
		18
	Amend Health and Human Services Committee Report, dated April 27,	19
	2012, page 1, line 19, strike "SHALL" and substitute "MAY".	20
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		22
Appropriations	After consideration on the merits, the Committee recommends that HB12-1143 be referred	23
	to the Committee of the Whole with favorable recommendation.	24
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1273 be referred	27
	to the Committee of the Whole with favorable recommendation.	28
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1273 be referred	31
	to the Committee of the Whole with favorable recommendation.	32
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1315 be	35
	amended as follows, and as so amended, be referred to the Committee of the Whole with	36
	favorable recommendation.	37
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	Amend reengrossed bill, page 53, line 4, strike "necessary," and substitute	40
	"necessary. Said sum is subject to the "(I)" notation as defined in the	41
	general appropriations act and is".	42
		43
	Page 53, strike lines 14 through 21.	44
		45
	Renumber succeeding sections accordingly.	46
		47
	Page 53, line 27, strike "\$1,560,491" and substitute "\$2,160,491".	48
		49
	Page 54, line 1, strike "necessary," and substitute "necessary. Said sum is	50
	subject to the "(I)" notation as defined in the general appropriations act	51
	and is".	52
		53
	Page 54, line 8, strike "disbursement; and" and substitute "disbursement;".	54
		55
	Page 54, line 10, strike "disbursement." and substitute "disbursement;	56
	and".	57
		58
	Page 54, after line 10 insert:	59
		60
	"(g) \$600,000 for Colorado energy office, weatherization.".	61
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1311 be referred	64
	to the Committee of the Whole with favorable recommendation.	65
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Appropriations	After consideration on the merits, the Committee recommends that HB12-1334 be referred	68
	to the Committee of the Whole with favorable recommendation.	69

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.

Amend reengrossed bill, page 5, line 19, strike "JUNE 30," and substitute "JULY 1,".

Page 5, after line 25 insert:

"**SECTION 4.** In Colorado Revised Statutes, **amend** 25-27-107.5 as follows:

25-27-107.5. Assisted living residence cash fund created.

(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.

(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.".

Renumber succeeding sections accordingly.

Page 18, strike lines 13 through 17.

Page 19, line 3, strike "section 4" and substitute "section 5".

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1310** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1110** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1326** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1286** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1038** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1042** be referred to the Committee of the Whole with favorable recommendation.

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.

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.	1
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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.	6
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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.	11
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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 returing 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

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 ussed 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 approves. 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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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

118th Legislative Day Monday, May 7, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Morse.

Roll Call Present--33
Excused--2, King S., Mitchell.
Present later--2, King S., Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Friday, May 4, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **SB12-179** be postponed indefinitely.

Health & Human Services After consideration on the merits, the Committee recommends that **HB12-1119** be referred to the Committee on Finance with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB12-1101** be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that **SB12-071** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 21, strike "38-38-1005." and substitute "38-38-1004."

Page 5, strike lines 7 through 10 and substitute:
"(3) A HOLDER SHALL NOT COMMENCE FORECLOSURE ACTIVITY UNTIL:".

Page 5, strike line 23 and substitute "38-38-1003;".

Page 5, line 25, strike "38-38-1007," and substitute "38-38-1006,".

Page 5, strike lines 26 and 27 and substitute "ISSUING A NOTICE OF ELECTION AND DEMAND;".

Page 6, line 2, strike "38-38-1008;" and substitute "38-38-1007;".

Page 6, strike lines 13 through 27.

Strike pages 7 through 9.	1
	2
Page 10, strike lines 1 and 2.	3
	4
Renumber succeeding C.R.S. sections accordingly.	5
	6
Page 10, strike lines 8 through 16 and substitute "RIGHT TO CURE LETTER	7
AND THE NOTICE OF ELECTION AND DEMAND, AND MUST INCLUDE AT	8
LEAST THE FOLLOWING INFORMATION:	9
(a) THE LOAN SERVICER'S TOLL-FREE TELEPHONE NUMBER FOR	10
LOSS MITIGATION;"	11
	12
Page 10, line 27, strike "FINAL".	13
	14
Page 12, line 18, strike "ALL" and substitute "BOTH".	15
	16
Page 12, line 23, after the semicolon add "AND".	17
	18
Page 13, strike lines 1 through 5 and substitute "CONFIRMATION AND ONE	19
LETTER VIA REGULAR MAIL."	20
	21
Page 13, line 8, strike "38-38-1004" and substitute "38-38-1003".	22
	23
Page 14, line 25, strike "38-38-1007" and substitute "38-38-1006".	24
	25
Page 16, strike line 9 and substitute "38-38-1007".	26
	27
Page 16, strike lines 20 through 22 and substitute:	28
"(2) BEFORE FILING THE NOTICE OF ELECTION AND DEMAND, THE	29
HOLDER SHALL CERTIFY THE ACTIONS IT HAS TAKEN TO".	30
	31
Page 17, strike line 1 and substitute:	32
"(a) THE RESULTS OF THE HOLDER'S ATTEMPTS TO MAKE	33
RIGHT-PARTY CONTACT, INCLUDING:"	34
	35
Page 17, strike lines 7 through 13.	36
	37
Reletter succeeding paragraphs accordingly.	38
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Page 17, strike lines 21 through 27.	40
	41
Page 18, strike lines 1 through 4 and substitute:	42
"(I) IF THE PROPERTY OR LOAN IS INELIGIBLE UNDER SECTION	43
38-38-1002 (2), THE REASON FOR THE INELIGIBILITY;"	44
	45
Renumber succeeding subparagraphs accordingly.	46
	47
Page 18, line 5, strike the first "THE" and substitute "IF THE".	48
	49
Page 18, line 9, strike the first "THE" and substitute "WHETHER THE".	50
	51
Page 18, line 10, change the colon to a semicolon.	52
	53
Page 18, strike lines 11 through 19.	54
	55
Page 18, line 20, strike "THE" and substitute "WHETHER THE" and change	56
the colon to a semicolon.	57
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Page 18, strike lines 21 through 24.	59
	60
Page 18, line 25, strike "THE" and substitute "IF THE".	61
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Page 19, line 9, strike "AN" and substitute "IF AN".	63
	64
Page 19, line 22, strike "THE" and substitute "IF THE".	65
	66
Page 20, strike lines 5 through 17 and substitute:	67

"(VIII) IF AN NPV EVALUATION RESULTED IN A NEGATIVE NPV UNDER THE APPLICABLE INVESTOR GUIDELINES, THE INVESTOR'S FORECASTED LOSS OR GAIN BASED ON THE NPV ANALYSIS;".

Renumber succeeding subparagraphs accordingly.

Page 20, line 18, strike "THE" and substitute "IF THE".

Page 20, line 26, strike "INVESTOR" and substitute "IF INVESTOR".

Page 21, strike lines 8 through 27.

Strike page 22.

Page 23, strike lines 1 through 12.

Renumber succeeding subsections accordingly.

Page 23, line 15, strike "DEMAND AND THE" and substitute "DEMAND.".

Page 23, line 16, strike "HEARING PURSUANT TO C.R.C.P. 120.".

Page 23, line 24, strike "(4)" and substitute "(3)".

Page 23, line 26, strike "BORROWER, AND" and substitute "BORROWER.".

Page 23, strike line 27.

Page 24, strike line 1.

Page 24, line 4, strike "(1) OR" and substitute "(1)".

Page 24, strike lines 5 through 8.

Page 24, line 15, strike "38-38-1008," and substitute "38-38-1007,".

Page 24, line 26, strike "38-38-1006" and substitute "38-38-1005".

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1263** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "**add**" and substitute "**amend** (1) (b) (V) and (1) (b) (VI); and **add** (1) (b) (VII),".

Page 2, strike line 4 and substitute:

"24-5-101. Effect of criminal conviction on employment rights.

(1) (b) This subsection (1) shall not apply to:

(V) The employment of persons in public or private correctional facilities pursuant to the provisions of sections 17-1-109.5 and 17-1-202 (1) (a) (I) and (1.5), C.R.S., and the employment of persons in public or private juvenile facilities pursuant to the provisions of sections 19-2-403.3 and 19-2-410 (4), C.R.S.; and

(VI) The employment of persons by the public employees' retirement association created pursuant to section 24-51-201 who, upon the commencement of that employment, will have access to association investment information, association assets, or financial, demographic, or other information relating to association members or beneficiaries; AND

(VII) THE EMPLOYMENT OF PERSONS BY THE DEPARTMENT OF PUBLIC SAFETY.".

Page 2, line 12, after "AGENCY" insert "DETERMINES THAT AN APPLICANT IS A FINALIST OR".

Page 2, strike line 14 and substitute:
" (c) IF, AFTER DETERMINING THAT AN APPLICANT IS A FINALIST OR
AFTER MAKING A CONDITIONAL OFFER OF EMPLOYMENT TO AN APPLICANT,
THE AGENCY DETERMINES THAT THE APPLICANT HAS BEEN ARRESTED OR
CHARGED BUT NOT CONVICTED OF A CRIMINAL OFFENSE AND THE
CRIMINAL CASE IS NOT ACTIVELY PENDING, THE AGENCY SHALL NOT USE
THAT INFORMATION AS A BASIS FOR NOT MAKING AN OFFER OF
EMPLOYMENT OR FOR WITHDRAWING THE CONDITIONAL OFFER OF
EMPLOYMENT.
 (d) IF, AFTER DETERMINING THAT AN APPLICANT IS A FINALIST OR
AFTER MAKING A CONDITIONAL OFFER OF EMPLOYMENT TO AN APPLICANT,
THE AGENCY DETERMINES THAT THE APPLICANT HAS HAD A CRIMINAL
CONVICTION EXPUNGED OR SEALED FROM HIS OR HER RECORD, RECEIVED
A PARDON, OR THAT CHARGES WERE DISMISSED PURSUANT TO
SUCCESSFULLY COMPLETING A DEFERRED JUDGMENT OR SENTENCE, THE
AGENCY SHALL NOT USE THAT INFORMATION AS A BASIS FOR NOT MAKING
AN OFFER OF EMPLOYMENT OR FOR WITHDRAWING THE CONDITIONAL
OFFER OF EMPLOYMENT UNLESS, AFTER REVIEWING THE FACTORS IN
SUBSECTION (4) OF THIS SECTION, THE AGENCY DETERMINES THAT THE
APPLICANT SHOULD BE DISQUALIFIED FOR THE POSITION.
 (e) NOTHING IN THIS SECTION PREVENTS AN AGENCY FROM
CONSIDERING CRIMINAL HISTORY INFORMATION THAT THE APPLICANT
VOLUNTARILY PROVIDES."
Page 3, strike lines 1 through 6.
Page 3, line 7, after "AFTER" insert "DETERMINING THAT AN APPLICANT IS
A FINALIST OR".
Page 3, line 17, strike "INCLUDING, BUT NOT LIMITED TO," and substitute
"INCLUDING".
Page 3, line 19, after "THE" insert "DUTIES OF".
Page 3, strike line 20 and substitute "A CO-WORKER OR THE PUBLIC IN A
VULNERABLE POSITION;".
Page 4, line 5, strike "AN" and substitute "UNLESS THERE IS A SPECIFIC
STATUTORY DISQUALIFICATION THAT PROHIBITS AN APPLICANT FROM
OBTAINING LICENSURE BASED ON A CRIMINAL CONVICTION, IF THE
LICENSING ENTITY DETERMINES THAN AN APPLICANT FOR LICENSURE HAS
A CRIMINAL RECORD, THE LICENSING ENTITY IS GOVERNED BY SECTION
24-5-101 FOR PURPOSES OF GRANTING OR DENYING LICENSURE OR
PLACING ANY CONDITIONS ON LICENSURE."
Page 4, strike lines 6 through 17.

Judiciary After consideration on the merits, the Committee recommends that **HB12-1325** be
amended as follows, and as so amended, be referred to the Committee on Appropriations
with favorable recommendation.

Amend reengrossed bill, page 3, line 7, strike "PURCHASER;" and
substitute "PURCHASER, OR IF THE PURCHASER IS A PROGRAM PARTICIPANT
IN THE ADDRESS CONFIDENTIALITY PROGRAM CREATED IN SECTION
24-30-2104, C.R.S., THE PURCHASER'S SUBSTITUTE ADDRESS;".
Page 4, line 17, strike "BE IMMUNE".
Page 4, line 18, strike "FROM LIABILITY" and substitute "NOT BE CIVILLY
LIABLE".
Page 4, after line 21 insert:
" (d) THE ADMINISTRATOR OF AN ELECTRONIC LOGGING SYSTEM
SHALL PROVIDE REAL-TIME ACCESS TO THE INFORMATION IN THE
ELECTRONIC LOGGING SYSTEM TO LAW ENFORCEMENT AGENCIES IN

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COLORADO THAT ARE AUTHORIZED BY THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY.

(e) THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY MAY CONDUCT AN ANNUAL COMPLIANCE AUDIT OF AN ELECTRONIC LOGGING SYSTEM."

Reletter succeeding paragraph accordingly.

Page 4, after line 27 insert:

"(g) A STORE UTILIZING AN ELECTRONIC LOGGING SYSTEM IN ACCORDANCE WITH THIS SUBSECTION (2.7) SHALL POST A NOTICE THAT STATES THAT A PERSON PURCHASING A NONPRESCRIPTION PRODUCT THAT CONTAINS A METHAMPHETAMINE PRECURSOR DRUG WILL HAVE THE INFORMATION REQUIRED BY PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION SUBMITTED TO AN ELECTRONIC LOGGING SYSTEM, AND AN EMPLOYEE WHO SELLS A NONPRESCRIPTION PRODUCT THAT CONTAINS A METHAMPHETAMINE PRECURSOR DRUG TO A PERSON SHALL NOTIFY THE PERSON THAT THE EMPLOYEE WILL HAVE THE INFORMATION REQUIRED BY PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION SUBMITTED TO AN ELECTRONIC LOGGING SYSTEM."

Judiciary After consideration on the merits, the Committee recommends that **HB12-1346** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1099** be referred to the Committee on Appropriations with favorable recommendation.

SENATE SERVICES REPORT

Correctly Printed: SB12-184.
Correctly Engrossed: SB12-105, 135, 155, 171, 174 and 182.
Correctly Revised: HB12-1084, 1223, 1267, 1314 and 1329; HJR12-1022.
Correctly Rerevised: HB12-1237, 1238 and 1272.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SJR12-049 by Senator(s) Morse, Shaffer B., Cadman; also Representative(s) Stephens, McNulty, Ferrandino--Concerning the appointment of a joint committee to notify the Governor that the Second Regular Session of the Sixty-eighth General Assembly is about to adjourn sine die.

Laid over until Wednesday, May 9, retaining its place on the calendar.

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-174 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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar and Steadman.

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:

SB12-169 by Senator(s) Tochtrop; also Representative(s) Sonnenberg--Concerning the administration of county powers to maintain the landscape.

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	N
Boyd	Y	Heath	Y	Mitchell	E	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**.

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.

Laid over until Tuesday, May 8, retaining its place on the calendar.

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".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Boyd, Giron, Lambert, Newell, Schwartz and Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Harvey and King S.

SB12-105 by Senator(s) Steadman, Carroll, Guzman; also Representative(s) Levy, Hullinghorst, Lee, Pabon--Concerning provisions that improve the reintegration opportunities for persons involved in the criminal justice system, and, in connection therewith, making and reducing appropriations.

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.011), by Senator Steadman.

Amend engrossed bill, page 6, line 8, strike "16-24-107" and substitute "16-24-106".

Page 6, line 9, strike "16-24-108." and substitute "16-24-107".

Page 6, line 17, strike "16-24-105 AND 16-24-106" and substitute "16-24-106 and 16-24-107".

Page 7, line 17, strike "16-24-106" and substitute "16-24-107".

Page 7, line 18, after "PAY" insert "A".

Page 8, strike lines 11 through 15 and substitute "SHALL SEND A COPY OF THE ORDER OF COLLATERAL 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 COLLATERAL RELIEF WAS ISSUED.".

Page 9, line 25, strike "16-24-105" and substitute "16-25-106".

Page 13, line 16, strike "**16-24-107.**" and substitute "**16-24-108.**".

Page 13, line 24, strike "16-24-106" and substitute "16-24-107".

Page 13, line 25, strike "WHICH" and substitute "WHICHEVER".

Page 14, strike lines 1 through 5 and substitute "CLEMENCY TO THE COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF INVESTIGATION SHALL INCLUDE A NOTE IN THE INDIVIDUAL'S RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT A PARDON WAS ISSUED OR CLEMENCY WAS GRANTED.".

Page 23, line 20, strike "16" and substitute "16, C.R.S.".

Page 24, line 5, after "16," insert "C.R.S.".

Page 25, line 21, strike "16-24-105," and substitute "16-24-106,".

Page 25, line 22, strike "16-24-106," and substitute "16-24-107,".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Heath, Hudak, Jahn, King S., Neville, Newell, Roberts, Tochtrop and Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Heath, Hudak, Jahn, King S., Newell, Nicholson, Roberts, White and Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	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: Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	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.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Hudak, Jahn, Newell, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Brophy, Grantham, Harvey, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Neville, Roberts, Schwartz, Tochtrop, White and Williams S.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Brophy, Carroll, Giron, Heath, Hodge, Johnston, Lambert, Newell, Nicholson, Roberts, Schwartz, Tochtrop and White.

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	15	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	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Morse and Nicholson.

RECONSIDERATION OF SB12-169

SB12-169 by Senator(s) Tochtrop; also Representative(s) Sonnenberg--Concerning the administration of county powers to maintain the landscape.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-169.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

A majority of those elected to the Senate having voted in the affirmative, Senator Schwartz was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.004), by Senator Schwartz.

Amend engrossed bill, page 2, strike lines 2 through 26.

Page 3, strike lines 1 through 19.

Renumber succeeding sections accordingly.

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	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	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Schwartz.

RECONSIDERATION OF HB12-1267

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.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1267.

Less than a majority of all members elected to the Senate having voted in the affirmative, the motion for reconsideration **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		

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 a roll call vote:

MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

Lawrence R. DiPasquale of Greenwood Village, Colorado, a representative of the food, beverage and restaurant industry, appointed.

Timothy H. Wolfe of Littleton, Colorado, a representative of the hotel, motel, and lodging industry, 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		

On motion of Senator Hudak, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
WASTE TIRE ADVISORY COMMITTEE

for a term expiring on September 9, 2014:

Michael "Scott" Skorka of Golden, Colorado, to serve as a tire retailer, 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		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY TRUST FUND BOARD

for a term expiring June 30, 2014:

Timothy R. Hurtado, D.O. of Colorado Springs, Colorado, reappointed.

for a term expiring June 30, 2015:

Sena K. Harjo of Lakewood, 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 Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2014:

LaShay Canady of Aurora, Colorado, to serve as a parent, 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 Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2014:

Keith Evans of Lonetree, Colorado, a representative of insurance carriers, and occasioned by the resignation of Leo Tokar of Englewood, 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 Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER

for terms expiring December 31, 2015:

Dawn P. Bookhardt of Aurora, Colorado, to serve as a Republican, reappointed;
Robert Cohen of Greenwood Village, Colorado, to serve as an Unaffiliated, reappointed;
Melody Harris of Denver, Colorado, to serve as a Democrat, 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		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2015:

William Carl Sanden of Colorado Springs, Colorado, a Republican, appointed;
Cheryl Denise Cohen-Vader of Denver, Colorado, an Unaffiliated, 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 Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLLEGEINVEST BOARD OF DIRECTORS

for terms expiring July 31, 2015:

Ashley J. Burt of Gunnison, Colorado, reappointed;
Patrice M. Henning of Evergreen, Colorado, appointed;
Douglas W. Lyon of Durango, 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 Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2015:

Theresa Kathleen Pena of Denver, Colorado and a resident of the First Congressional District, to serve as a Democrat, appointed;

Bernadette B. Marquez of Denver, Colorado and a resident of the First Congressional District, to serve as a Democrat, 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		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2015:

George H. Delaney of Castle Rock, Colorado to serve as a Democrat, reappointed;

Linda A. Morton of Littleton, Colorado to serve as a Democrat, 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		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2014:

Robert Stinchcomb of Lafayette, Colorado, a representative of the ski industry and occasioned by the resignation of Jeanne C. Mackowski of Carbondale, 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 appointments were confirmed by a roll call vote:

MEMBER OF THE
COLORADO BANKING BOARD

for terms expiring July 1, 2013:

James L. Basey of Denver, Colorado, to fill the vacancy occasioned by the resignation of Thomas L. Goding of Fort Collins, Colorado, and to serve as an executive officer of a state bank, with not less than five years' practical experience as an active executive officer of a bank, appointed;

Emily S. Robinson of Golden, Colorado, an executive officer of a state bank, with not less than five years' practical experience as an active executive officer of a bank, and occasioned by the resignation of Mary S. Reisher of Denver, Colorado, appointed;

for a term expiring July 1, 2015:

Richard Estaban Martinez, Jr., Centennial, Colorado, to serve as a representative of bankers, and as a representative of a bank having less than one hundred fifty million dollars in total assets, 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:

COMMISSIONER OF INSURANCE

Effective July 1, 2011, for a term expiring at the pleasure of the Governor:

James L. Reisberg of Greeley, Colorado, appointed.

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar		Y Guzman	Y	Lambert	N	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 Schwartz, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
RENEWABLE ENERGY AUTHORITY BOARD OF DIRECTORS

effective immediately for a term expiring July 1, 2014:

Kenneth W. Lund of Lone Tree, 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 Hudak, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE
TRANSPORTATION COMMISSION

for terms expiring July 1, 2015:

Heather M. Barry of Westminster, Colorado to serve as a commissioner from the fourth district, reappointed;

Kathleen R. Gilliland of Livermore, Colorado to serve as a commissioner from the fifth district, appointed;

Edward James Peterson of Lakewood, Colorado to serve as a commissioner from the Second Transportation District, 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		

for a term expiring July 1, 2015:

Leslie W. Gruen of Colorado Springs, Colorado to serve as a commissioner from the ninth district, reappointed.

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

On motion of Senator Hudak, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE
WASTE TIRE ADVISORY COMMITTEE

for a term expiring on September 9, 2014:

Trent A. Peterson of Durango, Colorado, to serve as a representative of waste tire monofills that are operating in compliance with their certificates of designation, 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 Heath, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2015:

Nancy Lee Ferrier of Wheat Ridge, Colorado, the state long-term care ombudsman, and
occasioned by the resignation of Shelley K. Hitt of Centennial, 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 Schwartz, the following Governor's appointment was confirmed by
a roll call vote:

MEMBERS OF THE
RENEWABLE ENERGY AUTHORITY BOARD OF DIRECTORS

effective immediately for terms expiring July 1, 2015:

Tanuj "TJ" Deora of Denver, Colorado, appointed;

Kimberley Beth Jordan of Fort Collins, Colorado, 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		

On motion of Senator Schwartz, the following Governor's appointment was confirmed by
a roll call vote:

MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2015:

Mark A. Arndt of Fort Morgan, Colorado to serve as a Republican from the Fourth
Congressional District, and with substantial experience in agriculture or in the activities of
4-H clubs, reappointed;

Patty Shaw Castilian of Denver, Colorado to serve as a Democrat from the
First Congressional District, 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		

On motion of Senator Schwartz, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS

effective May 1, 2012 for a term expiring May 1, 2016:

Kathie Troudt Riley of Loveland, Colorado to serve as a representative with broad general knowledge of the Colorado livestock industry and shall represent commodity other than confinement and non-confinement cattle industries, with the largest percentage of charged fees, 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 Schwartz, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2012:

Troy Allan Rarick of Fruita, Colorado, to fill the vacancy occasioned by the resignation of James E. Durr, Eckert, Colorado, and to serve as a representative of tourism-related retail industry, small community, and small business, appointed;

for terms expiring June 1, 2015:

Edwin A. Garcia of Aurora, Colorado, a representative of tourism-related transportation industries, 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		

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB12-1168 by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.

Senator Morse moved that the Senate conferees on the first conference committee on **HB12-1168** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was adopted.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Trans- After consideration on the merits, the Committee recommends that **SB12-184** be referred portation to the Committee on Finance with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB12-1119** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **SB12-184** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 16, strike "ALL FLEET VEHICLES" and substitute "EACH FLEET VEHICLE".

Appro- After consideration on the merits, the Committee recommends that **HB12-1069** be priations postponed indefinitely.

Appro- After consideration on the merits, the Committee recommends that **HB12-1345** be priations amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee Report, dated May 3, 2012, page 1, strike lines 2 through 23.

Strike page 2 of the Report.

	Page 3 of the Report, strike lines 1 through 3.	1
		2
	Page 3 of the Report, line 4, strike " SECTION 8. " and substitute " SECTION 7. ".	3
		4
		5
	Renumber succeeding sections accordingly.	6
		7
	Page 3 of the Report, line 20, strike "YEAR," and substitute "YEAR AND EACH BUDGET YEAR THEREAFTER,".	8
		9
		10
	Page 4 of the Report, strike lines 27 through 33.	11
		12
	Page 4 of the Report, line 38, strike "YEAR," and substitute "YEAR AND EACH BUDGET YEAR THEREAFTER,".	13
		14
		15
	Page 5 of the Report, strike lines 23 through 29.	16
		17
	Page 5 of the Report, line 33, strike "YEAR," and substitute "YEAR AND EACH BUDGET YEAR THEREAFTER,".	18
		19
		20
	Page 5 of the Report, line 37, after "RECOVERED" insert "AND RECEIVED".	21
		22
	Page 5 of the Report, strike lines 38 through 40 and substitute "THE APPLICABLE BUDGET YEAR.".	23
		24
		25
	Page 6 of the Report, after line 2 insert:	26
		27
	"Page 11 of the reengrossed bill, line 16, after "necessary," insert "for allocation to the grant programs, distributions, and other assistance subsection of the assistance to public schools section,".	28
		29
		30
		31
	Page 6 of the Report, line 6, after "(4)," insert "Colorado Revised Statutes,".	32
		33
		34
		35
Appropriations	After consideration on the merits, the Committee recommends that HB12-1261 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36
		37
		38
		39
		40
	Strike the Education Committee Report, dated May 3, 2012.	41
		42
	Amend the reengrossed bill, page 5, after line 12, insert:	43
		44
	"(3) IF INSUFFICIENT FUNDING IS AVAILABLE TO AWARD A STIPEND PURSUANT TO SUBSECTION (1) OF THIS SECTION TO ALL TEACHERS AND PRINCIPALS WHO HOLD A CERTIFICATION FROM THE NATIONAL BOARD FOR PROFESSIONAL TEACHING OR PRINCIPAL STANDARDS, STIPENDS SHALL BE AWARDED ONLY TO THOSE TEACHERS AND PRINCIPALS WHO MEET THE CRITERIA OF SUBSECTION (1) OF THIS SECTION AND WHO ARE EMPLOYED IN A LOW-PERFORMING, HIGH-NEEDS SCHOOL.".	45
		46
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		52
	Page 5 of the bill, line 17, strike "\$1,659,200," and substitute "\$604,800,".	53
		54
		55
Appropriations	After consideration on the merits, the Committee recommends that HB12-1099 be referred to the Committee of the Whole with favorable recommendation.	56
		57
		58
		59
Appropriations	After consideration on the merits, the Committee recommends that HB12-1327 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	60
		61
		62
		63
		64
Appropriations	After consideration on the merits, the Committee recommends that HB12-1300 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	65
		66
		67

Amend reengrossed bill, page 35, after line 11 insert:

"SECTION 14. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2012, the sum of \$9,175, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

- (a) \$6,222 for the division of registrations for personal services;
 - (b) \$682 for the division of registrations for operating expenses;
- and
- (c) \$2,271 for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2012, the sum of \$2,271, or so much thereof as may be necessary, for the provision of legal services for the department of regulatory agencies related to the implementation of this act. Said sum is from reappropriated funds received from the department of regulatory agencies out of the appropriation made in paragraph (c) of subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 1 of the bill, strike line 104 and substitute "AGENCIES AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1283** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee report, dated May 1, 2012, page 2, line 28, strike "safety" and substitute "prevention and control".

Page 2, line 31, strike "safety" and substitute "prevention and control".

Page 3, line 6, strike "MITIGATION," and substitute "PREPAREDNESS,".

Page 3, line 10, strike "SERVICES" and substitute "MANAGEMENT".

Page 3, line 11, strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 3, line 16, after "HEALTH," insert "MANAGEMENT, STEWARDSHIP, TECHNICAL ASSISTANCE, URBAN AND COMMUNITY FORESTRY, INSECT AND DISEASE MONITORING AND MITIGATION, RESEARCH, EDUCATION, OUTREACH, PLANNING,".

Page 3, after line 17 insert:

"(c) ANY AND ALL CLAIMS, LIABILITIES, AND DAMAGES, INCLUDING COSTS AND ATTORNEYS' FEES, RELATING IN ANY WAY TO THE PERFORMANCE OF DUTIES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) THAT WERE PERFORMED BY THE BOARD OR ITS EMPLOYEES ON OR BEFORE JUNE 30, 2012, ARE HEREBY TRANSFERRED TO AND ASSUMED BY THE STATE AND THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY."

Page 4, line 6, strike "safety." and substitute "prevention and control."

Page 4, line 20, after "BOARD'S" insert "FUNDS,".

Page 4, line 21, after "AND" insert "PERSONAL".

Page 4, line 22, strike "MITIGATION," and substitute "PREPAREDNESS,".

Page 4, line 24, strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 6, line 10, strike "SAFETY," and substitute "PREVENTION AND CONTROL,".

Page 6, strike line 11 and substitute "OF THE DIVISION OF FIRE PREVENTION AND CONTROL. THE DIVISION OF FIRE PREVENTION AND CONTROL AND THE".

Page 6, line 37, strike "SAFETY." and substitute "PREVENTION AND CONTROL.".

Page 17, line 26, strike "**plan -**" and substitute "**system -**".

Page 17, line 28, strike "plan" and substitute "**plan** SYSTEM".

Page 17, line 33, strike "plan" and substitute "**plan** SYSTEM".

Page 17, line 36, strike "plan" and substitute "**plan** SYSTEM".

Page 25, line 6, strike "office OF" and substitute "~~office~~ DIVISION OF HOMELAND SECURITY AND".

Page 28, after line 17 insert:

"(1.5) "ADJUSTING AGENT" MEANS THE THIRD-PARTY WORKERS' COMPENSATION INSURER WITH WHICH THE OFFICE OF EMERGENCY MANAGEMENT CONTRACTS, IN ACCORDANCE WITH SECTION 24-33.5-809, FOR THE ADJUSTMENT AND DISPOSITION OF CLAIMS AND PROVISION OF COMPENSATION PURSUANT TO THIS PART 8.".

Page 30, line 22, strike "division" and substitute "~~division~~ OFFICE".

Page 31, line 2, strike "Pinnacol Assurance" and substitute "**Pinnacol** ~~Assurance~~ THE ADJUSTING AGENT".

Page 31, line 9, strike "Pinnacol" and substitute "**Pinnacol**".

Page 31, line 10, strike "Assurance" and substitute "~~Assurance~~ THE ADJUSTING AGENT".

Page 31, line 12, strike "Pinnacol Assurance" and substitute "**Pinnacol** ~~Assurance~~ THE ADJUSTING AGENT".

Page 31, line 29, strike "Pinnacol" and substitute "**Pinnacol**".

Page 31, strike line 30 and substitute "~~Assurance~~ THE ADJUSTING AGENT shall enter into an agreement requiring ~~Pinnacol Assurance~~, as THE".

Page 31, line 31, strike "agent," and substitute "agent".

Page 31, line 33, strike "Pinnacol Assurance" and substitute "**Pinnacol** ~~Assurance~~ THE ADJUSTING AGENT".

Page 31, line 36, strike "Pinnacol Assurance" and substitute "**Pinnacol** ~~Assurance~~ THE ADJUSTING AGENT".

Page 32, line 6, strike "Pinnacol Assurance" and substitute "**Pinnacol** ~~Assurance~~ THE ADJUSTING AGENT" and strike "the" and substitute "~~the~~ ITS".

Page 32, line 12, strike "Pinnacol Assurance fund" and substitute "~~Pinnacol Assurance fund~~ THE ADJUSTING AGENT".

Page 32, line 15, strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT".

Page 32, line 17, strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT".

Page 32, line 32, strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT".

Page 32, line 34, strike "serving by Pinnacol" and substitute "~~serving by Pinnacol~~".

Page 32, line 35, strike "Assurance as adjusting agent." and substitute "~~Assurance as adjusting agent~~ SERVICES PROVIDED BY THE ADJUSTING AGENT.".

Page 32, line 36, strike "Pinnacol" and substitute "~~Pinnacol~~".

Page 32, line 37, strike "Assurance." and substitute "~~Assurance~~ THE ADJUSTING AGENT.".

Page 32, line 39, strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT".

Page 33, line 4, strike "Pinnacol" and substitute "~~Pinnacol~~".

Page 33, line 5, strike "Assurance fund" and substitute "~~Assurance fund~~ THE ADJUSTING AGENT".

Page 33, line 27, strike "Pinnacol" and substitute "~~Pinnacol~~".

Page 33, line 28, strike "Assurance," and substitute "~~Assurance~~ THE ADJUSTING AGENT,".

Page 33, line 39, strike "Pinnacol" and substitute "~~Pinnacol~~".

Page 33, line 40, strike "Assurance," and substitute "~~Assurance~~ THE ADJUSTING AGENT,".

Page 34, line 4, strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT".

Page 35, strike line 10 and substitute "Colorado, upon the written request of ~~Pinnacol Assurance~~ THE ADJUSTING AGENT, shall transfer".

Page 35, line 11, strike "of Pinnacol Assurance" and substitute "~~of Pinnacol Assurance~~ DESIGNATED BY THE ADJUSTING AGENT,".

Page 35, line 13, strike "8" and substitute "8," and strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT".

Page 35, line 14, strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT".

Page 35, line 16, strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT" and before "same" insert "THE".

Page 35, line 17, strike "Pinnacol" and substitute "~~Pinnacol~~".

Page 35, line 18, strike "Assurance" and substitute "~~Assurance~~ THE ADJUSTING AGENT".

Page 35, line 19, strike "Pinnacol Assurance" and substitute "~~Pinnacol Assurance~~ THE ADJUSTING AGENT".

Page 45, line 41, strike "**safety** -" and substitute "**prevention and control** -" and after "(1)" insert "(a)".

Page 46, line 1, strike "safety," and substitute "~~safety~~ PREVENTION AND CONTROL,".

Page 46, line 3, strike "safety," and substitute "~~safety~~ PREVENTION AND CONTROL,".

Page 46, after line 5 insert:

"(b) (I) WHENEVER THE DIVISION OF FIRE SAFETY IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT, THE REFERENCE OR DESIGNATION APPLIES TO THE DIVISION OF FIRE PREVENTION AND CONTROL.

(II) (A) WHENEVER ANY LAW REFERS TO THE DIVISION OF FIRE SAFETY, THAT LAW SHALL BE CONSTRUED AS REFERRING TO THE DIVISION OF FIRE PREVENTION AND CONTROL.

(B) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE DIVISION OF FIRE SAFETY FROM SUCH REFERENCE TO THE DIVISION OF FIRE PREVENTION AND CONTROL. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES CONSISTENT WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED PURSUANT TO THIS ARTICLE."

Page 46, line 34, strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 46, line 37, strike "MITIGATION," and substitute "PREPAREDNESS,".

Page 47, line 1, strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 47, line 2, strike "SERVICES" and substitute "MANAGEMENT".

Page 47, line 4, strike "SERVICES" and substitute "MANAGEMENT".

Page 47, line 5, strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 47, line 12, strike "MITIGATION," and substitute "PREPAREDNESS,".

Page 47, line 13, strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 47, line 15, strike "SERVICES" and substitute "MANAGEMENT".

Page 47, line 19, strike "MITIGATION," and substitute "PREPAREDNESS,".

Page 47, line 21, strike "SERVICES" and substitute "MANAGEMENT".

Page 47, line 22, strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 47, line 28, strike "FOR".

Page 47, line 29, strike "MITIGATION," and substitute "PREPAREDNESS,".

Page 47, line 32, strike "SERVICES" and substitute "MANAGEMENT" and strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 47, line 34, after "ITEMS OF" insert "PERSONAL".

Page 47, line 35, strike "SYSTEM, REAL AND" and substitute "SYSTEM".

Page 47, line 36, strike "PERSONAL," and strike "MITIGATION," and substitute "PREPAREDNESS,".

Page 47, line 39, strike "SERVICES" and substitute "MANAGEMENT".

Page 47, line 40, strike "SAFETY" and substitute "PREVENTION AND CONTROL".

Page 47, after line 41 insert:

"(V) ANY AND ALL CLAIMS AND LIABILITIES, INCLUDING COSTS AND ATTORNEYS' FEES, RELATING IN ANY WAY TO THE PERFORMANCE OF ANY FIRE AND WILDFIRE PREPAREDNESS, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT DUTIES THAT WERE PERFORMED BY THE BOARD OR ITS EMPLOYEES ON OR BEFORE JUNE 30, 2012, ARE TRANSFERRED TO AND ASSUMED BY THE STATE AND THE DIVISION, AND SUCH CLAIMS OR LIABILITIES, IF ANY, ARE THE SOLE RESPONSIBILITY OF THE STATE AND THE DEPARTMENT OF PUBLIC SAFETY."

Page 48, line 2, after "amend" insert "(1) and".

Page 48, after line 4 insert:

"(1) "Administrator" means the state fire suppression administrator, who ~~shall be~~ IS the director of the division of fire safety PREVENTION AND CONTROL under the department of public safety, or the ~~designee of such director~~ DIRECTOR'S DESIGNEE."

Page 48, strike line 25 and substitute "amend (1) (k) and (1) (m); repeal (1) (o); and add (2) as follows:".

Page 49, line 7, before "PROTECTION" insert "DEPARTMENTS AND FIRE".

Page 49, after line 10 insert:

"(2) THE DUTIES AND FUNCTIONS OF THE DIVISION SET FORTH IN THIS PART 12, INCLUDING DUTIES AND FUNCTIONS PERTAINING TO FIRE SERVICE EDUCATION, TRAINING, AND CERTIFICATION, APPLY TO PRESCRIBED FIRES, WILDFIRES, AND WILDLAND FIRE-RELATED ACTIVITIES."

Page 49, line 12, after "amend" insert "(1) and".

Page 49, strike line 15 and substitute "**hazardous materials responders - advisory board.** (1) For the purposes of advising the director on the administration of the voluntary fire service education and training program within the division of fire safety PREVENTION AND CONTROL and the voluntary firefighter, first responder, and hazardous materials responder certification programs, there is hereby created in the division of fire safety ~~an advisory board to the director, to be known as~~ PREVENTION AND CONTROL the fire service training and certification advisory board, and referred to in this part 12 as the "advisory board", TO SERVE AS AN ADVISORY BOARD TO THE DIRECTOR.

(2) (a) The advisory".

Page 50, line 6, strike "apportioned. and" and substitute "apportioned, and AT LEAST ONE OF THOSE MEMBERS MUST HAVE WILDLAND FIRE EXPERTISE."

Page 50, after line 18 insert:

"**SECTION 15.** In Colorado Revised Statutes, 24-33.5-1209, amend (2) as follows:

24-33.5-1209. Repeal of sections. (2) Sections 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6, concerning programs for fire suppression administered by the division of fire safety PREVENTION AND CONTROL and scheduled for termination in accordance with section 24-34-104, are repealed, effective July 1, 2014."

Renumber succeeding sections accordingly.

Page 52, line 4, after "fund -" insert "**wildland fire equipment repair fund - wildland fire cost recovery fund -**".

Page 52, line 5, strike "fund, or other funds available" and substitute "~~fund or other funds available~~".

Page 52, line 6, strike "to the Colorado state forest service," and substitute "~~to the Colorado state forest service,~~".

Page 52, strike lines 29 through 38 and substitute:

"ACCORDANCE WITH MEMORANDA OF UNDERSTANDING WITH PARTICIPATING PUBLIC ENTITIES.

(3) THERE IS HEREBY CREATED IN THE STATE TREASURY THE WILDLAND FIRE EQUIPMENT REPAIR CASH FUND, WHICH FUND SHALL BE ADMINISTERED BY THE DIVISION TO FUND THE COSTS OF FIRE EQUIPMENT MAINTENANCE AND REPAIR. THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE FUND CONSISTS OF ALL MONEYS THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND ALL PRIVATE AND PUBLIC FUNDS, INCLUDING FROM COUNTIES AND THE DENVER WATER BOARD, RECEIVED THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND. ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED FOR THE PURPOSES SET FORTH IN THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND.

(4) THERE IS HEREBY CREATED IN THE STATE TREASURY THE WILDLAND FIRE COST RECOVERY FUND, WHICH FUND SHALL BE ADMINISTERED BY THE DIVISION FOR PERSONNEL AND OPERATING EXPENSES ASSOCIATED WITH FIRE SUPPRESSION ACTIVITIES. THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE FUND CONSISTS OF ALL MONEYS RECOVERED FOR THE DIVISION'S EXPENDITURES FOR FIRE SUPPRESSION MONEYS THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND ALL PRIVATE AND PUBLIC FUNDS, INCLUDING FROM COUNTIES AND THE DENVER WATER BOARD, RECEIVED THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND. ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED FOR THE PURPOSES SET FORTH IN THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND.

(5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE FUNDS ESTABLISHED UNDER SUBSECTIONS (2), (3), AND (4) OF THIS SECTION ARE EXEMPT FROM THE LIMITATIONS SET FORTH IN SECTION 24-72-402."

Page 57, line 3, strike "safety" and substitute "~~safety~~".

Page 57, line 4, after "~~safety~~" insert "PREVENTION AND CONTROL".

Page 57, strike lines 6 and 7 and substitute "division of HOMELAND SECURITY AND emergency management in the department of ~~local~~".

Page 60, line 40, strike "local affairs" and substitute "~~local affairs~~ PUBLIC SAFETY".

Page 62, line 38, strike "division" and substitute "~~division~~ OFFICE".

Page 66, line 21, strike "AND".

Page 66, line 23, strike "PROGRAM." and substitute "PROGRAM;
(VIII) ANY GRANT PROGRAMS PREVIOUSLY ADMINISTERED BY THE
FORMER DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF
LOCAL AFFAIRS, AS OF JUNE 30, 2012; AND
(IX) ANY OTHER GRANT PROGRAMS AUTHORIZED BY THE
GOVERNOR, WHICH PROGRAMS SHALL NOT BE INCONSISTENT WITH THE
DIVISION'S PURPOSES."

Page 68, line 3, strike "SAFETY" and substitute "PREVENTION AND
CONTROL".

Page 68, line 5, strike "EMERGENCY".

Page 68, line 6, strike "MANAGEMENT" and substitute "LOCAL
GOVERNMENT ASSISTANCE".

Page 71, strike lines 15 through 41.

