

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

Seventeenth Legislative Day

Friday, January 27, 2012

1 The Speaker called the House to order at 9:00 a.m.
 2
 3 Prayer by Captain Dell Harlow-Curtis, Warrior Transition Battalion
 4 Chaplain, Fort Carson.
 5
 6 Pledge of Allegiance led by Anthony Martin, Community College of
 7 Aurora.
 8
 9 The roll was called with the following result:
 10
 11 Present--61.
 12 Excused--Representative(s) Becker, Beezley, Scott--3.
 13 Vacancy--1.
 14

15 The Speaker declared a quorum present.

16 _____
 17
 18 On motion of Representative A. Williams, the reading of the journal of
 19 January 26, 2012, was declared dispensed with and approved as corrected
 20 by the Chief Clerk.
 21 _____
 22

COMMUNICATIONS
STATE OF COLORADO

**Department of
State**

UNITED STATES OF AMERICA } SS. Certificate
STATE OF COLORADO

33
34
35 I, Scott Gessler, Secretary of State of the State of Colorado, do hereby
36 certify that the attached is a true and exact copy of the Designation of
37 Nomination by Vacancy Committee as filed in this office on the twenty-
38 third day of January, 2012, by the Democratic 11th House District
39 Vacancy Committee, designating the appointment of Jonathan Singer to
40 fill the vacancy in the office of the Colorado State House of
41 Representatives, District 11, for the Sixty-eighth General Assembly of
42 the State of Colorado, caused by the resignation of the Honorable Deb
43 Gardner.

1 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
2 the Great Seal of the State of Colorado, at the City and County of Denver
3 this twenty-sixth day of January, 2012.

4
5 (Signed)
6 Scott Gessler
7 Secretary of State

8 _____
9
10
11 **STATE OF COLORADO**

12
13 **Department of**
14 **State**

15
16 **UNITED STATES OF AMERICA)** **SS. Certificate**
17 **STATE OF COLORADO)**

18
19 I, Scott Gessler, Secretary of State of the State of Colorado, do hereby
20 certify that the attached is a true and exact copy of the Acceptance of
21 Designation by Vacancy Committee as filed in this office on the twenty-
22 third day of January, 2012, by Jonathan Singer, accepting the
23 appointment of the Democratic 11th House District Vacancy Committee
24 to fill the vacancy in the office of Colorado State House of
25 Representatives, District 11, for the Sixty-eighth General Assembly of
26 the State of Colorado, caused by the resignation of the Honorable Deb
27 Gardner.

28
29 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
30 the Great Seal of the State of Colorado, at the City and County of Denver
31 this twenty-sixth day of January, 2012.

32
33 (Signed)
34 Scott Gessler
35 Secretary of State

36 _____
37
38 The Speaker appointed Representatives Stephens, Waller, and Ferrandino
39 as members of the Credentials Committee

40 _____
41
42 Representative Stephens called a meeting of the Credentials Committee.

43 _____
44
45 House in recess. House reconvened.

46 _____
47
48 On request of Representative Stephens, the following report was read:

49 _____
50
51 **REPORT OF THE COMMITTEE ON CREDENTIALS**
52 **January 27, 2012**

53
54 The Committee on Credentials has made examination and finds that the
55 certificate of the Democratic Vacancy Committee for the Eleventh
56 Representative District, State of Colorado, naming Jonathan Singer

1 certified by the Secretary of State of the State of Colorado, is a true,
2 complete and authentic certificate. Jonathan Singer is entitled to
3 membership in this body pursuant to law in such case made and
4 provided.

5
6 (signed)
7 Amy Stephens
8 Mark Waller
9 Mark Ferrandino

10

11

12 On motion of Representative Stephens, the report from the Committee on
13 Credentials was **adopted** by **viva voce** vote.

14

15

16 A committee of three, composed of Representatives Liston, Casso, and
17 Young was appointed by the Speaker to wait upon Justice Rice.

18

19

20 Chief Sergeant-at-Arms Wallin announced the arrival of the Honorable
21 Nancy Rice, Justice of the Supreme Court, State of Colorado.

22

23

24 The Committee escorted Justice Rice to the rostrum where she
25 administered the oath of office to Representative elect Jonathan Singer.

