

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Twenty-third Legislative Day

Thursday, February 2, 2012

1 The Speaker called the House to order at 9:00 a.m.

2

3 Prayer by Rabbi Joseph Black, Temple Emanuel, Denver.

4

5 Pledge of Allegiance led by Tyler Steele, Home Schooled, Bayfield.

6

7 The roll was called with the following result:

8

9 Present--65.

10

11 The Speaker declared a quorum present.

12

13

14 On motion of Representative Szabo, the reading of the journal of
 15 February 1, 2012, was declared dispensed with and approved as corrected
 16 by the Chief Clerk.

17

18

19 **THIRD READING OF BILL(S)--FINAL PASSAGE**

20

21 The following bill(s) was(were) considered on Third Reading. The
 22 title(s) was(were) publicly read. Reading of the bill at length was
 23 dispensed with by unanimous consent.

24

25 **HB12-1040** by Representative(s) Casso--Concerning recognition of
 26 September 11 as a state holiday, in certain years, and in
 27 connection therewith, designating September 11 as
 28 "Patriot Day".

29

30 Laid over until February 6, retaining place on Calendar.

31

32 **HB12-1002** by Representative(s) Sonnenberg; also Senator(s) Jahn--
 33 Concerning the rules of state agencies applicable to
 34 applications for permits.

35

36 The question being "Shall the bill pass?".

37 A roll call vote was taken. As shown by the following recorded vote, a
 38 majority of those elected to the House voted in the affirmative and the bill
 39 was declared **passed**.

40

	YES	48	NO	17	EXCUSED	0	ABSENT	0
42	Acree	Y	Fischer	N	Looper	Y	Solano	N
43	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y

1	Barker	Y	Gerou	Y	McCann	N	Soper	Y
2	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
3	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
4	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
5	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
6	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
7	Casso	N	Kagan	Y	Pace	Y	Todd	Y
8	Conti	Y	Kefalas	N	Peniston	Y	Tyler	Y
9	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
10	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	N
11	DelGrosso	Y	Labuda	N	Ryden	Y	Waller	Y
12	Duran	N	Lee	Y	Schafer S.	Y	Williams A.	Y
13	Ferrandino	N	Levy	N	Scott	Y	Wilson	N
14	Fields	N	Liston	Y	Singer	N	Young	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Baumgardner, Becker, Beezley, Brown,
17 Coram, DelGrosso, Gerou, Holbert, Joshi, Liston, Pace, Priola, Ramirez, Scott,
18 Swalm, Speaker.

19

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23

CONSIDERATION OF RESOLUTION(S)

24

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

27

28 (Printed and placed in members' file)

29

30 On motion of Representative Massey, the resolution was read at length
31 and **adopted** by **viva voce** vote.

32

33 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
34 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
35 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou,
36 Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J.,
37 Labuda, Lee, Levy, Liston, Looper, McCann, McKinley, Miklosi, Murray,
38 Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S., Scott,
39 Singer, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger,
40 Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.

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44

MESSAGE(S) FROM THE SENATE

45

46 The Senate has adopted and transmits herewith: SJR12-011, 012.

47

48

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

49

50
51 On motion of Representative Stephens, the rules were suspended and the
52 following resolutions were given immediate consideration.

53

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

1 (Printed and placed in member's file).

2

3 On motion of Representative DelGrosso, the resolution was **adopted** by
4 **viva voce** vote.

5

6 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
7 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
8 Court, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Hamner, Holbert,
9 Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Levy,
10 Liston, Looper, Massey, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon,
11 Pace, Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer, Solano,
12 Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd,
13 Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.

14

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

18

19 On motion of Representative Sonnenberg, the resolution was read at
20 length and **adopted** by the following roll call vote:

21

22

	YES	65	NO	0	EXCUSED	0	ABSENT	0
23	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
24	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
25	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
26	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
27	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
28	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
29	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
30	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
31	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
32	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
33	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
34	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
35	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
36	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
37	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
38	Fields	Y	Liston	Y	Singer	Y	Young	Y
39							Speaker	Y

40

41 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
42 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
43 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou,
44 Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J.,
45 Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi,
46 Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S.,
47 Scott, Singer, Solano, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo,
48 Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.

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51 House in recess. House reconvened.

