

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

Forty-third Legislative Day

Wednesday, February 22, 2012

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

2

3 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
4 Church, Denver.

5

6 Pledge of Allegiance led by Ciara Knoedler, Free Horizon Elementary
7 and Aida Knoedler, Montessori Pre School, Lakewood.

8

9 The roll was called with the following result:

10

11 Present--63.

12 Excused--Representative(s) Beezley, A. Williams--2.

13 Present after roll call--Representative(s) A. Williams.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Scott, the reading of the journal of
19 February 21, 2012, was declared dispensed with and approved as
20 corrected by the Chief Clerk.

21

22

23

24

25

APPOINTMENT

26

Finance

27 The Speaker announced the temporary appointment of Representative
28 Szabo to replace Representative Beezley to the Committee on Finance
29 (temporary appointment for the Finance meeting on Wednesday,
30 February 22, 2012).

31

32

33

34

35

36

CHANGE IN SPONSORSHIP

37

38 The Speaker announced the following changes in sponsorship:
39 HB12-1272--Representative Ramirez to be added as dual prime sponsor
40 with Representative Duran.

41

42

43

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

2
3 The following bill(s) was(were) considered on Third Reading. The
4 title(s) was(were) publicly read. Reading of the bill at length was
5 dispensed with by unanimous consent.

6
7 **HB12-1094** by Representative(s) Kerr A; also Senator(s) King, S.--
8 Concerning increasing the fine for parking in front of a
9 fire hydrant in an unincorporated area of a county.

10
11 The question being "Shall the bill pass?".
12 A roll call vote was taken. As shown by the following recorded vote, a
13 majority of those elected to the House voted in the affirmative and the
14 bill was declared **passed**.

	YES	39	NO	25	EXCUSED	1	ABSENT	0
17	Acree	N	Fischer	Y	Looper	N	Solano	Y
18	Balmer	N	Gardner B.	N	Massey	Y	Sonnenberg	N
19	Barker	N	Gerou	N	McCann	N	Soper	Y
20	Baumgardner	N	Hamner	Y	McKinley	N	Stephens	N
21	Becker	N	Holbert	N	Miklosi	Y	Summers	Y
22	Beezley	E	Hullinghorst	Y	Murray	N	Swalm	N
23	Bradford	Y	Jones	Y	Nikkel	N	Swerdfeger	Y
24	Brown	N	Joshi	N	Pabon	Y	Szabo	Y
25	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
26	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
27	Coram	N	Kerr A.	Y	Priola	N	Vaad	N
28	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
29	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	N
30	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
31	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
32	Fields	Y	Liston	N	Singer	Y	Young	Y
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Court, Fields, Hamner, Jones, Labuda,
35 Pabon, Tyler.

36
37 **HB12-1151** by Representative(s) McCann, Fields, Lee, Miklosi,
38 Peniston, Schafer S., Vigil, Williams A.; also Senator(s)
39 King S.--Concerning the trafficking of human beings.

40
41 The question being "Shall the bill pass?".
42 A roll call vote was taken. As shown by the following recorded vote, a
43 majority of those elected to the House voted in the affirmative and the bill
44 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
47	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
48	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
49	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
50	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
51	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
52	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
53	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
54	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
55	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
56	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y

1	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
2	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
3	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
4	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
5	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
6	Fields	Y	Liston	Y	Singer	Y	Young	Y
7							Speaker	Y

8 Co-sponsor(s) added: Representative(s) Casso, Conti, Court, Duran, Fischer,
9 Hullinghorst, Kagan, Kefalas, Labuda, Solano, Soper, Stephens, Summers,
10 Todd.

11
12 **HB12-1065** by Representative(s) Lee; also Senator(s) Nicholson--
13 Concerning the deadline for an advanced practice nurse
14 who was granted prescriptive authority prior to
15 July 1, 2010, to develop an articulated plan for purposes of
16 retaining prescriptive authority.

17
18 The question being "Shall the bill pass?".

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

22	YES	63	NO	1	EXCUSED	1	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	E	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	N
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 Co-sponsor(s) added: Representative(s) Brown, Court, Fields, Hullinghorst,
42 Kefalas, Kerr A., Labuda, Singer, Summers, Todd, Tyler, Vigil, Young.