Page 72, strike 1 through 22 and substitute:

"**SECTION 31.** In Colorado Revised Statutes, 2-3-1502, **amend**
(4) as follows:
2-3-1502. Definitions. As used in this part 15, unless the context
otherwise requires:
(4) "Division" means the division of HOMELAND SECURITY AND
emergency management in the department of local affairs PUBLIC SAFETY
created in ~~section 24-32-2105, C.R.S.~~ SECTION 24-33.5-1603, C.R.S."

Renumber succeeding sections accordingly.

Page 72, after line 22 insert:

"**SECTION 32.** In Colorado Revised Statutes, 12-28-104, **amend**
(1), (2), (3), (4), (5), and (6) (a) as follows:
**12-28-104. Licensing - application - fee - fireworks licensing
cash fund - creation.** (1) No person shall sell, offer for sale, expose for
sale, or possess with intent to sell permissible fireworks for retail until
that person first obtains a retailer of fireworks license from the director
of the division of fire ~~safety~~ PREVENTION AND CONTROL within the
department of public safety and the permit, if any, required by section
12-28-103 (1). Such retailer's license ~~shall be good~~ IS VALID only for the
calendar year in which it is issued, ~~shall apply~~ APPLIES to only one retail
location, and shall at all times be displayed at the place of business of
such licensed retailer.
(2) No person shall sell, deliver, consign, give, or furnish
fireworks to a person authorized by section 12-28-103 to discharge
fireworks in Colorado until that person first obtains a display retailer of
fireworks license from the director of the division of fire ~~safety~~ within the
~~department of public safety~~ PREVENTION AND CONTROL and the permit, if
any, required by section 12-28-103 (1).
(3) No person shall sell, deliver, consign, give, or furnish
permissible fireworks to a retailer for resale in Colorado until that person
first obtains a wholesaler of fireworks license from the director of the
division of fire ~~safety~~ within the ~~department of public safety~~ PREVENTION
AND CONTROL and the permit, if any, required by section 12-28-103 (1).
(4) No person shall sell, deliver, consign, give, or furnish
fireworks for export outside of Colorado until that person first obtains an
exporter of fireworks license from the director of the division of fire
~~safety~~ within the ~~department of public safety~~ PREVENTION AND CONTROL
and the permit, if any, required by section 12-28-103 (1).
(5) Applications for each display, retail, wholesale, and export
license shall be filed with the director of the division of fire ~~safety~~ within
the ~~department of public safety~~ PREVENTION AND CONTROL at least thirty
days before the start of activities for which the license is required. Each
such license ~~shall be~~ IS valid through September 1 of the year following

the date on which the license was issued.

(6) (a) ~~All fees pursuant to this article shall be collected by The director of the division of fire safety within the department of public safety~~ PREVENTION AND CONTROL SHALL COLLECT ALL FEES PURSUANT TO THIS ARTICLE.

SECTION 33. In Colorado Revised Statutes, **amend** 12-28-108 as follows:

12-28-108. Storage of fireworks. All storage of fireworks shall be in accordance with the building and fire codes adopted by the governing body. If the governing body has not adopted a fire code, all storage of fireworks shall be in accordance with the fire code adopted by the director of the division of fire ~~safety~~ PREVENTION AND CONTROL WITHIN THE DEPARTMENT OF PUBLIC SAFETY pursuant to section 24-33.5-1203.5, C.R.S."

Renumber succeeding sections accordingly.

Page 72, after line 31 insert:

"SECTION 35. In Colorado Revised Statutes, 12-47.1-516, **amend** (1) (a), (2), (5), and (6) as follows:

12-47.1-516. Licensed premises - safety conditions - fire and electrical. (1) (a) The building in which limited gaming will be conducted and the areas where limited gaming will occur shall meet safety standards and conditions for the protection of life and property as determined by the local fire official and the local building official. In making such determinations, the codes adopted by the director of the division of fire ~~safety~~ shall PREVENTION AND CONTROL WITHIN THE DEPARTMENT OF PUBLIC SAFETY pursuant to section 24-33.5-1203.5, C.R.S., constitute the minimum safety standards for limited gaming structures; except that, in connection with structures licensed for limited gaming and operating as such on or before July 1, 2011, any newly adopted building codes shall not be applied retroactively to structures that were newly constructed or remodeled to accommodate licensed limited gaming.

(2) A certificate of compliance shall be issued to an applicant for a premises license by the local fire and building officials, and approved by the division of fire safety. A copy of the local inspection report shall be filed with the state division of fire safety. Once the division has deemed that the minimum requirements for fire ~~safety~~ PREVENTION AND CONTROL have been met, the division shall approve the certificate of compliance within five working days from receipt of the inspection report. If not acted upon within five days, the certificate of compliance shall be considered approved. Such certificate shall be current and valid and shall cover the entire building where limited gaming is conducted.

(5) The state division of fire ~~safety~~ PREVENTION AND CONTROL and the state historical society shall provide technical assistance to the local building officials, the local fire officials, the local historical preservation commissions, and the commission upon request.

(6) The commission shall act as an appeals board for any owner, fire official, building official, or the division of fire ~~safety~~ PREVENTION AND CONTROL who feels aggrieved by fire and life safety requirements or the lack of fire and life safety standards in buildings in which limited gaming will be conducted. If the commission fails to act upon an appeal within fourteen days after its receipt by the commission, the certificate of compliance shall be considered approved.

SECTION 36. In Colorado Revised Statutes, **amend** 12-58-104 (1) (k) as follows:

12-58-104. Powers of board - fees - rules. (1) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized and empowered to:

(k) Establish minimum requirements and standards for the inspection of multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses that are part of the potable water supply, by requiring inspectors of multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses to be certified by the division of fire ~~safety~~ PREVENTION AND CONTROL in the department

of public safety pursuant to section 24-33.5-1206.4, C.R.S."

Renumber succeeding sections accordingly.

Page 72, line 40, strike "safety" and substitute "safety PREVENTION AND CONTROL".

Page 73, line 9, strike "safety" and substitute "safety PREVENTION AND CONTROL".

Page 74, line 1, strike "safety" and substitute "safety PREVENTION AND CONTROL".

Page 74, after line 3 insert:

"SECTION 42. In Colorado Revised Statutes, 23-60-304, **amend** (6) as follows:

23-60-304. Plans - development and implementation - credentialing - fees. (6) The board shall enter into a cooperative arrangement with the division of fire safety PREVENTION AND CONTROL in the department of public safety to develop a system in which a qualified volunteer firefighter may receive a tuition voucher to attend courses at an institution in the state system of community and technical colleges in accordance with section 24-33.5-1216, C.R.S."

Renumber succeeding sections accordingly.

Page 74, line 5, before "as" insert "and (1) (w)".

Page 74, line 24, strike "safety," and substitute "safety PREVENTION AND CONTROL,".

Page 74, strike lines 25 and 26 and substitute ""division", in the ~~office of preparedness, security, and fire safety in the~~".

Page 74, after line 31 insert:

"(w) Enter into a cooperative arrangement with the division of fire safety PREVENTION AND CONTROL in the department of public safety to develop a system in which a qualified volunteer firefighter may receive a tuition voucher to attend courses at a local community college, including Aims community college and Colorado mountain college, in accordance with section 24-33.5-1216, C.R.S."

Page 75, after line 8 insert:

"SECTION 46. In Colorado Revised Statutes, 24-33.5-1803, **amend** (3) (g) as follows:

24-33.5-1803. School safety resource center - created - duties. (3) The center has the following duties:

(g) To provide information and resources relating to school safety, school emergency response planning and training, and interoperable communications in schools, as determined by the center, to the division of fire safety PREVENTION AND CONTROL in the department of public safety to be distributed to school districts and schools pursuant to section 24-33.5-1213.4;

SECTION 47. In Colorado Revised Statutes, 24-34-104, **amend** (45) introductory portion and (45) (d) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (45) The following agencies, functions, or both shall terminate on July 1, 2014:

(d) The fire suppression program of the division of fire safety PREVENTION AND CONTROL, created pursuant to sections 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6;".

Renumber succeeding sections accordingly.

Page 75, after line 26 insert:

"SECTION 49. In Colorado Revised Statutes, 24-72-402, **add** (5) (aa) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(aa) THE EMERGENCY FIRE FUND CREATED IN SECTION 24-33.5-1220 (2), THE WILDLAND FIRE EQUIPMENT REPAIR FUND CREATED IN SECTION 24-33.5-1220 (3), AND THE WILDLAND FIRE COST RECOVERY FUND CREATED IN SECTION 24-33.5-1220 (3).

SECTION 50. In Colorado Revised Statutes, 25-17-202.6, **amend** (1) as follows:

25-17-202.6. Waste tire cleanup fund - rules. (1) There is hereby created in the state treasury the waste tire cleanup fund, referred to in this section as the "fund", consisting of revenues credited pursuant to section 25-17-202 (3) (a) (II). All interest or any other return on the investments shall be deposited in the fund. At the end of each fiscal year, the state treasurer shall transfer all unexpended and unencumbered moneys in the fund to the processors and end users fund created in section 25-17-202.5, except for an amount equal to thirty-three percent of the department's prior year direct and indirect costs. The general assembly shall make annual appropriations out of the fund to the department in an amount equal to the department's direct and indirect administrative costs incurred pursuant to this part 2, not to exceed twenty percent of the annual income to the fund and to the division of fire ~~safety~~ PREVENTION AND CONTROL in the department of public safety for its administrative costs pursuant to section 25-17-206 (3).

SECTION 51. In Colorado Revised Statutes, 25-17-206, **amend** (3) (a) (II) (B) and (5) (a) (VI) as follows:

25-17-206. Registration of waste tire facilities - definitions. (3) (a) (II) (B) Upon request of the local fire authority, the director of the division of fire ~~safety~~ PREVENTION AND CONTROL in the department of public safety shall hire a contractor to provide technical assistance in the review of the program and, if appropriate, recommend changes necessary for the local fire authority to approve the program.

(5) (a) Except as specified in paragraph (b) of this subsection (5), on and after a date specified by rule promulgated pursuant to section 25-17-207 (1), a waste tire facility shall:

(VI) Meet the standards and conditions for the safeguarding of life and property from fire as determined by the local fire authority. In making such determination, the fire code adopted pursuant to section 24-33.5-1203.5, C.R.S., by the division of fire ~~safety~~ PREVENTION AND CONTROL within the department of public safety shall be used as the minimum fire safety standard for waste tire facilities."

Page 77, after line 11 insert:

"SECTION 57. Appropriation - adjustments in 2012 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the governor - lieutenant governor - state planning and budgeting for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The federal funds appropriation for the office of homeland security is decreased by \$10,201,205 and 6.0 FTE.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of higher education for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The general fund appropriation for the college opportunity fund program, fee-for-service contracts with state institutions, is decreased by \$310,045.

(b) The reappropriated funds appropriation for governing boards, board of governors of the Colorado state university system, is reduced by \$310,045 and 35.4 FTE. Said sum is from general fund appropriated to

the college opportunity fund program, fee-for-services contracts with state institutions.

(3) For the implementation of this act, appropriations made in the annual general appropriation act to the department of local affairs for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The general fund appropriation to the executive director's office is increased by \$189,328 and 3.0 FTE.

(b) The reappropriated funds appropriation to the executive director's office is decreased by \$274,749 and 3.0 FTE. Of this amount, \$264,512 shall be from departmental indirect cost recoveries and \$10,237 shall be from the local government mineral and energy impact grants and disbursements line, which includes moneys in the local government severance tax fund created in Section 39-29-110 (1) (a) (I), Colorado Revised Statutes, and moneys in the local government mineral impact fund created in Section 34-63-102 (5) (a) (I), Colorado Revised Statutes.

(c) The federal funds appropriation to the executive director's office is decreased by \$173,433.

(d) The reappropriated funds appropriation to the division of local governments is increased by \$356,507 and 5.0 FTE. This amount shall be from departmental indirect cost recoveries.

(e) The general fund appropriation to the division of local governments is decreased by \$356,507 and 5.0 FTE.

(f) The general fund appropriation to the division of emergency management is decreased by \$213,396 and 8.2 FTE.

(g) The reappropriated funds appropriation to the division of emergency management is decreased by \$431,735 and 1.0 FTE. Of this amount, \$356,507 shall be from departmental indirect cost recoveries and \$75,228 shall be from the local government mineral and energy impact grants and disbursements line, which includes moneys in the local government severance tax fund created in Section 39-29-110 (1) (a) (I), Colorado Revised Statutes, and moneys in the local government mineral impact fund created in Section 34-63-102 (5) (a) (I), Colorado Revised Statutes.

(h) The cash funds appropriation to the division of emergency management is decreased by \$4,510,988. Of this amount, \$4,500,000 shall be from the disaster emergency fund created in Section 24-32-2106 (2) (a) (I), Colorado Revised Statutes, and \$10,988 shall be from fees paid to the department for emergency training programs.

(i) The federal funds appropriation to the division of emergency management is decreased by \$14,661,017 and 18.7 FTE.

(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of public health and environment for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The general fund appropriation for administration and support, administration, is decreased by \$19,060.

(b) The general fund appropriation for the emergency preparedness and response division, emergency preparedness and response program, is decreased by \$128,669 and 2.0 FTE.

(5) For the implementation of this act, appropriations made in the annual general appropriation act to the department of public safety for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The general fund appropriation for the executive director's office, for administration, is decreased by \$127,223.

(b) The general fund appropriation for the office of preparedness, security, and fire safety is decreased by \$243,464 and 3.0 FTE.

(c) The cash funds appropriation for the office of preparedness, security, and fire safety is decreased by \$2,623,244 and 25.0 FTE. Of said sum, \$1,614,500 is from the public school construction and inspection cash fund created in section 24-33.5-1207.7, Colorado Revised Statutes, and \$1,008,744 is from various sources.

(d) The reappropriated funds appropriation for the office of preparedness, security, and fire safety is decreased by \$795,587 and 2.5 FTE. Of said sum, \$634,549 is from appropriations to the Colorado state patrol and \$161,038 is from limited gaming funds appropriated to the department of revenue.

(e) The federal funds appropriation for the office of preparedness,

security, and fire safety is decreased by \$1,287,665 and 8.5 FTE.

SECTION 58. Appropriation. (1) 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 \$739,284, or so much thereof as may be necessary, for allocation to the executive director's office for administration related to the implementation of this act. Of said sum, \$268,032 is from various cash funds, \$274,749 is from various reappropriated funds, and \$196,503 is from federal funds.

(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 \$8,932,916 and 65.4 FTE, or so much thereof as may be necessary, for allocation to the division of fire prevention and control related to the implementation of this act. Of said sum, \$457,802 is from the general fund, \$3,250,000 is from the wildlife preparedness fund created in 24-33.5-1226 (4) (a), Colorado Revised Statutes, \$1,614,500 is from the public school construction and inspection cash fund created in section 24-33.5-1207.7, Colorado Revised Statutes, \$1,000,000 is from the emergency fire fund created in section 24-33.5-1220 (2) (a), Colorado Revised Statutes, \$850,000 is from the wildland fire equipment repair cash fund created in section 24-33.5-1220 (3), Colorado Revised Statutes, \$150,000 is from the wildlife emergency response fund created in section 23-31-309 (3) (a), Colorado Revised Statutes, \$100,000 is from the wildland fire cost recovery fund created in section 24-33.5-1220 (4), Colorado Revised Statutes, \$1,008,744 is from various sources of cash funds, \$161,038 is reappropriated funds from limited gaming funds appropriated to the department of revenue, and \$340,832 is from federal funds.

(3) 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 \$19,869,798 and 28.9 FTE, or so much thereof as may be necessary, for allocation to the division of homeland security and emergency management, office of emergency management related to the implementation of this act. Of said sum, \$622,565 is from the general fund, \$4,500,000 is from the disaster emergency fund created in section 24-33.5-706 (2) (a), Colorado Revised Statutes, \$10,988 is from fees paid for emergency training programs pursuant to sections 24-32-2105 (6) and 24-32-2106 (6), Colorado Revised Statutes, \$75,228 is from reappropriated funds from appropriations to the department of local affairs, division of local governments, field services, for local government mineral and energy impact grants and disbursements, and \$14,661,017 is from federal funds.

(4) 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 \$1,813,382 and 8.0 FTE, or so much thereof as may be necessary, for allocation to the division of homeland security and emergency management, office of prevention and security related to the implementation of this act. Of said sum, \$634,549 is from reappropriated funds from appropriations to the Colorado state patrol and \$1,178,833 is from federal funds.

(5) 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 \$10,329,874 and 8.0 FTE, or so much thereof as may be necessary, for allocation to the division of homeland security and emergency management, office of preparedness related to the implementation of this act. Of said sum, \$128,669 is from the general fund and \$10,201,205 is from federal funds."

Renumber succeeding sections accordingly.

Page 77 of the committee report, after line 15 insert:

"Amend reengrossed bill, page 1, line 103, strike "ENTITIES." and substitute "ENTITIES, AND MAKING AND REDUCING APPROPRIATIONS."."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-184** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 17 insert:

"**SECTION 2.** In Colorado Revised Statutes, **add** 42-3-241 as follows:

42-3-241. Special plates - bobcats for kids. (1) BEGINNING JANUARY 1, 2012, THE DEPARTMENT SHALL ISSUE LICENSE PLATES TO QUALIFIED APPLICANTS IN ACCORDANCE WITH THIS SECTION FOR CLASS D SPECIAL MOBILE MACHINERY.

(2) THERE IS HEREBY ESTABLISHED THE BOBCATS FOR KIDS LICENSE PLATE.

(3) A PERSON MAY APPLY FOR A LICENSE PLATE UNDER THIS SECTION IF THE PERSON PAYS THE TAXES AND FEES REQUIRED BY THIS SECTION.

(4) THE AMOUNT OF THE TAXES AND FEES FOR LICENSE PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES AND FEES SPECIFIED FOR REGULAR MOTOR VEHICLE LICENSE PLATES; EXCEPT THAT THE DEPARTMENT SHALL COLLECT A ONE-TIME FEE OF TWENTY-FIVE DOLLARS FOR THE ISSUANCE OR REPLACEMENT OF EACH SUCH LICENSE PLATE. THE DEPARTMENT SHALL TRANSMIT THE ADDITIONAL ONE-TIME FEE TO THE STATE BOARD OF BOARD OF PARKS AND WILDLIFE FOR OFF-ROAD IMPROVEMENTS.

(5) AN APPLICANT MAY APPLY FOR PERSONALIZED LICENSE PLATES CREATED BY THIS SECTION. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE SUCH PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF LICENSE PLATES CREATED BY THIS SECTION FOR THE VEHICLE UPON PAYING THE FEE IMPOSED BY SECTION 42-3-211 (6) (a) AND UPON TURNING IN SUCH EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF SUCH PERSONALIZED PLATES. THE FEES UNDER THIS SUBSECTION (5) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR THE LICENSE PLATES CREATED BY THIS SECTION."

Renumber succeeding sections accordingly.

Page 4, before line 18 insert:

"**SECTION 2. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$126,563 and 0.8 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$28,426 and 0.8 FTE for personal services in the division of motor vehicles, titles section;

(b) \$21,917 for operating expenses and postage in the central department operations division and the division of motor vehicle, titles section; and

(c) \$76,220 for the purchase of computer center services in the information technology division.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$76,220, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of

revenue out of the appropriation made in paragraph (c) of subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$124,492, or so much thereof as may be necessary, for allocation to the division of motor vehicles for the purchase of license plates related to the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "FLEETS." and substitute "FLEETS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

MESSAGE FROM THE HOUSE

May 7, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1349, 1357.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1355, amended as printed in House Journal, May 4, pages 1270-1271. HB12-1358, amended as printed in House Journal, May 4, page 1271. HB12-1361, amended as printed in House Journal, May 4, page 1272.

The House has voted to grant the House conferees on the First Conference Committee on HB12-1168 to consider matters not at issue between the two houses.

MESSAGE FROM THE REVISOR OF STATUTES

May 7, 2012

We herewith transmit:

Without comment, as amended, HB12-1355, 1358, and 1361. With comment, HB12-1349 and 1357.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR12-1021 by Representative(s) Hamner and McKinley, Massey; also Senator(s) Scheffel-- Concerning the designation of pack burro racing as a summer heritage sport in Colorado. Agriculture, Natural Resources, and Energy

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

HB12-1349	by Representative(s) Baumgardner, Brown, Coram, Fischer, Hullinghorst, Jones, Joshi, Looper, McKinley, McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz--Concerning the species conservation trust fund. Agriculture, Natural Resources, and Energy	1 2 3 4 5 6
HB12-1355	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the transfer of the geological survey to the Colorado school of mines. Agriculture, Natural Resources, and Energy	7 8 9 10
HB12-1357	by Representative(s) Brown, Sonnenberg, Vigil; also Senator(s) Renfroe, Bacon, Schwartz--Concerning the use of unspent moneys after completion of capital construction projects at state-supported institutions of higher education authorized by a 2008 federal mineral lease revenues lease-purchase agreement. Agriculture, Natural Resources, and Energy	11 12 13 14 15 16 17
HB12-1358	by Representative(s) Massey and McCann; also Senator(s) Aguilar--Concerning funding issues related to medical marijuana, and, in connection therewith, making an appropriation. Health and Human Services	18 19 20 21 22
HB12-1361	by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman and Nicholson--Concerning claims against the state arising under the "Colorado Governmental Immunity Act". State, Veterans & Military Affairs	23 24 25 26 27 28 29
<hr/>		30
Senate in recess.		31
Senate reconvened.		32
<hr/>		33
Call of the Senate.		34
Call raised.		35 36 37 38 39
<hr/>		40
On motion of Senator Bacon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB12-184, SB12-183, and SB12-083 were made Special Orders at 3:45 p.m.		41 42 43 44 45 46 47
<hr/>		48
Committee of the Whole	The hour of 3:45 p.m. having arrived, Senator Bacon moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Bacon was called to the Chair to act as Chairman.	49 50 51 52
SPECIAL ORDERS -- SECOND READING OF BILLS		53 54
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:		55 56 57 58 59
SB12-184	by Senator(s) Cadman, Tochtrop; also Representative(s) Priola--Concerning the registration of special mobile machinery fleets, and, in connection therewith, making an appropriation. <u>Amendment No. 1, Finance Committee Amendment.</u> (Printed in Senate Journal, May 7, page 1131 and placed in members' bill files.) <u>Amendment No. 2, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 7, pages 1145-1146 and placed in members' bill files.)	60 61 62 63 64 65 66 67

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.)

SB12-083 by Senator(s) Scheffel; also Representative(s) DeIGrosso--Concerning dynamic modeling to analyze the fiscal impact of proposed legislation.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate journal, May 2, pages 1025-1026, was **lost**.)

Amendment No. 2(L.009), by Senators Johnston and Giron.

Amend printed bill, page 2, line 3, strike "(4) (a)," and substitute "(4),".

Page 2, strike lines 15 and 16 and substitute:

"(b) ~~Any~~ A dynamic model ~~selected by the director shall consider~~
MUST ANALYZE THE REVENUE IMPACTS ON THE STATE AND LOCAL
GOVERNMENT BY ESTIMATING the direct and indirect or secondary
economic effects related to".

Page 2, line 17, strike the first "the" and substitute "~~the~~ A" and before
"probable" insert "RESULTING EFFECTS ON OUTPUT, PRODUCTIVITY,
INCOMES, CONSUMER SPENDING, AND EMPLOYMENT THROUGHOUT THE
ECONOMY AND OTHER".

Page 2, line 18, strike "tax policy" and insert "~~tax policy~~".

Page 3, strike lines 15 through 17 and substitute "BY LEGISLATIVE
COUNCIL STAFF using the dynamic model ~~Only bills that make a tax policy
change are eligible to be analyzed.~~ FOR SUCH SESSION. AFTER THE FIRST
YEAR, LEGISLATIVE COUNCIL STAFF SHALL USE THE DYNAMIC MODEL TO
ANALYZE ALL BILLS."

Page 3, after line 20 insert:

"(b) After the first regular session in which the dynamic model is
used, the director of research shall prepare a report evaluating how the
dynamic model worked during the session. ~~and making recommendations
for the use of the dynamic model in future sessions. of the general
assembly, including the feasibility of expanding the scope of the type of
bills for which the dynamic model may be used.~~ The report shall be
prepared no later than January 1 of the year following the session in
which the dynamic model was FIRST used."

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.)

SB12-183 by Senator(s) Boyd; --Concerning restrictions on a utility's ability to disconnect certain residential customers' heating service during cold weather months.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, May 3, pages 1049-1050 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, pages 1103-1104 and placed in members' bill files.)

Amendment No. 3(L.003), by Senator Mitchell.

Amend the Health and Human Services Committee Report, dated May 2,
2012, page 1, after line 11, insert: "(b) FOR PURPOSES OF THIS

SUBSECTION (3), "UTILITY" DOES NOT INCLUDE COOPERATIVE ELECTRIC ASSOCIATIONS AND MUNICIPALLY OWNED UTILITIES."

Reletter succeeding paragraph accordingly.

Amendment No. 4(L.009), by Senator Lambert.

Amend the Health and Human Services Committee Report, dated May 2, 2012, page 1, line 10, after "CUSTOMERS" insert "AND TERMS AND COLLECTION METHODS FOR PAYMENT PLANS ENTERED INTO WITH RESIDENTIAL CUSTOMERS".

Page 2, after line 8 insert:

- "(b) THE COMMISSION SHALL ALSO REVIEW AND, PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), MAKE ANY NECESSARY LEGISLATIVE RECOMMENDATIONS WITH RESPECT TO:
- (I) THE FINANCIAL IMPACTS THAT RISING ENERGY COSTS HAVE ON RESIDENTIAL UTILITY CUSTOMERS; AND
- (II) UTILITY PAYMENT PLANS, INCLUDING THE TERMS OF EXISTING PAYMENT PLANS, THE MEANS BY WHICH A UTILITY MAY ENFORCE THE TERMS OF A PAYMENT PLAN, AND THE LIKELIHOOD THAT A CUSTOMER WILL FULLY COMPLY WITH A PAYMENT PLAN."

Reletter succeeding paragraphs accordingly.

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.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-184 by Senator(s) Cadman, Tochtrop; also Representative(s) Priola--Concerning the registration of special mobile machinery fleets, and, in connection therewith, making an appropriation.

Senators Cadman, King K., and Tochtrop moved to amend the Report of the Committee of the Whole to show that the following Cadman floor amendment, (L.004) to SB 12-184, did pass.

Amend the Appropriations Committee Report, dated May 7, 2012, page 1, strike lines 1 through 24.

Page 2, strike lines 1 through 12.

Page 2, line 13, strike "Page" and substitute "Amend printed bill, page".

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 **passed** on the following roll call vote:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	N
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		

SB12-083 by Senator(s) Scheffel; also Representative(s) DelGrosso--Concerning dynamic modeling to analyze the fiscal impact of proposed legislation.

Senator Heath moved to amend the Report of the Committee of the Whole to show that the following Johnston and Giron floor amendment, (L.009) to SB 12-083, did not pass, and that the Finance Committee amendment to SB 12-083 did pass.

Amend printed bill, page 2, line 3, strike "(4) (a)," and substitute "(4),".

Page 2, strike lines 15 and 16 and substitute:

"(b) ~~Any~~ A dynamic model ~~selected by the director shall consider~~ MUST ANALYZE THE REVENUE IMPACTS ON THE STATE AND LOCAL GOVERNMENT BY ESTIMATING the direct and indirect or secondary economic effects related to".

Page 2, line 17, strike the first "the" and substitute "~~the~~ A" and before "probable" insert "RESULTING EFFECTS ON OUTPUT, PRODUCTIVITY, INCOMES, CONSUMER SPENDING, AND EMPLOYMENT THROUGHOUT THE ECONOMY AND OTHER".

Page 2, line 18, strike "tax policy" and insert "~~tax policy~~".

Page 3, strike lines 15 through 17 and substitute "BY LEGISLATIVE COUNCIL STAFF using the dynamic model ~~Only bills that make a tax policy change are eligible to be analyzed.~~ FOR SUCH SESSION. AFTER THE FIRST YEAR, LEGISLATIVE COUNCIL STAFF SHALL USE THE DYNAMIC MODEL TO ANALYZE ALL BILLS."

Page 3, after line 20 insert:

"(b) After the first regular session in which the dynamic model is used, the director of research shall prepare a report evaluating how the dynamic model worked during the session. ~~and making recommendations for the use of the dynamic model in future sessions. of the general assembly, including the feasibility of expanding the scope of the type of bills for which the dynamic model may be used.~~ The report shall be prepared no later than January 1 of the year following the session in which the dynamic model was FIRST used."

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 **passed** on the following roll call vote:

YES	18	NO	17	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	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	N		

SB12-183 by Senator(s) Boyd; --Concerning restrictions on a utility's ability to disconnect certain residential customers' heating service during cold weather months.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.008) to SB 12-183, did pass.

Amend the Health and Human Services Committee Report, dated May 2, 2012, page 2, line 8, after "PRACTICES." add "THE COMMISSION SHALL ALSO REVIEW AND SPECIFY THE COSTS OF POLICY CHANGES OCCURRING SINCE 2004 AND RELATING TO FUEL-SWITCHING MANDATES, RENEWABLE ENERGY MANDATES, STATE IMPLEMENTATION PLANS THAT ARE NOT REQUIRED BY OR THAT ARE OTHERWISE MORE STRINGENT THAN FEDERAL REQUIREMENTS, LABOR REGULATIONS ADDED TO ENERGY PROJECTS, AND SHIFTS IN COST TO OTHER UTILITY CUSTOMERS AS A RESULT OF ANY ACTION TO LIMIT UTILITY DISCONNECTIONS.".

Reletter succeeding paragraphs 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		

Senator Boyd moved to amend the Report of the Committee of the Whole to show that SB 12-183, as amended by the following L.003 and L.009 and by the Health and Human Services Committee amendment and the Appropriations Committee amendment, did pass.

L.003
Amend the Health and Human Services Committee Report, dated May 2, 2012, page 1, after line 11, insert: "(b) FOR PURPOSES OF THIS SUBSECTION (3), "UTILITY" DOES NOT INCLUDE COOPERATIVE ELECTRIC ASSOCIATIONS AND MUNICIPALLY OWNED UTILITIES.".

Reletter succeeding paragraph accordingly.

L.009
Amend the Health and Human Services Committee Report, dated May 2, 2012, page 1, line 10, after "CUSTOMERS" insert "AND TERMS AND COLLECTION METHODS FOR PAYMENT PLANS ENTERED INTO WITH RESIDENTIAL CUSTOMERS".

Page 2, after line 8 insert:

"(b) THE COMMISSION SHALL ALSO REVIEW AND, PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), MAKE ANY NECESSARY LEGISLATIVE RECOMMENDATIONS WITH RESPECT TO:
(I) THE FINANCIAL IMPACTS THAT RISING ENERGY COSTS HAVE ON RESIDENTIAL UTILITY CUSTOMERS; AND
(II) UTILITY PAYMENT PLANS, INCLUDING THE TERMS OF EXISTING PAYMENT PLANS, THE MEANS BY WHICH A UTILITY MAY ENFORCE THE TERMS OF A PAYMENT PLAN, AND THE LIKELIHOOD THAT A CUSTOMER WILL FULLY COMPLY WITH A PAYMENT PLAN."

Reletter succeeding paragraphs accordingly.

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 **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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Bacon, 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: SB12-184 as amended, SB12-083 as amended, SB12-183 as amended.

MESSAGE FROM THE HOUSE

May 7, 2012

The House has adopted and transmits herewith HJR12-1023.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR12-1023 by Representative(s) McNulty and Stephens, Waller, Nikkel, Murray, Priola, Becker, Bradford, DelGrosso, Gardner B., Gerou, Kerr J., Liston, Massey, Sonnenberg, Summers, Vaad; also Senator(s) Cadman, Scheffel, Renfroe, Grantham--Concerning authorizing and directing the committee on legal services to retain legal counsel to represent the General Assembly as amicus curiae in the case of Lobato v. State of Colorado for the purpose of preserving and protecting the General Assembly's plenary power under the doctrine of separation of powers.
Judiciary

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1168

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1168, concerning clarification of provisions authorizing ignition interlock devices, has met and reports that it has agreed upon the following:

1. That the Senate recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 14, strike lines 5 and 6 and substitute:
"(9) **Appeal.** (c) A filing of a petition for judicial".

Page 14, line 10, strike "merits and that the person will suffer irreparable harm if" and substitute "merits. ~~and that the person will suffer irreparable harm if the order is not stayed.~~".

Page 14, strike lines 11 through 14.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend reengrossed bill, page 17, strike line 12 and substitute:

"SECTION 9. In Colorado Revised Statutes, 42-2-132.5, **amend as amended by House Bill 12-1168** (1) (a), (1) (c), and (4) (c) as follows:

42-2-132.5. Mandatory and voluntary restricted licenses following alcohol convictions - rules. (1) The following persons shall be required to hold an interlock-restricted license pursuant to this section for at least one year following reinstatement prior to being eligible to obtain any other driver's license issued under this article:

(a) A person whose privilege to drive was revoked for multiple convictions for any combination of a DUI, DUI per se, OR DWAI ~~or habitual user~~ pursuant to section 42-2-125 (1) (g) (I) or (1) (i);

(c) A person whose privilege to drive was revoked as an habitual offender under section 42-2-203 in which the revocation was due in part to a DUI, DUI per se, OR DWAI ~~or habitual user~~ conviction; or

(4) **Persons who may acquire an interlock-restricted license prior to serving a full-term revocation.** (c) In order to be eligible for early reinstatement pursuant to this subsection (4), a person who has been designated an habitual offender under the provisions of section 42-2-202 must have at least one conviction for DUI, DUI per se, OR DWAI ~~or habitual user~~ under section 42-4-1301, and no contributing violations other than violations for driving under restraint under section 42-2-138 or reckless driving under section 42-4-1401.

SECTION 10. In Colorado Revised Statutes, 42-2-132, **amend as amended by House Bill 12-1168** (2) (a) (IV) as follows:

42-2-132. Period of suspension or revocation. (2) (a) (IV) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked under section 42-2-125 (1) (g) (I) or (1) (i) or 42-2-203 where the revocation was due in part to a DUI, DUI per se, OR DWAI ~~or habitual user~~ conviction shall be required to present an affidavit stating that the person has obtained at the person's own expense a signed lease agreement for the installation and use of an approved ignition interlock device, as defined in section 42-2-132.5 (9) (a), in each motor vehicle on which the person's name appears on the registration and any other vehicle that the person may drive during the period of the interlock-restricted license.

SECTION 11. **Act subject to petition - effective date.** (1) This act".

Page 17 after line 21 add:

"(2) Notwithstanding any provision of subsection (1) of this section to the contrary, sections 9 and 10 of this act take effect only if Senate Bill 12-117 becomes law.".

Respectfully submitted,

House Committee:
(signed)
Dave Young, Chairman
Mark H. Barker
Bob Gardner

Senate Committee:
(signed)
John Morse, Chairman
Steve King
Mike Johnston

MESSAGE FROM THE GOVERNOR

May 7, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-134: CONCERNING FINANCIAL ASSISTANCE IN COLORADO HOSPITALS.
Approved May 7, 2012 at 1:34 p.m.

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 Monday, May 7 was laid over until Tuesday, May 8, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1328, HB12-1350.
General Orders -- Second Reading of Bills: SB12-070, HB12-1160, HB12-1332, HB12-1240, HB12-1317, HB12-1266.
Consideration of Resolutions: SJR12-034, SJR12-037, SJR12-038, SR12-003.
Consideration of House Amendments to Senate Bills: SJR12-036.
Consideration of Governor's Vetoes: SB12-124.
Consideration of Conference Committee Reports: SB12-020.
Conference Committees to Report: HB12-1053.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, May 8, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

119th Legislative Day	Tuesday, May 8, 2012
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Prayer	By the chaplain, Pastor Robert Schlipp, The Worship Center of Brighton.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Nicholson.
Roll Call	Present--32 Absent--2, Harvey, Johnston. Excused--1, Mitchell. Present later--3, Harvey, Johnston, Mitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Neville, reading of the Journal of Monday, May 8, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB12-151 be postponed indefinitely.
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1349 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1355 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB12-1357 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HJR12-1021 be referred to the Senate for final action.

Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	1 2 3 4 5 6 7 8 9 10
	<u>BOARD OF PINNACOL ASSURANCE</u>	11 12 13 14
	for a term expiring January 1, 2017:	15
	Jeffrey L. Cummings of Arvada, Colorado, an employer whose liability is insured by Pinnacol Assurance, appointed.	16 17 18 19 20
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1361 be referred to the Committee of the Whole with favorable recommendation.	21 22 23 24 25
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1352 be amended as follows, and as so amended, be referred to the Committee on <u>Legislative Council</u> with favorable recommendation.	26 27 28 29 30 31 32
	Amend reengrossed bill, strike everything below the enacting clause and substitute the following:	33 34 35 36 37 38 39 40 41 42
	" SECTION 1. In Colorado Revised Statutes, add part 17 to article 2 of title 2 as follows:	43 44 45 46 47 48 49 50 51 52
	PART 17	53
	LOWER NORTH FORK WILDFIRE COMMISSION	54
	2-2-1701. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:	55 56 57 58 59 60 61 62 63 64 65 66 67 68 69
	(a) IN MARCH 2012, A CONTROLLED BURN CONDUCTED BY THE COLORADO STATE FOREST SERVICE IN THE LOWER NORTH FORK AREA OF JEFFERSON COUNTY, COLORADO, RESULTED IN A WILDFIRE ON MARCH 26, 2012, THAT KILLED THREE PEOPLE, DESTROYED HOMES AND OTHER STRUCTURES RESULTING IN EXTENSIVE PROPERTY DAMAGE, AND BURNED MORE THAN ONE THOUSAND FOUR HUNDRED ACRES SOUTH OF CONIFER, COLORADO. THE LOWER NORTH FORK WILDFIRE OCCURRING ON MARCH 26, 2012, IS REFERRED TO IN THIS PART 17 AS THE "WILDFIRE".	
	(b) THE IMPACT ON THE AFFECTED COMMUNITY RESULTING FROM THE WILDFIRE INCLUDES NOT ONLY LOSS OF LIFE AND FINANCIAL DEVASTATION BUT ALSO A LOSS OF CONFIDENCE BY PERSONS AFFECTED IN THE ABILITY OF THE STATE AND OTHER EMERGENCY RESPONDERS TO RESPOND TO THIS OR OTHER DISASTERS THAT MAY OCCUR IN THE FUTURE. ACCORDINGLY, IT IS AN APPROPRIATE USE OF THE PLENARY POWER OF THE GENERAL ASSEMBLY TO EMPOWER A BODY SUCH AS THE COMMISSION CREATED UNDER THIS PART 17 TO INVESTIGATE THE CAUSES OF THE WILDFIRE AND TO MAKE RECOMMENDATIONS FOR LEGISLATIVE OR OTHER ACTION THAT WOULD PREVENT THE OCCURRENCE OF A SIMILAR TRAGEDY.	
	2-2-1702. Lower north fork wildfire commission - created - membership - chair - meetings - quorum - reimbursement of expenses - staff assistance - public meetings. (1) THE LOWER NORTH FORK WILDFIRE COMMISSION, REFERRED TO IN THIS PART 17 AS THE "COMMISSION", IS HEREBY CREATED. THE COMMISSION IS COMPRISED OF THE FOLLOWING FIVE MEMBERS:	
	(a) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE EACH APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;	
	(b) TWO MEMBERS OF THE SENATE, ONE EACH APPOINTED BY THE PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF THE SENATE; AND	
	(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-103 (1), C.R.S., OR HIS OR HER DESIGNEE.	
	(2) THE COMMISSION SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS. THE COMMISSION SHALL MEET AT SUCH TIME AND SUCH PLACE	

AS DESIGNATED BY THE CHAIR; EXCEPT THAT THE FIRST MEETING OF THE COMMISSION SHALL TAKE PLACE NOT LATER THAN JULY 1, 2012. A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM.

(3) MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR SERVING ON THE COMMISSION; EXCEPT THAT COMMISSION MEMBERS ARE ENTITLED TO REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. IN THE CASE OF THE LEGISLATIVE MEMBERS OF THE COMMISSION, IN CONNECTION WITH THEIR NECESSARY ATTENDANCE AT MEETINGS OF THE COMMISSION, SUCH MEMBERS ARE ENTITLED TO RECEIVE THE AMOUNT SPECIFIED IN SECTION 2-2-307 (3) (a) (I) FOR NECESSARY ATTENDANCE AT A MEETING OF AN INTERIM COMMITTEE.

(4) SUBJECT TO THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., MEETINGS OF THE COMMISSION ARE PUBLIC MEETINGS.

(5) ANY STAFF ASSISTANCE REQUIRED BY THE COMMISSION SHALL BE PERFORMED BY EXISTING EMPLOYEES OF THE LEGISLATIVE STAFF AGENCIES OF THE GENERAL ASSEMBLY OR THE DEPARTMENT OF PUBLIC SAFETY WITHIN EXISTING APPROPRIATIONS.

2-2-1703. Investigation of causes of wildfire - recommendations for legislative or other action - report to general assembly. (1) DURING THE 2012 LEGISLATIVE INTERIM THE COMMISSION SHALL INVESTIGATE, REPORT ITS FINDINGS, AND MAKE RECOMMENDATIONS FOR LEGISLATIVE OR OTHER ACTION ON ALL MATTERS RELATING TO THE WILDFIRE, INCLUDING, WITHOUT LIMITATION, CAUSES OF THE WILDFIRE, THE IMPACT ON THE AFFECTED COMMUNITY CAUSED BY THE WILDFIRE, THE LOSS OF LIFE AND FINANCIAL DEVASTATION INCURRED BY THE COMMUNITY, THE LOSS OF CONFIDENCE BY THE COMMUNITY IN THE RESPONSE TO THE EMERGENCY BY GOVERNMENTAL BODIES AT ALL LEVELS, AND MEASURES TO PREVENT THE OCCURRENCE OF A SIMILAR TRAGEDY. IN CONNECTION WITH THIS DUTY, THE COMMISSION SHALL SOLICIT AND ACCEPT REPORTS AND TAKE TESTIMONY AT ONE OR MORE PUBLIC HEARINGS HELD FOR SUCH PURPOSES. THE COMMISSION MAY SOLICIT OTHER SOURCES, INCLUDING, WITHOUT LIMITATION, REPRESENTATIVES FROM STATE AND LOCAL GOVERNMENTS AND ORGANIZATIONS OF CITIZENS, TO PROVIDE TESTIMONY, WRITTEN COMMENTS, AND OTHER RELEVANT INFORMATION.

(2) NOT LATER THAN DECEMBER 31, 2012, THE COMMISSION SHALL SUBMIT A WRITTEN REPORT OF ITS FINDINGS AND ANY RECOMMENDATIONS MADE PURSUANT TO THIS SECTION FOR LEGISLATIVE OR OTHER ACTION TO THE JUDICIARY AND LOCAL GOVERNMENT COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. UPON THE REQUEST OF ANY MEMBER OF THE COMMISSION, SUMMARIES OF DISSENTING OPINIONS SHALL BE PREPARED AND ATTACHED TO THE FINAL REPORT OF THE COMMISSION'S FINDINGS AND RECOMMENDATIONS. THE FINAL REPORT REQUIRED BY THIS SUBSECTION (2) IS SUBJECT TO THE REQUIREMENTS OF SECTION 24-1-136 (9), C.R.S.