52

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1 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2

3 **EDUCATION**

4 After consideration on the merits, the Committee recommends the
5 following:

6

7 **HB12-1090** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10

11 Amend printed bill, page 12, line 11, strike "(9.5) (b) (II),".

12

13 Page 12, line 12, strike "(10) (a) (IV), (10) (b) (I),".

14

15 Page 13, strike lines 20 through 25.

16

17 Page 14, strike lines 20 through 27.

18

19 Page 15, strike lines 1 through 20.

20

21

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23

24 **FINANCE**

25 After consideration on the merits, the Committee recommends the
26 following:

27

28 **HB12-1011** be postponed indefinitely.

29

30

31 **HB12-1018** be referred to the Committee of the Whole with favorable
32 recommendation.

33

34

35 **HB12-1031** be referred to the Committee of the Whole with favorable
36 recommendation.

37

38

39 **HB12-1037** be referred favorably to the Committee on Appropriations.

40

41

42 **HB12-1077** be referred to the Committee of the Whole with favorable
43 recommendation.

44

45

46 **HB12-1096** be referred to the Committee of the Whole with favorable
47 recommendation.

48

49

50 **HB12-1104** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:

53

54 Amend printed bill, page 4, line 5, strike "January 1, 2020," and substitute
55 "~~January 1, 2020~~ JANUARY 1, 2017,".

56

1 Page 5, line 4, strike "January 1, 2021," and substitute "~~January 1, 2021~~
2 JANUARY 1, 2018,".

3

4

5

6 **HB12-1177** be amended as follows, and as so amended, be referred to
7 the Committee on Appropriations with favorable
8 recommendation:

9

10 Amend printed bill, page 2, line 12, strike "ON DECEMBER 31, 2011;" and
11 substitute "IN DECEMBER 2011;".

12

13 Page 2, line 18, strike "ON DECEMBER 31," and substitute "IN DECEMBER".

14

15 Page 3, line 13, after "PROGRAM." insert "FOR ELIGIBLE INDIVIDUALS, THE
16 GRANTS MAY BE MADE RETROACTIVE TO JANUARY 1, 2012.".

17

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21 **JUDICIARY**

22 After consideration on the merits, the Committee recommends the
23 following:

24

25 **HB12-1053** be amended as follows, and as so amended, be referred to
26 the Committee of the Whole with favorable
27 recommendation:

28

29 Amend printed bill, page 4, line 7, strike "SENTENCE." and substitute
30 "SENTENCE PURSUANT TO RULE 35 (a) OR (b) OF THE COLORADO RULES OF
31 CRIMINAL PROCEDURE.".

32

33 Page 6, line 6, strike "ALLOW OTHER ARRANGEMENTS" and substitute
34 "ARRANGE AND PROVIDE THE MEANS".

35

36 Page 6, line 7, strike "OR" and substitute "AND".

37

38 Page 6, line 21, strike "OTHER ARRANGEMENTS," and substitute "THE
39 COURT TO ARRANGE FOR AND PROVIDE THE MEANS TO ADDRESS THE
40 COURT,".

41

42 Page 6, line 22, strike "TECHNOLOGY, TO" and substitute "TECHNOLOGY.".

43

44 Page 6, line 23, strike "ADDRESS THE COURT.".

45

46 Page 6, line 26, strike "DOES NOT APPLY" and substitute "APPLIES".

47

48 Page 7, line 1, strike "CORRECTIONS." and substitute "CORRECTIONS, BUT
49 IS LIMITED TO PARTICIPATION BY TELEPHONE.".

50

51 Page 7, line 24, after "RECORD," insert "OR THE DEFENSE ATTORNEY'S
52 AGENT,".

53

54 Page 7, strike lines 26 and 27.

55

56 Page 8, strike lines 1 through 8 and substitute:

1 "(x) THE RIGHT TO BE NOTIFIED OF HOW TO REQUEST PROTECTION
2 OF THEIR ADDRESS PURSUANT TO THE COLORADO RULES OF CRIMINAL
3 PROCEDURE."

4

5 Page 8, line 25, after "(11) (h)," insert "(11) (i),".

6

7 Page 10, line 7, strike "AND".

8

9 Page 10, line 12, strike "STATEMENT." and substitute "STATEMENT;"

10

11 Page 10, after line 12 insert:

12

13 "(i) THE AVAILABILITY OF THE DISTRICT ATTORNEY TO SEEK A
14 COURT ORDER TO PROTECT A VICTIM'S RESIDENTIAL ADDRESS."