43
44
45 **SB12-094** by Senator(s) Hodge, Carroll, Aguilar, Boyd, Giron,
46 Guzman, Harvey, Hudak, Jahn, Mitchell, Neville, Newell,
47 Nicholson, Schwartz, Steadman, Tochtrop, White; also
48 Representative(s) Szabo, Acree, Balmer, Baumgardner,
49 Becker, Beezley, Bradford, Brown, Casso, Conti,
50 DelGrosso, Ferrandino, Gardner B., Holbert, Hullinghorst,
51 Jones, Joshi, Kerr J., Liston, Looper, Murray, Nikkel,
52 Pabon, Priola, Ramirez, Scott, Swalm, Swerdfeger, Todd,
53 Tyler, Waller, Williams A.--Concerning clarification of
54 the definition of food used in state sales tax laws to ensure
55 that the treatment for sales tax purposes of a food product
56 sold for domestic home consumption by a grocery store,

1 supermarket, or convenience store does not change solely
 2 because the store sells the food product or markets the
 3 food product for sale as a convenience food.
 4

5 The question being "Shall the bill pass?".
 6 A roll call vote was taken. As shown by the following recorded vote, a
 7 majority of those elected to the House voted in the affirmative and the bill
 8 was declared **passed**.
 9

	YES	64	NO	0	EXCUSED	1	ABSENT	0
11	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
12	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
13	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
14	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
15	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
16	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
17	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
18	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
19	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
20	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
21	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
22	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
23	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
24	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
25	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
26	Fields	Y	Liston	Y	Singer	Y	Young	Y
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Barker, Fields, Labuda, Sonnenberg,
 29 Stephens, Summers, Vigil.
 30

31 **HB12-1012** by Representative(s) Williams A.; also Senator(s)
 32 Guzman--Concerning authorization for reimbursement for
 33 up to fifty thousand dollars of actual, reasonable, and
 34 necessary business reestablishment expenses to be paid by
 35 a state agency in connection with the reestablishment of an
 36 operation displaced by a Department of Transportation
 37 Project or a Project with Department of Transportation
 38 Oversight
 39

40 The question being "Shall the bill pass?".
 41 A roll call vote was taken. As shown by the following recorded vote, a
 42 majority of those elected to the House voted in the affirmative and the bill
 43 was declared **passed**.
 44

	YES	64	NO	0	EXCUSED	1	ABSENT	0
46	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
47	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
48	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
49	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
50	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
51	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
52	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
53	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
54	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
55	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
56	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y

1	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
2	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
3	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
4	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
5	Fields	Y	Liston	Y	Singer	Y	Young	Y
6							Speaker	Y

7 Co-sponsor(s) added: Representative(s) Brown, Duran, Kerr A., Labuda,
8 Looper, Vaad, Vigil, Young.

9
10 **HB12-1246** by Representative(s) Becker, Gerou, Levy; also Senator(s)
11 Hodge, Steadman, Lambert--Concerning a reversal of the
12 annual payday shift as it applies to state employees paid on
13 a biweekly basis, and making an appropriation in
14 connection therewith.

15
16 The question being "Shall the bill pass?".

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

21	YES	64	NO	0	EXCUSED	1	ABSENT	0
22	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
23	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
24	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
25	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
26	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
27	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
28	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
29	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
30	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
31	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
32	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
33	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
34	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
35	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
36	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
37	Fields	Y	Liston	Y	Singer	Y	Young	Y
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Baumgardner, Conti, Fields, Fischer,
40 Hullinghorst, Kefalas, Kerr A., Sonnenberg, Summers, Young.

41
42 **HB12-1247** by Representative(s) Gerou, Becker, Levy; also Senator(s)
43 Steadman, Hodge, Lambert--Concerning annual reductions
44 in the amount of tobacco litigation settlement moneys that
45 are allocated in the fiscal year in which the state receives
46 them, and, in connection therewith, offsetting the
47 reductions with tobacco litigation settlement cash fund
48 moneys made available by the repeal of the short-term
49 innovative health program grant fund.

50
51 The question being "Shall the bill pass?".

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

55

	YES	64	NO	0	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
3	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
4	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
5	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
6	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
7	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
8	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
9	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
10	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
11	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
12	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
13	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
14	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
15	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
16	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
17	Fields	Y	Liston	Y	Singer	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Holbert, Joshi, Kerr A., Todd.