2-2-1704. Repeal of part. THIS PART 17 IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2012, the sum of \$25,832 and 0.4 FTE, or so much thereof as may be necessary, for the implementation 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."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1351** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 3, strike "and (1) (a) (III)" and substitute "(1) (a) (III), (1) (a) (VI), (1) (c) (III), (1) (c) (VI) introductory portion, and (1) (f) introductory portion; and **add** (8)".

Page 2, line 6, strike "**declaration.**" and substitute "**declaration - report**

- repeal."

Page 2, line 14, strike "section is" and substitute "section is".

Page 2, line 15, strike "provided or implied." and substitute "provided or implied:".

Page 3, line 4, after "(III)" insert "(A)".

Page 3, line 6, strike "EITHER".

Page 3, line 8, strike "OR" and substitute "OR, IN ACCORDANCE WITH SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III),".

Page 3, after line 14 insert:

"(B) FOR THE PURPOSES OF THE RENEWABLE ENERGY STANDARD, THE PUBLIC UTILITIES COMMISSION MAY AUTHORIZE A MAXIMUM OF FOUR PROJECTS, THE CUMULATIVE NAMEPLATE RATING OF WHICH PROJECTS MAY NOT EXCEED SIXTY-FIVE MEGAWATTS, THAT USE PYROLYSIS TO COMBUST SYNTHETIC GAS FROM WASTE MATERIALS.

(VI) "Wholesale distributed generation" means a renewable energy resource in Colorado with a nameplate rating of thirty megawatts or less and that does not qualify as retail distributed generation.

(c) Electric resource standards:

(III) Each kilowatt-hour of electricity generated from eligible energy resources, in Colorado, other than retail distributed generation shall be counted COUNTS as one and one-quarter kilowatt-hours for the purposes of compliance with this standard.

(VI) Each kilowatt-hour of electricity generated from eligible energy resources at a community-based project shall be counted as one and one-half kilowatt-hours. For purposes of this subparagraph (VI), "community-based project" means a project: located in Colorado.

(f) Policies for the recovery of costs incurred with respect to these standards for qualifying retail utilities that are subject to rate regulation by the commission. These policies shall MUST provide incentives to qualifying retail utilities to invest in eligible energy resources. in the state of Colorado. Such THE policies shall MUST include:

(8) (a) DURING THE FIRST REGULAR SESSION OF THE SEVENTY-FIRST GENERAL ASSEMBLY, BUT PRIOR TO APRIL 10, 2017, THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION SHALL REPORT TO THE APPROPRIATE HOUSE AND SENATE COMMITTEES OF REFERENCE FOR ENERGY-RELATED MATTERS, AS DETERMINED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE, SITTING JOINTLY, REGARDING THE RESULTS OF THE EXPANSION OF THE TERM "RECYCLED ENERGY" EFFECTED BY HOUSE BILL 12-1351, ENACTED IN 2012. THE REPORT SHALL INCLUDE, AT A MINIMUM, ANY JOBS CREATED AND OTHER ECONOMIC BENEFITS REALIZED, ANY ENERGY GENERATED, EMISSIONS REDUCTIONS, AND LANDFILL REDUCTIONS RESULTING FROM OR FAIRLY ATTRIBUTABLE TO THAT EXPANSION.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017."

Page 3, before line 15 insert:

"SECTION 2. In Colorado Revised Statutes, add 40-2-124.5 as follows:

40-2-124.5. Greenhouse gas mitigation projects - coal mine methane gas - legislative declaration - definition. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE CAPTURE OF COAL MINE METHANE GAS PROVIDES MANY BENEFITS TO COLORADO CITIZENS BY MAKING BENEFICIAL USE OF A SOURCE OF ENERGY THAT WOULD OTHERWISE BE WASTED, REDUCING GREENHOUSE GAS EMISSIONS, AND PROVIDING NEW JOBS AND REVENUES TO LOCAL COMMUNITIES.

(2) AS USED IN THIS SECTION, "COAL MINE METHANE GAS" MEANS THE GREENHOUSE GAS METHANE CAPTURED FROM ACTIVE AND INACTIVE COAL MINES, WHERE IT IS DETERMINED THAT THE METHANE IS ESCAPING TO THE ATMOSPHERE. AT ACTIVE MINES, ONLY METHANE VENTED IN THE NORMAL COURSE OF MINE OPERATIONS AND SAFETY PROCEDURES, AND, AT

INACTIVE MINES, ONLY METHANE THAT IS NATURALLY ESCAPING TO THE ATMOSPHERE, IS COAL MINE METHANE GAS. THE CAPTURE AND COMBUSTION OF COAL MINE METHANE GAS AS A CLEAN ENERGY SOURCE MAY BE VERIFIED BY A QUALIFIED THIRD PARTY FOLLOWING ESTABLISHED CARBON OFFSET PROTOCOLS FOR CLIMATE PROTECTION.

(3) EACH KILOWATT-HOUR OF ELECTRICITY GENERATED FROM COAL MINE METHANE GAS IS COUNTED AS ONE KILOWATT-HOUR FOR PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY STANDARD UNDER SECTION 40-2-124 AS AN ELIGIBLE ENERGY RESOURCE; EXCEPT THAT THE TOTAL AMOUNT OF ELECTRICITY GENERATED BY COAL MINE METHANE GAS TO BE COUNTED TOWARD COMPLIANCE WITH THE RENEWABLE ENERGY STANDARD ESTABLISHED IN SECTION 40-2-124 MUST NOT EXCEED FIFTY MEGAWATTS OF NAMEPLATE CAPACITY."

Renumber succeeding section accordingly.

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.

SENATE SERVICES REPORT

Correctly Printed: SJR12-049.
Correctly Engrossed: SB12-083, 183 and 184.
Correctly Reengrossed: SB12-105, 155, 169,171, 174 and 182.
Correctly Rerevised: HB12-1084, 1223, 1267, 1314 and 1329.
Correctly Enrolled: SB12-009 and 149.

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 Veto.

CONSIDERATION OF GOVERNOR'S VETO

SB12-124 by Senator(s) Harvey, Scheffel, Foster, Jahn, Lambert, Newell, Schwartz; also Representative(s) Nikkel, Brown, Conti, Coram, DelGrosso, Gardner B., Holbert, Liston, Murray, Szabo--Concerning the elimination of the limit on the number of regional tourism projects that the Colorado economic development commission may approve.

(Governor's veto message printed in Senate Journal, May 4, pages 1106-1107.)

Laid over until Thursday, May 10, 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 Boyd, the following Governor's appointments were confirmed by a roll call vote:

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.

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 King K., the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
 CHARTER SCHOOL INSTITUTE BOARD

Steven Richard Schneider, Colorado Springs, Colorado, a Republican who has experience as a public school administrator with experience working with charter schools and with other board or public service experience, 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 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 Conference Committee Reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB12-1168 by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.

Senator Morse moved for the adoption of the first report of the first conference committee on **HB12-1168**, as printed in Senate journal, March 26, page 578. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N	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, as amended, was **repassed**.

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

SR12-003 by Senator(s) Schwartz and Nicholson; --Concerning measures to create Colorado jobs by encouraging active forest management for healthy forest ecosystems and the use of Colorado forest biomass as a source of renewable energy.

On motion of Senator Schwartz, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hodge, Jahn, King S., Mitchell, Newell, Roberts, Shaffer B., Steadman, Tochtrop, White and Williams S.

HJR12-1021 by Representative(s) Hamner and McKinley, Massey; also Senator(s) Scheffel--
Concerning the designation of pack burro racing as a summer heritage sport in Colorado.

Amendment No. 1(L.003), by Senator Scheffel.

Amend engrossed joint resolution, page 3, line 7, strike the second "and".

Page 3, line 8, strike "Association." and substitute "Association; and the county commissioners of Park and Lake counties.".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Scheffel, the resolution, as amended, was **adopted** by the following roll call vote:

YES	33	NO	2	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	N	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Grantham and Tochtrop.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1119, HB12-1327, HB12-1328, HB12-1350, HB12-1268, HB12-1045, HB12-1357 were made Special Orders -- Second Reading of Bills -- Consent Calendar at 9:45 a.m.

Committee of the Whole The hour of 9:45 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills -- Consent Calendar and Senator Carroll was called to the Chair to act as Chairman.

**SPECIAL 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:

HB12-1119	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.	1 2 3 4
	Ordered revised and placed on the calendar for third reading and final passage.	5 6 7
HB12-1327	by Representative(s) Coram; also Senator(s) Roberts and King S.--Concerning financial responsibility requirements for motor carriers, and, in connection therewith, repealing the surety bond requirement for towing carriers, imposing a period of disqualification from the right to operate as a towing carrier as an additional penalty for failure to respond as required after violating applicable provisions, creating a designated tow truck license plate, and, in connection therewith, making an appropriation.	8 9 10 11 12 13 14
	Ordered revised and placed on the calendar for third reading and final passage.	15 16 17
HB12-1328	by Representative(s) Priola, Ferrandino, DelGrosso, Murray, Sonnenberg; also Senator(s) Giron--Concerning exclusion from the "Uniform Consumer Credit Code" of certain charges by persons regularly engaged in making contracts for purchase of tangible personal property in the course of business if those charges do not exceed amounts permitted by law.	18 19 20 21 22
	Ordered revised and placed on the calendar for third reading and final passage.	23 24 25
HB12-1350	by Representative(s) Waller, Balmer, Barker, Casso, Court, Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A., Liston, Looper, Massey, Pabon, Priola, Ramirez, Soper, Stephens, Summers, Swerdfeger, Vigil; also Senator(s) Hodge, Heath, Guzman, Hudak, King K., Morse, Nicholson--Concerning in-state tuition classification for dependents of members of the armed forces.	26 27 28 29 30 31
	Ordered revised and placed on the calendar for third reading and final passage.	32 33 34
HB12-1268	by Representative(s) Acree, Beezley, Joshi, Kerr J., McCann, Ramirez; also Senator(s) Hudak--Concerning a transfer of functions pertaining to health facility compliance with certain building safety standards from the department of public health and environment to the division of fire safety in the office of preparedness, security, and fire safety within the department of public safety, and, in connection therewith, creating the health facility construction and inspection section in the division of fire safety.	35 36 37 38 39 40 41
	<u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u> (Printed in Senate Journal, May 3, pages 1047-1049 and placed in members' bill files.)	42 43 44
	<u>Amendment No. 2, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, page 1105 and placed in members' bill files.)	45 46 47
	As amended, ordered revised and placed on the calendar for third reading and final passage.	48 49 50 51
HB12-1045	by Representative(s) Bradford; also Senator(s) King S.--Concerning sales and use tax exemptions for the sale and use of wood from trees harvested in Colorado damaged by beetles.	52 53 54 55
	Ordered revised and placed on the calendar for third reading and final passage.	56 57 58
HB12-1357	by Representative(s) Brown, Sonnenberg, Vigil; also Senator(s) Renfroe, Bacon, Schwartz--Concerning the use of unspent moneys after completion of capital construction projects at state-supported institutions of higher education authorized by a 2008 federal mineral lease revenues lease-purchase agreement.	59 60 61 62 63
	Ordered revised and placed on the calendar for third reading and final passage.	64 65 66 67 68 69

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Carroll, 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: HB12-1119, HB12-1327, HB12-1328, HB12-1350, HB12-1268 as amended, HB12-1045, HB12-1357.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, were made Special Orders at 10:15 a.m.

Committee of the Whole
The hour of 10:15 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1345
by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, May 3, pages 1082-1085 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 7, pages 1130-1131 and placed in members' bill files.)

Amendment No. 3(L.026), by Senator Johnston.

Amend the Appropriations Committee Report, dated May 7, 2012, page 1, strike lines 1 through 7 and substitute:

"Amend the Education Committee Report, dated May 3, 2012, page 2, line 12, strike "CLASSES." and substitute "CLASSES; EXCEPT THAT THE DEPARTMENT MAY DRAFT THE CONTRACT TO PHASE IN THE REQUIREMENTS OF THIS PARAGRAPH (c) OVER MULTIPLE BUDGET YEARS BASED ON AVAILABLE APPROPRIATIONS."

Page 2 of the Education Committee Report, line 3, after the semi-colon, add "AND".

Page 2 of the Education Committee Report, strike line 4.

Page 2 of the Education Committee Report, line 5, strike "(III)" and substitute "(II)" and strike "AND MOBILE DEVICES".

Page 2 of the Education Committee Report, line 9, strike "MOBILE DEVICES AND".

Page 2 of the Education Committee Report, line 15, after the period add "IN NEGOTIATING THE TERMS OF THE CONTRACT, THE DEPARTMENT SHALL INCLUDE PERFORMANCE MEASURES, WHICH MAY INCLUDE STUDENT OUTCOMES, AS CONDITIONS AFFECTING THE AMOUNTS PAYABLE UNDER THE CONTRACT."

Page 2 of the Education Committee Report, line 14, strike "MOBILE".

Page 2 of the Education Committee Report, line 15, strike "DEVICES, SOFTWARE", and substitute "SOFTWARE LICENSES".

Page 2 of the Education Committee Report, strike lines 16 through 32 and substitute:

"(3) (a) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION PROVIDERS AND PROVIDE INFORMATION EXPLAINING:

(I) THE SOFTWARE LICENSES PURCHASED;

(II) THE AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE INCLUDING DATES, TIMES, AND LOCATIONS; AND

(III) THE PROCEDURES AND TIME LINES BY WHICH EACH LOCAL EDUCATION PROVIDER MAY APPLY TO RECEIVE THE SOFTWARE LICENSES AND TRAINING TO IMPLEMENT THE EARLY LITERACY ASSESSMENT TOOL.

(b) BASED ON THE LEVEL OF AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL SELECT THE LOCAL EDUCATION PROVIDERS WHO WILL RECEIVE THE EARLY LITERACY ASSESSMENT TOOL, INCLUDING THE TRAINING, FROM AMONG THOSE THAT APPLY. IN SELECTING AMONG THE APPLICANTS, THE DEPARTMENT SHALL:

(I) SELECT LOCAL EDUCATION PROVIDERS FROM VARIOUS REGIONS OF THE STATE AND OF VARYING STUDENT POPULATION SIZE;

(II) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING; AND

(III) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF SCHOOLS THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(c) A LOCAL EDUCATION PROVIDER THAT IS SELECTED TO RECEIVE THE EARLY LITERACY ASSESSMENT TOOL IN ONE BUDGET YEAR IS NOT REQUIRED TO REAPPLY IN SUBSEQUENT BUDGET YEARS. THE DEPARTMENT SHALL, TO THE EXTENT POSSIBLE WITHIN AVAILABLE APPROPRIATIONS, ANNUALLY INCREASE THE NUMBER OF LOCAL EDUCATION PROVIDERS THAT RECEIVE THE EARLY LITERACY ASSESSMENT TOOL.

(d) THE DEPARTMENT MAY CHOOSE TO PROVIDE THE EARLY LITERACY ASSESSMENT TOOL ONLY TO THOSE SCHOOLS OF A SELECTED SCHOOL DISTRICT THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(4) DURING THE 2014 REGULAR LEGISLATIVE SESSION AND DURING THE 2016 REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR'S OFFICE, THE JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(a) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES THROUGHOUT THE STATE THAT ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL;

(b) THE LOCAL EDUCATION PROVIDERS THAT HAVE RECEIVED THE EARLY LITERACY ASSESSMENT TOOL;

(c) THE IMPROVEMENTS, IF ANY, IN THE READING SKILL LEVELS OF STUDENTS WHO RECEIVED OR ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL; AND

(d) THE AMOUNT OF APPROPRIATIONS REQUIRED TO PURCHASE AN

ADEQUATE NUMBER OF SOFTWARE LICENSES TO ENABLE THE LOCAL EDUCATION PROVIDERS IN THE STATE TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF THE KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES IN THE STATE."."

Page 2 of the Appropriations Committee Report, after line 9 insert:

"Page 6 of the Education Committee Report, line 12, strike "Statutes." and substitute "Statutes.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$3,000,000, or so much thereof as may be necessary, for allocation to the assessments and data analyses subsection of the management and administration section, for the implementation of section 22-2-140, Colorado Revised Statutes."."

Amendment No. 4(L.021), by Senator Bacon.

Amend the Education Committee Report, dated May 3, 2012, page 4, line 26, strike "ALLOCATE THE" and substitute "REDUCE EACH SCHOOL DISTRICT'S AND EACH DISTRICT CHARTER SCHOOL'S".

Page 5, line 21, strike "DISTRIBUTE THE" and substitute "REDUCE EACH INSTITUTE CHARTER SCHOOL'S".

As amended, ordered revised 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.)

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

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:

SB12-135 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.

Laid over until Wednesday, May 9, retaining its place on the calendar.

SB12-184 by Senator(s) Cadman, Tochtrop; also Representative(s) Priola--Concerning the registration of special mobile machinery fleets, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Cadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.005), by Senator Cadman.

Amend engrossed bill, page 2, line 21, strike "STICKERS. IF THE MACHINERY" and substitute "AN IDENTIFYING DECAL".

Page 2, line 22, strike "IS NOT INTENDED FOR HIGHWAY USE, THE" and substitute "THE".

Page 3, line 19, strike "STICKERS," and substitute "AN IDENTIFYING DECAL,".

Page 3, line 24, strike "STICKERS," and substitute "IDENTIFYING DECAL,".

Page 4, line 3, strike "STICKER," and substitute "IDENTIFYING DECAL,".

Page 4, line 11, strike "REPORT," and substitute "REPORT IDENTIFYING NEW EQUIPMENT,".

Page 4, line 14, strike "TAXES AND".

Page 4, line 18, strike "STICKER," and substitute "IDENTIFYING DECAL,".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB12-083 by Senator(s) Scheffel; also Representative(s) DelGrosso--Concerning dynamic modeling to analyze the fiscal impact of proposed legislation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Heath and Newell.

SB12-183 by Senator(s) Boyd; also Representative(s) Tyler--Concerning restrictions on a utility's ability to disconnect certain residential customers' utility service, and, in connection therewith, directing the commission on low-income energy assistance to review and report on the effectiveness of existing measures concerning discontinuance of service and low-income rate relief.

A majority of those elected to the Senate having voted in the affirmative, Senator Boyd was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.010), by Senator Boyd.

Amend engrossed bill, page 4, line 6, strike "PARAGRAPH (a)" and substitute "PARAGRAPHS (a) AND (b)".

Page 4, line 13, strike "(c)" and substitute "(d)".

Page 4, line 14, strike "40-8.7-112 (1) (a), C.R.S." and substitute "40-8.7-112 (1) (a)".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Carroll, Foster, Heath, Johnston, Newell, Nicholson, Schwartz, Spence and Steadman.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-036 by Senator(s) Mitchell; also Representative(s) Holbert--Concerning parental consent for the collection of information from students in schools.

Senator Mitchell moved that the Senate concur in House amendments to **SB12-036**, as printed in House journal, April 5, pages 893-894, and amended on Third Reading as printed in House journal, April 18, pages 1029-1030. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

MESSAGE FROM THE HOUSE

May 8, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1278, amended as printed in House Journal, May 7, pages 1279-1280. HB12-1360, amended as printed in House Journal, May 7, page 1281.

The House has passed on Third Reading and returns herewith SB12-160, 118.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-026, amended as printed in House Journal, May 1, pages 1213-1214. SB12-078, amended as printed in House Journal, May 1, pages 1214-1215. SB12-044, amended as printed in House Journal, May 7, page 1281. SB12-166, amended as printed in House Journal, May 7, page 1281.

SB12-175, amended as printed in House Journal, May 7, pages 1281-1282, and amended on Third Reading as printed in House Journal, May 8. 1
2
3
The House has postponed indefinitely SB12-132, 162. The bills are returned herewith. 4
5
The House has adopted the First Report of the First Conference Committee on HB12-1002, as printed in House Journal, April 30, page 1201, and has repassed the bill as amended. 6
7
8
9
The House has adopted the First Report of the First Conference Committee on HB12-1168, as printed in House Journal, May 8, and has repassed the bill as amended. 10
11
12
The House has adopted the First Report of the First Conference Committee on SB12-020, as printed in House Journal, May 3, pages 1253-1254, and has repassed the bill as so amended. The bill is returned herewith. 13
14
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16
The House has voted to recede from its position and discharge the First Conference Committee on HB12-1053. The House voted to concur in Senate amendments, and has repassed the bill as amended. The House requests return of the bill. 17
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MESSAGE FROM THE REVISOR OF STATUTES 24

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May 8, 2012 27

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We herewith transmit: 30

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32
Without comment, as amended, HB12-1278 and 1360. 33
Without comment, as amended, SB12-026, 044, 078, 166, and 175. 34
35

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37
INTRODUCTION OF BILLS -- FIRST READING 38

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40
The following bills were read by title and referred to the committees indicated: 41

- 42
43
HB12-1278 by Representative(s) Fischer; also Senator(s) Renfroe--Concerning the authorization of a study of the South Platte river alluvial aquifer, and, in connection therewith, making an appropriation. 44
45
Appropriations 46
47
48
HB12-1360 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the transfer of up to four million dollars from the general fund to the Colorado economic development fund based upon the amount by which the June 2012 estimate of general fund revenue for the 2011-12 fiscal year exceeds the March 2012 estimate of general fund revenue for the 2011-12 fiscal year, and, in connection therewith, making an appropriation. 49
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51
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Appropriations 53
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Senate in recess. Senate reconvened. 60
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COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1278** be amended as follows, and as so amended, be referred to the Committee on Local Government with favorable recommendation.

Amend reengrossed bill, page 3, line 10, strike "state; and" and substitute "state."

Page 3, strike lines 11 and 12.

Page 7, strike lines 14 through 20.

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1360** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1355** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB12-1349** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB12-1358** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 6, strike "SEVEN" and substitute "TWO".

Page 3, line 12, strike "MILLION SEVEN" and substitute "MILLION TWO".

Page 3, line 13, strike "TWO MILLION" and substitute "ONE MILLION FIVE HUNDRED THOUSAND".

Page 3, line 18, strike "TWO MILLION" and substitute "ONE MILLION FIVE HUNDRED THOUSAND".

Page 3, line 24, strike "SEVEN" and substitute "TWO".

Page 4, after line 8, insert:

"(III) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (17) TO THE CONTRARY, ON JULY 1, 2012, THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED THOUSAND DOLLARS FROM THE MEDICAL MARIJUANA PROGRAM CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND FOR APPROPRIATION TO THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS FOR THE PURPOSE OF PROVIDING SUBSTANCE ABUSE TREATMENT, INCLUDING MARIJUANA ADDICTION, TO ELIGIBLE VETERANS. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MONEY BE USED FOR PROGRAMS AT FORT LYON, AND ANY MONEY NOT SPENT DURING THE 2012-13 FISCAL YEAR SHALL BE AVAILABLE FOR EXPENDITURE WITHOUT FURTHER APPROPRIATION IN FISCAL YEAR 2013-14."

Judiciary The Committee on Judiciary has had under consideration and has had a hearing on the following appointment and recommends that the Senate not approve the confirmation:

BOARD OF PINNACOL ASSURANCE

for a term expiring January 1, 2017:

Marcia Ann Benshoof of Highlands Ranch, Colorado, who has experience in the management and operation of insurance companies, not competing with Pinnacol Assurance, appointed.

Judiciary After consideration on the merits, the Committee recommends that **HJR12-1023** be postponed indefinitely.

Legislative Council After consideration on the merits, the Committee recommends that **HB12-1352** be referred to the Committee of the Whole with favorable recommendation.

Legislative Council After consideration on the merits, the Committee recommends that **HB12-1278** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

May 8, 2012

The House has voted to concur in the Senate amendments to HB12-1270, 1275, 1059, 1081, 1304, 1324, 1124, 1068, 1226, 1274, 1294, 1303, and has repassed the bills as so amended.

Senate in recess. Senate reconvened.

Committee of the Whole reconvened.

Committee of the Whole The hour of having arrived, Senator Morse moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS - cont'd

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:

HB12-1332 by Representative(s) Balmer, Liston, Hullinghorst, Joshi, Kerr J., Peniston, Schafer S., Young, Ramirez; also Senator(s) Guzman, Boyd, King S., Morse, Newell--Concerning licensure of anesthesiologist assistants.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, May 3, page 1050 and placed in members' bill files.)

Amendment No. 2(L.010), by Senator Guzman.

Amend the Health and Human Services Committee Report, dated May 2, 2012, page 1, line 2, before "SHALL" insert "OR THE PATIENT'S REPRESENTATIVE".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1263 by Representative(s) Levy; also Senator(s) Steadman--Concerning reducing barriers to employment by state of Colorado agencies for people with criminal records.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 7, pages 1111-1112 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1261 by Representative(s) Solano, Massey, Todd; also Senator(s) Bacon--Concerning effective educators in low-performing, high-needs schools, and, in connection therewith, making an appropriation.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, May 3, pages 1081-1082 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 7, page 1131 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1283 by Representative(s) Barker; also Senator(s) Giron--Concerning the department of public safety, and, in connection therewith, renaming and reorganizing certain existing entities.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 1, pages 970-1016 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 7, pages 1132-1145 and placed in members' bill files.)

Amendment No. 3(L.018), by Senator Giron.

Amend the Judiciary Committee Report, dated May 1, 2012, page 4, line 23, after "MANAGEMENT" insert "AND ANY AND ALL CLAIMS AND LIABILITIES, WHETHER KNOWN OR UNKNOWN, ASSERTED OR UNASSERTED, RELATING IN ANY WAY TO FIRE AND WILDFIRE PREPAREDNESS, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT BY THE BOARD, THE STATE FOREST SERVICES OR ITS EMPLOYEES ON OR BEFORE JUNE 30, 2012,".

Page 18, line 22, strike "OFFICE OF" and substitute "DIVISION OF HOMELAND SECURITY AND".

Page 34, line 26, strike "~~division~~ OFFICE of" and substitute "division of HOMELAND SECURITY AND".

Page 34, line 28, strike "~~division~~ OFFICE" and substitute "division".

Page 34, line 29, strike before "emergency" insert "HOMELAND SECURITY AND".

Page 34, line 35, strike "~~division~~ OFFICE" and substitute "division".

Page 34, line 36, strike before "emergency" insert "HOMELAND SECURITY AND".

Page 34, line 38, strike "~~division~~ OFFICE of" and substitute "division of HOMELAND SECURITY AND".

Page 35, line 1, strike "~~division~~ OFFICE of" and substitute "division of HOMELAND SECURITY AND".

Page 35, line 2, strike "~~division~~ OFFICE of" and substitute "division of HOMELAND SECURITY AND".

Page 57, line 23, after "2012." insert "THE TERMS OF SUCH INITIAL MEMBERS OF THE COLORADO EMERGENCY PLANNING COMMISSION, AS OF THAT DATE, CONTINUE AND EXPIRE ACCORDING TO THE DATES FOR WHICH SUCH MEMBERS WERE ORIGINALLY APPOINTED.".

Page 59, line 7, strike "(~~1.5~~) (2)" and substitute "(1.5)".

Page 64, line 16, after "TERROR;" insert "AND".

Page 64, strike lines 17 and 18.

Reletter succeeding paragraph accordingly.

Page 65, line 9, strike "executive" and substitute "~~executive~~".

Page 65, line 27, strike "EXECUTIVE".

Amend the Appropriations Committee Report, dated May 7, 2012, page 2, line 1, strike the first "AND" and substitute "EXCLUSIVELY THROUGH".

Page 2, line 2, strike "SAFETY."." and substitute "SAFETY, AND NO OTHER PUBLIC ENTITY OR AGENCY, INCLUDING THE BOARD AND ITS EMPLOYEES, SHALL BE RESPONSIBLE OR LIABLE FOR ANY SUCH CLAIMS, LIABILITIES, OR DAMAGES THAT AROSE BEFORE JUNE 30, 2012.".".

Page 7, line 13, strike the second "AND" and substitute "EXCLUSIVELY THROUGH".

Page 7, line 15, strike "AND" and substitute "BY AND THROUGH" and strike "SAFETY."." and substitute "SAFETY, AND NO OTHER PUBLIC ENTITY OR AGENCY, INCLUDING THE BOARD AND ITS EMPLOYEES, SHALL BE RESPONSIBLE OR LIABLE FOR ANY SUCH CLAIMS, LIABILITIES, OR DAMAGES.".".

Amendment No. 4(L.021), by Senator Steadman.

Amend the Judiciary Committee report, dated May 1, 2012, page 45, line 41, after "(1)" insert "(a)".

Page 46, line 5, after "constitution." insert "THE EXECUTIVE DIRECTOR SHALL APPOINT ONLY THOSE PERSONS MEETING THE QUALIFICATIONS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1).".

Page 46, after line 5 insert:

"(b) PURSUANT TO THIS PART 12, THE DIRECTOR IS RESPONSIBLE FOR THE DELIVERY, MANAGEMENT, AND ADMINISTRATION OF FIRE PROTECTION AND LIFE SAFETY-RELATED CODES AND STANDARDS, FIRE INVESTIGATIONS, FIRE SAFETY EDUCATION FOR THE PUBLIC, AND FIRE PREVENTION SERVICES FOR THE STATE. IN ORDER TO BE ELIGIBLE FOR APPOINTMENT AS DIRECTOR, A PERSON MUST BE QUALIFIED IN BOTH STRUCTURAL AND WILDLAND FIRE SUPPRESSION, MITIGATION, AND PREVENTION, HAVE AT LEAST TEN YEARS OF EXPERIENCE IN AN ORGANIZED CAREER FIRE DEPARTMENT, AND MEET, OR WILL MEET WITHIN ONE YEAR OF HIRE, THE JOB PERFORMANCE REQUIREMENTS SPECIFIED IN THE NATIONAL FIRE PROTECTION ASSOCIATION'S STANDARD 1037 AS THE PROFESSIONAL QUALIFICATIONS FOR FIRE MARSHAL.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1240 by Representative(s) Kerr A.; also Senator(s) Bacon and King K.--Concerning statutory changes to K-12 education.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, May 3, pages 1059-1061 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1317 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the creation of the parks and wildlife commission to replace the parks and wildlife board in the department of natural resources, and, in connection therewith, describing the composition and terms of the commission, and reducing appropriations.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, May 3, page 1062 and placed in members' bill files.)

Amendment No. 2(L.044), by Senator Schwartz.

Amend reengrossed bill, page 3, strike lines 21 through 24 and substitute "RESOURCES. ONE".

Page 4, line 12, strike "AND WILDLIFE HABITAT AND MANAGEMENT." and substitute "LAND CONSERVATION AND CONSERVATION EASEMENTS, AND DIVERSIFIED TRAILS INTERESTS AND ACTIVITIES.".

Page 4, line 20, strike "COLORADO." and substitute "COLORADO AND IS COMMITTED TO THE LONG-TERM FINANCIAL STABILITY AND SUSTAINABILITY OF THE DEPARTMENT.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1266 by Representative(s) Sonnenberg, Gardner B.; also Senator(s) Morse--Concerning the continuation of the licensing of persons who furnish bail for compensation, and, in connection therewith, reducing an appropriation .

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, May 3, pages 1063-1071 and placed in members' bill files.)

Amendment No. 2(L.024), by Senator Morse.

Amend the Senate Finance Committee Report, dated May 3, 2012, page 2, line 20, strike "FUNDS OR".

Page 2, line 21, after "REPORT" insert "IN A FORMAT REQUIRED BY THE COMMISSIONER".

Page 2, line 29, strike "AND".

Page 2, strike line 33 and substitute "APPEAR;

(e) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR WHICH THE DEFENDANT'S BOND WAS REVOKED BY A COURT AT THE REQUEST OF THE PRODUCER BECAUSE THE DEFENDANT WAS CHARGED WITH A NEW CRIMINAL OFFENSE ALLEGED TO HAVE BEEN COMMITTED DURING THE DURATION OF THE BOND; AND

(f) THE NUMBER OF BAIL BONDS POSTED BY THE PRODUCER OR ANY OTHER PRODUCER IN THE PRODUCER'S AGENCY FOR A DEFENDANT DURING THE TIME THE DEFENDANT WAS COVERED BY ANOTHER BOND POSTED BY THE PRODUCER OR THE PRODUCER'S AGENCY FOR ANOTHER CRIMINAL CASE.".

Page 4, strike line 19 and substitute:	1
	2
"(VII) SET FORTH THE AMOUNT OF BAIL SET IN THE CASE, THE	3
NAME OF THE DEFENDANT RELEASED ON THE BAIL BOND, THE COURT CASE	4
NUMBER, THE COURT WHERE THE BOND IS EXECUTED, THE PREMIUM	5
CHARGED, THE AMOUNT AND TYPE OF COLLATERAL HELD BY THE	6
INSURANCE PRODUCER, AND THE CONDITIONS UNDER WHICH THE	7
COLLATERAL IS RETURNED;"	8
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Page 7, line 21, after "REPORT" insert "IN A FORMAT REQUIRED BY THE	10
DIVISION".	11
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Page 7, line 23, strike "PRODUCER" and substitute "AGENT".	13
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Page 7, line 29, strike "AND".	15
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Page 7, line 32, strike "PRODUCER" and substitute "AGENT".	17
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Page 7, strike line 33 and substitute "APPEAR;	19
(V) THE NUMBER OF BAIL BONDS DISCHARGED BY A COURT FOR	20
WHICH THE DEFENDANT'S BOND WAS REVOKED BY A COURT AT THE	21
REQUEST OF THE AGNENT BECAUSE THE DEFENDANT WAS CHARGED WITH	22
A NEW CRIMINAL OFFENSE ALLEGED TO HAVE BEEN COMMITTED DURING	23
THE DURATION OF THE BOND; AND	24
(VI) THE NUMBER OF BAIL BONDS POSTED BY THE AGENT FOR A	25
DEFENDANT DURING THE TIME THE DEFENDANT WAS COVERED BY	26
ANOTHER BOND POSTED BY THE AGENT FOR ANOTHER CRIMINAL CASE."	27
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Page 10, strike line 14 and substitute:	29
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"(VII) SET FORTH THE AMOUNT OF BAIL SET IN THE CASE, THE	31
NAME OF THE DEFENDANT RELEASED ON THE BAIL BOND, THE COURT CASE	32
NUMBER, THE COURT WHERE THE BOND IS EXECUTED, THE PREMIUM	33
CHARGED, THE AMOUNT AND TYPE OF COLLATERAL HELD BY THE AGENT,	34
AND THE CONDITIONS UNDER WHICH THE COLLATERAL IS RETURNED;"	35
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Page 14, strike lines 7 through 19 and substitute:	37
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"(h) EXCEPT FOR THE BOND FEE, TO FAIL TO RETURN ANY	39
NONFORFEITED COLLATERAL OR SECURITY WITHIN FOURTEEN DAYS AFTER	40
RECEIPT OF A COPY OF THE COURT ORDER THAT RESULTS IN A RELEASE OF	41
THE BOND BY THE COURT, OR IF THE DEFENDANT FAILS TO APPEAR AND	42
THE SURETY IS EXONERATED, FAILS TO RETURN THE COLLATERAL TO THE	43
INDEMNITOR UPON REQUEST WITHIN FOURTEEN DAYS AFTER THE	44
THREE-YEAR PERIOD, UNLESS:	45
(I) THE COLLATERAL ALSO SECURES ANOTHER OBLIGATION,	46
PREMIUM PAYMENT PLAN, OR BAIL RECOVERY FEE; OR	47
(II) THE LATER OF THREE YEARS OR, IF THE COURT GRANTS AN	48
EXTENSION, SIX YEARS HAVE ELAPSED FROM THE DATE THE BOND WAS	49
POSTED."	50
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As amended, ordered revised and placed on the calendar for third reading and final	53
passage.	54
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HB12-1214 by Representative(s) Becker, Todd; also Senator(s) Nicholson and Spence--Concerning	57
community college two-year degree programs in certain health care fields without a student	58
transfer agreement.	59
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Ordered revised and placed on the calendar for third reading and final passage.	61
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HB12-1155 by Representative(s) Massey, Fields, Hamner; also Senator(s) Bacon--Concerning measures	64
to increase the timely completion of postsecondary degrees.	65
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Ordered revised and placed on the calendar for third reading and final passage.	67
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- HB12-1281** by Representative(s) Young and Gerou, Ferrandino, Fields, Kefalas, Kerr A., McCann, Peniston, Schafer S.; also Senator(s) Steadman and Roberts--Concerning a pilot program establishing new payment methodologies in medicaid, and, in connection therewith, making an appropriation. 1
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- Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 30, pages 929-930 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, page 1104 and placed in members' bill files.)
- Amendment No. 3(L.021), by Senators Steadman and Roberts.
- Amend reengrossed bill, page 5, line 1, strike "INCENTIVES" and substitute "INCENTIVES, INCLUDING, BUT NOT LIMITED TO, GAINSHARING,".
- Page 10, line 15, strike "INCENTIVES" and substitute "INCENTIVES, INCLUDING, BUT NOT LIMITED TO, GAINSHARING,".
- As amended, ordered revised and placed on the calendar for third reading and final passage.
- HB12-1143** by Representative(s) Ferrandino; also Senator(s) Steadman--Concerning an adjustment in the reimbursement rates the state pays county governments for costs associated with elections involving statewide ballot measures, and, in connection therewith, making an appropriation. 25
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- Ordered revised and placed on the calendar for third reading and final passage.
- HB12-1273** by Representative(s) Pabon, Conti, McCann, Swerdfeger; also Senator(s) Steadman--Concerning the inclusion of approved facility schools affiliated with a hospital to the definition of child care facility for purposes of the child care contribution income tax credit. 33
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- Amendment No. 1, Finance 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.
- HB12-1315** by Representative(s) Becker; also Senator(s) Steadman--Concerning the reorganization of the governor's energy office, and in connection therewith, making an appropriation. 44
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- Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 1, pages 965-969 and placed in members' bill files.)
- Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, May 2, page 1020 and placed in members' bill files.)
- Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, page 1104 and placed in members' bill files.)
- As amended, ordered revised and placed on the calendar for third reading and final passage.
- HB12-1311** by Representative(s) Summers, Acree, Brown, Fields, Joshi, Kefalas, McCann, Schafer S., Young; also Senator(s) Boyd--Concerning continuation of the state board of pharmacy, and, in connection therewith, implementing the recommendations contained in the sunset review and report regarding the board and recodifying the laws regulating pharmacists, the practice of pharmacy, and the manufacture, distribution, and dispensing of prescription drugs and controlled substances, and making an appropriation. 60
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- Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 30, page 930 and placed in members' bill files.)

	<u>Amendment No. 2, Finance Committee Amendment.</u>	1
	(Printed in Senate Journal, May 3, page 1062 and placed in members' bill files.)	2
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	As amended, ordered revised and placed on the calendar for third reading and final	4
	passage.	5
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HB12-1334	by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Lambert, Steadman--	8
	Concerning the extension of severance tax funding for the promotion of agricultural energy-	9
	related projects, and, in connection therewith, making an appropriation.	10
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	Ordered revised and placed on the calendar for third reading and final passage.	12
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HB12-1310	by Representative(s) Gardner B., Barker; also Senator(s) Carroll, Guzman--Concerning	15
	changes to statutory provisions related to criminal proceedings, and, in connection	16
	therewith, making an appropriation.	17
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	<u>Amendment No. 1, Judiciary Committee Amendment.</u>	19
	(Printed in Senate Journal, May 1, pages 969-970 and placed in members' bill files.)	20
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	As amended, ordered revised and placed on the calendar for third reading and final	22
	passage.	23
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HB12-1110	by Representative(s) Williams A.; also Senator(s) Carroll--Concerning the regulation of	26
	appraisal management companies, and, in connection therewith, making an appropriation.	27
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	Ordered revised and placed on the calendar for third reading and final passage.	29
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HB12-1326	by Representative(s) Acree and Kefalas; also Senator(s) Spence and Nicholson--Concerning	32
	assistance to the elderly, and, in connection therewith, making an appropriation.	33
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	<u>Amendment No. 1, Finance Committee Amendment.</u>	35
	(Printed in Senate Journal, May 2, page 1024 and placed in members' bill files.)	36
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	As amended, ordered revised and placed on the calendar for third reading and final	38
	passage.	39
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HB12-1286	by Representative(s) Massey and Ferrandino, Todd, Brown, Casso, Coram, Court, Duran,	42
	Fields, Fischer, Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Kerr J., Liston, McCann,	43
	Miklosi, Pabon, Pace, Peniston, Priola, Ryden, Schafer S., Singer, Soper, Summers,	44
	Swerdfeger, Vigil, Williams A., Wilson, Young; also Senator(s) Newell and White, Aguilar,	45
	Bacon, Boyd, Foster, Heath, Jahn, Morse, Nicholson, Shaffer B., Steadman, Williams S.--	46
	Concerning film production activities in Colorado, and, in connection therewith, making an	47
	appropriation.	48
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	<u>Amendment No. 1, Finance Committee Amendment.</u>	50
	(Printed in Senate Journal, May 2, page 1045 and placed in members' bill files.)	51
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	<u>Amendment No. 2(L.008), by Senator Newell.</u>	53
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	Amend reengrossed bill, page 9, line 22, strike "COPIES" and substitute	55
	"COPIES, IN ACCORDANCE WITH SECTION 24-1-136 (9),".	56
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	As amended, ordered revised and placed on the calendar for third reading and final	59
	passage.	60
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HB12-1038	by Representative(s) Looper, Barker, Brown, Priola, Ramirez, Scott, Williams A.; also	63
	Senator(s) Williams S.--Concerning the creation of a multi-year registration for Class A	64
	trailers, and, in connection therewith, making an appropriation.	65
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	<u>Amendment No. 1(L.004), by Senator Steadman.</u>	67
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	Amend reengrossed bill, page 8, after line 22 insert:	69

"SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$45,147 and 0.3 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$13,147 and 0.3 FTE for the processing of vehicle registrations; and

(b) \$32,000 for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$32,000, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section."

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1042 by Representative(s) Pace; also Senator(s) Schwartz--Concerning a state income tax credit related to the portion of Colorado estate taxes paid that are attributable to agricultural land.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1361 by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman and Nicholson--Concerning claims against the state arising under the "Colorado Governmental Immunity Act".

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1351 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning inclusion under the renewable energy standard's definition of recycled energy such energy that combusts gas generated from synthetic gas derived from waste materials through pyrolysis as the fuel source for generation.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 8, pages 1157-1159 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Tochtrop.

Amend the State, Veterans & Military Affairs Committee Report, dated May 8, 2012, page 1, strike lines 6 through 8.

Page 1, line 12, strike "(III),". and substitute "(III),". and strike "GAS GENERATED FROM".

Page 1, line 15, strike "PUBLIC UTILITIES".

Page 2, line 2, after "GAS" insert "DERIVED".

Page 2, line 8, strike "generation" and substitute "generation,".

Page 2, line 23, after "HOUSE" insert "OF REPRESENTATIVES".