15

16 Page 13, line 12, after "NOTICE" insert "FROM THE DISTRICT ATTORNEY'S
17 OFFICE".

18

19 Page 14, line 2, after the period add "THE VICTIM SHALL HAVE THE RIGHT
20 AND BE GIVEN THE OPTION TO INDICATE IN WRITING OR ELECTRONICALLY
21 HIS OR HER DESIRE TO NOT BE CONTACTED BY THE DISTRICT ATTORNEY OR
22 ANY JUDICIAL PERSONNEL AND OPT OUT OF THE VICTIM RIGHTS PROCESS."

23

24 Page 15, line 10, strike "OR ADDRESS".

25

26 Page 15, line 11, strike "OR ADDRESS".

27

28 Page 15, line 16, strike "THE DEFENDANT'S ATTORNEY SHALL NOT SHARE
29 A".

30

31 Page 15, strike lines 17 and 18.

32

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34

35 **HB12-1073** be referred to the Committee of the Whole with favorable
36 recommendation.

37

38

39 **HB12-1100** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:

42

43 Amend printed bill, page 3, line 16, strike "UNDER CIRCUMSTANCES NOT"
44 and substitute "THROUGH METHODS OTHER THAN THE SCREENING OR
45 TESTING".

46

47

48

49

50 **STATE, VETERANS, & MILITARY AFFAIRS**

51 After consideration on the merits, the Committee recommends the
52 following:

53

54 **HB12-1003** be postponed indefinitely.

55

56

1 **TRANSPORTATION**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB12-1023** be referred favorably to the Committee on Appropriations.

6
7
8 **HB12-1066** be amended as follows, and as so amended, be referred to
9 the Committee on Finance with favorable
10 recommendation:

11
12 Amend printed bill, page 16, line 1, strike "and (52.7)".

13
14 Page 16, line 5, strike "OR A MINIATURE TRUCK".

15
16 Page 16, strike lines 10 through 14.

17

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22 **MESSAGE(S) FROM THE SENATE**

23 The Senate has adopted and returns herewith: HJR12-1009.

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30 **INTRODUCTION OF BILLS**

31 **First Reading**

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

34

35 **HB12-1221** by Representative(s) Liston, Kerr J., Balmer, Miklosi,
36 Summers, Swalm, Williams A.; also Senator(s) Tochtrop,
37 Boyd, Morse--Concerning billing for anatomic pathology
38 services.

39 Committee on Economic and Business Development

40

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

44 Committee on Education

45

46 **SB12-094** by Senator(s) Hodge, Carroll, Aguilar, Boyd, Giron,
47 Guzman, Harvey, Hudak, Jahn, Mitchell, Neville, Newell,
48 Nicholson, Schwartz, Steadman, Tochtrop, White; also
49 Representative(s) Szabo, Acree, Balmer, Baumgardner,
50 Becker, Beezley, Bradford, Brown, Casso, Conti,
51 DelGrosso, Ferrandino, Gardner B., Holbert, Hullinghorst,
52 Jones, Joshi, Kerr J., Liston, Looper, Murray, Nikkel,
53 Pabon, Priola, Ramirez, Scott, Swalm, Swerdfeger, Todd,
54 Tyler, Waller, Williams A.--Concerning clarification of
55 the definition of food used in state sales tax laws to ensure
56 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

1 because the store sells the food product or markets the
2 food product for sale as a convenience food.
3 Committee on Local Government

4 _____
5
6
7 **APPOINTMENTS**

8
9 Pursuant to House rule 49, the Speaker announced the appointments of
10 Representatives Massey, Chairman, Levy, Vice-Chairman, DelGrosso,
11 Solano, and Sonnenberg, to the Committee on Ethics.

12 _____
13
14
15 **LAY OVER OF CALENDAR ITEM(S)**

16
17 On motion of Representative Stephens, the following item(s) on the
18 Calendar (was)were laid over until February 6, retaining place on
19 Calendar:

20
21 Consideration of General Orders--**HB1061 amended, 1068 amended,**
22 **1105, 1017.**

23 _____
24
25
26 On motion of Representative Stephens, the House adjourned until
27 10:00 a.m., February 6, 2012.

28
29 Approved:
30 FRANK McNULTY,
31 Speaker

32 Attest:
33 MARILYN EDDINS,
34 Chief Clerk