20
 21 **HB12-1248** by Representative(s) Gerou, Becker, Levy; also Senator(s)
 22 Lambert, Hodge, Steadman--Concerning the receipt of
 23 certain moneys by the department of law.

24
 25 The question being "Shall the bill pass?".

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

	YES	50	NO	14	EXCUSED	1	ABSENT	0
31	Acree	Y	Fischer	Y	Looper	Y	Solano	N
32	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
33	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
34	Baumgardner	Y	Hamner	Y	McKinley	N	Stephens	Y
35	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
36	Beezley	E	Hullinghorst	N	Murray	Y	Swalm	N
37	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
38	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
39	Casso	N	Kagan	Y	Pace	Y	Todd	Y
40	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
41	Coram	Y	Kerr A.	Y	Priola	N	Vaad	Y
42	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
43	DelGrosso	Y	Labuda	Y	Ryden	N	Waller	Y
44	Duran	N	Lee	Y	Schafer S.	Y	Williams A.	Y
45	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	N
46	Fields	Y	Liston	Y	Singer	Y	Young	Y
47							Speaker	N

48
 49
 50 **HB12-1249** by Representative(s) Gerou, Becker, Levy; also Senator(s)
 51 Steadman, Hodge, Lambert--Concerning the manner in
 52 which tobacco litigation settlement moneys are allocated
 53 to the state auditor's office for the costs of conducting
 54 program reviews and evaluations of the performance of
 55 tobacco settlement programs.

56

1 The question being "Shall the bill pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the bill
 4 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
7	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
8	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
9	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
10	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
11	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
12	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
13	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
14	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
15	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
16	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
17	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
18	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
19	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
20	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
21	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
22	Fields	Y	Liston	Y	Singer	Y	Young	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Todd.

25
 26 **HB12-1217** by Representative(s) Tyler; also Senator(s) Aguilar--
 27 Concerning the authority of an organization that maintains
 28 a regularly established inspection department to conduct
 29 inspections of its own pressure-retaining items.

30
 31 The question being "Shall the bill pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative and the bill
 34 was declared **passed**.

	YES	63	NO	1	EXCUSED	1	ABSENT	0
37	Acree	N	Fischer	Y	Looper	Y	Solano	Y
38	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
39	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
40	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
41	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
42	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
43	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
44	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
45	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
46	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
47	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
48	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
49	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
50	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
51	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
52	Fields	Y	Liston	Y	Singer	Y	Young	Y
53							Speaker	Y

54 Co-sponsor(s) added: Representative(s) Fischer, Swalm, Wilson.

55
 56

1 **HB12-1029** by Representative(s) Holbert; also Senator(s) Scheffel--
 2 Concerning an economic stimulus through a property tax
 3 exemption for business personal property, and, in
 4 connection therewith, enacting the "Save Colorado Jobs
 5 Act".
 6

7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared passed.
 11

	YES	64	NO	0	EXCUSED	1	ABSENT	0
13	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
14	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
15	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
16	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
17	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
18	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	Y
19	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
20	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
21	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
22	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
23	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
24	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
25	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
26	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
27	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
28	Fields	Y	Liston	Y	Singer	Y	Young	Y
29							Speaker	Y

30 Co-sponsor(s) added: Representative(s) Becker, Brown, Conti, DelGrosso,
 31 Duran, Ferrandino, Fischer, Hulinghorst, Joshi, Kefalas, Kerr A., Lee, Levy,
 32 Liston, Looper, Massey, Murray, Priola, Schafer S., Scott, Stephens, Summers,
 33 Swalm, Todd, Young.
 34

35 **HB12-1085** by Representative(s) Fields; also Senator(s) Carroll and
 36 Hudak--Concerning an exception to the hearsay rule to
 37 allow testimony from persons with developmental
 38 disabilities.
 39

40 The question being "Shall the bill pass?".
 41 A roll call vote was taken. As shown by the following recorded vote, a
 42 majority of those elected to the House voted in the affirmative and the bill
 43 was declared **passed**.
 44