Amend reengrossed bill, page 1, line 103, strike "GAS GENERATED FROM".

As amended, ordered revised 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.)

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders -- Second Reading of Bills Calendar (HB12-1353, HB12-1330, HB12-1037, HB12-1346, HB12-1300, HB12-1099) of Tuesday, May 8 was laid over until later in the day, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

Senators Lambert and Harvey moved to amend the Report of the Committee of the Whole to show that the following Johnston floor amendment, (L.026) to HB 12-1345, did not pass.

Amend the Appropriations Committee Report, dated May 7, 2012, page 1, strike lines 1 through 7 and substitute:

"Amend the Education Committee Report, dated May 3, 2012, page 2, line 12, strike "CLASSES." and substitute "CLASSES; EXCEPT THAT THE DEPARTMENT MAY DRAFT THE CONTRACT TO PHASE IN THE REQUIREMENTS OF THIS PARAGRAPH (c) OVER MULTIPLE BUDGET YEARS BASED ON AVAILABLE APPROPRIATIONS."

Page 2 of the Education Committee Report, line 3, after the semi-colon, add "AND".

Page 2 of the Education Committee Report, strike line 4.

Page 2 of the Education Committee Report, line 5, strike "(III)" and substitute "(II)" and strike "AND MOBILE DEVICES".

Page 2 of the Education Committee Report, line 9, strike "MOBILE DEVICES AND".

Page 2 of the Education Committee Report, line 15, after the period add "IN NEGOTIATING THE TERMS OF THE CONTRACT, THE DEPARTMENT SHALL INCLUDE PERFORMANCE MEASURES, WHICH MAY INCLUDE STUDENT OUTCOMES, AS CONDITIONS AFFECTING THE AMOUNTS PAYABLE UNDER THE CONTRACT."

Page 2 of the Education Committee Report, line 14, strike "MOBILE".

Page 2 of the Education Committee Report, line 15, strike "DEVICES, SOFTWARE", and substitute "SOFTWARE LICENSES".

Page 2 of the Education Committee Report, strike lines 16 through 32 and substitute:

"(3) (a) AS SOON AS PRACTICABLE AFTER ENTERING INTO THE CONTRACT, THE DEPARTMENT SHALL NOTIFY THE LOCAL EDUCATION PROVIDERS AND PROVIDE INFORMATION EXPLAINING:

(I) THE SOFTWARE LICENSES PURCHASED;
(II) THE AVAILABILITY OF TRAINING IN THE USE OF THE SOFTWARE INCLUDING DATES, TIMES, AND LOCATIONS; AND

(III) THE PROCEDURES AND TIME LINES BY WHICH EACH LOCAL EDUCATION PROVIDER MAY APPLY TO RECEIVE THE SOFTWARE LICENSES AND TRAINING TO IMPLEMENT THE EARLY LITERACY ASSESSMENT TOOL.

(b) BASED ON THE LEVEL OF AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL SELECT THE LOCAL EDUCATION PROVIDERS WHO WILL

RECEIVE THE EARLY LITERACY ASSESSMENT TOOL, INCLUDING THE TRAINING, FROM AMONG THOSE THAT APPLY. IN SELECTING AMONG THE APPLICANTS, THE DEPARTMENT SHALL:

(I) SELECT LOCAL EDUCATION PROVIDERS FROM VARIOUS REGIONS OF THE STATE AND OF VARYING STUDENT POPULATION SIZE;

(II) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE STUDENTS WHO ARE BELOW GRADE LEVEL EXPECTATIONS IN READING; AND

(III) GIVE PREFERENCE TO LOCAL EDUCATION PROVIDERS WITH THE HIGHEST PERCENTAGES OF SCHOOLS THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(c) A LOCAL EDUCATION PROVIDER THAT IS SELECTED TO RECEIVE THE EARLY LITERACY ASSESSMENT TOOL IN ONE BUDGET YEAR IS NOT REQUIRED TO REAPPLY IN SUBSEQUENT BUDGET YEARS. THE DEPARTMENT SHALL, TO THE EXTENT POSSIBLE WITHIN AVAILABLE APPROPRIATIONS, ANNUALLY INCREASE THE NUMBER OF LOCAL EDUCATION PROVIDERS THAT RECEIVE THE EARLY LITERACY ASSESSMENT TOOL.

(d) THE DEPARTMENT MAY CHOOSE TO PROVIDE THE EARLY LITERACY ASSESSMENT TOOL ONLY TO THOSE SCHOOLS OF A SELECTED SCHOOL DISTRICT THAT ARE ELIGIBLE TO RECEIVE MONEYS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(4) DURING THE 2014 REGULAR LEGISLATIVE SESSION AND DURING THE 2016 REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR'S OFFICE, THE JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(a) THE PERCENTAGE OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES THROUGHOUT THE STATE THAT ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL;

(b) THE LOCAL EDUCATION PROVIDERS THAT HAVE RECEIVED THE EARLY LITERACY ASSESSMENT TOOL;

(c) THE IMPROVEMENTS, IF ANY, IN THE READING SKILL LEVELS OF STUDENTS WHO RECEIVED OR ARE RECEIVING SERVICES USING THE EARLY LITERACY ASSESSMENT TOOL; AND

(d) THE AMOUNT OF APPROPRIATIONS REQUIRED TO PURCHASE AN ADEQUATE NUMBER OF SOFTWARE LICENSES TO ENABLE THE LOCAL EDUCATION PROVIDERS IN THE STATE TO USE THE EARLY LITERACY ASSESSMENT TOOL IN ALL OF THE KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE CLASSES IN THE STATE."."

Page 2 of the Appropriations Committee Report, after line 9 insert:

"Page 6 of the Education Committee Report, line 12, strike "Statutes"." and substitute "Statutes.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$3,000,000, or so much thereof as may be necessary, for allocation to the assessments and data analyses subsection of the management and administration section, for the implementation of section 22-2-140, Colorado Revised Statutes."."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	12	NO	23	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	N
Brophy	N	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	N		

HB12-1351 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning inclusion under the renewable energy standard's definition of recycled energy such energy that combusts gas generated from synthetic gas derived from waste materials through pyrolysis as the fuel source for generation.

Senator Nicholson moved to amend the Report of the Committee of the Whole to show that the following Nicholson floor amendment, (L.017) to HB 12-1351, did pass.

Amend the State, Veterans and Military Affairs Committee report, dated May 8, 2012, page 2, line 2, after "MATERIALS." insert "IN ORDER TO BE USED FOR THE PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY STANDARD, THE COMMISSION MUST MAKE A DETERMINATION THAT PROJECTS THAT USE PYROLYSIS TO COMBUST SYNTHETIC GAS FROM WASTE MATERIALS ARE GREENHOUSE GAS EMISSION-NEUTRAL, AS MEASURED OVER THE LIFE-CYCLE OF THE PROCESS, AND THAT THE EMISSIONS PROFILE FOR ALL OTHER HEALTH-HARMING AIR EMISSIONS ARE AS CLEAN OR CLEANER THAN THE EMISSIONS FROM COMBINED-CYCLE NATURAL GAS PLANTS.".

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	8	NO	27	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	N
Boyd	N	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	N	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	N
Carroll	Y	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	Y	Williams S.	N
Giron	Y	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, 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: HB12-1345 as amended, HB12-1332 as amended, HB12-1263 as amended, HB12-1261 as amended, HB12-1283 as amended, HB12-1240 as amended, HB12-1317 as amended, HB12-1266 as amended, HB12-1214, HB12-1155, HB12-1281 as amended, HB12-1143, HB12-1273 as amended, HB12-1315 as amended, HB12-1311 as amended, HB12-1334, HB12-1310 as amended, HB12-1110, HB12-1326 as amended, HB12-1286 as amended, HB12-1038 as amended, HB12-1042, HB12-1361, HB12-1351 as amended.

Laid over until Tuesday, May 8: HB12-1353, HB12-1330, HB12-1037, HB12-1346, HB12-1300, HB12-1099.

Committee of the Whole On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Carroll was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1353 by Representative(s) Becker, Gerou, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning the mitigation of the effect of automatic proportional reductions to the tier 2 transfers out of the operational account of the severance tax trust fund when revenue shortfalls occur.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1330 by Representative(s) Becker, Priola, Sonnenberg; also Senator(s) Hodge and Grantham--Concerning the creation of a hearing process to end a suspension of privileges to attempt to take wildlife, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1037 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning the classification of the sales of certain items used in agricultural production as wholesale sales.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1346 by Representative(s) Gardner B.; also Senator(s) King S.--Concerning sex offender registration.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1300 by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Aguilar--Concerning professional review committees, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, May 3, pages 1072-1077 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 7, pages 1131-1132 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1099 by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.-- Concerning the establishment of an industrial hemp remediation pilot program to study phytoremediation through the growth of hemp on contaminated soil, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, 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: HB12-1353, HB12-1330, HB12-1037, HB12-1346, HB12-1300 as amended, HB12-1099.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR12-004 by Senator(s) Newell and Boyd, Aguilar, Bacon, Carroll, Foster, Giron, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, Lambert, Lundberg, Morse, Neville, Nicholson, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; --Concerning recognition of the office of Colorado's child protection ombudsman.

Laid over one day under Senate Rule 30(c).

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1349, HB12-1352, HB12-1355, HB12-1278, HB12-1360 were made Special Orders at 4:20 p.m.

Committee of the Whole	The hour of 4:20 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.	1 2 3 4
	SPECIAL ORDERS -- SECOND READING OF BILLS	5 6
	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:	7 8 9 10 11
HB12-1349	by Representative(s) Baumgardner, Brown, Coram, Fischer, Hullinghorst, Jones, Joshi, Looper, McKinley, McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz--Concerning the species conservation trust fund.	12 13 14 15
	Ordered revised and placed on the calendar for third reading and final passage.	16 17 18
HB12-1352	by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman--Concerning the creation of a state commission to address matters arising out of the lower north fork wildfire, and, in connection therewith, making an appropriation.	19 20 21 22
	<u>Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.</u> (Printed in Senate Journal, May 8, pages 1156-1157 and placed in members' bill files.)	23 24 25
	<u>Amendment No. 2(L.015), by Senator Cadman.</u>	26 27
	Amend the State, Veterans & Military Affairs Committee Report, dated May 7, 2012, page 3, strike lines 28 through 33.	28 29 30
	Renumber succeeding section accordingly.	31 32
	Page 3 of the report, after line 36 insert:	33 34
	"Page 1 of the reengrossed bill, strike lines 102 and 103 and substitute "MATTERS ARISING OUT OF THE LOWER NORTH FORK WILDFIRE."."	35 36 37 38
	As amended, ordered revised and placed on the calendar for third reading and final passage.	39 40 41 42
HB12-1355	by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the transfer of the geological survey to the Colorado school of mines.	43 44 45
	Ordered revised and placed on the calendar for third reading and final passage.	46 47 48
HB12-1360	by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the transfer of up to four million dollars from the general fund to the Colorado economic development fund based upon the amount by which the June 2012 estimate of general fund revenue for the 2011-12 fiscal year exceeds the March 2012 estimate of general fund revenue for the 2011-12 fiscal year, and, in connection therewith, making an appropriation.	49 50 51 52 53 54 55
	Ordered revised and placed on the calendar for third reading and final passage.	56 57 58 59 60
	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders -- Second Reading of Bills Calendar (HB12-1278) of Tuesday, May 8 was laid over until later in the day, retaining its place on the calendar.	61 62 63 64 65 66 67 68 69

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, 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: HB12-1349, HB12-1352 as amended, HB12-1355, HB12-1360.
Laid over until May 8: HB12-1278 as amended.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **HB12-1358** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 3, strike"(d) (I)" and substitute"(d) (I) (A)".

Page 3, after line 26 insert:

"(B) THE STATE LICENSING AUTHORITY SHALL REPORT TO THE HOUSE OF REPRESENTATIVES AND SENATE FINANCE COMMITTEES, OR THEIR SUCCESSOR COMMITTEES, BY JANUARY 31, 2013, REGARDING HOW IT HAS SPENT THE MONEY TRANSFERRED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I)".

Page 5, strike lines 23 through 27.

Page 6, strike lines 1 through 10.

Renumber succeeding sections accordingly.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB12-1358** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Health and Human Services Committee report dated May 8, 2012.

Amend reengrossed bill, page 3, strike line 27.

Page 4 of the bill, strike lines 1 through 8.

Page 6 of the bill, strike lines 11 through 17.

Renumber succeeding section accordingly.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1325** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated May 4, 2012, page 1, strike lines 8 through 17.

Page 1 of the committee report, line 19, strike ""(g)" and substitute ""(e)".

Amend reengrossed bill, page 5, strike lines 25 through 27.

Renumber succeeding subsection accordingly.

Committee of the Whole On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS - cont'd

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:

HB12-1278 by Representative(s) Fischer; also Senator(s) Renfroe--Concerning the authorization of a study of the South Platte river alluvial aquifer, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 8, page 1171 and placed in members' bill files.)

As amended, laid over until Tuesday, May 8, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, 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:

Laid over until Tuesday, May 8: HB12-1278 as amended.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1358 and HB12-1278 were made Special Orders at 6:15 p.m.

Committee of the Whole
The hour of 6:15 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1358
by Representative(s) Massey and McCann; also Senator(s) Aguilar--Concerning funding issues related to medical marijuana, and, in connection therewith, making an appropriation.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, May 8, page 1171 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, May 8, page 1186 and placed in members' bill files.)

Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, May 8, page 1187 and placed in members' bill files.)

Amendment No. 4(L.012), by Senator Aguilar.

Amend the Appropriations Committee Report, dated May 8, 2012, page 1, strike lines 3 through 6.

As amended, ordered revised 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.)

HB12-1278
by Representative(s) Fischer; also Senator(s) Renfroe--Concerning the authorization of a study of the South Platte river alluvial aquifer, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 8, page 1171 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1358 by Representative(s) Massey and McCann; also Senator(s) Aguilar--Concerning funding issues related to medical marijuana, and, in connection therewith, making an appropriation.

Senator Steadman moved to amend the Report of the Committee of the Whole to show that the following Aguilar floor amendment, (L.012) to HB 12-1358, did not pass.

Amend the Appropriations Committee Report, dated May 8, 2012, page 1, strike lines 3 through 6.

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 **passed** on the following roll call vote:

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	Y	Heath	Y	Mitchell	Y	Spence	N
Brophy	Y	Hodge	Y	Morse	N	Steadman	Y
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	N	White	N
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 Carroll, 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: HB12-1358 as amended, HB12-1278 as amended.

MESSAGE FROM THE HOUSE

May 8, 2012

The House has postponed indefinitely SB12-105, 174. The bills are returned herewith.

The House has adopted and transmits herewith HJR12-1020.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1008, 1034, 1146, 1213, 1241, 1282, 1292, 1293, 1321, HCR12-1001.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR12-1020 by Representative(s) Kefalas, Court, Duran, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Jones, Kagan, Kerr A., Labuda, Lee, Levy, McCann, Pabon, Pace, Peniston, Ryden, Schafer S., Solano, Soper, Todd, Tyler, Williams A., Wilson, Young, Casso, Massey, Miklosi, Swerdfeger, Vigil; also Senator(s) Nicholson, Boyd, Shaffer B., Aguilar, Bacon, Carroll, Guzman, Hudak, Jahn, King S., Roberts--Concerning civility and respect in the Colorado general assembly.

Laid over one day under Senate Rule 30(e).

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1325 was made Special Orders at 9:06 p.m.

Committee of the Whole The hour of 9:06 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1325 by Representative(s) Summers; also Senator(s) Nicholson--Concerning tracking transactions related to methamphetamine precursor drugs.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 7, pages 1112-1113 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 8, page 1187 and placed in members' bill files.)

Amendment No. 3(L.022), by Senator Nicholson.

Amend reengrossed bill, page 4, after line 21, insert:

"(d) THE ADMINISTRATOR OF AN ELECTRONIC LOGGING SYSTEM SHALL FORWARD ON A WEEKLY BASIS STATE TRANSACTION RECORDS TO THE COLORADO BUREAU OF INVESTIGATION, IN A FORMAT AGREED TO BY BOTH PARTIES, AND PROVIDE REAL-TIME ACCESS TO THE INFORMATION THROUGH THE COLORADO CRIME INFORMATION CENTER TO LAW

ENFORCEMENT AGENCIES IN COLORADO AS AUTHORIZED BY THE COLORADO BUREAU OF INVESTIGATION."

Reletter succeeding paragraph accordingly.

Page 4, after line 27, insert:

"(f) (I) A PROVIDER OF AN ELECTRONIC LOGGING SYSTEM AS DEFINED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY PRIOR TO PERMITTING THE SYSTEM TO BE USED IN COLORADO.

(II) THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE THE FOLLOWING:

(A) PENALTIES FOR NONCOMPLIANCE BY THE OPERATOR OF THE ELECTRONIC LOGGING SYSTEM;

(B) A REQUIREMENT THAT THE OPERATOR OF THE ELECTRONIC LOGGING SYSTEM PROVIDE THE DATA COLLECTED BY THE ELECTRONIC LOGGING SYSTEM TO THE COLORADO BUREAU OF INVESTIGATION IN AN UNEDITED FORMAT AT LEAST ONCE EVERY SEVEN DAYS;

(C) A REQUIREMENT THAT THE INFORMATION COLLECTED BY THE ELECTRONIC LOGGING SYSTEM MUST COMPLY WITH THE FEDERAL "COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005" (PUB.L. 109-177); AND

(D) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (f), ANY OTHER PROVISIONS AGREED TO BY THE PARTIES.

(III) THE MEMORANDUM OF UNDERSTANDING SHALL NOT INCLUDE THE FOLLOWING:

(A) A PROHIBITION ON LAW ENFORCEMENT AGENCIES' USE FOR A LAW ENFORCEMENT PURPOSE OF THE DATA COLLECTED BY THE ELECTRONIC LOGGING SYSTEM AND SUPPLIED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (f); AND

(B) ANY PROHIBITION ON A STATE OR LOCAL ENTITY ENACTING OR ADOPTING ANY PROVISIONS RELATED TO THE SALE OF A METHAMPHETAMINE PRECURSOR DRUG.

(IV) THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY SHALL CONDUCT AN ANNUAL AUDIT OF EACH ELECTRONIC LOGGING SYSTEM SUBJECT TO A MEMORANDUM OF UNDERSTANDING AND PROVIDE COPIES OF THE AUDIT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

(g) A STORE THAT FAILS TO COMPLY WITH THIS SUBSECTION (2.7) COMMITS A CLASS 1 MISDEMEANOR."

Page 5, line 11, strike "AND".

Page 5, line 13, strike "AGENCIES." and substitute "AGENCIES;".

Page 5, after line 13, insert:

"(IV) USES A FAIL-SAFE SYSTEM BASED ON UNIQUE INDIVIDUAL CHARACTERISTIC; AND

(V) IS CAPABLE OF INTERFACING WITH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY IN ORDER TO PROVIDE THE COLORADO BUREAU OF INVESTIGATION WITH DATA COLLECTED BY THE SYSTEM."

Page 5, strike lines 25 through 27.

Renumber succeeding subsection accordingly.

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Appropriations.

(For further action, see amendments to the report of the Committee of the Whole.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB12-1325 by Representative(s) Summers; also Senator(s) Nicholson--Concerning tracking transactions related to methamphetamine precursor drugs.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Nicholson floor amendment, (L.022) to HB 12-1325, did not pass, and that HB 12-1325, as amended by the Judiciary Committee amendment and the Appropriations Committee amendment, did pass and was not laid over or referred to the Appropriations Committee.

Amend reengrossed bill, page 4, after line 21, insert:

"(d) THE ADMINISTRATOR OF AN ELECTRONIC LOGGING SYSTEM SHALL FORWARD ON A WEEKLY BASIS STATE TRANSACTION RECORDS TO THE COLORADO BUREAU OF INVESTIGATION, IN A FORMAT AGREED TO BY BOTH PARTIES, AND PROVIDE REAL-TIME ACCESS TO THE INFORMATION THROUGH THE COLORADO CRIME INFORMATION CENTER TO LAW ENFORCEMENT AGENCIES IN COLORADO AS AUTHORIZED BY THE COLORADO BUREAU OF INVESTIGATION."

Reletter succeeding paragraph accordingly.

Page 4, after line 27, insert:

"(f) (I) A PROVIDER OF AN ELECTRONIC LOGGING SYSTEM AS DEFINED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY PRIOR TO PERMITTING THE SYSTEM TO BE USED IN COLORADO.

(II) THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE THE FOLLOWING:

(A) PENALTIES FOR NONCOMPLIANCE BY THE OPERATOR OF THE ELECTRONIC LOGGING SYSTEM;

(B) A REQUIREMENT THAT THE OPERATOR OF THE ELECTRONIC LOGGING SYSTEM PROVIDE THE DATA COLLECTED BY THE ELECTRONIC LOGGING SYSTEM TO THE COLORADO BUREAU OF INVESTIGATION IN AN UNEDITED FORMAT AT LEAST ONCE EVERY SEVEN DAYS;

(C) A REQUIREMENT THAT THE INFORMATION COLLECTED BY THE ELECTRONIC LOGGING SYSTEM MUST COMPLY WITH THE FEDERAL "COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005" (PUB.L. 109-177); AND

(D) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (f), ANY OTHER PROVISIONS AGREED TO BY THE PARTIES.

(III) THE MEMORANDUM OF UNDERSTANDING SHALL NOT INCLUDE THE FOLLOWING:

(A) A PROHIBITION ON LAW ENFORCEMENT AGENCIES' USE FOR A LAW ENFORCEMENT PURPOSE OF THE DATA COLLECTED BY THE ELECTRONIC LOGGING SYSTEM AND SUPPLIED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (f); AND

(B) ANY PROHIBITION ON A STATE OR LOCAL ENTITY ENACTING OR ADOPTING ANY PROVISIONS RELATED TO THE SALE OF A METHAMPHETAMINE PRECURSOR DRUG.

(IV) THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY SHALL CONDUCT AN ANNUAL AUDIT OF EACH ELECTRONIC LOGGING SYSTEM SUBJECT TO A MEMORANDUM OF UNDERSTANDING AND PROVIDE COPIES OF THE AUDIT TO THE JUDICIARY

COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

(g) A STORE THAT FAILS TO COMPLY WITH THIS SUBSECTION (2.7) COMMITS A CLASS 1 MISDEMEANOR."

Page 5, line 11, strike "AND".

Page 5, line 13, strike "AGENCIES." and substitute "AGENCIES;"

Page 5, after line 13, insert:

"(IV) USES A FAIL-SAFE SYSTEM BASED ON UNIQUE INDIVIDUAL CHARACTERISTIC; AND

(V)IS CAPABLE OF INTERFACING WITH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY IN ORDER TO PROVIDE THE COLORADO BUREAU OF INVESTIGATION WITH DATA COLLECTED BY THE SYSTEM."

Page 5, strike lines 25 through 27.

Renumber succeeding subsection accordingly.

On a substitute motion, Senator Morse moved that the Senate adjourned until 10:00 a.m., Wednesday, May 9, 2012 on the following roll call vote:

YES	19	NO	16	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	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	N
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

The balance of the calendar was laid over, retaining its place on the calendar:

General Orders -- Second Reading of Bills: SB12-070, HB12-1160.
Consideration of Resolutions: SJR12-034, SJR12-037, SJR12-038.
Consideration of Conference Committee Reports: SB12-020.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

120th Legislative DayWednesday, May 9, 2012

Prayer By the chaplain, Rabbi Yossi Serebryanski, Chabad of South Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Tuesday, May 8, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SR12-004.
Correctly Engrossed: SR12-003.
Correctly Revised: HB12-1037, 1038, 1042, 1045, 1099, 1110, 1119, 1143, 1155, 1160, 1214, 1240, 1261, 1263, 1266, 1268, 1273, 1278, 1281, 1283, 1286, 1300, 1310, 1311, 1315, 1317, 1326, 1327, 1328, 1330, 1332, 1334, 1345, 1346, 1349, 1350, 1351, 1352, 1353, 1355, 1357, 1358, 1360 and 1361; HJR12-1021.
Correctly Reengrossed: SB12-083, 183 and 184.

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.

Senate in recess. Senate reconvened.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

**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:

HB12-1119
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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	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	*	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Foster.

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB12-1327
by Representative(s) Coram; also Senator(s) Roberts and King S.--Concerning financial responsibility requirements for motor carriers, and, in connection therewith, repealing the surety bond requirement for towing carriers, imposing a period of disqualification from the right to operate as a towing carrier as an additional penalty for failure to respond as required after violating applicable provisions, creating a designated tow truck license plate, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Schwartz and White.

HB12-1328
by Representative(s) Priola, Ferrandino, DelGrosso, Murray, Sonnenberg; also Senator(s) Giron--Concerning exclusion from the "Uniform Consumer Credit Code" of certain charges by persons regularly engaged in making contracts for purchase of tangible personal property in the course of business if those charges do not exceed amounts permitted by law.

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**.

HB12-1350 by Representative(s) Waller, Balmer, Barker, Casso, Court, Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A., Liston, Looper, Massey, Pabon, Priola, Ramirez, Soper, Stephens, Summers, Swerdfeger, Vigil; also Senator(s) Hodge, Heath, Guzman, Hudak, King K., Morse, Nicholson--Concerning in-state tuition classification for dependents of members of the armed forces.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Cadman, Foster, Giron, Grantham, Jahn, King S., Lambert, Neville, Newell, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop and Williams S.

HB12-1268 by Representative(s) Acree, Beezley, Joshi, Kerr J., McCann, Ramirez; also Senator(s) Hudak--Concerning a transfer of functions pertaining to health facility compliance with certain building safety standards from the department of public health and environment to the division of fire safety in the office of preparedness, security, and fire safety within the department of public safety, and, in connection therewith, creating the health facility construction and inspection section in the division of fire safety.

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: King S., Newell, Tochtrop, White and Williams S.

HB12-1045 by Representative(s) Bradford; also Senator(s) King S.--Concerning sales and use tax exemptions for the sale and use of wood from trees harvested in Colorado damaged by beetles.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Foster, Guzman, Heath, Jahn, Johnston, Neville, Newell, Nicholson, Roberts, Schwartz and White.

HB12-1357 by Representative(s) Brown, Sonnenberg, Vigil; also Senator(s) Renfroe, Bacon, Schwartz--Concerning the use of unspent moneys after completion of capital construction projects at state-supported institutions of higher education authorized by a 2008 federal mineral lease revenues lease-purchase agreement.

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: Williams S.

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:

SB12-135 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.

Laid over until Thursday, May 10, retaining its place on the calendar.

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

A majority of those elected to the Senate having voted in the affirmative, Senators Hudak, King K., and Bacon were given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.029), by Senators Hudak, King K., and Bacon.

Amend revised bill, page 18, after line 13, insert:

"SECTION 11. Legislative declaration. (1) The general

assembly finds that:

(a) To comply with federal requirements, the state must assess students' achievement of the state standards in mathematics, English language arts, and science during grade ten, eleven, or twelve using an assessment that is aligned with the state standards;

(b) The state administers a statewide assessment in mathematics, reading, writing, and science to students enrolled in tenth grade, which assessment is aligned with the content standards adopted by the state board. This assessment is necessary for the state to meet the federal high school testing requirements and costs the state over one million dollars per year to administer.

(c) The state also administers the ACT to all students enrolled in eleventh grade. While the ACT includes questions in the areas of mathematics, English language arts, and science, it is not comprehensive enough nor sufficiently aligned with the Colorado standards to meet the federal high school testing requirements. However, the ACT is of great value to students who are planning to continue into postsecondary education because it is considered by most postsecondary institutions in making admissions decisions. The ACT also costs the state over one million dollars per year to administer.

(d) The state could save significant amounts by administering only the ACT as the statewide assessment for students in grades ten, eleven, and twelve. However, augmenting the ACT with additional questions so that it is sufficiently aligned with Colorado's standards to satisfy the federal high school testing requirements would cost several million dollars.

(e) Colorado is participating with the common core state standards initiative, which has developed standards in the areas of mathematics and English language arts, and the state board of education recently adopted the common core state standards for mathematics and English language arts as Colorado's state model content standards in these subjects. So far, the common core state standards have been adopted by forty-seven other states.

(f) Because the trend among the majority of states is to adopt the common core state standards and all states are required by federal law to administer an assessment during grades ten through twelve that is aligned with each state's standards, it is the intent and expectation of the general assembly that ACT, Inc., will soon reconfigure the ACT to align with the common core state standards at a sufficient level to enable the states, including Colorado, to administer the ACT as a means of complying with the federal high school testing requirements without having to pay several million dollars to augment the test.

SECTION 12. In Colorado Revised Statutes, 22-32-109, **amend** (1) (nn); and **add** (1) (oo) as follows:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(nn) To ensure that each student who enrolls in the sixth grade in a public school of the school district, including but not limited to a district charter school, on the day of enrollment is registered with the state-provided, free on-line college planning and preparation resource, commonly referred to as "CollegeInColorado.org". The school district, the department of education, and the department of higher education shall collaborate to monitor the implementation of this paragraph (nn) and to ensure optimal interactivity between the various data bases and student record systems employed by school districts and college in Colorado. ~~Each public school shall assist each student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan no later than the beginning of ninth grade but may assist the student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan in any grade prior to ninth grade.~~

(oo) (I) TO ADOPT POLICIES TO REQUIRE EACH SCHOOL OF THE SCHOOL DISTRICT, INCLUDING THE CHARTER SCHOOLS, TO ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN THIS PARAGRAPH (oo) AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH GRADE. THE BOARD OF EDUCATION MAY REQUIRE THE SCHOOLS OF THE SCHOOL DISTRICT TO ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY GRADE PRIOR TO NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN

SECTION 22-2-136 AND THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID SECTION.

(II) THE BOARD OF EDUCATION SHALL FURTHER REQUIRE EACH SCHOOL OF THE SCHOOL DISTRICT TO ASSIST EACH STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL SERVICES OR COURSES.

SECTION 13. In Colorado Revised Statutes, 22-32-109.5, add (4) as follows:

22-32-109.5. Board of education - specific duties - testing requirements - basic skills placement or assessment tests - intervention plans. (4) (a) EACH SCHOOL DISTRICT MAY ADMINISTER TO STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE IN THE SCHOOLS OF THE SCHOOL DISTRICT THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE SCHOOL DISTRICT MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH SCHOOL DISTRICT TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(b) IF A SCHOOL DISTRICT CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THAT THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 14. In Colorado Revised Statutes, add 22-30.5-117 as follows:

22-30.5-117. Basic skills placement or assessment tests - intervention plans. (1) EACH CHARTER SCHOOL THAT INCLUDES ANY OF GRADES NINE THROUGH TWELVE MAY ADMINISTER TO STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(2) IF A CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF

POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE CHARTER SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 15. In Colorado Revised Statutes, add 22-30.5-523 and 22-30.5-524 as follows:

22-30.5-523. Individual career and academic plans. (1) EACH INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, REFERRED TO IN THIS SECTION AS AN "ICAP", NO LATER THAN THE BEGINNING OF NINTH GRADE BUT MAY ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S ICAP IN ANY GRADE PRIOR TO NINTH GRADE. EACH STUDENT'S ICAP SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN SECTION 22-2-136 AND THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SAID SECTION.

(2) EACH INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT WHO IS ENROLLED IN THE SCHOOL AND HAS AN ICAP TO USE THE PLAN EFFECTIVELY TO DIRECT THE STUDENT'S COURSE SELECTIONS AND PERFORMANCE EXPECTATIONS IN AT LEAST GRADES NINE THROUGH TWELVE; TO ASSIST THE STUDENT IN MEETING HIS OR HER ACADEMIC AND CAREER GOALS AS DESCRIBED IN THE ICAP; AND TO ENABLE THE STUDENT TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATION FROM HIGH SCHOOL AT A LEVEL THAT ALLOWS THE STUDENT TO PROGRESS TOWARD HIS OR HER POSTSECONDARY EDUCATION GOALS, IF ANY, WITHOUT REQUIRING REMEDIAL EDUCATIONAL SERVICES OR COURSES.

22-30.5-524. Basic skills placement or assessment tests - intervention plans. (1) EACH INSTITUTE CHARTER SCHOOL THAT INCLUDES ANY OF GRADES NINE THROUGH TWELVE MAY ADMINISTER TO STUDENTS ENROLLED IN THOSE GRADES THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS THAT ARE ADMINISTERED TO MATRICULATED FIRST-TIME FRESHMAN STUDENTS PURSUANT TO SECTION 23-1-113, C.R.S. THE INSTITUTE CHARTER SCHOOL MAY ADMINISTER THE TESTS TO A STUDENT AT ANY TIME AND AS OFTEN AS IT DEEMS NECESSARY WHILE THE STUDENT IS ENROLLED IN ANY OF GRADES NINE THROUGH TWELVE, BUT THE DEPARTMENT OF EDUCATION SHALL ALLOCATE MONEYS TO EACH INSTITUTE CHARTER SCHOOL TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE HE OR SHE IS ENROLLED IN THOSE GRADES.

(2) IF AN INSTITUTE CHARTER SCHOOL CHOOSES TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, EACH STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL INCLUDE THE SCORES ACHIEVED BY THE STUDENT ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS AND, BASED ON AN ANALYSIS OF THE SCORES, THE STUDENT'S LEVEL OF POSTSECONDARY AND WORKFORCE READINESS AT THE TIME HE OR SHE TAKES THE TESTS. IF A STUDENT'S SCORES INDICATE THAT HE OR SHE IS AT RISK OF BEING UNABLE TO DEMONSTRATE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL, SCHOOL PERSONNEL SHALL WORK WITH THE STUDENT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN TO CREATE AN INTERVENTION PLAN THAT IDENTIFIES THE NECESSARY COURSES AND EDUCATION SUPPORT SERVICES THE STUDENT REQUIRES TO BE ABLE TO ACHIEVE POSTSECONDARY AND WORKFORCE READINESS PRIOR TO OR UPON GRADUATING FROM HIGH SCHOOL AND TO BE PREPARED TO CONTINUE INTO THE POSTSECONDARY EDUCATION OPTION, IF ANY, SELECTED BY THE STUDENT IN HIS OR HER INDIVIDUAL CAREER AND

ACADEMIC PLAN WITHOUT NEED FOR REMEDIAL EDUCATIONAL SERVICES. IF APPROPRIATE, THE SCHOOL, THE STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO ENROLL THE STUDENT IN ONE OR MORE BASIC SKILLS COURSES AT AN INSTITUTION OF HIGHER EDUCATION THROUGH THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE, IF THE STUDENT IS ENROLLED IN TWELFTH GRADE.

SECTION 16. In Colorado Revised Statutes, 22-30.5-505, **amend** (3) (f) as follows:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (3) The mission of the institute board shall be to foster high-quality public school choices offered through institute charter schools, including particularly schools that are focused on closing the achievement gap for at-risk students. In discharging its duties pursuant to this part 5, the institute shall:

(f) Ensure that each student who enrolls in the sixth grade in an institute charter school, on the day of enrollment, is registered with the state-provided, free on-line college planning and preparation resource, commonly referred to as "CollegeInColorado.org". The institute, the department, and the department of higher education shall collaborate to monitor the implementation of this paragraph (f) and to ensure optimal interactivity between the various data bases and student record systems employed by institute charter schools and college in Colorado. ~~Each institute charter school shall assist each student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan no later than the beginning of ninth grade but may assist the student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan in any grade prior to ninth grade.~~

SECTION 17. In Colorado Revised Statutes, 22-2-136, **amend** (2) (a) as follows:

22-2-136. Additional duty - state board - individual career and academic plans - standards - rules. (2) In establishing the standards for individual career and academic plans, the state board shall ensure, at a minimum, that:

(a) Each individual career and academic plan includes a career planning and guidance component and a portfolio that reflects, at a minimum:

(I) The student's efforts in exploring careers, including interest surveys that the student completes;

(II) The student's academic progress, including the courses taken, any remediation or credit recovery, and any concurrent enrollment credits earned;

(III) FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT CHOOSE TO ADMINISTER THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS, THE STUDENT'S SCORES ON THE BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS ADMINISTERED PURSUANT TO SECTION 22-30.5-117, 22-30.5-524, OR 22-32-109.5 (4), ANY INTERVENTION PLAN CREATED FOR THE STUDENT PURSUANT TO SAID SECTIONS, AND THE STUDENT'S PROGRESS IN MEETING THE INTERVENTION PLAN;

~~(H.5)~~ (IV) The student's progress in visual arts and performing arts courses;

~~(HH)~~ (V) The student's experiences in contextual and service learning;

~~(IV)~~ (VI) The student's college applications and resume, as they are prepared and submitted; and

~~(V)~~ (VII) The student's postsecondary studies as the student progresses;

SECTION 18. In Colorado Revised Statutes, 22-7-1009, **amend** (1) as follows:

22-7-1009. Diploma endorsements - adoption - revisions. (1) On or before July 1, 2011, or as soon thereafter as fiscally practicable, the state board shall adopt criteria that a local school board, BOCES, or institute charter high school may apply if the local school board, BOCES, or institute charter high school chooses to endorse high school diplomas to indicate that students have achieved postsecondary and workforce readiness. The criteria shall include, but need not be limited to, the required minimum level of postsecondary and workforce readiness that a student must achieve to receive a readiness endorsement on his or her diploma from the local school board, BOCES, or institute charter high school, BASED ON WHETHER THE STUDENT INTENDS TO PURSUE A CAREER AND TECHNICAL EDUCATION CERTIFICATE; ENROLLMENT IN AN OPEN, MODIFIED OPEN, OR MODERATELY SELECTIVE INSTITUTION OF HIGHER

EDUCATION; OR ENROLLMENT IN A SELECTIVE INSTITUTION OF HIGHER EDUCATION. In identifying the required minimum level of postsecondary and workforce readiness, the state board shall ensure that the minimum level of postsecondary and workforce readiness reflects the expectations for postsecondary and workforce readiness that are applied nationally and internationally.

SECTION 19. In Colorado Revised Statutes, 22-11-204, **amend** (4) (b) (II) as follows:

22-11-204. Performance indicators - measures. (4) The department shall determine the level of attainment of each public high school, each school district, the institute, and the state as a whole on the postsecondary and workforce readiness indicator by using, at a minimum, the following measures:

(b) For each school district and the institute, the department shall calculate:

(II) Beginning with the ~~2011-12 school year~~ FIRST SCHOOL YEAR FOR WHICH CRITERIA ARE ADOPTED PURSUANT TO SECTION 22-7-1009 (1) FOR AWARDING DIPLOMAS THAT ARE ENDORSED FOR POSTSECONDARY AND WORKFORCE READINESS and for each school year thereafter, the overall percentage of all students graduating from the district public high schools or from the institute charter high schools who receive diplomas that are endorsed for postsecondary and workforce readiness as described in section 22-7-1009 (1) and the percentage who receive diplomas that are endorsed for exemplary demonstration of postsecondary and workforce readiness as described in section 22-7-1009 (2); and

SECTION 20. In Colorado Revised Statutes, 22-2-112, **add** (4) as follows:

22-2-112. Commissioner - duties. (4) (a) THE COMMISSIONER SHALL ENSURE THAT THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS, ANNUALLY ALLOCATES MONEYS TO SCHOOL DISTRICTS, DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS TO REIMBURSE THEM FOR THE COSTS OF ADMINISTERING BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS PURSUANT TO SECTIONS 22-32-109.5, 22-30.5-117, AND 22-30.5-524, RESPECTIVELY, TO STUDENTS ENROLLED IN GRADES NINE THROUGH TWELVE. THE DEPARTMENT SHALL ALLOCATE MONEYS TO OFFSET THE COSTS INCURRED IN ADMINISTERING EACH OF THE TEST UNITS ONLY ONCE PER STUDENT WHILE THE STUDENT IS ENROLLED IN GRADES NINE THROUGH TWELVE.

(b) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, ADMINISTERING BASIC SKILLS PLACEMENT OR ASSESSMENT TESTS TO STUDENTS IN GRADES NINE THROUGH TWELVE IS AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND IS A COMPONENT OF ACCOUNTABILITY REPORTING AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 21. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$1,000,000, or so much thereof as may be necessary, for the implementation of section 22-2-112 (4), Colorado Revised Statutes."

Renumber succeeding section accordingly.

The amendment was **passed** on the following roll call vote:

YES	34	NO	1	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	N	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 those elected to the Senate having voted in the affirmative, Senators Hudak and Newell were given permission to offer a third reading amendment.

Third Reading Amendment No. 2(L.030), by Senators Hudak and Newell.

Amend revised bill, page 3, after line 1, insert:

"SECTION 1. Legislative declaration. (1) The general assembly hereby declares that:

(a) The use of inflexible "zero-tolerance" policies as a means of addressing disciplinary problems in schools has resulted in unnecessary expulsions, out-of-school suspensions, and referrals to law enforcement agencies;

(b) Involvement of students in the criminal or juvenile justice systems should be avoided when addressing minor misbehavior that is typical for a student based on his or her developmental stage;

(c) State laws must allow school administrators and local boards of education to use their discretion to determine the appropriate disciplinary response to each incident of student misconduct;

(d) Each school district of the state is encouraged, in creating and enforcing a school conduct and discipline code, to protect students and staff from harm, provide opportunities for students to learn from their mistakes, foster a positive learning community, keep students in school, and show mindful consideration of negative impacts that can occur as a result of involvement with the criminal justice system;

(e) School discipline policies and practices must apply equally to all students regardless of their economic status, race, gender, ethnicity, religion, national origin, sexual orientation, or disability; and

(f) Each school district of the state is encouraged to include in its school conduct and discipline code a specific policy that:

(I) States which violations of the code require a referral to law enforcement due to the serious nature of the violation or as a result of a state or federal reporting law;

(II) States which violations of the code may result in a referral to law enforcement, subject to the discretion of a school administration or a local board of education; and

(III) States factors that the school district will consider when making a determination as to whether to refer a student to law enforcement, which factors, at a minimum, include:

(A) The age of a student;

(B) The disciplinary history of a student;

(C) Whether a student has a disability;

(D) The seriousness of a violation;

(E) Whether a violation threatened the safety of any student or staff member; and

(F) Whether a lesser intervention would properly address a violation.

(2) Now, therefore, the general assembly determines and declares that:

(a) To ensure that the best interests of Colorado schools are being served, in accordance with section 2-2-1201, Colorado Revised Statutes (C.R.S.), the legislative service agencies of the general assembly shall conduct a post-enactment review of this act and report their conclusions to the education committees of the house of representatives and senate, or any successor committees, and to the persons described in section 2-2-1201 (3), C.R.S.;

(b) Notwithstanding the provisions of section 2-2-1201 (3), C.R.S., the legislative service agencies of the general assembly shall complete the post-enactment review of this act four years after this act becomes law;

(c) Notwithstanding the provisions of section 2-2-1201 (2) (a), C.R.S., the review shall not make the determinations described in said section 2-2-1201 (2) (a), C.R.S., but shall include any information reported to the division of criminal justice by school resource officers and other law enforcement officers pursuant to section 22-32-145, C.R.S., as described in section 13 of this act; and by district attorneys pursuant to section 20-1-113, C.R.S., as described in section 20 of this act; and

(d) The members of the education committees of the house of representatives and senate, or any successor committees, are encouraged to consider whether to:

(I) Continue to require school resource officers and other law

enforcement officers and district attorneys to report such information to the division of criminal justice; or
(II) Enact legislation to repeal such reporting requirements."