26

27

28 The Committee escorted Justice Rice from the chamber.

29

30 On January 27, 2012, at 9:15 a.m., Jonathan Singer, 2201 14th Avenue,
31 Longmont, 80501, was sworn in as Representative for District 11. Justice
32 Nancy Rice administered the oath of office in the Chamber of the House
33 of Representatives.

34

35

36 Speaker McNulty ordered Representative Singer's name added to the roll
37 call of the House

38

39

Present--Representative Jonathan Singer--1.

40

41

42

43

REPORT(S) OF COMMITTEE(S) OF REFERENCE

44

JUDICIARY

46 After consideration on the merits, the Committee recommends the
47 following:

48

49 **SB12-014** be referred to the Committee of the Whole with favorable
50 recommendation.

51

52

53 On motion of Representative Stephens, **HB12-1054, SB12-014** were
54 made Special Orders on Friday, January 27, 2012, at 9:23 a.m.

55

56

1 The hour of 9:23 a.m., having arrived, on motion of Representative
 2 Baumgardner, the House resolved itself into Committee of the Whole for
 3 consideration of Special Orders and he was called to the Chair to act as
 4 Chairman.

5
6
7
8 **SPECIAL ORDERS--SECOND READING OF BILLS**
9

10 The Committee of the Whole having risen, the Chairman reported the
 11 titles of the following bills had been read (reading at length had been
 12 dispensed with by unanimous consent), the bills considered and action
 13 taken thereon as follows:
 14

15 (Amendments to the committee amendment are to the printed committee
 16 report which was printed and placed in the members' bill file.)
 17

18 **HB12-1054** by Representative(s) Fields, Summers; also Senator(s)
 19 Boyd--Concerning simplification of the procurement
 20 process for providers who have previously been approved
 21 to participate in health care programs administered by the
 22 department of health care policy and financing.
 23

24 Amendment No. 1, Health & Environment Report, dated
 25 January 24, 2012, and placed in member's bill file; Report also printed in
 26 House Journal, January 25, pages 84-85.
 27

28 As amended, ordered engrossed and placed on the Calendar for Third
 29 Reading and Final Passage.
 30

31 **SB12-014** by Senator(s) Bacon and Roberts, Morse; also
 32 Representative(s) Levy and Gardner B.--Concerning the
 33 conformity of the schedule for disclosure of campaign
 34 finance information with the date of the primary election.
 35

36 Ordered revised and placed on the Calendar for Third Reading and Final
 37 Passage.
 38

39
40
41 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
42

43 Passed Second Reading: **HB12-1054 amended, SB12-014.**
 44

45 The Chairman moved the adoption of the Committee of the Whole
 46 Report. As shown by the following roll call vote, a majority of those
 47 elected to the House voted in the affirmative, and the Report was
 48 **adopted.**
 49

	YES	61	NO	0	EXCUSED	3	ABSENT	1
51	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
52	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
53	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
54	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
55	Becker	E	Holbert	Y	Miklosi	-	Summers	Y
56	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y

1	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
2	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
3	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
4	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
5	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
6	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
7	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
8	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
9	Ferrandino	Y	Levy	Y	Scott	E	Wilson	Y
10	Fields	Y	Liston	Y	Singer	Y	Young	Y
11							Speaker	Y

12
13
14
15
16 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

17
18 **ECONOMIC & BUSINESS DEVELOPMENT**

19 After consideration on the merits, the Committee recommends the
20 following:

21
22 **HB12-1002** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:

25
26 Amend printed bill, page 3, strike lines 4 through 21, and substitute:

27
28 "REQUIREMENT. IF THE RULES GOVERNING THE AGENCY'S PERMIT PROCESS
29 OR THE REQUIREMENTS TO QUALIFY FOR A PERMIT HAVE BEEN AMENDED,
30 THE AGENCY SHALL PROCESS THE APPLICATION UNDER THE RULES IN
31 EFFECT ON THE DATE OF THE APPLICATION, UNLESS THE AGENCY
32 DETERMINES IN WRITING THAT:

33
34 "(I) (A) THE NEW RULES MATERIALLY AFFECT THE HEALTH AND
35 SAFETY OF THE PUBLIC; AND

36
37 (B) USE OF THE EXISTING, UNREVISED RULES IS LIKELY TO RESULT
38 IN AN UNSAFE SITUATION IF THE APPLICANT DOES NOT COMPLY WITH THE
39 NEW RULES; OR

40
41 (II) NEW RULES OR NEW REQUIREMENTS ARE NECESSARY TO
42 ENSURE THAT THE AGENCY AND THE PERMIT WILL BE IN COMPLIANCE
43 WITH THE REQUIREMENTS OF FEDERAL LAW AND FEDERAL REGULATIONS.