Renumber succeeding sections accordingly.

Page 18, after line 13, insert:
"SECTION 12. In Colorado Revised Statutes, 22-32-109.1, amend (1), (2) introductory portion, (2) (a), and (2) (b); and add (1.5) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements. (1) **Definitions.** Each school district board of education shall adopt a mission statement for the school district, which statement shall include making safety a priority in each public school of the school district. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACTION TAKEN" MEANS A SPECIFIC TYPE OF DISCIPLINE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF DISCIPLINE:

- (I) IN-SCHOOL SUSPENSION;
- (II) OUT-OF-SCHOOL SUSPENSION;
- (III) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;
- (IV) EXPULSION;
- (V) REFERRAL TO A LAW ENFORCEMENT AGENCY; OR
- (VI) ANY OTHER FORM OF DISCIPLINE, WHICH SHALL BE

OFFICIALLY IDENTIFIED AS PART OF A BOARD POLICY;

(b) "BULLYING" MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE OR AGAINST WHOM FEDERAL AND STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES DESCRIBED IN SECTION 22-32-109 (1) (II) (I). THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS.

(c) "DANGEROUS WEAPON" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-102 (4).

(d) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR IS AUTHORIZED PURSUANT TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN TEACHING DURING A MAJORITY OF THE INSTRUCTIONAL MINUTES PER SCHOOL DAY.

(e) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

(f) (I) "REFERRAL TO LAW ENFORCEMENT" MEANS A COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT AGENCY, WHICH COMMUNICATION:

(A) IS INITIATED BY THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE; AND

(B) CONCERNS BEHAVIOR BY A STUDENT THAT THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE BELIEVES MAY CONSTITUTE A VIOLATION OF THE SCHOOL CONDUCT AND DISCIPLINE CODE OR A CRIMINAL OR DELINQUENT OFFENSE AND FOR WHICH THE SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE REQUESTS AN INVESTIGATION OR OTHER INVOLVEMENT BY A LAW ENFORCEMENT AGENCY.

(II) "REFERRAL TO LAW ENFORCEMENT" DOES NOT INCLUDE:

(A) CONTACT WITH A LAW ENFORCEMENT AGENCY THAT IS MADE FOR THE PURPOSE OF EDUCATION, PREVENTION, OR INTERVENTION REGARDING A STUDENT'S BEHAVIOR; OR

(B) ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT OFFICER.

(g) "RESTORATIVE JUSTICE" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-32-144 (3).

(h) "SCHOOL VEHICLE" SHALL HAVE THE SAME MEANING AS SET

FORTH IN SECTION 42-1-102 (88.5), C.R.S.

(1.5) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY FOR ALL STUDENTS AND STAFF A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if AS necessary IN RESPONSE TO ANY RELEVANT DATA COLLECTED BY THE SCHOOL DISTRICT, any existing plans or policies already in effect. ~~which~~ IN ADDITION TO THE AFOREMENTIONED PARTIES, EACH SCHOOL DISTRICT BOARD OF EDUCATION, IN ADOPTING AND IMPLEMENTING ITS SAFE SCHOOL PLAN, MAY CONSULT WITH VICTIMS ADVOCACY ORGANIZATIONS, SCHOOL PSYCHOLOGISTS, AND LOCAL LAW ENFORCEMENT AGENCIES. THE PLAN, AT A MINIMUM, shall include ~~but not be limited to,~~ the following:

(a) **Conduct and discipline code.** (I) A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. THE SCHOOL DISTRICT SHALL TAKE REASONABLE MEASURES TO ENSURE THAT EACH STUDENT OF EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT IS FAMILIAR WITH THE CODE. The code shall include, but ~~shall~~ NEED not be limited to:

~~(H)~~ (A) General policies on student conduct, safety, and welfare;
~~(H)~~ (B) General policies and procedures for dealing with students who cause a disruption ~~in the classroom, on school grounds, in a school vehicles as defined in section 42-1-102 (88.5), C.R.S., VEHICLE, or at a school activities~~ ACTIVITY or sanctioned ~~events~~ EVENT, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. ~~and,~~ THE POLICY SHALL STATE THAT, upon the third such removal from a teacher's class, ~~to~~ THE TEACHER MAY remove the disruptive student from ~~such~~ THE teacher's class for the remainder of the term of the class; EXCEPT THAT A DISRUPTIVE STUDENT SHALL NOT BE REMOVED FROM A TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF THE CLASS UNLESS THE PRINCIPAL OF THE STUDENT'S SCHOOL OR HIS OR HER DESIGNEE HAS DEVELOPED AND IMPLEMENTED A BEHAVIOR PLAN FOR THE STUDENT. A BEHAVIOR PLAN MAY BE DEVELOPED AFTER THE FIRST SUCH REMOVAL FROM CLASS AND SHALL BE DEVELOPED AFTER THE SECOND REMOVAL FROM CLASS. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. ~~A behavior plan may be developed after the first such removal from class, and shall be developed after the second such removal from class.~~ Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

~~(H)~~ (C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive ~~by causing a disruption in the classroom, on school grounds, in school vehicles, or at school activities or sanctioned events for a third time during a single school year or calendar year~~ STUDENTS;

~~(H)~~ (D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

~~(H)~~ (E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105 and 22-33-106;

~~(H)~~ (F) A specific policy concerning gang-related activities ~~in the school, on school grounds, in school vehicles, or~~ AND at school activities or sanctioned events;

~~(VII)~~ (G) Written prohibition, consistent with section 22-33-106, of students from bringing OR POSSESSING dangerous weapons, drugs, or other controlled substances ~~to school~~, on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned events EVENT and from using drugs OR other controlled substances ~~or tobacco products~~ on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned events EVENT;

(H) WRITTEN PROHIBITION OF STUDENTS FROM USING OR POSSESSING TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;

~~(VIII)~~ (I) A written policy concerning searches on school grounds, including SEARCHES OF student lockers;

~~(IX)~~ (J) A dress code policy that ~~encourages school pride and unity, promotes uniformity of dress, and defines and prohibits~~ students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress; ~~and~~

~~(X)~~ ~~(A)~~ (K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1) (c); character building; and the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, SCHOOL PSYCHOLOGISTS, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

~~(B) For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1) (II) (I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.~~

(II) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND DISCIPLINE CODE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EACH SCHOOL DISTRICT BOARD OF EDUCATION, ON AND AFTER AUGUST 1, 2013, SHALL:

(A) IMPOSE PROPORTIONATE DISCIPLINARY INTERVENTIONS AND CONSEQUENCES, INCLUDING BUT NOT LIMITED TO IN-SCHOOL SUSPENSIONS, IN RESPONSE TO STUDENT MISCONDUCT, WHICH INTERVENTIONS AND CONSEQUENCES ARE DESIGNED TO REDUCE THE NUMBER OF EXPULSIONS, OUT-OF-SCHOOL SUSPENSIONS, AND REFERRALS TO LAW ENFORCEMENT, EXCEPT FOR SUCH REFERRALS TO LAW ENFORCEMENT AS ARE REQUIRED BY STATE OR FEDERAL LAW;

(B) INCLUDE PLANS FOR THE APPROPRIATE USE OF PREVENTION, INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING, OR OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH APPROACHES ARE DESIGNED TO MINIMIZE STUDENT EXPOSURE TO THE CRIMINAL AND JUVENILE JUSTICE SYSTEM. THE PLANS SHALL STATE THAT A SCHOOL ADMINISTRATION SHALL NOT ORDER A VICTIM'S PARTICIPATION IN A RESTORATIVE JUSTICE PRACTICE OR PEER MEDIATION IF THE ALLEGED VICTIM OF AN OFFENDING STUDENT'S MISCONDUCT ALLEGES THAT THE MISCONDUCT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S.; A CRIME IN WHICH THE UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED IN SECTION 18-3-602, C.R.S.; OR VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S.;

(D) ENSURE THAT, IN IMPLEMENTING THE CODE, EACH SCHOOL OF THE SCHOOL DISTRICT SHOWS DUE CONSIDERATION OF THE IMPACT OF CERTAIN VIOLATIONS OF THE CODE UPON VICTIMS OF SUCH VIOLATIONS, IN ACCORDANCE WITH THE PROVISIONS OF TITLE IX OF THE UNITED STATES CODE AND OTHER STATE AND FEDERAL LAWS.

(I) The total enrollment for the school;

(II) The average daily attendance rate at the school;

(III) Dropout rates for grades seven through twelve, if such grades are taught at the school; **and**

(IV) The number of conduct and discipline code violations, each of which violations shall be reported only in the most serious category that is applicable to that violation, including but not limited to specific information ~~on~~ IDENTIFYING the number of, and the action taken with respect to, each of the following types of violations:

(B) Use or possession of alcohol on school grounds, in A school vehicles VEHICLE, or at A school activities ACTIVITY or sanctioned events EVENT:

(D) Use or possession of A tobacco products PRODUCT on school grounds, in A school vehicles VEHICLE, or at A school activities ACTIVITY or sanctioned events EVENT;

(F) Commission of an act on school grounds, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered first degree assault, as described in section 18-3-202, C.R.S., second degree assault, as described in section 18-3-203, C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;

(H) Willful destruction or defacement of school property;

(J) Commission of an act on school grounds IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if committed by an adult, would be considered robbery; and

(V) For purposes of subparagraph (IV) of this paragraph (b), "action taken" means the specific type of discipline, including but not limited to the following categories of discipline:

~~(A) In-school suspension;~~
~~(B) Out-of-school suspension;~~
~~(C) Classroom removal in accordance with board policy;~~
~~(D) Expulsion;~~
~~(E) Referral to a law enforcement agency; or~~
~~(F) Any other form of discipline, which shall be officially identified as part of a board policy;~~

~~(VI) The conduct and discipline code violations required to be reported pursuant to subparagraph (IV) of this paragraph (b) shall specifically identify each conduct and discipline code violation by a student with a disability and each action taken with respect to each violation by a student with a disability;~~

~~(VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school; For purposes of this subparagraph (VII), "full-time teacher" means a person who is licensed pursuant to article 60.5 of this title or is authorized pursuant to section 22-60.5-111 to teach, and is primarily engaged in teaching during a substantial majority of the instructional minutes per school day. AND~~

~~(VIII) On and after August 8, 2001, The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs.~~

SECTION 13. In Colorado Revised Statutes, **add** 22-32-145 as follows:

22-32-145. School use of on-site peace officers as school resource officers - notifications of arrests and notices issued - reporting requirements. (1) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT ARRESTS A STUDENT OF THE SCHOOL, THE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ARREST WITHIN TWENTY-FOUR HOURS AFTER THE ARREST.

(2) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT ISSUES A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF A STUDENT OF THE SCHOOL IN COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT, THE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE WITHIN TEN DAYS AFTER THE ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE.

(3) A SCHOOL RESOURCE OFFICER SHALL BE FAMILIAR WITH THE PROVISIONS OF THE CONDUCT AND DISCIPLINE CODE OF THE SCHOOL TO WHICH HE OR SHE IS ASSIGNED.

(4) COMMENCING AUGUST 1, 2013, AND CONTINUING EACH AUGUST 1 THEREAFTER, EACH LAW ENFORCEMENT AGENCY EMPLOYING OR CONTRACTING WITH ANY LAW ENFORCEMENT OFFICER WHO IS ACTING OR HAS ACTED IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., IN AGGREGATE FORM WITHOUT PERSONAL IDENTIFYING INFORMATION, DATA ABOUT THE CASES HANDLED BY THE AGENCY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT. EACH SUCH REPORT SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION RELATING TO THE PRECEDING TWELVE MONTHS:

(a) THE NUMBER OF STUDENTS INVESTIGATED BY THE OFFICER FOR DELINQUENT OFFENSES, INCLUDING THE NUMBER OF STUDENTS INVESTIGATED FOR EACH TYPE OF DELINQUENT OFFENSE FOR WHICH THE OFFICER INVESTIGATED AT LEAST ONE STUDENT;

(b) THE NUMBER OF STUDENTS ARRESTED BY THE OFFICER, INCLUDING THE OFFENSE FOR WHICH EACH SUCH ARREST WAS MADE;

(c) THE NUMBER OF SUMMONSES OR TICKETS ISSUED BY THE OFFICER TO STUDENTS; AND

(d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT WHOM THE OFFICER ARRESTED OR TO WHOM THE OFFICER ISSUED A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF THE STUDENT IN COURT OR AT A POLICE STATION FOR

INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.

SECTION 14. In Colorado Revised Statutes, **amend** 22-33-102 as follows:

22-33-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Academic year" means that portion of the school year during which the public schools are in regular session, beginning about the first week in September and ending about the first week in June of the next year, or that portion of the school year which constitutes the minimum period during which a pupil must be enrolled.

(2) "Adult" means a person who has reached the age of twenty-one years.

(3) "Board of education" means the school board, board of directors, and board of education of a school district.

(4) "DANGEROUS WEAPON" MEANS:

(a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3) (h), C.R.S.;

(b) ANY PELLET GUN, BB GUN, OR OTHER DEVICE, WHETHER OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING ACTION OR COMPRESSED AIR;

(c) A FIXED-BLADE KNIFE WITH A BLADE THAT EXCEEDS THREE INCHES IN LENGTH;

(d) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR

(e) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE, WHETHER ANIMATE OR INANIMATE, THAT IS USED OR INTENDED TO BE USED TO INFLECT DEATH OR SERIOUS BODILY INJURY.

(5) "DELINQUENT ACT" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103 (36), C.R.S.

~~(4)~~ (6) "Executive officer" means the superintendent of schools or that THE head administrative officer designated by the A board of education to execute its policy decisions.

~~(4.5)~~ (7) "General educational development tests" or "GED" means the battery of tests given at an authorized testing center, which tests are designed and published by the GED testing service of the American council on education to measure the major outcomes and concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American council on education and be authorized by the commissioner of education.

(8) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

~~(4.7)~~ (9) "Informal hearing" means an opportunity for a child to explain his or her position regarding a disruption in the classroom or an incident constituting THAT OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND THAT CONSTITUTED grounds for discipline.

~~(5)~~ (10) "Parent" means the mother or father of a child or any other person having custody of a child.

(11) "SCHOOL VEHICLE" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (88.5), C.R.S.

~~(6)~~ (12) "State board" means the state board of education.

SECTION 15. In Colorado Revised Statutes, 22-33-105, **amend** (2) (c), (3) (d) (III), and (6) as follows:

22-33-105. Suspension, expulsion, and denial of admission.

(2) In addition to the powers provided in section 22-32-110, the board of education of each district may:

(c) Deny admission to, or expel for any period not extending beyond one year, any child whom the board of education, in accordance with the limitations imposed by this article, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer or to a designee who shall serve as a hearing officer. If the hearing is conducted by a designee acting as a hearing officer, the hearing officer shall forward findings of fact and recommendations to the executive officer at the conclusion of the hearing. The executive officer shall render a written opinion within five days after a hearing conducted by the executive officer or by a hearing officer. The executive officer shall report on each case acted upon at the next meeting of the board of education, briefly describing the circumstances and the reasons for the executive officer's action. ~~When delegated, an appeal may be taken from~~

A CHILD WHO IS DENIED ADMISSION OR EXPELLED AS AN OUTCOME OF THE HEARING SHALL HAVE TEN DAYS AFTER THE DENIAL OF ADMISSION OR EXPULSION TO APPEAL the decision of the executive officer to the board of education, AFTER WHICH TIME THE DECISION TO GRANT OR DENY THE APPEAL SHALL BE AT THE DISCRETION OF THE BOARD OF EDUCATION. The appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent, guardian, or legal custodian of the child, at which evidence may be presented in the child's behalf. If the child is denied admission or expelled, the child shall be entitled to a review of the decision of the board of education in accordance with section 22-33-108.

(3) (d) The suspending authority shall:
(III) Provide an opportunity for a pupil to make up school work during the period of suspension FOR FULL OR PARTIAL ACADEMIC CREDIT TO THE EXTENT POSSIBLE. The intent of this provision is to provide an opportunity for the pupil to reintegrate into the educational program of the district AND TO HELP PREVENT THE PUPIL FROM DROPPING OUT OF SCHOOL BECAUSE OF AN INABILITY TO REINTEGRATE INTO THE EDUCATIONAL PROGRAM following the period of suspension. ~~which~~ The school district should take THIS INTENT into consideration when determining the amount of credit a student will receive for this makeup work.

(6) When a pupil is expelled by a school district, ~~for the remainder of the school year,~~ the PUPIL'S parent, guardian, or legal custodian is responsible for seeing that the ~~compulsory school attendance statute is complied with~~ PUPIL COMPLIES WITH THE PROVISIONS OF THIS ARTICLE during the period of expulsion. ~~from such school district.~~

SECTION 16. In Colorado Revised Statutes, 22-33-106, **amend** (1) introductory portion, (1) (c.5) (I), (1) (c.5) (II), (1) (c.5) (III), (1) (d), (2) introductory portion, (3) introductory portion, (4) (a), and (4) (b) (I); and **add** (1) (g), (1.2), and (1.5) as follows:

22-33-106. Grounds for suspension, expulsion, and denial of admission. (1) The following ~~shall~~ MAY be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5) (I) Declaration as ~~an~~ A habitually disruptive student. ~~pursuant to the provisions of this paragraph (c.5).~~

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has ~~been suspended pursuant to paragraph (a), (b), (c), or (d) of this subsection (1) three times during the course of the school year for causing~~ CAUSED a material and substantial disruption ~~in the classroom, on school grounds, on~~ IN a school vehicle, ~~as defined in section 42-1-102 (88.5), C.R.S., or at A school activities~~ ACTIVITY or events because of behavior that was initiated, willful, and overt ~~on the part of the child~~ SANCTIONED EVENT THREE OR MORE TIMES DURING THE COURSE OF A SCHOOL YEAR. Any student who is enrolled in a public school may be subject to being declared ~~an~~ A habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each ~~suspension~~ DISRUPTION counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5) and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(d) ~~(f) Serious violations in a school building or in or on school property, which suspension or expulsion shall be mandatory, except that expulsion shall be mandatory for the following violations: Carrying, bringing, using, or possessing a dangerous weapon without the authorization of the school or the school district; the sale of a drug or controlled substance as defined in section 12-22-303, C.R.S.; or the commission of an act which if committed by an adult would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.~~

~~(H) As used in this paragraph (d), "dangerous weapon" means:~~
~~(A) A firearm, whether loaded or unloaded;~~
~~(B) Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;~~

~~(C) A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches; or~~
~~(D) Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.~~
~~(H) Notwithstanding the provisions of subparagraph (I) of this paragraph (d), carrying, bringing, or possessing a dangerous weapon without the authorization of the school or the school district shall not require mandatory expulsion if, when the student discovers that he or she has carried, brought, or is in possession of a dangerous weapon, the student notifies a teacher, administrator, or other authorized person in the school district as soon as possible and delivers the dangerous weapon to the teacher, administrator, or other authorized person. Nothing in this subparagraph (H) shall be construed as prohibiting a school district from expelling a student under the circumstances specified in this subparagraph (H) if such expulsion would be in accordance with the school district's discipline code.~~ COMMITTING ONE OF THE FOLLOWING OFFENSES ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT:
(I) POSSESSION OF A DANGEROUS WEAPON WITHOUT THE AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;
(II) THE USE, POSSESSION, OR SALE OF A DRUG OR CONTROLLED SUBSTANCE AS DEFINED IN SECTION 12-22-303, C.R.S.; OR
(III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE 18, C.R.S., OR ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18, C.R.S., OTHER THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD DEGREE ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN ADULT.
(g) PURSUANT TO SECTION 22-12-105 (3), MAKING A FALSE ACCUSATION OF CRIMINAL ACTIVITY AGAINST AN EMPLOYEE OF AN EDUCATIONAL ENTITY TO LAW ENFORCEMENT AUTHORITIES OR SCHOOL DISTRICT OFFICIALS OR PERSONNEL.
(1.2) EACH SCHOOL DISTRICT IS ENCOURAGED TO CONSIDER EACH OF THE FOLLOWING FACTORS BEFORE SUSPENDING OR EXPELLING A STUDENT PURSUANT TO A PROVISION OF SUBSECTION (1) OF THIS SECTION:
(a) THE AGE OF THE STUDENT;
(b) THE DISCIPLINARY HISTORY OF THE STUDENT;
(c) WHETHER THE STUDENT HAS A DISABILITY;
(d) THE SERIOUSNESS OF THE VIOLATION COMMITTED BY THE STUDENT;
(e) WHETHER THE VIOLATION COMMITTED BY THE STUDENT THREATENED THE SAFETY OF ANY STUDENT OR STAFF MEMBER; AND
(f) WHETHER A LESSER INTERVENTION WOULD PROPERLY ADDRESS THE VIOLATION COMMITTED BY THE STUDENT.
(1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN WRITING.
(2) Subject to the district's responsibilities under article 20 of this title, the following ~~shall~~ MAY be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:
(3) The following ~~shall~~ MAY constitute additional grounds for denial of admission to a public school:
(4) (a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.
(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:

(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

SECTION 17. In Colorado Revised Statutes, 22-11-302, **amend** (1) (e); and **add** (1) (f) as follows:

22-11-302. School district accountability committees - powers and duties. (1) Each school district accountability committee shall have the following powers and duties:

(e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school accountability committee ~~for the principal's OF EACH school shall provide input and recommendations to the district accountability committee and the district administration concerning the principal's evaluation OF THE SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS TITLE; AND~~

(f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING THE CREATION AND ENFORCEMENT OF ITS SCHOOL CONDUCT AND DISCIPLINE CODE.

SECTION 18. In Colorado Revised Statutes, 22-11-503, **amend** (3) (c) as follows:

22-11-503. Performance reports - contents - rules. (3) In addition to any information specified by rule of the state board, each school performance report shall include the following information concerning the operations and environment of the public school that is the subject of the report:

(c) As described in state board rule, the occurrence of each of the following types of incidents DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV), expressed as a number and as a percentage of the total occurrences of all of the incidents;

- ~~(I) Substance abuse - drugs;~~
- ~~(II) Substance abuse - alcohol;~~
- ~~(III) Substance abuse - tobacco;~~
- ~~(IV) Felony assaults;~~
- ~~(V) Fights;~~
- ~~(VI) Possession of dangerous weapons; and~~
- ~~(VII) Other violations of the code of conduct at the public school;~~

SECTION 19. In Colorado Revised Statutes, 22-37-103, **amend** (3) as follows:

22-37-103. Definitions. As used in this article, unless the context otherwise requires:

(3) "In-school suspension" means a ~~suspension pursuant to section 22-33-105 in~~ PERIOD OF TIME DURING which, PURSUANT TO SECTION 22-33-105, the student is ~~suspended~~ PROHIBITED from ~~participation~~ PARTICIPATING in regular school activities but remains in the school environment and ~~receives continuous~~ CONTINUES TO RECEIVE educational instruction, supervision, and discipline.

SECTION 20. In Colorado Revised Statutes, **add** 20-1-113 as follows:

20-1-113. Reporting of criminal proceedings involving public school students. (1) ON OR BEFORE AUGUST 1, 2013, AND ON OR BEFORE EACH AUGUST 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL DISTRICT, OR HIS OR HER DESIGNEE, SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., INFORMATION ABOUT OFFENSES ALLEGED TO HAVE BEEN COMMITTED BY A STUDENT THAT HAVE OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT WITHIN THE JUDICIAL DISTRICT DURING THE PRECEDING TWELVE MONTHS.

(2) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES, THE DISPOSITION OF EACH CASE, AND THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH STUDENT THAT THE DISTRICT ATTORNEY PROSECUTED.

(3) THE INFORMATION REPORTED BY EACH DISTRICT ATTORNEY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE, TO THE EXTENT PRACTICABLE AND TO THE EXTENT THAT SUCH INFORMATION IS COLLECTED BY THE DISTRICT ATTORNEY AS OF THE EFFECTIVE DATE OF THIS SECTION:

(a) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT

FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES; AND

(b) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES.

SECTION 21. In Colorado Revised Statutes, 24-31-303, **amend** (1) (i); and **add** (1) (j) as follows:

24-31-303. Duties - powers of the P.O.S.T. board. (1) The P.O.S.T. board has the following duties:

(i) To promulgate rules and regulations that establish the criteria that shall be applied in determining whether to recommend peace officer status for a group or specific position as provided in section 16-2.5-201 (4), C.R.S.; AND

(j) TO ESTABLISH STANDARDS FOR TRAINING OF SCHOOL RESOURCE OFFICERS, AS DESCRIBED IN SECTION 24-31-312.

SECTION 22. In Colorado Revised Statutes, **add** 24-31-312 as follows:

24-31-312. School resource officer training. (1) ON OR BEFORE JANUARY 1, 2014, THE POST BOARD SHALL IDENTIFY A SCHOOL RESOURCE OFFICER TRAINING CURRICULUM TO PREPARE PEACE OFFICERS.

(2) TO THE EXTENT PRACTICABLE, THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL INCORPORATE THE SUGGESTIONS OF RELEVANT STAKEHOLDERS AND ADVOCATES.

(3) (a) IN ASSIGNING PEACE OFFICERS TO SERVE AS SCHOOL RESOURCE OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., EACH LAW ENFORCEMENT AGENCY IS ENCOURAGED TO ENSURE THAT SUCH PEACE OFFICERS HAVE SUCCESSFULLY COMPLETED THE SCHOOL RESOURCE OFFICER TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, OR WILL COMPLETE SAID TRAINING WITHIN SIX MONTHS AFTER BEGINNING THE ASSIGNMENT.

(b) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(4) FOR THE PURPOSES OF SECTION 22-32-145, C.R.S., THE TRAINING CURRICULUM PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING CURRICULUM.

(5) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE PROVISIONS TO ALLOW FOR THE AWARDING OF CREDIT TO A PEACE OFFICER WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE OFFICER CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE PUBLIC OR PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE P.O.S.T. BOARD.

(6) THE P.O.S.T. BOARD MAY CHARGE A FEE TO EACH PEACE OFFICER WHO ENROLLS IN THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE AMOUNT OF THE FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE P.O.S.T. BOARD IN PROVIDING THE CURRICULUM.

SECTION 23. In Colorado Revised Statutes, 24-33.5-503, **amend** (1) (y) and (1) (z); and **add** (1) (aa) as follows:

24-33.5-503. Duties of division. (1) The division has the following duties:

(y) To develop, in cooperation with the department of corrections and the state board of parole, a parole board action form; **and**

(z) To provide training on the Colorado risk assessment scale and the administrative release guideline instrument as required by section 17-22.5-404 (2) (c), C.R.S.; AND

(aa) TO RECEIVE THE INFORMATION REPORTED TO THE DIVISION BY LAW ENFORCEMENT AGENCIES PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S., AND PROVIDE THE INFORMATION, AS SUBMITTED TO THE DIVISION, TO ANY MEMBER OF THE PUBLIC UPON REQUEST, IN A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING INFORMATION REGARDING ANY STUDENT. IF THE DIVISION PROVIDES THE INFORMATION TO A MEMBER OF THE PUBLIC UPON REQUEST PURSUANT TO THIS PARAGRAPH (aa), THE DIVISION MAY CHARGE A FEE TO THE PERSON, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE DIVISION IN PROVIDING THE

INFORMATION.

SECTION 24. In Colorado Revised Statutes, 22-2-117, **amend** (1.5) as follows:

22-2-117. Additional power - state board - waiver of requirements - rules. (1.5) Notwithstanding any provision of this section or any other provision of law, the state board shall not waive requirements contained in article 11 of this title or ~~sections 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and 22-33-104 (4)~~ **SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND (2), 22-32-109.1 (2) (a), 22-32-145, AND 22-33-104 (4).**

SECTION 25. In Colorado Revised Statutes, 22-30.5-116, **amend** (2) as follows:

22-30.5-116. Charter schools - school bullying policies required. (2) For the purposes of this section, "bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ **SECTION 22-32-109.1 (1) (b).**

SECTION 26. In Colorado Revised Statutes, 22-30.5-502, **amend** (2.5) as follows:

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(2.5) "Bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ **SECTION 22-32-109.1 (1) (b).**

SECTION 27. In Colorado Revised Statutes, 18-1.3-204, **amend** (2.3) (a) as follows:

18-1.3-204. Conditions of probation. (2.3) (a) When granting probation, the court may, as a condition of probation, require any defendant who is less than eighteen years of age at the time of sentencing to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in ~~section 22-33-102 (4.5) (7), C.R.S.;~~ except that the court shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education.

SECTION 28. In Colorado Revised Statutes, **amend** 19-2-207 as follows:

19-2-207. Juvenile parole board - authority. The board shall have the authority to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services under section 19-2-601 or 19-2-907 in such a manner as is in the best interests of the juvenile and the public. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in ~~section 22-33-102 (4.5) (7), C.R.S.;~~ except that the board shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education. The board shall promulgate rules that establish criteria under which its parole decisions are made. The board shall have the duties and responsibilities specified in part 10 of this article.

SECTION 29. In Colorado Revised Statutes, 19-2-1002, **amend** (1) (a), (3) (b) (I), and (9) (c) (I) as follows:

19-2-1002. Juvenile parole. (1) Juvenile parole board - hearing panels authority. (a) The juvenile parole board, referred to in this part 10 as the "board", established pursuant to section 19-2-206 is authorized to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services as provided in sections 19-2-601 and 19-2-907. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in ~~section 22-33-102 (4.5) (7), C.R.S.;~~ except that the board shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education. The board may modify any of its decisions, or those of the hearing panel, except an order of discharge.

(3) (b) (I) In addition to any other conditions, the hearing panel may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or a GED, as that term is defined in ~~section 22-33-102 (4.5) (7), C.R.S.;~~ except that the hearing panel shall not require any such juvenile to attend a school from which he or she has been

expelled without the prior approval of that school's local board of education.

(9) **Parole discharge.** (c) The board may discharge a juvenile from parole before completion of the mandatory six-month parole period when the board finds that the juvenile meets, at a minimum, all of the following conditions of special achievement:

(I) Graduation from a public or accredited nonpublic high school or completion of a GED, as that term is defined in section 22-33-102 (4.5) (7), C.R.S.;

SECTION 30. In Colorado Revised Statutes, amend 25-9-106.5 as follows:

25-9-106.5. Education and experience - substitution allowed. Water and wastewater facility operator applicants must have a high school diploma or have successfully completed the GED as defined in section 22-33-102 (4.5) (7), C.R.S.; except that experience or relevant training may be substituted for the high school diploma or GED. Education, training as established under section 25-9-104 (2), and cross-experience may be substituted for experience requirements for certification as a water facility operator, as a water distribution system operator, as a domestic wastewater facility operator, as a wastewater collection system operator, as an industrial wastewater treatment facility operator, or as a multiple facility operator; except that at least fifty percent of any experience requirement shall be met by actual on-site operating experience in a water facility or a wastewater facility, as the case may be. For the lowest classification of operator in each category, the board may establish rules allowing complete substitution of education for experience for any applicant who passes the applicable examination. For purposes of this section, "cross-experience" means that experience as a wastewater treatment facility operator may be substituted for experience requirements for certification as water treatment facility operator and vice versa.

SECTION 31. In Colorado Revised Statutes, 22-33-203, amend (2) (b) and (3) as follows:

22-33-203. Educational alternatives for expelled students.

(2) (b) The educational services provided pursuant to this section are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the CONDUCT AND discipline code of the school district providing the educational services and the provisions of part 1 of this article. Except as required by federal law, the expelling school district is not required to provide educational services to any student who is suspended or expelled while receiving educational services pursuant to this section until the period of the suspension or expulsion is completed.

(3) If a student is expelled for the remainder of the school year and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to article 2 of title 19, C.R.S.

SECTION 32. In Colorado Revised Statutes, 22-30.5-505, amend (9) as follows:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (9) The institute shall ensure that each institute charter school addresses the expulsion, suspension, and education of expelled or suspended students in a manner consistent with the intents and purposes of ~~sections 22-33-106 and 22-33-203~~ **SECTIONS 22-33-105, 22-33-106, AND 22-33-203.**

SECTION 33. In Colorado Revised Statutes, 22-38-103, **amend** (2) as follows:

22-38-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Expelled student" means a student who is in the sixth, seventh, eighth, or ninth grade, who is under seventeen years of age, and who has been expelled from school pursuant to section 22-33-105. for a period in excess of thirty days.

SECTION 34. In Colorado Revised Statutes, 22-93-101, **amend** (1) as follows:

22-93-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Bullying" shall have the same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-109.1 (1) (b).

SECTION 35. In Colorado Revised Statutes, 2-2-1201, **add** (8) as follows:

2-2-1201. Accountability clauses - post-enactment review of implementation of bills by legislative service agencies - definitions - repeal. (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN CONDUCTING THE POST-ENACTMENT REVIEW OF HOUSE BILL 12-1345, ENACTED IN 2012, THE LEGISLATIVE SERVICE AGENCIES SHALL NOT BE SUBJECT TO:

(I) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION; OR
(II) THE REQUIREMENT IN SUBSECTION (3) OF THIS SECTION THAT THE LEGISLATIVE SERVICE AGENCIES COMPLETE THE POST-ENACTMENT REVIEW NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE ENACTMENT OF HOUSE BILL 12-1345.

(b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF HOUSE BILL 12-1345, THE LEGISLATIVE SERVICE AGENCIES SHALL SUBMIT TO THE MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, ANY INFORMATION REPORTED TO THE DIVISION OF CRIMINAL JUSTICE BY SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S. THE COMMITTEE MEMBERS ARE ENCOURAGED TO CONSIDER WHETHER TO:

(I) CONTINUE TO REQUIRE SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS AND DISTRICT ATTORNEYS TO REPORT SUCH INFORMATION TO THE DIVISION OF CRIMINAL JUSTICE; OR

(II) INTRODUCE LEGISLATION TO REPEAL SUCH REPORTING REQUIREMENTS.

(c) THE LEGISLATIVE SERVICE AGENCIES SHALL COMPLETE THE POST-ENACTMENT REVIEW OF HOUSE BILL 12-1345 NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE FOUR-YEAR ANNIVERSARY OF THE ENACTMENT OF THE BILL.

(d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2016.

SECTION 36. Accountability. Four years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 1 of this act, and report their conclusions to the education committees of the House of Representatives and Senate, or any successor committees."

Renumber succeeding sections accordingly.

Page 1, line 102, after "THEREWITH," insert "REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT AND".

The amendment was **passed** on the following roll call vote:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	N		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Giron, Heath, Hudak, Jahn, King K., Newell, Nicholson, Spence, Steadman and Williams S.

HB12-1332 by Representative(s) Balmer, Liston, Hullinghorst, Joshi, Kerr J., Peniston, Schafer S., Young, Ramirez; also Senator(s) Guzman, Boyd, King S., Morse, Newell--Concerning licensure of anesthesiologist assistants.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB12-1263 by Representative(s) Levy; also Senator(s) Steadman--Concerning reducing barriers to employment by state of Colorado agencies for people with criminal records.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
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	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Guzman, Heath, Hodge, Hudak, Newell, Nicholson, Schwartz, Tochtrop and Williams S.

HB12-1261 by Representative(s) Solano, Massey, Todd; also Senator(s) Bacon--Concerning effective educators in low-performing, high-needs schools, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	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	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Heath, Newell and Williams S.

HB12-1283 by Representative(s) Barker; also Senator(s) Giron--Concerning the department of public safety, and, in connection therewith, renaming and reorganizing certain existing entities, and making and reducing appropriations.

A majority of those elected to the Senate having voted in the affirmative, Senator Giron was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.023), by Senator Giron.

Amend revised bill, page 93, line 27, strike "(B)" and substitute "(C)".

Page 94, line 6, strike "(C)" and substitute "(D)".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Lambert and Newell.

HB12-1240 by Representative(s) Kerr A.; also Senator(s) Bacon and King K.--Concerning statutory changes to K-12 education.

A majority of those elected to the Senate having voted in the affirmative, Senator Bacon was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.023), by Senator Bacon.

Amend revised bill, page 31, line 3, strike "and (3)".

Page 32, strike lines 10 through 15.

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of those elected to the Senate having voted in the affirmative, Senator Johnston was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.019), by Senator Johnston.

Amend revised bill, page 47, after line 17, insert the following:

"SECTION 58. In Colorado Revised Statutes, 22-7-1006, **add** (1.5) as follows:

22-7-1006. Preschool through elementary and secondary education - aligned assessments - adoption - revisions.
(1.5) COLORADO SHALL PARTICIPATE AS A GOVERNING BOARD MEMBER, AT LEAST UNTIL JANUARY 1, 2014, IN A CONSORTIUM OF STATES THAT FOCUSES ON THE READINESS OF STUDENTS FOR COLLEGE AND CAREERS BY DEVELOPING A COMMON SET OF ASSESSMENTS. ON OR BEFORE JANUARY 1, 2014, AND ON OR BEFORE EACH JANUARY 1 THEREAFTER, IF COLORADO IS A GOVERNING BOARD MEMBER OF THE CONSORTIUM OF STATES, THE STATE BOARD IS STRONGLY ENCOURAGED TO CONDUCT A FISCAL AND STUDENT ACHIEVEMENT BENEFIT ANALYSIS OF COLORADO REMAINING A GOVERNING BOARD MEMBER OF THE CONSORTIUM. IN ADOPTING THE SYSTEM OF ASSESSMENTS THAT IS ALIGNED WITH THE STATE STANDARDS FOR READING, WRITING, AND MATHEMATICS, THE STATE BOARD SHALL RELY UPON ASSESSMENTS DEVELOPED BY THE CONSORTIUM OF STATES."

Renumber succeeding section accordingly.

The amendment was **passed** on the following roll call vote:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	N		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Foster, Heath, Newell, Schwartz, Spence and Williams S.

HB12-1317 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the creation of the parks and wildlife commission to replace the parks and wildlife board in the department of natural resources, and, in connection therewith, describing the composition and terms of the commission, and reducing appropriations.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	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	N	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.

HB12-1266 by Representative(s) Sonnenberg, Gardner B.; also Senator(s) Morse--Concerning the continuation of the licensing of persons who furnish bail for compensation, and, in connection therewith, reducing an appropriation .

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Carroll and White.

HB12-1155
by Representative(s) Massey, Fields, Hamner; also Senator(s) Bacon--Concerning measures to increase the timely completion of postsecondary degrees.

A majority of those elected to the Senate having voted in the affirmative, Senators King K. and Heath were given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.011), by Senators King K. and Heath.

Amend revised bill, page 18, after line 22, insert:

"SECTION 9. In Colorado Revised Statutes, **amend** 23-2-102 as follows:

23-2-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "ALTERNATE ENROLLMENT" MEANS THE OPPORTUNITY FOR A STUDENT ENROLLED IN A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION TO MEET THE STUDENT'S EDUCATIONAL OBJECTIVES THROUGH EDUCATION PROVIDED BY ANOTHER AUTHORIZED PRIVATE COLLEGE OR UNIVERSITY, A COMMUNITY COLLEGE, AN AREA VOCATIONAL SCHOOL, OR ANY OTHER EDUCATIONAL ARRANGEMENT ACCEPTABLE TO THE DEPARTMENT AND THE COMMISSION.

(2) "AUTHORIZATION" MEANS THE AUTHORIZATION GRANTED TO A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION BY THE COMMISSION AS PROVIDED IN THIS ARTICLE AND THE POLICIES ADOPTED PURSUANT TO THIS ARTICLE. AUTHORIZATION IS NOT AN ENDORSEMENT OF THE INSTITUTION BY EITHER THE COMMISSION OR THE DEPARTMENT.

~~(1-3)~~ (3) "Commission" means the Colorado commission on higher education created pursuant to section 23-1-102.

~~(1-3)~~ (4) "Degree" means ~~any~~ A statement, diploma, certificate, or other writing in any language ~~which~~ THAT indicates or represents, or ~~which~~ THAT is intended to indicate or represent, that the person named thereon is learned in or has satisfactorily completed a prescribed course of study in a particular field of endeavor or that the person named thereon has demonstrated proficiency in ~~any~~ A field of endeavor as a result of formal preparation or training.

~~(1-5)~~ (5) "Department" means the department of higher education created and existing pursuant to section 24-1-114, C.R.S.

(6) "ENROLLMENT AGREEMENT" MEANS THE CONTRACT PREPARED BY A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT A STUDENT SIGNS TO INDICATE AGREEMENT TO THE TERMS OF ADMISSION, DELIVERY OF INSTRUCTION, AND MONETARY TERMS AS OUTLINED IN THE INSTITUTION'S STUDENT HANDBOOK OR CATALOG.

(7) "GOVERNING BOARD" MEANS THE ELECTED OR APPOINTED GROUP OF PERSONS THAT OVERSEES AND CONTROLS A PRIVATE COLLEGE OR UNIVERSITY OR A SEMINARY OR RELIGIOUS TRAINING INSTITUTION.

~~(2)~~ (8) "Honorary degree" means ~~any~~ A statement, diploma, certificate, or other writing in any language ~~which~~ THAT indicates or represents, or ~~which~~ THAT is intended to indicate or represent, that the person named thereon is learned in ~~any~~ A field of public service or has performed outstanding public service or that the person named thereon has demonstrated proficiency in ~~any~~ A field of endeavor without having completed formal courses of instruction or study or formal preparation or training.

(9) "OUT-OF-STATE PUBLIC INSTITUTION" MEANS AN INSTITUTION OF HIGHER EDUCATION THAT IS ESTABLISHED BY STATUTE IN A STATE OTHER THAN COLORADO.

(10) "OWNER" MEANS:

(a) AN INDIVIDUAL, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A SOLE PROPRIETORSHIP;

(b) PARTNERS, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A PARTNERSHIP;

(c) MEMBERS IN A LIMITED LIABILITY COMPANY, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A LIMITED LIABILITY COMPANY; OR

(d) SHAREHOLDERS IN A CORPORATION THAT HOLD A CONTROLLING INTEREST, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A CORPORATION.

~~(3)~~ (11) "Private college or university" means a postsecondary educational institution doing business or maintaining a place of business in the state of Colorado, which ~~offers courses of instruction or study~~

~~wherein credits may be earned and applied toward a degree in a field of endeavor~~ INSTITUTION ENROLLS THE MAJORITY OF ITS STUDENTS IN A BACCALAUREATE OR POSTGRADUATE DEGREE PROGRAM.

(12) "PRIVATE NONPROFIT COLLEGE OR UNIVERSITY" MEANS A PRIVATE COLLEGE OR UNIVERSITY THAT MAINTAINS TAX-EXEMPT STATUS PURSUANT TO 26 U.S.C. SEC. 501 (c) (3).

~~(3.5)~~ (13) "Private occupational school" means an institution authorized by the private occupational school division ~~to confer associate degrees~~, under the provisions of article 59 of title 12, C.R.S.