44
45 (b) IF THE AGENCY DETERMINES THAT ONE OF THE EXCEPTIONS TO
46 THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2) WILL
47 OCCUR IF THE APPLICANT DOES NOT COMPLY WITH THE NEW RULES OR NEW
48 REQUIREMENTS, THE AGENCY SHALL:"

49
50 Page 3, line 26, strike "STATUTORY OR ADMINISTRATIVE" and substitute
51 "RULES OR NEW".

52
53 Page 3, after line 26 insert:

54
55 "(3) IF AN AGENCY ADOPTS OR AMENDS RULES THAT GOVERN OR
56 IMPACT THE APPLICATION PROCESS OR ANY PERMIT ELIGIBILITY

1 REQUIREMENTS AFTER A PERSON HAS APPLIED FOR A PERMIT OR RENEWAL
2 OF A PERMIT AND WHILE THE APPLICATION IS PENDING WITH THE AGENCY,
3 THE PERSON SHALL HAVE THE OPTION TO HAVE THE APPLICATION
4 PROCESSED UNDER THE RULES IN EXISTENCE AT THE TIME OF THE FILING
5 OF THE APPLICATION OR UNDER THE NEW RULES."

6

7

8

9 **HB12-1027** be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:

12

13 Amend printed bill, page 2, line 24, strike "A" and insert "THE
14 DEPARTMENT OR A".

15

16 Page 4, strike lines 11 through 20 and substitute:

17

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

21

22

23

24 **HB12-1093** be postponed indefinitely.

25

26

27

28

29 **STATE, VETERANS, & MILITARY AFFAIRS**

30 After consideration on the merits, the Committee recommends the
31 following:

32

33 **HB12-1035** be amended as follows, and as so amended, be referred to
34 the Committee on Appropriations with favorable
35 recommendation:

36

37 Amend printed bill, page 2, after line 15 insert:

38

39 **"SECTION 2.** In Colorado Revised Statutes, 42-2-303, **repeal**
40 (4) (b) as follows:

41

42 **42-2-303. Contents of identification card.** (4) (b) ~~To be issued~~
43 ~~an identification card bearing a branch of service identifier, or to have~~
44 ~~such license renewed, the applicant shall pay a fee of fifteen dollars to~~
45 ~~the department, which shall be in addition to any other fee for an~~
46 ~~identification card. The department shall transfer the fee to the state~~
47 ~~treasurer, who shall credit the fee to the highway users tax fund."~~

48

49 Renumber succeeding section accordingly.

50

51

52

53 **HB12-1040** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:

56

- 1 Amend printed bill, page 3, line 12, strike "recognized" and substitute
- 2 "periodically observed".
- 3
- 4 Page 3, line 24, strike "(3);" and substitute "(2);".
- 5
- 6 Page 4, strike lines 21 through 27.
- 7
- 8 Page 5, strike lines 1 through 10.
- 9
- 10 Page 5, line 11, strike "(3)" and substitute "(2)".
- 11
- 12 Page 1, line 101, strike "HOLIDAY," and substitute "HOLIDAY IN CERTAIN
- 13 YEARS,".
- 14
- 15
- 16

17 **HB12-1067** be postponed indefinitely.

18 _____

21 **APPOINTMENT**

23 The Speaker announced the appointment of Representative Singer to
24 replace Representative Court on the Committee on Economic & Business
25 Development Committee.

26 _____

29 **LAY OVER OF CALENDAR ITEM(S)**

31 On motion of Representative Stephens, the following item(s) on the
32 Calendar (was)were laid over until January 30, retaining place on
33 Calendar:

- 35 Consideration of Third Reading--**HB12-1028, 1010, 1022, 1001.**
- 36 Consideration of General Orders--**HB12-1055.**
- 37 Consideration of Resolution(s)--**SJR12-002.**

38 _____

41 On motion of Representative Stephens, the House adjourned until
42 10:00 a.m., January 30, 2012.

44 Approved:
45 FRANK McNULTY,
46 Speaker

47 Attest:
48 MARILYN EDDINS,
49 Chief Clerk

1