~~(4)~~ (14) "Seminary" or ~~"bible college"~~ "RELIGIOUS TRAINING INSTITUTION" means a bona fide religious postsecondary educational institution ~~doing business~~ THAT IS OPERATING or maintaining a place of business in the state of Colorado, ~~and~~ that is exempt from property taxation under the laws of this state, and that offers ~~bachelor's, master's~~ BACCALAUREATE, MASTER'S, or doctoral degrees or diplomas.

~~(5)~~ (15) "State college or university" means a postsecondary educational institution, including A community ~~and~~ OR junior ~~colleges~~ COLLEGE, established and existing pursuant to law as an agency of the state of Colorado and supported wholly or in part by tax revenues.

SECTION 10. In Colorado Revised Statutes, **add** 23-2-102.5 as follows:

23-2-102.5. Applicability of article. (1) (a) A PRIVATE COLLEGE OR UNIVERSITY THAT ENROLLS A MAJORITY OF ITS STUDENTS AT THE CERTIFICATE OR ASSOCIATE LEVEL IS REGULATED BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL SCHOOL BOARD PURSUANT TO ARTICLE 59 OF TITLE 12, C.R.S., AND IS NOT SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

(b) IF, AS A RESULT OF CHANGES IN STUDENT ENROLLMENT, A PRIVATE COLLEGE OR UNIVERSITY AT TIMES MEETS THE DEFINITION PROVIDED IN SECTION 23-2-102 (11) AND SHOULD THEREFORE BE REGULATED BY THE DEPARTMENT AND THE COMMISSION, AND AT OTHER TIMES MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1) AND SHOULD THEREFORE BE REGULATED BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL SCHOOLS BOARD, THE PRIVATE COLLEGE OR UNIVERSITY IS SUBJECT TO REGULATION BY THE ENTITY THAT IS APPROPRIATE AS OF JULY 1, 2012, IF THE PRIVATE COLLEGE OR UNIVERSITY IS AUTHORIZED AS OF SAID DATE, OR AS OF THE DATE THE INSTITUTION APPLIES FOR AUTHORIZATION, AND THE INSTITUTION SHALL BE REGULATED BY THE SAME ENTITY FOR THE FOLLOWING THREE YEARS. THE DEPARTMENT SHALL REVIEW THE STATUS OF THE PRIVATE COLLEGE OR UNIVERSITY EVERY THREE YEARS AFTER JULY 1, 2012, OR EVERY THREE YEARS AFTER INITIAL AUTHORIZATION, WHICHEVER IS APPROPRIATE, TO DETERMINE WHETHER THE INSTITUTION SHOULD BE SUBJECT TO REGULATION BY THE DEPARTMENT AND THE COMMISSION OR BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL SCHOOL BOARD.

(2) AN OUT-OF-STATE PUBLIC INSTITUTION MAY REQUEST AUTHORIZATION PURSUANT TO THE PROVISIONS OF THIS ARTICLE FROM THE DEPARTMENT AND THE COMMISSION. IN SEEKING AND MAINTAINING AUTHORIZATION PURSUANT TO THIS ARTICLE, AN OUT-OF-STATE PUBLIC INSTITUTION IS SUBJECT TO THE SAME CRITERIA AND REQUIREMENTS THAT APPLY TO A PRIVATE COLLEGE OR UNIVERSITY.

SECTION 11. In Colorado Revised Statutes, **amend** 23-2-103 as follows:

23-2-103. Awarding degrees. Notwithstanding the provisions of section 7-50-105, C.R.S., or any other law to the contrary, ~~no~~ A person, partnership, corporation, company, society, or association doing business in the state of Colorado shall NOT award, bestow, confer, give, grant, convey, or sell to any other person a degree or honorary degree upon which is inscribed, in any language, the word "associate", "bachelor", "baccalaureate", "master", or "doctor", or any abbreviation thereof, or offer courses of instruction or credits purporting to lead to any such degree, ~~except~~ UNLESS THE PERSON, PARTNERSHIP, CORPORATION, COMPANY, SOCIETY, OR ASSOCIATION IS a state college or university; a private college or university THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE; a private occupational school; ~~or a seminary or bible college and except~~ RELIGIOUS TRAINING INSTITUTION THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE; OR a school, college, or university ~~which~~ THAT offers courses of instruction or study in compliance with standards prescribed by articles 2, ~~4~~, 22, 25, 32, 33, 35, 36, 38, 40, 41, 43, and 64 of title 12, C.R.S.

SECTION 12. In Colorado Revised Statutes, **add** 23-2-103.1 as

follows:

23-2-103.1. Commission - department - duties - limitation - reciprocity. (1) THE COMMISSION SHALL:

(a) ESTABLISH PROCEDURES FOR AUTHORIZING, REAUTHORIZING, AND REVOKING THE AUTHORIZATION OF PRIVATE COLLEGES AND UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO PROCEDURES BY WHICH AN INSTITUTION MAY APPLY FOR AUTHORIZATION OR REAUTHORIZATION AND THE PROCEDURES THE DEPARTMENT SHALL FOLLOW IN REVIEWING APPLICATIONS AND MAKING RECOMMENDATIONS TO THE COMMISSION;

(b) GRANT OR DENY AUTHORIZATIONS, RENEW AUTHORIZATIONS, AND REVOKE AUTHORIZATIONS PURSUANT TO SECTIONS 23-2-103.3 AND 23-2-103.4;

(c) ESTABLISH THE TYPES AND AMOUNTS OF FEES THAT A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION SHALL PAY AS REQUIRED IN SECTION 23-2-104.5; AND

(d) ESTABLISH POLICIES TO REQUIRE PRIVATE COLLEGES AND UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS TO SUBMIT TO THE DEPARTMENT, UPON REQUEST, DATA THAT IS DIRECTLY RELATED TO STUDENT ENROLLMENT AND DEGREE COMPLETION AND, IF APPLICABLE, STUDENT FINANCIAL AID AND EDUCATOR PREPARATION PROGRAMS AS DESCRIBED IN SECTION 23-1-121. THE DIRECTOR OF THE COMMISSION AND AN EMPLOYEE OF THE DEPARTMENT OF HIGHER EDUCATION SHALL NOT DIVULGE OR MAKE KNOWN IN ANY WAY DATA FOR INDIVIDUAL STUDENTS OR PERSONNEL, EXCEPT IN ACCORDANCE WITH JUDICIAL ORDER OR AS OTHERWISE PROVIDED BY LAW. A PERSON WHO VIOLATES THIS PARAGRAPH (d) COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., AND SHALL BE REMOVED OR DISMISSED FROM PUBLIC SERVICE ON THE GROUNDS OF MALFEASANCE IN OFFICE.

(2) THE DEPARTMENT SHALL ADMINISTER THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND THE POLICIES, GUIDELINES, AND PROCEDURES ADOPTED BY THE COMMISSION FOR THE ADMINISTRATION OF THIS ARTICLE. TO ADMINISTER THIS ARTICLE, THE DEPARTMENT SHALL HAVE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING DUTIES:

(a) RECOMMENDING THAT THE COMMISSION GRANT, DENY, REVOKE, OR RENEW AN AUTHORIZATION TO OPERATE A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION;

(b) MAINTAINING A LIST OF THE PRIVATE COLLEGES AND UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS THAT HAVE AUTHORIZATIONS ON FILE WITH THE DEPARTMENT; AND

(c) ESTABLISHING AND MAINTAINING A PROCESS IN ACCORDANCE WITH SECTION 23-2-104 FOR REVIEWING AND APPROPRIATELY ACTING ON A COMPLAINT CONCERNING A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION OPERATING IN THIS STATE, INCLUDING ENFORCING APPLICABLE STATE LAWS IF THE COMPLAINT IS BASED ON A CLAIM OF DECEPTIVE TRADE PRACTICE.

(3) THE COMMISSION AND THE DEPARTMENT ARE NOT AUTHORIZED TO REGULATE THE OPERATIONS OF, INCLUDING BUT NOT LIMITED TO THE CONTENT OF COURSES PROVIDED BY, A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION EXCEPT TO THE EXTENT EXPRESSLY SET FORTH IN THIS ARTICLE.

(4) THE COMMISSION MAY NEGOTIATE AND ENTER INTO INTERSTATE RECIPROCITY AGREEMENTS WITH OTHER STATES IF, IN THE JUDGMENT OF THE COMMISSION, THE AGREEMENTS DO NOT OBLIGATE A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION TO COMPLY WITH STANDARDS OR REQUIREMENTS THAT EXCEED THE STANDARDS AND REQUIREMENTS SPECIFIED IN THIS ARTICLE AND THE AGREEMENTS WILL ASSIST IN ACCOMPLISHING THE PURPOSES OF THIS ARTICLE.

SECTION 13. In Colorado Revised Statutes, **amend** 23-2-103.3 as follows:

23-2-103.3. Authorization to operate in Colorado - renewal.

(1) (a) To ~~do business~~ OPERATE in Colorado, a private college or university shall apply for and receive authorization from the ~~department~~ COMMISSION. A PRIVATE COLLEGE OR UNIVERSITY SHALL OBTAIN A SEPARATE AUTHORIZATION FOR EACH CAMPUS, BRANCH, OR SITE THAT IS SEPARATELY ACCREDITED. A PRIVATE, NONPROFIT COLLEGE OR UNIVERSITY SHALL SUBMIT WITH ITS APPLICATION VERIFICATION OF NONPROFIT STATUS, INCLUDING A COPY OF THE INSTITUTION'S

TAX-EXEMPT CERTIFICATE ISSUED BY THE COLORADO DEPARTMENT OF REVENUE.

(b) After receiving an application, the department shall review the application to determine the compliance of a private college or university with the provisions of this article and other applicable law WHETHER THE PRIVATE COLLEGE OR UNIVERSITY IS INSTITUTIONALLY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING BODY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION. The department shall not recommend and the commission shall not approve an application from a private college or university that, in the preceding two years PRECEDING SUBMISSION OF THE APPLICATION, has had its accreditation suspended or withdrawn OR has been prohibited from doing business OPERATING in another state or THAT has substantially the same ownership OWNERS, GOVERNING BOARD, or principal officers as a private college or university that, IN THE TWO YEARS PRECEDING SUBMISSION OF THE APPLICATION, has had its accreditation suspended or withdrawn or that has been prohibited from doing business OPERATING in another state. An application shall include payment of the fee determined according to section 23-2-104.5.

(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.

(2) To do business OPERATE in Colorado, a private college or university is required to SHALL be INSTITUTIONALLY accredited on the basis of an on-site review in Colorado by a nationally recognized regional accrediting association, by an accrediting agency or association BY A REGIONAL OR NATIONAL ACCREDITING BODY recognized by the United States department of education; or by an accrediting agency determined by the commission to be in accordance with its educational purposes and programs; except that a private college or university may operate for an initial period without accreditation if the commission determines, in accordance with standards established by the commission, that the private college or university is likely to become accredited in a reasonable period of time or is making reasonable and timely progress toward accreditation IN ACCORDANCE WITH THE ACCREDITING BODY'S POLICIES. THE COMMISSION MAY GRANT A PROVISIONAL AUTHORIZATION TO A PRIVATE COLLEGE OR UNIVERSITY TO OPERATE FOR AN INITIAL PERIOD WITHOUT ACCREDITATION. THE PRIVATE COLLEGE OR UNIVERSITY SHALL ANNUALLY RENEW ITS PROVISIONAL AUTHORIZATION AND REPORT ANNUALLY TO THE COMMISSION CONCERNING THE INSTITUTION'S PROGRESS IN OBTAINING ACCREDITATION.

(3) A private college or university shall immediately notify the department of any communication from its accrediting agency that indicates it may be at risk of losing accreditation, not being awarded accreditation, or being awarded a lesser accreditation status MATERIAL 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 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

(4) To do business OPERATE in Colorado, a bible college or seminary OR RELIGIOUS TRAINING INSTITUTION shall apply for and receive authorization from the department and establish that it qualifies as a bona fide religious institution and as an institution of postsecondary education, as defined by rules promulgated by the Colorado commission. on higher education. A bible college or seminary OR RELIGIOUS TRAINING INSTITUTION that meets the criteria and rules established by this subsection (4) shall be IS exempt from the provisions of subsections (1), (2), and (3) of this section. An application from A bona fide religious institution and an institution of postsecondary education made THAT APPLIES FOR AUTHORIZATION pursuant to this subsection (4) shall not include a payment of PAY the fee determined ESTABLISHED according to 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.

(5) (a) The commission may order the department, for cause, to review a private college or university, bible college, or seminary to determine whether to revoke the private college's or university's, bible college's, or seminary's authorization or to place it on probationary status. A review conducted pursuant to this subsection (5) shall ensure that the

~~private college or university or bible college or seminary meets the requirements adopted pursuant to this article.~~ A PRIVATE COLLEGE OR UNIVERSITY THAT HAS AUTHORIZATION FROM THE COMMISSION PURSUANT TO THIS SECTION AND MAINTAINS ITS ACCREDITATION SHALL APPLY TO THE DEPARTMENT FOR REAUTHORIZATION IN ACCORDANCE WITH THE SCHEDULE FOR REACCREDITATION BY ITS ACCREDITING BODY OR EVERY THREE YEARS, WHICHEVER IS LONGER. A SEMINARY OR RELIGIOUS TRAINING INSTITUTION SHALL APPLY FOR REAUTHORIZATION EVERY THREE YEARS. A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT SEEKS REAUTHORIZATION SHALL SUBMIT AN APPLICATION IN ACCORDANCE WITH THE PROCEDURES AND POLICIES ADOPTED BY THE COMMISSION AND SHALL PAY THE REAUTHORIZATION FEE ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 23-2-104.5.

~~(b) The commission may revoke the private college's or university's authorization if it finds that the private college or university is no longer accredited. The commission may place the private college or university on probationary status if the commission finds the private college or university has been placed on probation or the equivalent by an accrediting agency.~~

~~(c) The commission may revoke the bible college's or seminary's authorization or place it on probationary status only if it finds that the bible college or seminary no longer meets the definition of bible college or seminary as defined under section 23-2-102 or no longer meets the requirements adopted pursuant to this article.~~

(6) Nothing in this section shall preclude a seminary or bible college RELIGIOUS TRAINING INSTITUTION from seeking accreditation.

(7) (a) BY JANUARY 1, 2013, THE COMMISSION SHALL ADOPT PROCEDURES BY WHICH A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION MAY RENEW ITS AUTHORIZATION TO OPERATE IN COLORADO. TO RENEW ITS AUTHORIZATION TO OPERATE IN COLORADO, A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION SHALL DEMONSTRATE THAT IT CONTINUES TO MEET THE MINIMUM OPERATING STANDARDS SPECIFIED IN THIS SECTION AND SECTION 23-2-103.8, IF APPLICABLE.

(b) (I) A PRIVATE COLLEGE OR UNIVERSITY THAT HAS HAD ITS ACCREDITATION REAFFIRMED WITHOUT SANCTION IS IN COMPLIANCE WITH SECTION 23-2-103.8, AND IS NOT SUBJECT TO INVESTIGATION PURSUANT TO SECTION 23-2-103.4 IS PRESUMED QUALIFIED FOR RENEWAL OF AUTHORIZATION, AND THE DEPARTMENT SHALL RECOMMEND RENEWAL FOR A PERIOD OF THREE YEARS OR THE LENGTH OF THE INSTITUTION'S ACCREDITATION, IF APPLICABLE, WHICHEVER IS LONGER.

(II) A SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT CONTINUES TO MEET THE MINIMUM OPERATING STANDARDS SPECIFIED IN THIS SECTION IS PRESUMED QUALIFIED FOR RENEWAL OF AUTHORIZATION, AND THE DEPARTMENT SHALL RECOMMEND THAT THE COMMISSION RENEW THE INSTITUTION'S AUTHORIZATION FOR THREE ADDITIONAL YEARS.

(c) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION CANNOT DEMONSTRATE THAT IT MEETS THE MINIMUM OPERATING STANDARDS SPECIFIED IN THIS SECTION OR SECTION 23-2-103.8, IF APPLICABLE, THE DEPARTMENT SHALL RECOMMEND THAT THE COMMISSION DENY THE INSTITUTION'S APPLICATION FOR RENEWAL OF THE AUTHORIZATION. IF, WITHIN SIX MONTHS AFTER RECEIVING THE NOTICE OF DENIAL OF THE APPLICATION FOR RENEWAL, THE INSTITUTION CORRECTS THE ACTION OR CONDITION THAT RESULTED IN DENIAL OF THE APPLICATION FOR RENEWAL, THE INSTITUTION MAY REAPPLY FOR RENEWAL OF THE AUTHORIZATION. IF THE INSTITUTION DOES NOT CORRECT THE ACTION OR CONDITION WITHIN THE SIX-MONTH PERIOD, IT MAY SUBMIT A NEW APPLICATION FOR AUTHORIZATION AFTER CORRECTING THE ACTION OR CONDITION.

(d) IF A PRIVATE COLLEGE OR UNIVERSITY IS UNDER A SANCTION FROM ITS ACCREDITING BODY AT THE TIME IT FILES AN APPLICATION FOR RENEWAL OF AUTHORIZATION TO OPERATE IN COLORADO, THE DEPARTMENT MAY RECOMMEND THAT THE COMMISSION RENEW THE INSTITUTION'S AUTHORIZATION OR THAT THE COMMISSION GRANT A PROBATIONARY RENEWAL OF THE INSTITUTION'S AUTHORIZATION. IF AN INSTITUTION RECEIVES A PROBATIONARY RENEWAL OF ITS AUTHORIZATION, THE INSTITUTION SHALL REAPPLY FOR RENEWAL OF ITS AUTHORIZATION ANNUALLY UNTIL THE ACCREDITING BODY LIFTS THE SANCTION, AND THE INSTITUTION SHALL ANNUALLY REPORT TO THE COMMISSION CONCERNING THE INSTITUTION'S PROGRESS IN REMOVING THE SANCTION.

(e) IF THE DEPARTMENT RECOMMENDS THAT THE COMMISSION

GRANT A PROBATIONARY RENEWAL OF AUTHORIZATION OR DENY AN APPLICATION FOR RENEWAL OF AUTHORIZATION, THE COMMISSION SHALL NOTIFY THE PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION CONCERNING THE RECOMMENDATION, 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.

SECTION 14. In Colorado Revised Statutes, **add** 23-2-103.4 as follows:

23-2-103.4. Authorization - revocation - probationary status.

(1) (a) IF THE COMMISSION HAS REASON TO BELIEVE THAT A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION MEETS ONE OR MORE OF THE GROUNDS SPECIFIED IN SUBSECTION (2) OR (3) OF THIS SECTION FOR REVOCATION OF AUTHORIZATION OR FOR PLACING AN INSTITUTION ON PROBATIONARY STATUS, THE COMMISSION MAY ORDER THE DEPARTMENT TO INVESTIGATE THE PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION AND MAKE A RECOMMENDATION CONCERNING WHETHER TO REVOKE THE INSTITUTION'S AUTHORIZATION OR TO PLACE THE INSTITUTION ON PROBATIONARY STATUS.

(b) TO ASSIST THE DEPARTMENT IN CONDUCTING AN INVESTIGATION PURSUANT TO THIS SUBSECTION (1), THE COMMISSION MAY SUBPOENA ANY PERSONS, BOOKS, RECORDS, OR DOCUMENTS PERTAINING TO THE INVESTIGATION, REQUIRE ANSWERS IN WRITING, UNDER OATH, TO QUESTIONS THE COMMISSION OR THE DEPARTMENT MAY ASK, AND ADMINISTER AN OATH OR AFFIRMATION TO ANY PERSON IN CONNECTION WITH THE INVESTIGATION. IN CONDUCTING THE INVESTIGATION, THE DEPARTMENT MAY PHYSICALLY INSPECT AN INSTITUTION'S FACILITIES AND RECORDS. A SUBPOENA ISSUED BY THE COMMISSION PURSUANT TO THIS PARAGRAPH (b) IS ENFORCEABLE BY ANY COURT OF RECORD IN THIS STATE.

(c) BASED ON THE FINDINGS OF AN INVESTIGATION PURSUANT TO THIS SUBSECTION (1), THE DEPARTMENT SHALL RECOMMEND TO THE COMMISSION THAT THE COMMISSION SHOULD OR SHOULD NOT REVOKE THE INSTITUTION'S AUTHORIZATION OR PLACE THE INSTITUTION ON PROBATIONARY STATUS. IF THE DEPARTMENT RECOMMENDS REVOCATION OR PROBATIONARY STATUS, IT SHALL IDENTIFY THE APPLICABLE GROUNDS FOR REVOCATION OR PROBATIONARY STATUS SPECIFIED IN SUBSECTION (2) OR (3) OF THIS 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.

(2) WITH REGARD TO THE AUTHORIZATION OF A PRIVATE COLLEGE OR UNIVERSITY, THE COMMISSION MAY:

(a) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S AUTHORIZATION OR PLACE THE INSTITUTION ON PROBATIONARY STATUS IF THE PRIVATE COLLEGE OR UNIVERSITY:

(I) FAILS TO MEET ANY OF THE MINIMUM STANDARDS SET FORTH IN THIS ARTICLE OR IN THE COMMISSION'S POLICIES OR RULES ADOPTED TO IMPLEMENT THIS ARTICLE;

(II) FAILS TO SUBSTANTIALLY COMPLY WITH THE APPLICABLE LAWS OR RULES ADOPTED OR IMPLEMENTED BY OTHER STATE-LEVEL BOARDS OR AGENCIES THAT HAVE JURISDICTION OVER THE INSTITUTION; OR

(III) VIOLATES THE FEDERAL CRIMINAL LAWS OR THE CRIMINAL LAWS OF THIS STATE OR ANY OTHER STATE IN WHICH THE INSTITUTION OPERATES;

(b) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S AUTHORIZATION IF THE INSTITUTION LOSES ITS ACCREDITATION;

(c) PLACE THE PRIVATE COLLEGE OR UNIVERSITY ON PROBATIONARY STATUS IF THE INSTITUTION'S ACCREDITING BODY PLACES THE INSTITUTION ON PROBATION OR THE EQUIVALENT; OR

(d) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S AUTHORIZATION OR PLACE THE PRIVATE COLLEGE OR UNIVERSITY ON PROBATIONARY STATUS IF THE UNITED STATES DEPARTMENT OF EDUCATION CEASES TO RECOGNIZE THE INSTITUTION'S ACCREDITING BODY.

(3) THE COMMISSION MAY REVOKE A SEMINARY'S OR RELIGIOUS TRAINING INSTITUTION'S AUTHORIZATION OR PLACE THE INSTITUTION ON PROBATIONARY STATUS IF THE SEMINARY OR RELIGIOUS TRAINING INSTITUTION:

(a) NO LONGER MEETS THE DEFINITION OF A SEMINARY OR RELIGIOUS TRAINING INSTITUTION SPECIFIED IN SECTION 23-2-102;

(b) FAILS TO MEET ANY OF THE OTHER MINIMUM STANDARDS SET

FORTH IN THIS ARTICLE OR IN THE COMMISSION'S POLICIES OR RULES ADOPTED TO IMPLEMENT THIS ARTICLE; OR

(c) VIOLATES THE FEDERAL CRIMINAL LAWS OR THE CRIMINAL LAWS OF THIS STATE OR ANY OTHER STATE IN WHICH THE INSTITUTION OPERATES.

SECTION 15. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 23-2-103.5 as follows:

23-2-103.5. Deposit of records upon discontinuance. (1) (a) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION CEASES OPERATING WITHIN THIS STATE, THE OWNER OF THE INSTITUTION OR HIS OR HER DESIGNEE SHALL DEPOSIT WITH THE DEPARTMENT THE ORIGINAL OR LEGIBLE TRUE COPIES OF ALL EDUCATIONAL RECORDS OF THE INSTITUTION.

(b) IF THE COMMISSION DETERMINES THAT THE RECORDS OF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT CEASES OPERATING WITHIN THE STATE ARE IN DANGER OF BEING DESTROYED, SECRETED, MISLAID, OR OTHERWISE MADE UNAVAILABLE TO THE DEPARTMENT, THE COMMISSION MAY SEEK A COURT ORDER AUTHORIZING THE DEPARTMENT TO SEIZE AND TAKE POSSESSION OF THE RECORDS.

(c) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF THIS SUBSECTION (1) BY FILING A REQUEST FOR AN INJUNCTION WITH A COURT OF COMPETENT JURISDICTION.

(d) THE COMMISSION SHALL ADOPT POLICIES FOR THE IMPLEMENTATION OF THIS SUBSECTION (1).

(2) A PERSON MAY REQUEST, IN ACCORDANCE WITH THE PROVISIONS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., A COPY OF A RECORD HELD BY THE DEPARTMENT PURSUANT TO THIS SECTION.

(3) THE DEPARTMENT SHALL PERMANENTLY RETAIN ANY STUDENT TRANSCRIPTS RECEIVED PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL RETAIN ANY OTHER RECORDS RECEIVED PURSUANT TO THIS SECTION FOR TEN YEARS FOLLOWING THE DATE ON WHICH IT RECEIVES OR OBTAINS THE RECORDS. AFTER THE REQUIRED RETENTION PERIOD, THE DEPARTMENT SHALL DISPOSE OF THE RECORDS IN A MANNER THAT WILL ADEQUATELY PROTECT THE PRIVACY OF PERSONAL INFORMATION INCLUDED IN THE RECORDS.

SECTION 16. In Colorado Revised Statutes, **add** 23-2-103.7 and 23-2-103.8 as follows:

23-2-103.7. Authorized institutions - responsibilities. (1) A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE:

(a) SHALL NOT MAKE OR CAUSE TO BE MADE ANY ORAL, WRITTEN, OR VISUAL STATEMENT OR REPRESENTATION THAT VIOLATES SECTION 23-2-104 (4);

(b) SHALL ANNUALLY PROVIDE TO THE DEPARTMENT A COPY OF THE INSTITUTION'S ENROLLMENT AGREEMENT IF THE INSTITUTION USES AN ENROLLMENT AGREEMENT;

(c) SHALL PROVIDE BONA FIDE INSTRUCTION, IN ACCORDANCE WITH THE STANDARDS AND CRITERIA SET BY THE INSTITUTION'S ACCREDITING BODY; AND

(d) IF THE OWNERSHIP OF THE INSTITUTION CHANGES, SHALL PROVIDE TO THE DEPARTMENT, WITHIN THIRTY DAYS AFTER THE CHANGE, ANY MATERIAL INFORMATION CONCERNING THE TRANSACTION THAT IS REQUESTED BY THE DEPARTMENT.

(2) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION VIOLATES ANY OF THE REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT MAY RECOMMEND TO THE COMMISSION THAT THE INSTITUTION'S AUTHORIZATION BE REVOKED OR PLACED ON PROBATIONARY STATUS.

23-2-103.8. Financial integrity - surety. (1) A PRIVATE COLLEGE OR UNIVERSITY IS EXEMPT FROM THE PROVISIONS OF THIS SECTION IF:

(a) THE PRIVATE COLLEGE OR UNIVERSITY IS A PARTY TO A PERFORMANCE CONTRACT WITH THE COMMISSION UNDER SECTION 23-5-129; OR

(b) THE PRIVATE COLLEGE OR UNIVERSITY:

(I) HAS BEEN ACCREDITED FOR AT LEAST TWENTY YEARS BY AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION;

(II) HAS OPERATED CONTINUOUSLY IN THIS STATE FOR AT LEAST TWENTY YEARS; AND

(III) HAS NOT AT ANY TIME FILED FOR BANKRUPTCY PROTECTION

PURSUANT TO TITLE 11 OF THE UNITED STATES CODE.

(2) (a) IF A PRIVATE COLLEGE OR UNIVERSITY IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS SECTION PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL DETERMINE THE FINANCIAL INTEGRITY OF THE PRIVATE COLLEGE OR UNIVERSITY BY CONFIRMING THAT THE INSTITUTION MEETS OR DOES NOT MEET THE CRITERIA SPECIFIED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2). THE PRIVATE COLLEGE OR UNIVERSITY SHALL PRESENT AS PART OF THE APPLICATION FOR AUTHORIZATION VERIFIABLE EVIDENCE THAT THE INSTITUTION MEETS THE CRITERIA SPECIFIED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2).

(b) (I) A PRIVATE COLLEGE OR UNIVERSITY MAY DEMONSTRATE FINANCIAL INTEGRITY BY MEETING THE FOLLOWING CRITERIA:

(A) THE INSTITUTION HAS BEEN ACCREDITED FOR AT LEAST TEN YEARS BY AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION;

(B) THE INSTITUTION HAS OPERATED CONTINUOUSLY IN THIS STATE FOR AT LEAST TEN YEARS;

(C) DURING ITS EXISTENCE, THE INSTITUTION HAS NOT FILED FOR BANKRUPTCY PROTECTION PURSUANT TO TITLE 11 OF THE UNITED STATES CODE;

(D) THE INSTITUTION MAINTAINS A COMPOSITE SCORE OF AT LEAST 1.5 ON ITS EQUITY, PRIMARY RESERVE, AND NET INCOME RATIOS, AS REQUIRED IN 34 CFR 668.172; AND

(E) THE INSTITUTION MEETS OR EXCEEDS THE PRO RATA REFUND POLICIES REQUIRED BY THE FEDERAL DEPARTMENT OF EDUCATION IN 34 CFR 668 OR, IF THE INSTITUTION DOES NOT PARTICIPATE IN FEDERAL FINANCIAL AID PROGRAMS, THE INSTITUTION'S REFUND AND TERMINATION PROCEDURES COMPLY WITH THE REQUIREMENTS OF THE INSTITUTION'S ACCREDITING BODY.

(II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) TO THE CONTRARY, A PRIVATE COLLEGE OR UNIVERSITY IS NOT REQUIRED TO MEET THE CRITERIA SPECIFIED IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF THE INSTITUTION IS PART OF A GROUP OF PRIVATE COLLEGES AND UNIVERSITIES THAT ARE OWNED AND OPERATED BY A COMMON OWNER, SO LONG AS ALL OF THE OTHER INSTITUTIONS IN THE GROUP MEET THE CRITERIA SPECIFIED IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(c) A PRIVATE COLLEGE OR UNIVERSITY MAY DEMONSTRATE FINANCIAL INTEGRITY BY MEETING THE FOLLOWING CRITERIA:

(I) THE INSTITUTION HAS RECEIVED AND MAINTAINS FULL ACCREDITATION WITHOUT SANCTION FROM AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION, WHICH ACCREDITING AGENCY REQUIRES THE INSTITUTION TO MAINTAIN SURETY OR AN ESCROW ACCOUNT OR HAS AFFIRMATIVELY WAIVED OR OTHERWISE REMOVED THE REQUIREMENT FOR THE INSTITUTION;

(II) THE INSTITUTION HAS BEEN CONTINUOUSLY AUTHORIZED BY THE COMMISSION FOR AT LEAST FIVE YEARS;

(III) THE INSTITUTION OWNS AND OPERATES A PERMANENT INSTRUCTIONAL FACILITY IN THE STATE;

(IV) THE INSTITUTION ANNUALLY PROVIDES TO THE COMMISSION AUDITED FINANCIAL STATEMENTS FOR THE MOST RECENT FISCAL YEAR THAT DEMONSTRATE THAT THE INSTITUTION MAINTAINS POSITIVE EQUITY AND PROFITABILITY;

(V) THE INSTITUTION MAINTAINS A COMPOSITE SCORE OF AT LEAST 1.5 ON ITS EQUITY, PRIMARY RESERVE, AND NET INCOME RATIOS, AS REQUIRED IN 34 CFR 668.172; AND

(VI) THE INSTITUTION MEETS OR EXCEEDS THE PRO RATA REFUND POLICIES REQUIRED BY THE FEDERAL DEPARTMENT OF EDUCATION IN 34 CFR 668 OR, IF THE INSTITUTION DOES NOT PARTICIPATE IN FEDERAL FINANCIAL AID PROGRAMS, THE INSTITUTION'S REFUND AND TERMINATION PROCEDURES COMPLY WITH THE REQUIREMENTS OF THE INSTITUTION'S ACCREDITING BODY.

(3) (a) EACH PRIVATE COLLEGE OR UNIVERSITY THAT IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS SECTION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND CANNOT DEMONSTRATE FINANCIAL INTEGRITY AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AS DETERMINED BY THE COMMISSION, SHALL FILE EVIDENCE OF SURETY IN THE AMOUNT CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION PRIOR TO RECEIVING AUTHORIZATION TO OPERATE IN COLORADO. THE SURETY MAY BE IN THE FORM OF A SAVINGS ACCOUNT, DEPOSIT, OR

CERTIFICATE OF DEPOSIT THAT MEETS THE REQUIREMENTS OF SECTION 11-35-101, C.R.S., OR AN ALTERNATIVE METHOD APPROVED BY THE COMMISSION, OR ONE BOND AS SET FORTH IN THIS SECTION COVERING THE APPLYING INSTITUTION. THE COMMISSION MAY DISAPPROVE AN INSTITUTION'S SURETY IF THE COMMISSION FINDS THE SURETY IS NOT SUFFICIENT TO PROVIDE STUDENTS WITH THE INDEMNIFICATION AND ALTERNATIVE ENROLLMENT REQUIRED BY THIS SECTION.

(b) IF A PRIVATE COLLEGE OR UNIVERSITY FILES A BOND, THE BOND SHALL BE EXECUTED BY THE INSTITUTION AS PRINCIPAL AND BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE. THE BOND SHALL BE CONTINUOUS UNLESS THE SURETY IS RELEASED AS SET FORTH IN THIS SECTION.

(4) THE SURETY SHALL BE CONDITIONED TO PROVIDE INDEMNIFICATION TO ANY STUDENT OR ENROLLEE, OR TO ANY PARENT OR LEGAL GUARDIAN OF A STUDENT OR ENROLLEE, THAT THE COMMISSION FINDS TO HAVE SUFFERED LOSS OF TUITION OR ANY FEES AS A RESULT OF ANY ACT OR PRACTICE THAT IS A VIOLATION OF THIS ARTICLE AND TO PROVIDE ALTERNATE ENROLLMENT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION FOR STUDENTS ENROLLED IN AN INSTITUTION THAT CEASES OPERATION.

(5) THE AMOUNT OF THE SURETY THAT A PRIVATE COLLEGE OR UNIVERSITY SUBMITS PURSUANT TO SUBSECTION (3) OF THIS SECTION IS THE GREATER OF FIVE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO A REASONABLE ESTIMATE OF THE MAXIMUM PREPAID, UNEARNED TUITION AND FEES OF THE INSTITUTION FOR THE PERIOD OR TERM DURING THE APPLICABLE ACADEMIC YEAR FOR WHICH PROGRAMS OF INSTRUCTION ARE OFFERED INCLUDING, BUT NOT LIMITED TO, PROGRAMS OFFERED ON A SEMESTER, QUARTER, MONTHLY, OR CLASS BASIS; EXCEPT THAT THE INSTITUTION SHALL USE THE PERIOD OR TERM OF GREATEST DURATION AND EXPENSE IN DETERMINING THIS AMOUNT IF THE INSTITUTION'S ACADEMIC YEAR CONSISTS OF ONE OR MORE PERIODS OR TERMS. FOLLOWING THE INITIAL FILING OF THE SURETY WITH THE DEPARTMENT, THE PRIVATE COLLEGE OR UNIVERSITY SHALL RECALCULATE THE AMOUNT OF THE SURETY ANNUALLY BASED ON A REASONABLE ESTIMATE OF THE MAXIMUM PREPAID, UNEARNED TUITION AND FEES RECEIVED BY THE INSTITUTION FOR THE APPLICABLE PERIOD OR TERM.

(6) (a) A STUDENT OR ENROLLEE, OR A PARENT OR GUARDIAN OF THE STUDENT OR ENROLLEE, WHO CLAIMS LOSS OF TUITION OR FEES MAY FILE A CLAIM WITH THE COMMISSION IF THE CLAIM RESULTS FROM AN ACT OR PRACTICE THAT VIOLATES A PROVISION OF THIS ARTICLE. THE CLAIMS THAT ARE FILED WITH THE COMMISSION ARE PUBLIC RECORDS AND ARE SUBJECT TO THE PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.; EXCEPT THAT THE DEPARTMENT SHALL NOT MAKE THE CLAIMS RECORDS PUBLIC IF THE RELEASE WOULD VIOLATE A FEDERAL PRIVACY LAW.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), THE COMMISSION SHALL NOT CONSIDER A CLAIM THAT IS FILED MORE THAN TWO YEARS AFTER THE DATE THE STUDENT DISCONTINUES HIS OR HER ENROLLMENT WITH THE INSTITUTION.

(7) (a) IF A PRIVATE COLLEGE OR UNIVERSITY CEASES OPERATION, THE COMMISSION MAY MAKE DEMAND ON THE SURETY OF THE INSTITUTION UPON THE DEMAND FOR A REFUND BY A STUDENT OR THE IMPLEMENTATION OF ALTERNATE ENROLLMENT FOR THE STUDENTS ENROLLED IN THE INSTITUTION, AND THE HOLDER OF THE SURETY OR, IF THE SURETY IS A BOND, THE PRINCIPAL ON THE BOND SHALL PAY THE CLAIM DUE IN A TIMELY MANNER. TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL USE THE AMOUNT OF THE SURETY TO PROVIDE ALTERNATE ENROLLMENT FOR STUDENTS OF THE INSTITUTION THAT CEASES OPERATION THROUGH A CONTRACT WITH ANOTHER AUTHORIZED PRIVATE COLLEGE OR UNIVERSITY, A COMMUNITY COLLEGE, AN AREA VOCATIONAL SCHOOL, OR ANY OTHER ARRANGEMENT THAT IS ACCEPTABLE TO THE DEPARTMENT. THE ALTERNATE ENROLLMENT PROVIDED TO A STUDENT SHALL REPLACE THE ORIGINAL ENROLLMENT AGREEMENT, IF ANY, BETWEEN THE STUDENT AND THE PRIVATE COLLEGE OR UNIVERSITY; EXCEPT THAT THE STUDENT SHALL MAKE THE TUITION AND FEE PAYMENTS AS REQUIRED BY THE ORIGINAL ENROLLMENT AGREEMENT, IF ANY.

(b) A STUDENT WHO IS ENROLLED IN A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION AND WHO DECLINES THE ALTERNATE ENROLLMENT REQUIRED TO BE OFFERED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) MAY FILE A CLAIM WITH THE COMMISSION FOR THE STUDENT'S PRORATED SHARE OF THE PREPAID, UNEARNED TUITION AND FEES THAT THE STUDENT PAID, SUBJECT TO THE LIMITATIONS OF

PARAGRAPH (c) OF THIS SUBSECTION (7). THE COMMISSION SHALL NOT MAKE A SUBSEQUENT PAYMENT TO A STUDENT UNLESS THE STUDENT SUBMITS PROOF OF SATISFACTION OF ANY PRIOR DEBT TO A FINANCIAL INSTITUTION IN ACCORDANCE WITH THE COMMISSION'S RULES CONCERNING THE ADMINISTRATION OF THIS SECTION.

(c) IF THE AMOUNT OF THE SURETY IS LESS THAN THE TOTAL PREPAID, UNEARNED TUITION AND FEES THAT HAVE BEEN PAID BY STUDENTS AT THE TIME THE PRIVATE COLLEGE OR UNIVERSITY CEASES OPERATION, THE DEPARTMENT SHALL PRORATE THE AMOUNT OF THE SURETY AMONG THE STUDENTS.

(d) THE PROVISIONS OF THIS SUBSECTION (7) ARE APPLICABLE ONLY TO THOSE STUDENTS ENROLLED IN THE PRIVATE COLLEGE OR UNIVERSITY AT THE TIME IT CEASES OPERATION, AND, ONCE AN INSTITUTION CEASES OPERATION, NO NEW STUDENTS SHALL BE ENROLLED THEREIN.

(e) THE COMMISSION IS THE TRUSTEE FOR ALL PREPAID, UNEARNED TUITION AND FEES, STUDENT LOANS, PELL GRANTS, AND OTHER STUDENT FINANCIAL AID ASSISTANCE IF AN AUTHORIZED PRIVATE COLLEGE OR UNIVERSITY CEASES OPERATION.

(f) THE COMMISSION SHALL DETERMINE WHETHER OFFERING ALTERNATE ENROLLMENT FOR STUDENTS ENROLLED IN AN AUTHORIZED PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION IS PRACTICABLE WITHOUT FEDERAL GOVERNMENT DESIGNATION OF THE COMMISSION AS TRUSTEE FOR STUDENT LOANS, PELL GRANTS, AND OTHER STUDENT FINANCIAL AID ASSISTANCE PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (7).

(8) FOR CLAIMS MADE PURSUANT TO THIS SECTION THAT DO NOT INVOLVE A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION, THE COMMISSION SHALL CONDUCT A HEARING TO DETERMINE WHETHER THERE IS LOSS OF TUITION OR FEES, AND, IF THE COMMISSION FINDS THAT A CLAIM IS VALID AND DUE THE CLAIMANT, THE COMMISSION SHALL MAKE DEMAND UPON THE SURETY. IF THE HOLDER OF THE SURETY OR, IF THE SURETY IS A BOND, THE PRINCIPAL ON THE BOND FAILS OR REFUSES TO PAY THE CLAIM DUE, THE COMMISSION SHALL COMMENCE AN ACTION ON THE SURETY IN A COURT OF COMPETENT JURISDICTION; EXCEPT THAT THE COMMISSION SHALL NOT FILE AN ACTION MORE THAN SIX YEARS AFTER THE DATE OF THE VIOLATION THAT GIVES RISE TO THE RIGHT TO FILE A CLAIM PURSUANT TO THIS SECTION.

(9) THE AUTHORIZATION FOR A PRIVATE COLLEGE OR UNIVERSITY IS SUSPENDED BY OPERATION OF LAW WHEN THE INSTITUTION IS NO LONGER COVERED BY SURETY AS REQUIRED BY THIS SECTION. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE INSTITUTION AT THE LAST-KNOWN ADDRESS, AT LEAST FORTY-FIVE DAYS BEFORE THE RELEASE OF THE SURETY, TO THE EFFECT THAT THE INSTITUTION'S AUTHORIZATION IS SUSPENDED BY OPERATION OF LAW UNTIL THE INSTITUTION FILES EVIDENCE OF SURETY IN LIKE AMOUNT AS THE SURETY BEING RELEASED.

(10) THE PRINCIPAL ON A BOND FILED UNDER THE PROVISIONS OF THIS SECTION IS RELEASED FROM THE BOND AFTER THE PRINCIPAL SERVES WRITTEN NOTICE THEREOF TO THE COMMISSION AT LEAST SIXTY DAYS BEFORE THE RELEASE. THE RELEASE DOES NOT DISCHARGE OR OTHERWISE AFFECT A CLAIM FILED BY A STUDENT OR ENROLLEE OR HIS OR HER PARENT OR LEGAL GUARDIAN FOR LOSS OF TUITION OR FEES THAT OCCURRED WHILE THE BOND WAS IN EFFECT OR THAT OCCURRED UNDER ANY NOTE OR CONTRACT EXECUTED DURING ANY PERIOD OF TIME WHEN THE BOND WAS IN EFFECT, EXCEPT WHEN ANOTHER BOND IS FILED IN A LIKE AMOUNT AND PROVIDES INDEMNIFICATION FOR ANY SUCH LOSS.

(11) EACH PRIVATE COLLEGE OR UNIVERSITY THAT FILES A SURETY PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL PROVIDE ANNUAL VERIFICATION OF CONTINUED COVERAGE BY SURETY AS REQUIRED BY THIS SECTION IN A REPORT TO THE COMMISSION DUE BY JANUARY 1 OF EACH YEAR. THE COMMISSION MAY DISAPPROVE A SURETY IF IT FINDS THAT THE SURETY IS NOT ADEQUATE TO PROVIDE STUDENTS WITH THE INDEMNIFICATION AND ALTERNATE ENROLLMENT REQUIRED BY THIS SECTION.

(12) IF A PRIVATE COLLEGE OR UNIVERSITY THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION OR THAT DEMONSTRATES FINANCIAL INTEGRITY PURSUANT TO SUBSECTION (2) OF THIS SECTION CEASES TO OPERATE IN THIS STATE, THE STATE ATTORNEY GENERAL MAY FILE A CLAIM AGAINST THE INSTITUTION ON BEHALF OF STUDENTS ENROLLED IN THE INSTITUTION AT THE TIME IT CEASES OPERATION TO RECOVER ANY AMOUNT OF UNEARNED, PREPAID TUITION THAT MAY BE OWED TO THE STUDENTS.

(13) A SEMINARY OR RELIGIOUS TRAINING INSTITUTION IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

SECTION 17. In Colorado Revised Statutes, **amend** 23-2-104 as follows:

23-2-104. Administration of article - complaints - injunctive proceedings. (1) The department ~~is charged with the administration of~~ SHALL ADMINISTER this article pursuant to statute and appropriate policies adopted by the commission.

(2) (a) The commission shall specify procedures by which a student or former student of a private college or university ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION may file a complaint with the department concerning the institution in which the student is or was enrolled. IF A FORMER STUDENT FILES A COMPLAINT, HE OR SHE MUST DO SO WITHIN TWO YEARS AFTER DISCONTINUING ENROLLMENT AT THE INSTITUTION. The department ~~is authorized to~~ MAY investigate complaints based on a claim of a deceptive trade practice as described in subsection (4) of this section. The department ~~shall~~ DOES not have jurisdiction to consider complaints that infringe on the academic freedom OR religious freedom OF, or question the curriculum content of, a private college or university ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION; except that the department ~~shall have~~ HAS jurisdiction to consider a complaint that pertains to the general education core course requirements of a private college or university ~~bible college~~, or seminary OR RELIGIOUS TRAINING INSTITUTION, or to any of the specific core courses included in said requirements, if the private college or university ~~bible college~~ or seminary ~~has chosen~~ OR RELIGIOUS TRAINING INSTITUTION CHOOSES to seek transferability of its general education core courses pursuant to section 23-1-125 (5).

(b) Upon receipt of a complaint, the department shall verify that the complaint warrants investigation under the guidelines established by the commission and as a deceptive trade practice. A complaint will warrant investigation only when the student has exhausted all complaint and appeals processes available at the institution. THE DEPARTMENT SHALL DISMISS a complaint ~~shall be dismissed~~ if it does not warrant investigation under the commission's guidelines and is not a deceptive trade practice. If the complaint warrants investigation, the department shall first forward the complaint to the institution for a written response. The institution shall have thirty days to ~~forward its response~~ RESPOND IN WRITING to the department, and TO FORWARD a copy of the response ~~shall be forwarded~~ to the student. During the thirty-day period, the institution may attempt to resolve the complaint with the student, and the department shall assist in the efforts to resolve the complaint. If the department determines at any time that a complaint no longer warrants investigation, the department shall dismiss the complaint.

(c) If a complaint is not resolved during the thirty-day period, the department may dismiss the complaint based on the institution's response, investigate the complaint further, or recommend that the commission evaluate the merits of the complaint. If the commission finds the complaint is meritorious, it may recommend that the private college or university or ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION take appropriate action to remedy the complaint.

(d) If the private college or university ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION does not take the action ~~on the recommendation of~~ RECOMMENDED BY the commission, the commission may forward the complaint and findings to the attorney general.

(3) The commission, acting through the attorney general, may proceed by injunction against any violation of this article, but an injunction proceeding or an order issued therein or as a result thereof shall not bar the imposition of any other penalty ~~imposed~~ for violation of this article.

(4) It is a deceptive trade practice for:

(a) ~~A school~~ AN INSTITUTION or agent to make or cause to be made any statement or representation, oral, written, or visual, in connection with the offering of educational services if ~~such school~~ THE INSTITUTION or agent knows or reasonably should have known the statement or representation to be materially false, substantially inaccurate, or materially misleading;

(b) ~~A school~~ AN INSTITUTION or agent to represent falsely OR TO DECEPTIVELY CONCEAL, directly or by implication, through the use of a trade or business name, ~~to deceptively conceal~~ the fact that it AN INSTITUTION is a school;

(c) ~~A school~~ AN INSTITUTION or agent to adopt a name, trade

name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size, or integrity of the ~~school~~ INSTITUTION or its educational services;

(d) ~~A school~~ AN INSTITUTION or agent to intentionally and materially represent falsely, directly or by implication, that students ~~completing~~ WHO SUCCESSFULLY COMPLETE a course or program of instruction ~~successfully~~ may transfer ~~credit therefor~~ THE CREDITS EARNED to any institution of higher education;

(e) ~~A school~~ AN INSTITUTION or agent to intentionally and materially represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, or equipment of the ~~school~~ INSTITUTION; the number or educational experience qualifications of its faculty; the extent or nature of any approval received from any state agency; or the extent or nature of any accreditation received from any accrediting agency or association;

(f) ~~A school~~ AN INSTITUTION or agent to provide prospective students with ~~any~~ testimonials, endorsements, or other information that has the tendency to materially mislead or deceive prospective students or the public regarding current practices of the ~~school~~ INSTITUTION;

(g) An agent representing an out-of-state school to represent, directly or by implication, that ~~said~~ THE school is ~~approved or accredited~~ AUTHORIZED by the state of Colorado OR APPROVED OR ACCREDITED BY AN ACCREDITING AGENCY OR BODY WHEN THE INSTITUTION HAS NOT BEEN AUTHORIZED, APPROVED, OR ACCREDITED;

(h) ~~A school or agent to designate titles to employees whose primary job duties are to recruit students, which titles have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of such employees~~ AN INSTITUTION TO DESIGNATE OR REFER TO ITS SALES REPRESENTATIVES BY TITLES THAT IMPLY THE SALES REPRESENTATIVES HAVE TRAINING IN ACADEMIC COUNSELING OR ADVISING IF THEY DO NOT.

SECTION 18. In Colorado Revised Statutes, **amend** 23-2-104.5 as follows:

23-2-104.5. Fees - public hearing. (1) The commission shall establish ~~a fee~~ FEES to be paid by a private college or university that ~~submits an application pursuant to~~ OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION FOR THE ADMINISTRATION OF this article. The amount of the ~~fee~~ FEES shall reflect the direct and indirect costs of ~~the administration of~~ ADMINISTERING this article. The commission shall propose, as part of the department's annual budget request, an adjustment in the amount of the fees that it is authorized to collect pursuant to this section. The budget request and the adjusted fees shall reflect the direct and indirect costs of administering this article.

(2) THE COMMISSION MAY ESTABLISH A FEE TO BE PAID TO THE DEPARTMENT BY A PRIVATE COLLEGE OR UNIVERSITY THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE AND THAT APPLIES FOR APPROVAL OF AN EDUCATOR PREPARATION PROGRAM PURSUANT TO SECTION 23-1-121. THE AMOUNT OF THE FEE SHALL REFLECT THE DIRECT AND INDIRECT COSTS OF THE DEPARTMENT IN ADMINISTERING THE PROVISIONS OF SECTION 23-1-121.

(3) PRIOR TO ESTABLISHING A NEW FEE OR INCREASING THE AMOUNT OF AN EXISTING FEE, THE COMMISSION SHALL HOLD A PUBLIC HEARING TO DISCUSS AND TAKE TESTIMONY CONCERNING THE NEW FEE OR INCREASE IN FEES. THE COMMISSION SHALL PROVIDE NOTICE OF THE PUBLIC HEARING AND THE PROPOSED NEW FEE OR FEE INCREASE TO EACH PRIVATE COLLEGE OR UNIVERSITY AND SEMINARY AND RELIGIOUS TRAINING INSTITUTION AT LEAST THIRTY DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING.

SECTION 19. In Colorado Revised Statutes, 12-59-105.1, **amend** (5) as follows:

12-59-105.1. Proprietary postsecondary education board - established - membership. (5) (a) The board members shall serve four-year terms; except that, of the members first appointed to the board, three members to be selected by the governor shall serve two-year terms. ~~No~~ A member shall NOT serve more than two consecutive four-year terms.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), OF THE THREE MEMBERS APPOINTED TO REPLACE PERSONS WHOSE TERMS EXPIRE ON JUNE 30, 2012, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A TWO-YEAR TERM, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A THREE-YEAR TERM, AND ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A FOUR-YEAR TERM.

SUBSEQUENT APPOINTMENTS TO THE POSITIONS IDENTIFIED IN THIS PARAGRAPH (b) SHALL SERVE FOUR-YEAR TERMS.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), OF THE FOUR MEMBERS APPOINTED TO REPLACE PERSONS WHOSE TERMS EXPIRE ON JUNE 30, 2014, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A ONE-YEAR TERM, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A TWO-YEAR TERM, ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A THREE-YEAR TERM, AND ONE MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A FOUR-YEAR TERM. SUBSEQUENT APPOINTMENTS TO THE POSITIONS IDENTIFIED IN THIS PARAGRAPH (c) SHALL SERVE FOUR-YEAR TERMS.

SECTION 20. In Colorado Revised Statutes, 12-59-118, **amend** (1) as follows:

12-59-118. Complaints of deceptive trade or sales practices.

(1) A person claiming pecuniary loss as a result of a deceptive trade or sales practice, pursuant to section 12-59-117, by a school or agent shall FIRST EXHAUST ALL COMPLAINT AND APPEALS PROCESSES AVAILABLE AT THE SCHOOL. IF THE PERSON'S COMPLAINT IS NOT RESOLVED TO THE PERSON'S SATISFACTION, THE PERSON MAY file with the board a written complaint against the school or agent. The complaint shall set forth the alleged violation and SUCH other relevant information as may be required by the board. A complaint filed under this section is a public record subject to the provisions of article 72 of title 24, C.R.S., and shall be filed within two years after the student discontinues his or her training at the school or at any time prior to the commencement of training.

SECTION 21. In Colorado Revised Statutes, 12-47-902.5, **amend** (5) (a) as follows:

12-47-902.5. Alcohol-without-liquid devices - legislative declaration - unlawful acts. (5) (a) Subsection (3) of this section shall not apply to a hospital, as defined in section 25.5-1-503 (3), C.R.S., that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university, as defined in section 23-2-102 (3) (11), C.R.S., conducting bona fide research, or to a pharmaceutical company or biotechnology company conducting bona fide research and that complies with the provisions of this subsection (5).

SECTION 22. In Colorado Revised Statutes, 12-59-115, **amend** (13) as follows:

12-59-115. Bonds. (13) For the purposes of this section, "school" and "private occupational school" shall include a for-profit private college or university, as defined in section 23-2-102 (3) (11), C.R.S., in which the majority of students are enrolled in courses and programs that are occupational in nature, as defined by the board.

SECTION 23. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of higher education, for the fiscal year beginning July 1, 2012, the sum of \$75,500 cash funds, from fees paid by private colleges and universities pursuant to section 23-2-104.5, Colorado Revised Statutes, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "DEGREES." and substitute "DEGREES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

The amendment was **passed** on the following roll call vote:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	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.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	N		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the

following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Heath, Hudak, King K., Newell, Schwartz and Williams S.

HB12-1281 by Representative(s) Young and Gerou, Ferrandino, Fields, Kefalas, Kerr A., McCann, Peniston, Schafer S.; also Senator(s) Steadman and Roberts--Concerning a pilot program establishing new payment methodologies in medicaid, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	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	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Giron, Guzman, Hodge, Newell and Tochtrop.

HB12-1273 by Representative(s) Pabon, Conti, McCann, Swerdfeger; also Senator(s) Steadman--Concerning the inclusion of approved facility schools affiliated with a hospital to the definition of child care facility for purposes of the child care contribution income tax credit.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	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	Y
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.	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, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Newell, Nicholson and Williams S.

HB12-1315
by Representative(s) Becker; also Senator(s) Steadman--Concerning the reorganization of the governor's energy office, and in connection therewith, making an appropriation.

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: Boyd, Grantham, Guzman, Hodge, Jahn, King S., Mitchell, Nicholson, Spence and Williams S.

HB12-1311
by Representative(s) Summers, Acree, Brown, Fields, Joshi, Kefalas, McCann, Schafer S., Young; also Senator(s) Boyd--Concerning continuation of the state board of pharmacy, and in connection therewith, implementing the recommendations contained in the sunset review and report regarding the board and recodifying the laws regulating pharmacists, the practice of pharmacy, and the manufacture, distribution, and dispensing of prescription drugs and controlled substances, and making an appropriation.

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, Foster, King S., Newell, Spence, Tochtrop and Williams S.

HB12-1334
by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Lambert, Steadman--Concerning the extension of severance tax funding for the promotion of agricultural energy-related projects, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Roberts and Schwartz.

HB12-1310 by Representative(s) Gardner B., Barker; also Senator(s) Carroll, Guzman--Concerning changes to statutory provisions related to criminal proceedings, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senators Foster and Newell was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.010), by Senators Foster and Newell.

Amend revised bill, page 25, after line 7, insert:

"SECTION 28. In Colorado Revised Statutes, 18-18-102, **amend** (5); and **add** (3.5) as follows:

18-18-102. Definitions. As used in this article:

(3.5) (a) "CATHINONES" MEANS ANY SYNTHETIC OR NATURAL MATERIAL CONTAINING ANY QUANTITY OF A CATHINONE CHEMICAL STRUCTURE, INCLUDING ANY ANALOGS, SALTS, ISOMERS, OR SALTS OF ISOMERS OF ANY SYNTHETIC OR NATURAL MATERIAL CONTAINING A CATHINONE CHEMICAL STRUCTURE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING SUBSTANCES AND ANY ANALOGS, SALTS, ISOMERS, OR SALTS OF ISOMERS OF ANY OF THE FOLLOWING SUBSTANCES:

- (I) ALPHA-PHTHALIMIDOPROPIOPHENONE;
- (II) N, N-DIMETHYLCATHINONE (METAMFEPRAMONE);
- (III) N-ETHYLCATHINONE (ETHCATHINONE);
- (IV) ALPHA-PYRROLIDINOPROPIOPHENONE (α -PPP);
- (V) 2-METHYLAMINO-1-PHENYLBUTAN-1-ONE (BUPHEDRONE);
- (VI) ALPHA-PYRROLIDINOBTIOPHENONE (α -PBP);
- (VII) ALPHA-PYRROLIDINOVALEROPHENONE (α -PVP, PVP);
- (VIII) 4-METHYLMETHCATHINONE (4-MMC, MEPHEDRONE);
- (IX) 4'-METHYL-ALPHA-PYRROLIDINOPROPIOPHENONE (MPPP);
- (X) 4'-METHYL-ALPHA-PYRROLIDINOBTIOPHENONE (MPBP);
- (XI) 4'-METHYL-ALPHA-PYRROLIDINOHEXIOPHENONE (MPHP);
- (XII) 4-METHOXYMETHCATHINONE (PMMC, METHEDRONE, BK-PMMA);
- (XIII) 4'-METHOXY-ALPHA-PYRROLIDINOPROPIOPHENONE (MOPPP);
- (XIV) FLUOROMETHCATHINONE (4-FMC, FLEPHEDRONE, 3-FMC);
- (XV) 3,4-METHYLENEDIOXYMETHCATHINONE (METHYLONE, BK-MDMA);
- (XVI) 3,4-METHYLENEDIOXYETHCATHINONE (ETHYLONE, BK-MDEA);
- (XVII) 3',4'-METHYLENEDIOXY-ALPHA-PYRROLIDINOPROPIOPHENONE (MDPPP);
- (XVIII) 2-METHYLAMINO-1-(3,4- METHYLENEDIOXYPHENYL)-1-BUTANONE (BUTYLONE, BK-MDBD);
- (XIX) 3',4'-METHYLENEDIOXY-ALPHA-PYRROLIDINOBTIOPHENONE (MDPBP);
- (XX) 2-METHYLAMINO-1-(3,4-METHYLENEDIOXYPHENYL)-1-CPENTANONE (BK-MBDP);
- (XXI) 3,4-METHYLENEDIOXYPYROVALERONE (MDPV);
- (XXII) NAPHTHYLPYROVALERONE (NAPHYRONE);
- (XXIII) 2-(METHYLAMINO)-1-PHENYL-1-PENTANONE PENTEDRONE); AND
- (XXIV) N-METHYLETHCATHINONE (4-MEC).

(b) "CATHINONES" DOES NOT INCLUDE DIETHYLPROPRION OR BUPROPRION.

(c) AS USED IN THIS SUBSECTION (3.5), "ANALOG" MEANS ANY CHEMICAL THAT IS SUBSTANTIALLY SIMILAR IN CHEMICAL STRUCTURE TO THE CHEMICAL STRUCTURE OF ANY CATHINONES.

(5) "Controlled substance" means a drug, substance, or immediate precursor included in schedules I through V of part 2 of this article, including cocaine, marijuana, marijuana concentrate, A CATHINONE, any synthetic cannabinoid, and salvia divinorum.

SECTION 29. In Colorado Revised Statutes, **repeal** 18-18-203 (2) (e) (I).

SECTION 30. In Colorado Revised Statutes, **add** 18-18-406.7

and 18-18-406.8 as follows:

18-18-406.7. Unlawful possession of cathinones. (1) IT IS UNLAWFUL FOR ANY PERSON TO POSSESS ANY AMOUNT OF ANY CATHINONES.

(2) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR.

18-18-406.8. Unlawful distribution, manufacturing, dispensing, or sale of cathinones. (1) IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY:

(a) DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, OR TO POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, ANY AMOUNT OF ANY CATHINONES; OR

(b) INDUCE, ATTEMPT TO INDUCE, OR CONSPIRE WITH ONE OR MORE OTHER PERSONS TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, OR POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, DISPENSE, OR SELL, ANY AMOUNT OF ANY CATHINONES.

(2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 3 FELONY AND SHALL BE SENTENCED AS PROVIDED IN SECTION 18-1.3-401; EXCEPT THAT, UNLESS A GREATER SENTENCE IS PROVIDED UNDER ANY OTHER STATUTE, THE PERSON SHALL BE SENTENCED TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM, BUT NOT MORE THAN TWICE THE MAXIMUM, OF THE PRESUMPTIVE RANGE PROVIDED FOR THE OFFENSE IN SECTION 18-1.3-401 (1)(a) AS MODIFIED PURSUANT TO SECTION 18-1.3-401 (10), IF THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND:

(a) DISTRIBUTED, DISPENSED, OR SOLD; OR POSSESSED WITH INTENT TO DISTRIBUTE, DISPENSE, OR SELL; ANY AMOUNT OF ANY CATHINONES TO A MINOR UNDER EIGHTEEN YEARS OF AGE WHO IS AT LEAST TWO YEARS YOUNGER THAN SAID PERSON; OR

(b) INDUCED, ATTEMPTED TO INDUCE, OR CONSPIRED WITH ONE OR MORE OTHER PERSONS TO DISTRIBUTE, DISPENSE, OR SELL ANY AMOUNT OF ANY CATHINONES TO A MINOR UNDER EIGHTEEN YEARS OF AGE WHO IS AT LEAST TWO YEARS YOUNGER THAN SAID PERSON.

SECTION 31. In Colorado Revised Statutes, add 6-1-723 as follows:

6-1-723. Cathinone bath salts - deceptive trade practice. (1) IT IS UNLAWFUL FOR ANY PERSON OR ENTITY TO DISTRIBUTE, DISPENSE, MANUFACTURE, OR SELL TO A PURCHASER ANY PRODUCT THAT IS LABELED AS A BATH SALT OR ANY OTHER TRADEMARK IF THE PRODUCT CONTAINS ANY AMOUNT OF ANY CATHINONES, AS DEFINED IN SECTION 18-18-102 (3.5), C.R.S.

(2) A VIOLATION OF THIS SECTION SHALL BE DEEMED A DECEPTIVE TRADE PRACTICE AS PROVIDED IN SECTION 6-1-105 (1) (e), AND THE VIOLATOR SHALL BE SUBJECT TO A CIVIL PENALTY AS DESCRIBED IN SECTION 6-1-112 (1) (d) IN ADDITION TO ANY APPLICABLE CRIMINAL PENALTY.

SECTION 32. In Colorado Revised Statutes, 6-1-112, add (1) (d) as follows:

6-1-112. Civil penalties. (1) (d) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE THE PROVISIONS OF SECTIONS 6-1-105 (1) (e) AND 6-1-723 BY DISTRIBUTING, DISPENSING, OR SELLING ANY PRODUCT THAT IS LABELED AS A "BATH SALT" OR ANY OTHER TRADEMARK IF THE PRODUCT CONTAINS ANY AMOUNT OF ANY CATHINONES, AS DEFINED IN SECTION 18-18-102 (3.5), C.R.S., SHALL FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT LESS THAN TEN THOUSAND DOLLARS AND NOT MORE THAN FIVE HUNDRED THOUSAND DOLLARS FOR EACH SUCH VIOLATION; EXCEPT THAT THE PERSON SHALL FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS AND NOT MORE THAN FIVE HUNDRED THOUSAND DOLLARS FOR EACH SUCH VIOLATION IF THE PERSON DISTRIBUTES, DISPENSES, OR SELLS THE PRODUCT TO A MINOR UNDER THE AGE OF EIGHTEEN AND THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND AT LEAST TWO YEARS OLDER THAN THE MINOR.

SECTION 33. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that section 18-18-406.8, Colorado Revised Statutes, which is added to statute in this act, will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes."

Renumber succeeding sections accordingly.

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 2(L.012), by Senator Steadman

Amend revised bill, page 25, after line 7, insert:

"SECTION 28. In Colorado Revised Statutes, 18-19-103, **amend** (3) (d), (3.5) (b), (4) (a), (5), and (5.5); **add** (4) (a.5); and **repeal** (3.5) (a) as follows:

18-19-103. Source of revenues - allocation of moneys - repeal.
(3) The clerk of the court shall disburse the surcharge required by subsection (1) of this section as follows:

(d) Ninety percent shall be disbursed to the state treasurer who shall credit the same to the ~~drug offender surcharge fund~~ CORRECTIONAL TREATMENT CASH FUND created pursuant to subsection (4) of this section.

(3.5) (a) ~~Moneys appropriated by the general assembly pursuant to House Bill 10-1352, enacted in 2010, shall be deposited into the drug offender surcharge fund created pursuant to subsection (4) of this section. and shall be allocated pursuant to section 16-11.5-102 (3) (c), C.R.S.~~

(b) ~~Each fiscal year, The general assembly shall appropriate to the drug offender surcharge fund~~ CORRECTIONAL TREATMENT CASH FUND created pursuant to subsection (4) of this section ~~the savings generated by~~ AT LEAST SEVEN MILLION SIX HUNDRED FIFTY-SIX THOUSAND TWO HUNDRED DOLLARS IN FISCAL YEAR 2012-13 FROM THE GENERAL FUND, AT LEAST NINE MILLION FIVE HUNDRED THOUSAND DOLLARS IN FISCAL YEAR 2013-14 FROM THE GENERAL FUND, AND EACH YEAR THEREAFTER GENERATED FROM ESTIMATED SAVINGS FROM House Bill 10-1352, enacted in 2010. ~~The appropriation shall be made after consideration of the division of criminal justice's annual report required pursuant to section 24-33.5-503 (1) (u), C.R.S.~~

(4) (a) There is hereby created in the state treasury ~~a drug offender surcharge fund~~ THE CORRECTIONAL TREATMENT CASH FUND, REFERRED TO IN THIS PARAGRAPH (a) AS THE "FUND", which shall consist of moneys received by the state treasurer pursuant to paragraph (d) of subsection (3) of this section and subsection (3.5) of this section, AND, IN ADDITION, EACH YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE AT LEAST TWO MILLION TWO HUNDRED THOUSAND DOLLARS GENERATED FROM ESTIMATED SAVINGS FROM THE ENACTMENT OF SENATE BILL 03-318, ENACTED IN 2003, TO THE FUND. THE MONEYS IN THE FUND SHALL BE USED FOR THE PURPOSES DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (5) OF THIS SECTION. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the ~~drug offender surcharge fund~~ and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. ~~All moneys in the fund shall be subject to annual appropriation by the general assembly to the judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services, after consideration of the plan developed pursuant to section 16-11.5-102 (3), C.R.S., to cover the costs associated with substance abuse assessment, testing, education, and treatment.~~

(a.5) AFTER THE DRUG OFFENDER SURCHARGE FUND IS RENAMED

THE CORRECTIONAL TREATMENT CASH FUND, ANY APPROPRIATION MADE BY THE GENERAL ASSEMBLY FROM THE DRUG OFFENDER SURCHARGE FUND FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2011, IS FROM THE CORRECTIONAL TREATMENT CASH FUND CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (4). THIS PARAGRAPH (a.5) IS REPEALED, EFFECTIVE JULY 1, 2012.

(5) The department of public safety shall award such moneys received by it pursuant to subsection (4) of this section as are designated in the plan developed pursuant to section 16-11.5-102 (3), C.R.S., and appropriated by the general assembly for such purpose (a) THE CORRECTIONAL TREATMENT BOARD, CREATED HEREIN AND REFERRED TO IN THIS SUBSECTION (5) AS THE "BOARD", SHALL PREPARE AN ANNUAL TREATMENT FUNDING PLAN THAT INCLUDES A FAIR AND REASONABLE ALLOCATION OF RESOURCES FOR PROGRAMS THROUGHOUT THE STATE. THE JUDICIAL DEPARTMENT SHALL INCLUDE THE ANNUAL TREATMENT FUNDING PLAN IN ITS ANNUAL PRESENTATION TO THE JOINT BUDGET COMMITTEE.

(b) THE BOARD CONSISTS OF:

(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE;

(II) THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT OR HIS OR HER DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR HIS OR HER DESIGNEE;

(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES OR HIS OR HER DESIGNEE. IF THE EXECUTIVE DIRECTOR APPOINTS A DESIGNEE, THE EXECUTIVE DIRECTOR IS ENCOURAGED TO SELECT SOMEONE WITH EXPERTISE IN ADDICTION COUNSELING AND SUBSTANCE ABUSE ISSUES;

(V) THE STATE PUBLIC DEFENDER OR HIS OR HER DESIGNEE;

(VI) THE PRESIDENT OF THE STATEWIDE ASSOCIATION REPRESENTING DISTRICT ATTORNEYS OR HIS OR HER DESIGNEE; AND

(VII) THE PRESIDENT OF THE STATEWIDE ASSOCIATION REPRESENTING COUNTY SHERIFFS OR HIS OR HER DESIGNEE.

(c) THE BOARD MAY DIRECT THAT MONEYS IN THE CORRECTIONAL TREATMENT CASH FUND MAY BE USED FOR THE FOLLOWING PURPOSES:

(I) ALCOHOL AND DRUG SCREENING, ASSESSMENT, AND EVALUATION;

(II) ALCOHOL AND DRUG TESTING:

(III) SUBSTANCE ABUSE EDUCATION AND TRAINING;

(IV) AN ANNUAL STATEWIDE CONFERENCE REGARDING
SUBSTANCE ABUSE TREATMENT;

(V) TREATMENT FOR ASSESSED SUBSTANCE ABUSE AND CO-OCCURRING DISORDERS;

(VI) RECOVERY SUPPORT SERVICES; AND

(VII) ADMINISTRATIVE SUPPORT TO THE CORRECTIONAL TREATMENT BOARD INCLUDING, BUT NOT LIMITED TO, FACILITATING AND COORDINATING DATA COLLECTION, CONDUCTING DATA ANALYSIS, DEVELOPING CONTRACTS, PREPARING REPORTS, SCHEDULING AND STAFFING BOARD AND SUBCOMMITTEE MEETINGS, AND ENGAGING IN BUDGET PLANNING AND ANALYSIS.

(d) **MONEYS FROM THE CORRECTIONAL TREATMENT CASH FUND MAY BE USED TO SERVE THE FOLLOWING POPULATIONS:**

(I) ADULTS AND JUVENILES SERVING A DIVERSION SENTENCE FOR A STATE OFFENSE:

(II) ADULTS AND JUVENILES SERVING A PROBATION SENTENCE FOR A STATE OFFENSE, INCLUDING DENVER COUNTY;

(III) ADULTS AND JUVENILES ON PAROLE;

(IV) OFFENDERS SENTENCED OR TRANSITIONED TO A COMMUNITY CORRECTIONS PROGRAM; AND

(V) OFFENDERS SERVING A SENTENCE IN A COUNTY JAIL, ON A WORK-RELEASE PROGRAM SUPERVISED BY THE COUNTY JAIL, OR RECEIVING AFTER-CARE TREATMENT FOLLOWING RELEASE FROM JAIL IF THE OFFENDER PARTICIPATED IN A JAIL TREATMENT PROGRAM.

(e) BEFORE ADOPTING THE ANNUAL TREATMENT FUND PLAN, THE BOARD SHALL REVIEW THE INFORMATION SPECIFIED IN PARAGRAPH (f) OF THIS SUBSECTION (5) AND SHALL CONSIDER PROPOSALS FROM THE DRUG OFFENDER TREATMENT BOARDS CREATED IN SECTION 18-19-104 FOR FUNDING LOCAL ASSESSED TREATMENT NEEDS.

(f) THE BOARD SHALL DETERMINE THE SCOPE, METHOD, AND FREQUENCY OF THE DATA COLLECTION AND THE PARTIES RESPONSIBLE FOR

DATA COLLECTION, ANALYSIS, AND REPORTING. THE DATA SHALL BE ORGANIZED BY JUDICIAL DISTRICT AND SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING FROM EACH TREATMENT PROGRAM:

- (I) NAME AND LOCATION OF THE PROGRAM, INCLUDING THE COUNTY AND JUDICIAL DISTRICT;
- (II) THE REFERRING CRIMINAL AGENCY;
- (III) DEMOGRAPHIC INFORMATION INCLUDING GENDER AND ETHNICITY;
- (IV) LEVEL OF TREATMENT DELIVERED;
- (V) ACTUAL LENGTH OF TIME IN TREATMENT FOR EACH CLIENT;
- (VI) DISCHARGE STATUS AND, IF THE STATUS IS NEGATIVE, THE REASON FOR THE NEGATIVE DISCHARGE; AND
- (VII) ANY SPECIAL LICENSES HELD BY THE TREATMENT PROGRAM.

~~(5.5) (a) There is hereby created in the state treasury a drug offender treatment fund that shall consist of moneys appropriated thereto. In addition, the fund may accept gifts, grants, and donations. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the drug offender treatment fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. All moneys in the fund shall be subject to annual appropriation by the general assembly to the judicial department for allocation to the interagency task force on treatment for costs associated with community-based substance abuse treatment. ON JULY 1, 2012, THE STATE TREASURER SHALL TRANSFER ALL UNENCUMBERED MONEYS THAT REMAIN IN THE DRUG OFFENDER TREATMENT FUND TO THE CORRECTIONAL TREATMENT CASH FUND CREATED IN SUBSECTION (4) OF THIS SECTION. THIS SUBSECTION (5.5) IS REPEALED, EFFECTIVE JULY 2, 2012.~~

~~(b) Notwithstanding any provision of paragraph (a) of this subsection (5.5) to the contrary, on April 20, 2009, the state treasurer shall deduct three hundred fifty thousand dollars from the fund and transfer such sum to the general fund.~~

~~(c) Notwithstanding any provision of paragraph (a) of this subsection (5.5) to the contrary, on June 30, 2011, the state treasurer shall deduct six hundred seventy-two thousand seven hundred twenty-five dollars from the drug offender treatment fund and transfer such sum to the general fund.~~

SECTION 29. In Colorado Revised Statutes, 18-19-104, **amend** (1) and (2) and **repeal** (4) as follows:

18-19-104. Judicial district drug offender treatment boards.

(1) Each judicial district shall create a drug offender treatment board, WHOSE MEMBERSHIP IS KNOWLEDGEABLE ABOUT ADULT CRIMINAL AND JUVENILE JUSTICE MATTERS, consisting of:

- (a) The district attorney serving the judicial district or his or her designee;
- (b) The chief public defender serving the judicial district or his or her designee;
- (c) THE CHAIR OF THE LOCAL COMMUNITY CORRECTIONS BOARD OR HIS OR HER DESIGNEE;
- (d) A PAROLE OFFICER WORKING IN THE JUDICIAL DISTRICT CHOSEN BY THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE;
- (e) A SHERIFF THAT SERVES THE JUDICIAL DISTRICT CHOSEN BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT;
- (f) A REPRESENTATIVE OF A DRUG COURT OR SIMILAR PROBLEM-SOLVING COURT IF SUCH A COURT EXISTS IN THE JUDICIAL DISTRICT CHOSEN BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT;
- (g) A PERSON WITH EXPERTISE IN JUVENILE MATTERS CHOSEN BY THE CHIEF JUDGE OF THE JUDICIAL DISTRICT; AND
- (h) A probation officer working in the judicial district chosen by the chief judge of the judicial district.

~~(2) Each drug offender treatment board shall receive moneys from the state drug offender treatment board pursuant to section 16-11.5-102 (7) (a), C.R.S., and shall distribute those moneys to drug treatment programs based in the judicial district. No program shall receive moneys from the drug offender treatment board without a majority vote of the board. The board shall give priority to drug court funding if the jurisdiction operates a drug court AND THE DRUG COURT OPERATES WITH BEST EVIDENCE-BASED OR PROMISING PRACTICES. EACH DRUG OFFENDER TREATMENT BOARD SHALL ANNUALLY MAKE RECOMMENDATIONS TO THE CORRECTIONAL TREATMENT BOARD FOR FUNDING LOCAL ASSESSED TREATMENT NEEDS.~~

(4) Each judicial district's drug offender treatment board shall submit a report to the interagency task force on treatment created in section 16-11.5-102 (4), C.R.S., and the judiciary committees of the senate and house of representatives detailing the amount and to whom the board distributed its funding in the previous year and the amount of funding received by the board from the interagency task force on treatment by January 31 of each year beginning the first year after the judicial district drug offender treatment boards receive funding.

SECTION 30. In Colorado Revised Statutes, 16-11.5-102, repeal (2), (3), (4), (5), (6), (7), and (8) as follows:

16-11.5-102. Substance abuse assessment - standardized procedure. (2) The procedures for assessment, treatment, and sanctions required to be developed by subsection (1) of this section shall be implemented only to the extent moneys are available in the drug offender surcharge fund created in section 18-19-103 (4), C.R.S., on July 1, 1992.

(3) (a) The executive directors of the department of corrections, department of public safety, department of human services, and the state court administrator shall appoint six members including the directors or designees of the division of adult parole, community corrections and youthful offender system in the department of corrections, division of criminal justice of the department of public safety, the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, youth corrections within the department of human services, and the division of probation services in the judicial department who shall cooperate to develop a plan for the allocation of moneys deposited in the drug offender surcharge fund created pursuant to section 18-19-103 (4), C.R.S., among the judicial department, the department of corrections, the division of criminal justice of the department of public safety, and the department of human services. The plan developed pursuant to this subsection (3) shall be submitted to the general assembly with the judicial department's annual budget request.

(b) Repealed
(c) (i) The moneys allocated to the drug offender surcharge fund pursuant to section 18-19-103 (3.5), C.R.S., shall only be used to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment and who are:

- (A) On diversion;
(B) On probation;
(C) On parole;
(D) In community corrections; or
(E) In jail.
(H) The plan to allocate moneys deposited in the drug offender surcharge fund pursuant to section 18-19-103 (3.5), C.R.S., shall be developed pursuant to paragraph (a) of this subsection (3) and shall also include a representative designated by the Colorado district attorney's council, the state public defender, a representative from a statewide association representing county sheriffs, and a representative from a statewide association representing counties.

(4) There is hereby created the interagency task force on treatment that shall consist of the following members:

- (a) The individuals referenced in paragraph (a) of subsection (3) of this section;
(b) Three elected district attorneys or their designees selected by the president of the Colorado district attorneys' council as follows:
(i) One from the third, sixth, tenth, twelfth, fifteenth, sixteenth, or twenty-second judicial district;
(ii) One from the fifth, seventh, ninth, fourteenth, or twenty-first judicial district;
(iii) One from the first, second, fourth, eighth, eleventh, thirteenth, seventeenth, eighteenth, nineteenth, or twentieth judicial district; and

(c) The state public defender or his or her designee.
(5) The interagency task force on treatment shall elect a chairman and vice-chairman at the first meeting. The chairman shall call the meetings of the interagency task force on treatment and set the agenda for each meeting called.

(6) The interagency task force on treatment's authority shall be limited to those duties specified in subsections (7) and (8) of this section.

(7) (a) The interagency task force on treatment shall allocate at least eighty percent of the yearly drug offender treatment fund allocation

to the judicial district drug offender treatment boards created pursuant to section 18-19-104, C.R.S. Such allocation shall be based upon a formula developed by the state drug offender treatment board. The interagency task force on treatment shall develop an allocation formula for the allocation of the moneys from the drug offender treatment fund. The formula shall only be based upon a judicial district's population and the number of use and possession drug case filings in the judicial district. Each judicial district drug treatment board shall submit a plan, based upon the proposed allocation formula, to the interagency task force on treatment beginning September 1 of the first year funding is appropriated to the judicial department from the drug offender treatment fund and September 1 of each year thereafter to be included in the judicial department's annual budget request. The interagency task force on treatment shall not have the authority to reject the plan submitted from the local judicial drug treatment boards.

(b) The interagency task force on treatment may allocate up to twenty percent of the yearly drug offender treatment fund allocation to drug treatment programs that serve more than one judicial district. When allocating funds pursuant to this paragraph (b), the state drug offender treatment board is encouraged to fund and develop innovative and effective drug treatment programs.

(8) The interagency task force on treatment shall report to the judiciary committees of the house of representatives and senate on or before January 31, 2005, and January 31, 2007, regarding the anticipated savings generated by the enactment of Senate Bill 03-318, enacted at the first regular session of the sixty-fourth general assembly.

SECTION 31. In Colorado Revised Statutes, **repeal** 24-33.5-503

(1) (u).

SECTION 32. Appropriation - adjustments in 2012 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of corrections for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for inmate programs, drug and alcohol treatment subprogram, drug offender surcharge program, is decreased by \$995,127. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for inmate programs, drug and alcohol treatment subprogram, contract services, is decreased by \$250,000. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The reappropriated funds appropriation for community services, parole subprogram, contract services, is decreased by \$1,757,100. Said sum is from moneys transferred from the judicial department.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for mental health and alcohol and drug abuse services, alcohol and drug abuse division, treatment services, treatment and detoxification contracts, is decreased by \$887,300. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for mental health and alcohol and drug abuse services, alcohol and drug abuse division, treatment services, short-term intensive residential remediation and treatment (STIRRT), is decreased by \$383,316. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The reappropriated funds appropriation for mental health and alcohol and drug abuse services, co-occurring behavioral health services, substance use disorder offender services (H.B. 10-1352), is decreased by \$1,819,900. Said sum is from moneys transferred from the judicial department.

(3) For the implementation of this act, appropriations made in the annual general appropriation act to the judicial department for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for courts administration, central appropriations, for various centrally appropriated line items, is decreased by \$81,998. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for probation and related services, probation programs, is decreased by \$702,114. Said sum is from

the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The cash funds appropriation for probation and related services, offender treatment and services, is decreased by \$1,010,006. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(d) The reappropriated funds appropriation for probation and related services, offender treatment and services, is decreased by \$7,656,200. Said sum is from general fund moneys credited to the drug offender surcharge fund pursuant to section 18-19-103 (3.5), Colorado Revised Statutes.

(e) The general fund appropriation for probation and related services, S.B. 03-318 community treatment funding, is decreased by \$2,200,000.

(f) The general fund appropriation for probation and related services, H.B. 10-1352 appropriation to drug offender surcharge fund, is decreased by \$7,656,200.

(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of public safety for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The cash funds appropriation for the executive director's office, administration, for various centrally appropriated line items, is decreased by \$10,793. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(b) The cash funds appropriation for the division of criminal justice, administration, DCJ administrative services, is decreased by \$84,803. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(c) The general fund appropriation for the division of criminal justice, administration, DCJ administrative services, is decreased by \$37,964 and 0.5 FTE.

(d) The cash funds appropriation for the division of criminal justice, administration, indirect cost assessment, is decreased by \$8,401. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(e) The cash funds appropriation for the division of criminal justice, community corrections, community corrections placement, is decreased by \$994,019. Said sum is from the drug offender surcharge fund created in section 18-19-103 (4) (a), Colorado Revised Statutes.

(f) The reappropriated funds appropriation for the division of criminal justice, community corrections, treatment for substance abuse and co-occurring disorders, is decreased by \$1,568,750. Said sum is from moneys transferred from the judicial department.

SECTION 33. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of corrections, for the fiscal year beginning July 1, 2012, the sum of \$3,002,227, or so much thereof as may be necessary, for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the fiscal year beginning July 1, 2012, the sum of \$3,090,516, or so much thereof as may be necessary, for allocation to the mental health and alcohol and drug abuse services section for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum is from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, to the judicial department, for the fiscal year beginning July 1, 2012, the sum of \$25,120,277, or so much thereof as may be necessary, to be allocated for implementation of this act as follows:

(a) \$90,128 reappropriated funds and 1.0 FTE for courts administration, administration and technology, general courts administration, for personal services; said sum is from general fund moneys credited to the correctional treatment cash fund through the appropriation made in paragraph (d) of subsection (3) of this section;

(b) \$950 reappropriated funds for courts administration, administration and technology, general courts administration, for operating expenses; said sum is from general fund moneys credited to the

correctional treatment cash fund through the appropriation made in paragraph (d) of subsection (3) of this section;

(c) \$4,703 reappropriated funds for courts administration, centrally administered programs, courthouse capital/infrastructure maintenance, for capital outlay expenses; said sum is from general fund moneys credited to the correctional treatment cash fund through the appropriation made in paragraph (d) of subsection (3) of this section;

(d) \$9,856,200 general fund for probation and related services, to be credited to the correctional treatment cash fund pursuant to sections 18-19-103 (3.5) (b) and 18-19-103 (4) (a), Colorado Revised Statutes;

(e) \$5,407,877 cash funds for probation and related services, for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes; said sum is from the correctional treatment cash fund created in section 18-19-103 (3.5) (b), Colorado Revised Statutes; and

(f) \$9,760,419 reappropriated funds for probation and related services, for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes; said sum is from general fund moneys credited to the correctional treatment cash fund through the appropriation made in paragraph (d) of subsection (3) of this section.

(4) 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 \$2,666,766, or so much thereof as may be necessary, for allocation to the division of criminal justice for services and activities authorized by sections 18-19-103 (5) (c) and (d), Colorado Revised Statutes. Said sum shall be from reappropriated funds transferred from the judicial department from the appropriations made in paragraphs (b) and (c) of subsection (3) of this section."

Renumber succeeding sections accordingly.

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of those elected to the Senate having voted in the affirmative, Senators Mitchell and Steadman were given permission to offer a third reading amendment.

Third Reading Amendment No. 3(L.009), by Senators Mitchell and Steadman.

Amend revised bill, page 25, after line 7, insert:

"**SECTION 28.** In Colorado Revised Statutes, 16-11.3-103, **add** (2.7) as follows:

16-11.3-103. Duties of the commission - mission - staffing - repeal. (2.7) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA AND RESEARCH, THE COMMISSION SHALL CONSIDER THE DEVELOPMENT OF A COMPREHENSIVE DRUG SENTENCING SCHEME FOR ALL DRUG CRIMES DESCRIBED IN ARTICLE 18 OF TITLE 18, C.R.S. THE SENTENCING SCHEME SHALL CONSIDER:

(I) DEVELOPMENT OF A SENTENCING STRUCTURE THAT BETTER DIFFERENTIATES DRUG OFFENDERS WHO ARE PRIMARILY USERS AND ADDICTS FROM THOSE MORE SERIOUS OFFENDERS WHO ARE INVOLVED IN DRUG DISTRIBUTION, MANUFACTURING, OR TRAFFICKING;

(II) DEVELOPMENT OF RESOURCES THROUGH CHANGES IN THE CRIMINAL CODE THAT WILL ENHANCE INTERVENTION, SUPERVISION, AND TREATMENT IN THE COMMUNITY AND ENHANCE PUBLIC SAFETY BY ADDRESSING DRUG ABUSE AND ADDICTION AND BY DECREASING CRIME

THROUGH DRUG ABUSE RECOVERY;

(III) METHODS BY WHICH OFFENDERS CAN GAIN ACCESS TO ASSESSMENT-BASED TREATMENT SERVICES THAT ARE BASED ON TREATMENT NEED REGARDLESS OF THE LEVEL OR CLASSIFICATION OF THE CRIME;

(IV) CREATION OF EQUIVALENT PENALTIES FOR CRIMES THAT POSE SIMILAR RISKS TO PUBLIC SAFETY;

(V) ENHANCEMENT OF PENALTIES WHEN BEHAVIORS CLEARLY PRESENT A PUBLIC SAFETY RISK;

(VI) DEVELOPMENT OF RESOURCES FOR ADDITIONAL PRE-FILLING DIVERSION PROGRAMS AROUND THE STATE FOR DRUG OFFENDERS;

(VII) USE OF DRUG COURTS AND HOW LEGISLATIVE CHANGES COULD SUPPORT MORE EFFECTIVE USE OF THOSE RESOURCES;

(VIII) RELEVANT NEGATIVE IMPACTS RELATED TO CRIMINAL CONVICTIONS; AND

(IX) ANY OTHER ISSUES THAT THE COMMISSION DETERMINES TO BE IMPORTANT AND RELEVANT TO THE GOALS OF THE COMMISSION AND THE LEGISLATIVE INTENT OF HOUSE BILL 12-1310, ENACTED IN 2012.

(b) BY DECEMBER 15, 2012, THE COMMISSION SHALL PROVIDE TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES, A WRITTEN REPORT OF THE COMMISSION'S RECOMMENDATIONS FOR A COMPREHENSIVE DRUG SENTENCING SCHEME. IF THE COMMISSION IS UNABLE TO BRING FORTH ANY RECOMMENDATIONS FOR THE GENERAL ASSEMBLY TO CONSIDER, THE COMMISSION SHALL PROVIDE IN THE REPORT THE REASONS THE COMMISSION COULD NOT MAKE ANY RECOMMENDATIONS AND, IF POSSIBLE, DESCRIBE THE SPECIFIC AREAS OF DISAGREEMENT THAT PREVENTED THE COMMISSION FROM MAKING ANY RECOMMENDATIONS.

(c) THIS SUBSECTION (2.7) IS REPEALED, EFFECTIVE JULY 1, 2013."

Renumber succeeding sections accordingly.

The amendment was **passed** on the following roll call vote:

YES	34	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	N	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 those elected to the Senate having voted in the affirmative, Senator Grantham was given permission to offer a third reading amendment.

Third Reading Amendment No. 4(L.011), by Senator Grantham.

Amend revised bill, page 25, after line 7, insert:

"**SECTION 28.** In Colorado Revised Statutes, 19-2-601, **amend** (6) (b) and (8); and **add** (5) (a) (I) (D) and (10) as follows:

19-2-601. Aggravated juvenile offender. (5) (a) (I) Upon adjudication as an aggravated juvenile offender:

(D) WHEN THE PETITION ALLEGES THE OFFENSE OF MURDER IN THE FIRST DEGREE OR MURDER IN THE SECOND DEGREE, AND THE JUVENILE IS ADJUDICATED A DELINQUENT FOR EITHER MURDER IN THE FIRST DEGREE OR MURDER IN THE SECOND DEGREE, THEN THE COURT MAY SENTENCE THE JUVENILE CONSECUTIVELY OR CONCURRENTLY FOR ANY CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., OR AGGRAVATED JUVENILE OFFENDER PETITION ARISING FROM THAT PETITION.

(6) (b) Parole supervision of a juvenile who has been transferred to the department of corrections ~~shall be~~ is governed by the provisions for adult felony offenders in titles 16, ~~and~~ 17, AND 18, C.R.S., as if the juvenile had been sentenced as an adult felony offender; EXCEPT THAT, IF THE JUVENILE WAS ADJUDICATED AND SENTENCED FOR MURDER IN THE

FIRST DEGREE, THEN THE JUVENILE SHALL SERVE A TEN-YEAR PERIOD OF MANDATORY PAROLE AFTER COMPLETION OF HIS OR HER SENTENCE.

(8) (a) (I) When a juvenile in the custody of the department of human services pursuant to this section reaches the age of twenty years and six months, the department of human services shall file a motion with the court of commitment regarding further jurisdiction of the juvenile. Upon the filing of such a motion, the court shall notify the interested parties, APPOINT COUNSEL FOR THE JUVENILE, and set the matter for a hearing. THE COURT SHALL, AS PART OF THIS HEARING, RECONSIDER THE LENGTH OF THE REMAINING SENTENCE AND CONSIDER THE FACTORS AS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (8) HEREIN.

(II) WHEN THE COURT NOTIFIES THE INTERESTED PARTIES, THE COURT SHALL ORDER THAT THE JUVENILE SUBMIT TO AND COOPERATE WITH A PSYCHOLOGICAL EVALUATION AND RISK ASSESSMENT BY A MENTAL HEALTH PROFESSIONAL TO DETERMINE WHETHER THE JUVENILE IS A DANGER EITHER TO HIMSELF OR HERSELF OR TO OTHERS. THE MENTAL HEALTH PROFESSIONAL SHALL PREPARE A WRITTEN REPORT AND SHALL PROVIDE A COPY OF THE REPORT TO THE COURT THAT ORDERED IT, THE PROSECUTING ATTORNEY, AND COUNSEL FOR THE JUVENILE AT LEAST FIFTEEN DAYS BEFORE THE HEARING.

(b) At the hearing upon the motion, the court may either transfer the custody of and jurisdiction over the juvenile to the department of corrections FOR PLACEMENT IN A CORRECTIONAL FACILITY, THE YOUTHFUL OFFENDER SYSTEM, OR A COMMUNITY CORRECTIONS PROGRAM; authorize early release of the juvenile pursuant to subsection (7) of this section; PLACE THE JUVENILE ON ADULT PAROLE FOR A PERIOD OF FIVE YEARS; or order that custody and jurisdiction over the juvenile shall remain with the department of human services; except that the custody of and jurisdiction over the juvenile by the department of human services shall terminate when the juvenile reaches twenty-one years of age.

(c) IN CONSIDERING WHETHER OR NOT TO TRANSFER THE CUSTODY OF AND JURISDICTION OVER THE JUVENILE TO THE DEPARTMENT OF CORRECTIONS, THE COURT SHALL CONSIDER ALL RELEVANT FACTORS INCLUDING, BUT NOT LIMITED TO, THE COURT-ORDERED PSYCHOLOGICAL EVALUATION AND RISK ASSESSMENT, THE NATURE OF THE CRIMES COMMITTED, THE PRIOR CRIMINAL HISTORY OF THE OFFENDER, THE MATURITY OF THE OFFENDER, THE OFFENDER'S BEHAVIOR IN CUSTODY, THE OFFENDER'S PROGRESS AND PARTICIPATION IN CLASSES, PROGRAMS, AND EDUCATIONAL IMPROVEMENT, THE IMPACT OF THE CRIMES ON THE VICTIMS, THE LIKELIHOOD OF REHABILITATION, THE PLACEMENT WHERE THE OFFENDER IS MOST LIKELY TO SUCCEED IN REINTEGRATING IN THE COMMUNITY, AND THE INTEREST OF THE COMMUNITY IN THE IMPOSITION OF PUNISHMENT COMMENSURATE WITH THE GRAVITY OF THE OFFENSE.

(10) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON WHO IS EMPLOYED BY THE DEPARTMENT OF HUMAN SERVICES OR IS EMPLOYED UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND IS:

(a) A LICENSED PHYSICIAN WITH THE APPROPRIATE TRAINING AND EXPERTISE IN PSYCHIATRY; OR

(b) A LICENSED PSYCHOLOGIST.

SECTION 29. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2012, the sum of \$11,840, or so much thereof as may be necessary, to be allocated for the implementation of section 19-2-601, Colorado Revised Statutes, as amended by this act for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$11,840, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of corrections related to the implementation of section 19-2-601, Colorado Revised Statutes as amended by this act. Said sum is from reappropriated funds received from the department of corrections out of the appropriation made in subsection (1) of this section.

The amendment was passed on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Aguilar, Boyd, Foster, Grantham, Heath, Hudak, Jahn, King K., King S., Neville, Newell, Nicholson, Schwartz, Steadman and Williams S.

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.

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	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Aguilar.

HB12-1326 by Representative(s) Acree and Kefalas; also Senator(s) Spence and Nicholson--Concerning assistance to the elderly, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	12	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	Y
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.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, King S., Newell, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

HB12-1286 by Representative(s) Massey and Ferrandino, Todd, Brown, Casso, Coram, Court, Duran, Fields, Fischer, Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Kerr J., Liston, McCann, Miklosi, Pabon, Pace, Peniston, Priola, Ryden, Schafer S., Singer, Soper, Summers, Swerdfeger, Vigil, Williams A., Wilson, Young; also Senator(s) Newell and White, Aguilar, Bacon, Boyd, Foster, Heath, Jahn, Morse, Nicholson, Shaffer B., Steadman, Williams S.--Concerning film production activities in Colorado, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	N
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	N	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	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: Guzman, King S. and Spence.

HB12-1038 by Representative(s) Looper, Barker, Brown, Priola, Ramirez, Scott, Williams A.; also Senator(s) Williams S.--Concerning the creation of a multi-year registration for Class A trailers, and, in connection therewith, making an appropriation.

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: Brophy, Grantham, King K., Lundberg and Spence.

HB12-1042
by Representative(s) Pace; also Senator(s) Schwartz--Concerning a state income tax credit related to the portion of Colorado estate taxes paid that are attributable to agricultural land.

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: Guzman.

HB12-1361
by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman and Nicholson--Concerning claims against the state arising under the "Colorado Governmental Immunity Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Heath, Jahn, Lambert, Lundberg, Morse, Newell and Schwartz.

HB12-1351
by Representative(s) Becker; also Senator(s) Tochtrop--Concerning inclusion under the renewable energy standard's definition of recycled energy such energy that combusts synthetic gas derived from waste materials through pyrolysis as the fuel source for generation.

Laid over until Thursday, May 10, retaining its place on the calendar.

HB12-1353
by Representative(s) Becker, Gerou, Levy; also Senator(s) Steadman, Hodge, Lambert--Concerning the mitigation of the effect of automatic proportional reductions to the tier 2 transfers out of the operational account of the severance tax trust fund when revenue shortfalls occur.

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: Guzman.

HB12-1330 by Representative(s) Becker, Priola, Sonnenberg; also Senator(s) Hodge and Grantham--Concerning the creation of a hearing process to end a suspension of privileges to attempt to take wildlife, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, Neville, Steadman and Tochtrop.

HB12-1037 by Representative(s) Becker; also Senator(s) Tochtrop--Concerning the classification of the sales of certain items used in agricultural production as wholesale sales.

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: Brophy, Cadman, Guzman, Jahn, King K., Lambert and Lundberg.

HB12-1346 by Representative(s) Gardner B.; also Senator(s) King S.--Concerning sex offender registration.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, Nicholson and Steadman.

HB12-1300 by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Aguilar-- Concerning professional review committees, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Boyd, Foster, Guzman, Newell, Schwartz and Tochtrop.

HB12-1099 by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.-- Concerning the establishment of an industrial hemp remediation pilot program to study phytoremediation through the growth of hemp on contaminated soil, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
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: Steadman.

HB12-1349 by Representative(s) Baumgardner, Brown, Coram, Fischer, Hullinghorst, Jones, Joshi, Looper, McKinley, McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson; also Senator(s) Schwartz--Concerning the species conservation trust fund.

A majority of those elected to the Senate having voted in the affirmative, Senator Schwartz was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.002), by Senator Schwartz.

Amend revised bill, page 6, after line 15 insert:

"**SECTION 6.** In Colorado Revised Statutes, **add** 35-4-117 as follows:

35-4-117. County pest inspectors - weed and rodent control.
SUBJECT TO THE DIRECTION OF THE COUNTY COMMISSIONERS, A COUNTY PEST INSPECTOR MAY EXERCISE THE POWERS AND DUTIES GRANTED TO, AND PERFORM THE DUTIES OF, COUNTIES IN ACCORDANCE WITH ARTICLES 5.5 AND 7 OF THIS TITLE.

SECTION 7. In Colorado Revised Statutes, 35-5.5-105, **amend** (2) as follows:

35-5.5-105. Noxious weed management - powers of county commissioners. (2) (a) The board of county commissioners shall provide for the administration of the noxious weed management plan authorized by this article through the use of agents, delegates, or employees and may hire additional staff or provide for the performance of all or part of the management plan through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the department of agriculture for such application or recommendation. Costs associated with the administration of the noxious weed management plan shall be paid from the noxious weed management fund of each county.

(b) SUBJECT TO THE DIRECTION OF THE BOARD OF COUNTY COMMISSIONERS, AN AGENT OF THE COUNTY APPOINTED OR EMPLOYED UNDER THIS SUBSECTION (2) MAY EXERCISE THE POWERS AND DUTIES GRANTED TO, AND PERFORM THE DUTIES OF, A COUNTY PEST INSPECTOR IN ACCORDANCE WITH ARTICLES 4 AND 5 OF THIS TITLE."

Renumber succeeding section accordingly.

The amendment was **lost** on the following roll call vote:

YES	16	NO	19	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	N	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	N	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

The 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: Newell.

HB12-1352 by Representative(s) Gardner B. and Gerou; also Senator(s) Cadman--Concerning the creation of a state commission to address matters arising out of the lower north fork wildfire.

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: Boyd, Foster, Giron, Heath, Jahn, King K., Lambert, Lundberg, Morse, Neville, Nicholson, Schwartz and Williams S.

HB12-1355 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the transfer of the geological survey to the Colorado school of mines.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd and Hudak.

HB12-1360 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the transfer of up to four million dollars from the general fund to the Colorado economic development fund based upon the amount by which the June 2012 estimate of general fund revenue for the 2011-12 fiscal year exceeds the March 2012 estimate of general fund revenue for the 2011-12 fiscal year, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	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: Foster, Hudak and Newell.

HB12-1358 by Representative(s) Massey and McCann; also Senator(s) Aguilar--Concerning funding issues related to medical marijuana, and, in connection therewith, making an appropriation.

Laid over until Thursday, May 10, retaining its place on the calendar.

HB12-1278 by Representative(s) Fischer; also Senator(s) Renfroe--Concerning the authorization of a study of the South Platte river alluvial aquifer, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	Y	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	N	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: Brophy, Cadman, Grantham, Jahn, King K., Lambert, Lundberg, Newell, Neville, Scheffel and Shaffer B.

HB12-1214 by Representative(s) Becker, Todd; also Senator(s) Nicholson and Spence--Concerning community college two-year degree programs in certain health care fields without a student transfer agreement.

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, Foster, Heath, Hodge, Hudak, Newell, Schwartz, Tochtrop and Williams S.

RECONSIDERATION OF HB12-1099

HB12-1099 by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.-- Concerning the establishment of an industrial hemp remediation pilot program to study phytoremediation through the growth of hemp on contaminated soil, and, in connection therewith, making an appropriation.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1099.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1099 by Representative(s) McKinley, Sonnenberg; also Senator(s) Tochtrop and Williams S.-- Concerning the establishment of an industrial hemp remediation pilot program to study phytoremediation through the growth of hemp on contaminated soil, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
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.	N	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 declared **passed**.

RECONSIDERATION OF HB12-1110

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.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1110.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

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.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	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	Y
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 declared **passed**.

RECONSIDERATION OF HB12-1345

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1345.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1345 by Representative(s) Massey; also Senator(s) Bacon--Concerning the financing of public schools, and, in connection therewith, making and reducing appropriations.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	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.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-026 by Senator(s) Cadman; also Representative(s) Vaad--Concerning a state agency rule that creates a state mandate on a local government.

Senator Cadman moved that the Senate concur in House amendments to **SB12-026**, as printed in House journal, May 1, pages 1213-1214. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

Senator Hudak moved that the Senate concur in House amendments to **SB12-078**, as printed in House journal, May 1, pages 1214-1215. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	26	NO	9	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	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	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.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Guzman.

SB12-044 by Senator(s) Guzman; also Representative(s) Pabon--Concerning failure to present valid evidence of mass transit fare payment, and, in connection therewith, making an appropriation.

Senator Guzman moved that the Senate concur in House amendments to **SB12-044**, as printed in House journal, May 7, page 1281. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

RECONSIDERATION OF SB12-078

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Repassage of SB12-078.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS - cont'd

SB12-078 by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	24	NO	11	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	Y
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.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-166 by Senator(s) Giron and Roberts; also Representative(s) Priola and Williams A.-- Concerning the coordination of various economic development reports, and, in connection therewith, requiring the Colorado office of economic development to report annually to the general assembly regarding the programs it administers.

Senator Giron moved that the Senate concur in House amendments to **SB12-166**, as printed in House journal, May 7, page 1281. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-175 by Senator(s) Carroll and Roberts; also Representative(s) Gardner B. and Duran-- Concerning statutorily established time intervals.

Senator Carroll moved that the Senate concur in House amendments to **SB12-175**, as printed in House journal, May 7, pages 1281-1282. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Carroll, the following Governor's appointments were confirmed by a roll call vote:

BOARD OF PINNACOL ASSURANCE

for terms expiring January 1, 2017:

Jeffrey L. Cummings of Arvada, Colorado, an employer whose liability is insured by Pinnacol Assurance, 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		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB12-020 by Senator(s) Aguilar, Steadman; also Representative(s) Summers--Concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event.

Senator Aguilar moved for the adoption of the first report of the first conference committee on **SB12-020**, as printed in Senate journal, May 3, pages 1077-1078. The

motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	25	NO	10	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	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

MESSAGE FROM THE HOUSE

May 9, 2012

The House has adopted and transmits herewith HJR12-1024.

The House has adopted and returns herewith SJR12-041, SJR12-044, SJR12-025, SJR 043, and SJM12-003.

The House has passed on Third Reading and returns herewith SB12-170.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-051, amended as printed in House Journal, May 8, page 1329. SB12-159, amended as printed in House Journal, May 8, page 1329. SB12-068, amended as printed in House Journal, May 8, pages 1329-1330.

The House has voted not to concur in the Senate amendments to HB12-1036 and requests that a conference committee be appointed. The Speaker has appointed Representatives J. Kerr, chairman, Levy, and Murray as House conferees on the First Conference Committee on HB12-1036. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House voted to adhere to its position on HJR12-1010. The bill is transmitted herewith.

CONSIDERATION OF RESOLUTIONS

SR12-004 by Senator(s) Newell and Boyd, Aguilar, Bacon, Carroll, Foster, Giron, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, Lambert, Lundberg, Morse, Neville, Nicholson, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; --Concerning recognition of the office of Colorado's child protection ombudsman.

On motion of Senator Newell, 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: Brophy, Cadman, Grantham, Guzman, King K., King S., Mitchell, Renfroe and Roberts.

SJR12-034 by Senator(s) Carroll, Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Shaffer B., Steadman, Tochtrop, Williams S.; also Representative(s) Jones, Court, Casso, Duran, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, McCann, McKinley, Miklosi, Pabon, Pace, Peniston, Ryden, Schafer S., Singer, Solano, Soper, Todd, Tyler, Vigil, Williams A., Wilson, Young--Concerning the expression by the Colorado General Assembly of its strong opposition to recent federal court rulings affecting campaign finance and urging the reversal of the doctrine of corporate personhood as set forth in the case of Citizens United v. Federal Election Commission.

On motion of Senator Carroll, the resolution was read at length.

Amendment No. 1(L.001), by Senator Cadman.

Severed section #1, Page 1, lines 1 through 4 and lines 9 through 14.

Amend printed joint resolution, page 2, line 4, after "Corporations" insert "and labor unions".

Page 2, line 30, after "corporations" insert "and labor unions".

Page 2, line 35, after "corporations" insert "and labor unions".

Page 3, line 23, after "Corporations" insert "and labor unions".

Page 3, line 30, after "corporations" insert "and labor unions".

Page 3, line 31, strike "shareholders," and substitute "shareholders and members,"

Page 3, line 35, strike "corporations and individuals" and substitute "corporations, labor unions, and individuals".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Severed section #2, Page 1, lines 5 through 8.

Page 3, line 20, after "history," insert "with the possible exception of

activity by labor unions in the 2008-09 election cycle, which unions contributed \$674 million in that cycle, 92% of which was contributed to Democratic candidates,".

The amendment **lost** on the following roll call vote:

YES	16	NO	19	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	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Amendment No. 2(L.002), by Senator King K.

Amend printed joint resolution, page 3, after line 32 insert:

"WHEREAS, The corporations included in the relevant court cases and subject to any applicable restrictions include corporations organized under section 527 of the internal revenue code; and".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Carroll, the resolution, as amended, was **adopted** by the following roll call vote:

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	E	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.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

SJR12-037 by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning the need for adequate and reliable long-term sources of funding for the statewide transportation system.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, May 2, page 1020 and placed in members' bill files.)

On motion of Senator Tochtrop, the resolution, as amended, was **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		

SJR12-038 by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the 75th anniversary of Wildlife and Sport Fish Restoration Programs.

On motion of Senator Tochtrop, the resolution was **adopted** by the following roll call vote:

YES	34	NO	1	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	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsor added: Newell.

HJR12-1020 by Representative(s) Kefalas, Court, Duran, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Jones, Kagan, Kerr A., Labuda, Lee, Levy, McCann, Pabon, Pace, Peniston, Ryden, Schafer S., Solano, Soper, Todd, Tyler, Williams A., Wilson, Young, Casso, Massey, Miklosi, Swerdfeger, Vigil; also Senator(s) Nicholson, Boyd, Shaffer B., Aguilar, Bacon, Carroll, Guzman, Hudak, Jahn, King S., Roberts--Concerning civility and respect in the Colorado general assembly.

On motion of Senator Nicholson, the resolution was **adopted** by the following roll call vote:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	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.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

Co-sponsors added: Foster, Giron, Heath, Hodge, Newell, Schwartz, Steadman and Williams S.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (SB12-070, HB12-1160) of Wednesday, May 9 was laid over until Thursday, May 10, retaining its place on the calendar.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1024 by Representative(s) McNulty, Ferrandino; also Senator(s) Shaffer B., Cadman-- Concerning divestment from Iran for its continued pursuit of nuclear weapons.

On motion of Senator Shaffer, the resolution was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
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		

SENATE RECEDE ON HJR12-1010

HJR12-1010 by Representative(s) Todd and Massey; also Senator(s) Newell and White--Concerning recognition of the film, television, and video gaming industry in Colorado.

Senator Newell moved that the Senate recede from its position on **HJR12-1010** and that the Senate concur in House amendments. The motion was **adopted** by the following roll call vote:

YES	20	NO	12	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	E	Heath	E	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	9	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	E	Heath	E	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	Y	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Senators Lundberg, Lambert, Neville, Cadman, Scheffel, Grantham, Mitchell, King K., King S. requested their names be removed as sponsors on HJR12-1010.

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB12-1143 by Representative(s) Ferrandino; also Senator(s) Steadman--Concerning an adjustment in the reimbursement rates the state pays county governments for costs associated with elections involving statewide ballot measures, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
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.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB12-051 by Senator(s) Bacon; also Representative(s) Massey--Concerning requirements for contracts executed by local education providers.

Senator Bacon moved that the Senate concur in House amendments to **SB12-051**, as printed in House journal, May 8, page 1329. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	20	NO	12	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	E	Heath	E	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB12-159

by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B., Williams S.; also Representative(s) Kerr J., Massey, Schafer S., Peniston, Summers--Concerning the evaluation of home- and community-based services for children with autism under the medicaid waiver program, and, in connection therewith, making an appropriation.

Senator Hudak moved that the Senate concur in House amendments to **SB12-159**, as printed in House journal, May 8, page 1329. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	E	Heath	E	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	E
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, as amended, was **repassed**.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of House Amendments to Senate Bills Calendar of (SB12-068) was laid over until Wednesday, May 9, retaining its place on the calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS - cont'd

SB12-068

by Senator(s) Guzman; also Representative(s) Massey and Duran--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.

Senator Guzman moved that the Senate concur in House amendments to **SB12-068**, as printed in House journal, May 8, pages 1329-1330. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	N
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	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

MESSAGE FROM THE GOVERNOR

May 9, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-012: CONCERNING THE DEPARTMENT OF REVENUE AUDIT OF
AUTOMOBILE EMISSION INSPECTION FACILITIES

Approved May 9, 2012 at 11:19 a.m.

SB12-041: CONCERNING THE CONTINUOUS APPROPRIATION OF THE MONEYS
IN THE COMMERCIAL VEHICLE ENTERPRISE TAX FUND TO THE
DEPARTMENT OF REVENUE FOR SALES AND USE TAX REFUNDS

Approved May 9, 2012 at 11:20 a.m.

SB12-060: CONCERNING IMPROVING MEDICAID FRAUD PROSECUTION, AND,
IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATION

Approved May 9, 2012 at 11:20 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

IMMEDIATE RECONSIDERATION OF SB12-068

SB12-068 by Senator(s) Guzman; also Representative(s) Massey and Duran--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.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Repassage of **SB12-068**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS - cont'd

SB12-068 by Senator(s) Guzman; also Representative(s) Massey and Duran--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.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	N
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	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

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.

MESSAGE FROM THE HOUSE

May 9, 2012

The House has voted not to concur in the Senate amendments to HB12-1240 and requests that a conference committee be appointed. The Speaker has appointed Representatives A. Kerr, chairman, Massey, and Summers as House conferees on the First Conference Committee on HB12-1240. The bill is transmitted herewith.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Bacon, Chair, Johnston, and King K. as Senate conferees on the first conference committee on **HB12-1240**.

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 expressions of personal privilege.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1240

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1240,
concerning statutory changes to K-12 education, has met and reports that
it has agreed upon the following:

That the House accede to the Senate amendments made to the bill,
as the amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 47, line 25, strike "IN" and substitute "IF".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Andrew Kerr, Chairman	Bob Bacon, Chairman
Tom Massey	Mike Johnston
Ken Summers	Keith King

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB12-1240 by Representative(s) Kerr A.; also Senator(s) Bacon and King K.--Concerning statutory changes to K-12 education.

Senator Bacon moved for the adoption of the first report of the first conference committee on **HB12-1240**, as printed in Senate journal, May 8, page 1270. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	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	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

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 expressions of personal privilege.

Senate in recess. Senate reconvened.

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 expressions of personal privilege.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1036

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1036, concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill.
2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 3, after line 7 insert:

"SECTION 2. 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.

(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 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 3. Applicability.** (1) The provisions of section 1 of this act apply to".

Page 3, after line 11 insert:

"(2) The provisions of section 2 of this act apply to requests for inspection of ballots submitted on or after the effective date of this act.".

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee:
(signed)
Jim Kerr, Chairman
Carole Murray
Claire Levy

Senate Committee:
(signed)
Betty Boyd, Chairman
Rollie Heath
Jean White

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB12-1036 by Representative(s) Kerr J.; also Senator(s) Boyd--Concerning clarification of the exemption from the "Colorado Open Records Act" for investigative files.

Senator moved for the adoption of the first report of the first conference committee on **HB12-1036**, as printed in Senate journal, May 8, pages 1271-1274. The motion was **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		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

COMMITTEE OF REFERENCE REPORTS

Appropriations	After consideration on the merits, the Committee recommends the following:	1
		2
	The Senate Committee on <u>Appropriations</u> has had under consideration SB12-107.	3
	Adjournment sine die of the Second Regular Session of the 68th General Assembly having	4
	passed, SB12-107 is returned herewith to the Senate.	5
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Appropriations	After consideration on the merits, the Committee recommends the following:	7
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	The Senate Committee on <u>Appropriations</u> has had under consideration SB12-071.	9
	Adjournment sine die of the Second Regular Session of the 68th General Assembly having	10
	passed, SB12-071 is returned herewith to the Senate.	11
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Appropriations	After consideration on the merits, the Committee recommends the following:	13
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	The Senate Committee on <u>Appropriations</u> has had under consideration SB12-019.	15
	Adjournment sine die of the Second Regular Session of the 68th General Assembly having	16
	passed, SB12-019 is returned herewith to the Senate.	17
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	On motion of Senator Morse, and with a majority of those elected to the Senate having	24
	voted in the affirmative, the Senate proceeded out of order for expressions of personal	25
	privilege.	26
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	MESSAGE FROM THE HOUSE	31
		32
	May 9, 2012	33
		34
	The House has voted to concur in the Senate amendments to HB12-1223,	35
	1329, 1263, 1266, 1268, 1281, 1273, 1311, 1315, 1300, 1261, 1286, 1317,	36
	1332, 1038, 1283, 1345, 1326, 1278, 1352, 1155, 1310, and has repassed	37
	the bills as so amended.	38
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	The House has voted to concur in the Senate amendments to HJR12-1021,	40
	and has repassed the resolution as so amended.	41
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	The House has adopted and returns herewith SJR12-037.	43
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	The House has adopted the First Report of the First Conference Committee on	45
	HB12-1036, as printed in House Journal, May 9, and has repassed the bill as amended.	46
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	The House has adopted the First Report of the First Conference Committee on	48
	HB12-1240, as printed in House Journal, May 9, and has repassed the bill as amended.	49
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	CONSIDERATION OF RESOLUTIONS	54
		55
SJR12-049	by Senator(s) Morse, Shaffer B., Cadman; also Representative(s) Stephens, McNulty,	56
	Ferrandino--Concerning the appointment of a joint committee to notify the Governor that	57
	the Second Regular Session of the Sixty-eighth General Assembly is about to adjourn sine	58
	die.	59
		60
	On motion of Senator Morse, the resolution was adopted by the following roll call vote:	61
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		64

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 and King K.

The President appointed Senators Boyd and Spence to serve on the committee to notify the Governor.

MESSAGE FROM THE HOUSE

May 9, 2012

The House has adopted and returns herewith SJR12-049.Pursuant to SJR12-049, the Speaker has appointed Representatives Massey, Swerdfeger, and Todd as House members on the joint committee to notify the Governor of adjournment sine die.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1025 by Representative(s) Stephens, McNulty, Ferrandino; also Senator(s) Morse, Shaffer B., Cadman--Concerning the adjournment sine die of the Second Regular Session of the Sixty-eighth General Assembly.

On motion of Senator Morse, the resolution was **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		

TRIBUTES

Honoring:

- Leo and Mary Ann Hart, 50th Wedding Anniversary - by Senator Hodge.
- Aaron Tate, Amgen Award recipient for Science Teaching Excellence -- by Senator Hodge.
- Recycled Art Show Winners from Mrs. Pisciotta's 4th Grade Class at Desert Sage Elementary -- by Senator Giron.
- David Serrato Individual Recycled Art Show Winner -- by Senator Giron.
- Indian Ridge Elementary School 4th Graders for efforts to save and improve the lives of girls and women who are Darfur refugees -- by Senator Spence.
- Donna Shepherd for developing and directing the Project Citizen program at Indian Ridge Elementary School -- by Senator Spence.

On motion of Senator Morse, and with the unanimous consent of those elected to the Senate having voted in the affirmative, the Second Regular Session of the Sixty-eighth General Assembly adjourned *sine die* at 11:59 p.m., Wednesday, May 9, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

Addendum

(As authorized by Section 26, Article V of
the Constitution of the State of Colorado)

Contains all sections following adjournment *sine die* of the
Second Regular Session, Sixty-eighth General Assembly

MESSAGE FROM THE HOUSE

May 9, 2012

The House has adopted and returns herewith SJR12-049. Pursuant to SJR12-049, the Speaker has appointed Representatives Massey, Swerdfeger, and Todd as House members on the joint committee to notify the Governor of adjournment sine die.

The House has adopted and transmits herewith HJR12-1025.

The House took no action on SJR12-004, SJR12-034, SJR12-038, SJR12-045, and SJR12-046 until May 10, deeming them lost. The resolutions are returned herewith.

The House took no action on SB 12-002, 005, 027, 028, 046, 047, 086, 101, 104, 108, 116, 117, 129, 155, 163, 164, 165, 169, 172, 173, 176, 177, 182, 183, and 184, deeming them lost. The bills are returned herewith.

The House took no action on SCR 12-001, deeming it lost. The Concurrent Resolution is returned herewith.

The House Committee on Finance took no action on SB12-171, deeming it lost. The bill is returned herewith.

The House Committee on Legislative Council took no action on SB12-083, deeming it lost. The bill is returned herewith.

The House Committee on State Veterans and Military Affairs took no action on SB12-004, deeming it lost. The bill is returned herewith.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-009.

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-034, 037, 038 and 049; SR12-004.
Correctly Revised: HJR12-1020 and 1024.
Correctly Rerevised: HB12-1037, 1038, 1042, 1045, 1099, 1110, 1119, 1143, 1155, 1214, 1240, 1261, 1263, 1266, 1268, 1273, 1278, 1281, 1283, 1286, 1300, 1310, 1311, 1315, 1317, 1326, 1327, 1328, 1330, 1332, 1334, 1345, 1346, 1349, 1350, 1352, 1353, 1355, 1357, 1360 and 1361.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-010, 128, 145 and 149.

SENATE SERVICES REPORT

Correctly Enrolled: SB12-020, 026, 036, 038, 068, 078, 118, 159, 160, 161, 166 and 170.

MESSAGE FROM THE GOVERNOR

May 11, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-123: CONCERNING THE SECRETARY OF STATE'S ON-LINE BUSINESS FILING SYSTEM, AND, IN CONNECTION THEREWITH, AUTHORIZING ENHANCEMENTS TO THE SYSTEM, THE DESIGNATION OF COMMERCIAL REGISTERED AGENTS, AND CHANGES TO A REPORTING ENTITY'S ANNIVERSARY MONTH AND MAKING AN APPROPRIATION.

Approved May 11, 2012 at 10:06 a.m.

SB12-121: CONCERNING CHARTER SCHOOLS.

Approved May 11, 2012 at 10:28 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-020, 026, 036, 038, 068, 078, 118, 159, 160, 161, 166 and 170; HB12-1086.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1002, 1041, 1045, 1052, 1053, 1059, 1068, 1081, 1084, 1105, 1108, 1124, 1155, 1238, 1275, 1286, 1302, 1304, 1307, 1314, 1315, 1326, 1329, 1331, 1345, 1350, HJR12-1017, 1022.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-044, 051 and 175; SJM12-003, 004; SJR12-025, 036, 037, 039, 040, 041, 043, 044, 048 and 049; SR12-003, 004.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, May 16, 2012 at 3:13 p.m.:
SB12-009, 010, 020, 026, 036, 038, 044, 051, 068, 078, 118, 128, 145, 149, 159, 160, 161, 166, 170 and 175.

SENATE SERVICES REPORT

Correctly Enrolled: SB12-020, 026, 036, 038, 044, 051, 068, 078, 118, 159, 160, 161, 166, 170 and 175; SJM12-003, 004; SJR12-025, 036, 037, 039, 040, 041, 043, 044, 048 and 049; SR12-003 and 004.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1037, 1042, 1043, 1099, 1110, 1119, 1143, 1214, 1223, 1226, 1237, 1261, 1270, 1272, 1274, 1294, 1303, 1324, 1327, 1328, 1330, 1334, 1346, 1353, 1355, 1357, 1360, 1361.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1038, 1168, 1263, 1268, 1273, 1278, 1281, 1300, 1317, 1332, 1349, 1352.

MESSAGE FROM THE GOVERNOR

May 24, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB12-009: CONCERNING THE CONSOLIDATION OF CASH FUNDS ADMINISTERED BY THE DIVISION OF WATER RESOURCES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

Approved May 24, 2012 at 12:44 p.m.

SB12-010: CONCERNING THE AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY TO USE GRANTS AND DONATIONS FOR THE PURPOSE OF FUNDING THE ACTIVITIES OF THE COLORADO BUREAU OF INVESTIGATION.

Approved May 24, 2012 at 12:44 p.m.

SB12-026: CONCERNING A STATE AGENCY RULE THAT CREATES A STATE MANDATE ON A LOCAL GOVERNMENT.

Approved May 24, 2012 at 12:44 p.m.

SB12-051: CONCERNING REQUIREMENTS FOR CONTRACTS EXECUTED BY LOCAL EDUCATION PROVIDERS.

Approved May 24, 2012 at 12:45 p.m.

SB12-118: CONCERNING THE REPEAL OF THE REQUIREMENT FOR A HOTEL AND RESTAURANT ALCOHOL LICENSE THAT TWENTY-FIVE PERCENT OF SALES MUST BE FROM MEALS.

Approved May 24, 2012 at 12:45 p.m.

SB12-145: CONCERNING A CAP ON THE 2011-12 STATE FISCAL YEAR TRANSFERS TO THE STATE PUBLIC SCHOOL FUND FROM PUBLIC SCHOOL LAND MONIES.

Approved May 24, 2012 at 12:44 p.m.

SB12-150: CONCERNING THE STATE TREASURER'S AUTHORITY TO MANAGE STATE PUBLIC FINANCING, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

Approved May 24, 2012 at 12:38 p.m.

SB12-159: CONCERNING THE EVALUATION OF HOME- AND COMMUNITY-BASED SERVICES FOR CHILDREN WITH AUTISM UNDER THE MEDICAID WAIVER PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Approved May 24, 2012 at 12:46 p.m.

SB12-160: CONCERNING PARENT INVOLVEMENT IN PUBLIC EDUCATION ADVISORY COMMITTEES.

Approved May 24, 2012 at 12:46 p.m.

SB12-161: CONCERNING MEASURES TO REDUCE HEALTH CARE COSTS IN CORRECTIONAL FACILITIES.

Approved May 24, 2012 at 12:46 p.m.

SB12-168: CONCERNING A TRIGGER RELATED TO GENERAL FUND OBLIGATIONS CREATED IN SENATE BILL 09-228.

Approved May 24, 2012 at 12:47 p.m.

SB12-170: CONCERNING AUTHORIZATION FOR PERSONALIZED LICENSE PLATES OF ONE POSITION TO FUND A PROGRAM THAT HELPS PERSONS WITH DISABILITIES OBTAIN BENEFITS.

Approved May 24, 2012 at 12:47 p.m.

SB12-175: CONCERNING STATUTORILY ESTABLISHED TIME INTERVALS.

Approved May 24, 2012 at 12:47 p.m.

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Sincerely,
(signed)
John W. Hickenlooper
Governor

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB12-1036, 1240, 1266, 1283, 1310, 1311, HJR12-1010, 1020, 1021, 1024, 1025.

MESSAGE FROM THE GOVERNOR

May 29, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-020: CONCERNING IMMUNITY FROM CERTAIN CRIMINAL OFFENSES WHEN A PERSON REPORTS IN FOOD FAITH AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT.

Approved May 29, 2012 at 9:37 a.m.

SB12-078: CONCERNING PROTECTIONS FOR AT-RISK ADULTS.

Approved May 29, 2012 at 9:38 a.m.

SB12-149: CONCERNING THE CIRCUMSTANCES IN WHICH THE BOARD OF DEFINED BENEFIT PLAN OR SYSTEM CREATED BY A LOCAL GOVERNMENT MAY MODIFY RETIREMENT BENEFIT PROVISIONS OF THE PLAN OR SYSTEM.
Approved May 29, 2012 at 9:39 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

MESSAGE FROM THE GOVERNOR

June 4, 2012
To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB12-166: CONCERNING THE COORDINATION OF VARIOUS ECONOMIC DEVELOPMENT REPORTS, AND, IN CONNECTION THEREWITH, REQUIRING THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT TO REPORT ANNUALLY TO THE GENERAL ASSEMBLY REGARDING THE PROGRAMS IT ADMINISTERS.

Approved June 4, 2012 at 12:44 p.m.

SB12-068: 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.

Approved June 4, 2012 at 1:55 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

MESSAGE FROM THE GOVERNOR

June 6, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-038: CONCERNING MEASURE TO PROTECT CONSUMERS WHO ENGAGE A ROOFING CONTRACTOR TO PERFORM ROOFING SERVICES ON RESIDENTIAL PROPERTY.

Approved June 6, 2012 at 11:59 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

MESSAGE FROM THE GOVERNOR

June 8, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB12-036: CONCERNING PARENTAL CONSENT FOR THAT COLLECTION OF INFORMATION FROM STUDENTS IN SCHOOLS.

Approved June 8, 2012 at 1:58 p.m.

SB12-044: CONCERNING FAILURE TO PRESENT VALID EVIDENCE OF MASS
TRANSIT FARE PAYMENT, AND, IN CONNECTION THEREWITH, MAKING AN
APPROPRIATION.

Approved June 8, 2012 at 1:58 p.m.

SB12-128: CONCERNING ACHIEVING EFFICIENCIES IN THE MEDICAID
LONG-TERM CARE PROGRAM THROUGH GREATER UTILIZATION OF
ALTERNATIVE CARE FACILITIES.

Approved June 8, 2012 at 1:59 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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