	YES	56	NO	8	EXCUSED	1	ABSENT	0
46	Acree	Y	Fischer	Y	Looper	Y	Solano	N
47	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
48	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
49	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
50	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
51	Beezley	E	Hullinghorst	Y	Murray	Y	Swalm	N
52	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
53	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
54	Casso	Y	Kagan	N	Pace	Y	Todd	Y
55	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
56	Coram	N	Kerr A.	Y	Priola	Y	Vaad	Y

1	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
2	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	N
3	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
4	Ferrandino	Y	Levy	N	Scott	Y	Wilson	N
5	Fields	Y	Liston	N	Singer	Y	Young	Y
6							Speaker	Y

7 Co-sponsor(s) added: Representative(s) Casso, Duran, Gardner B., Looper,
8 Nikkel, Todd, Young

9
10
11 House in recess. House reconvened.
12
13

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

15 **ECONOMIC & BUSINESS DEVELOPMENT**

16
17 After consideration on the merits, the Committee recommends the
18 following:
19

20
21 **HB12-1116** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:
24

25 Amend printed bill, page 4, strike lines 17 through 19 and substitute
26 "SERVICES AS LONG AS THE SERVICES ARE PROVIDED IN THE NORMAL
27 COURSE OF BUSINESS IN SUPPORTING A CONVEYANCE OF TITLE OR IN
28 ISSUING TITLE INSURANCE PRODUCTS IN A TIME SHARE RESALE
29 TRANSACTION. TO THE EXTENT THE ATTORNEY, TITLE AGENT, TITLE
30 COMPANY, OR ESCROW COMPANY IS ENGAGED IN PROVIDING SERVICES OR
31 PRODUCTS THAT ARE OUTSIDE THE NORMAL COURSE OF BUSINESS IN
32 SUPPORTING A CONVEYANCE OF TITLE OR IN ISSUING TITLE INSURANCE
33 PRODUCTS OR HAS AN AFFILIATED BUSINESS ARRANGEMENT WITH A PARTY
34 TO A TIME SHARE RESALE TRANSACTION, THIS EXEMPTION DOES NOT
35 APPLY."
36

37 Page 4, line 24, strike "COMMUNICATION:" and substitute
38 "COMMUNICATION, UNLESS PERFORMED BY A PERSON OR ENTITY THAT,
39 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (11.5) OF THIS SECTION, IS
40 EXEMPTED:"
41

42 Page 9, line 5, after "(f)" insert "(I)".
43

44 Page 9, strike line 9 and substitute "OWNER OF THE RESALE TIME SHARE A
45 COPY OF THE RECORDED DEED OR OTHER EQUIVALENT WRITTEN EVIDENCE
46 CLEARLY DEMONSTRATING THAT THE RESALE TIME SHARE HAS BEEN
47 TRANSFERRED TO A SUBSEQUENT TRANSFEREE IN ACCORDANCE WITH THE
48 TIME SHARE RESALE TRANSFER AGREEMENT AND APPLICABLE LAW AND:"
49

50 Page 9, line 10, strike "(I)" and substitute "(A)".
51

52 Page 9, line 16, strike "AND" and substitute "OR".
53

54 Page 9, strike lines 17 through 21 and substitute:
55

56 "(B) IF, AFTER RECEIVING WRITTEN REQUEST FROM THE TIME

1 SHARE RESALE ENTITY, THE ASSOCIATION OF TIME SHARE OWNERS OR
2 OTHER RESPONSIBLE PERSON FAILS TO PROVIDE A WRITTEN
3 ACKNOWLEDGMENT AS DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS
4 SUBPARAGRAPH (I) WITHIN THIRTY DAYS AFTER RECEIPT OF THE REQUEST,
5 A WRITTEN STATEMENT TO THAT EFFECT, SPECIFYING THE DATE ON WHICH
6 THE WRITTEN REQUEST WAS SUBMITTED AND INCLUDING A COPY OF THE
7 REQUEST FOR THE ACKNOWLEDGMENT SUBMITTED TO THE ASSOCIATION
8 OR RESPONSIBLE PERSON.

9
10 (II) (A) IF THE ASSOCIATION OF TIME SHARE OWNERS OR OTHER
11 RESPONSIBLE PERSON DETERMINES THAT A TIME SHARE RESALE ENTITY
12 HAS NOT COMPLIED WITH THE ASSOCIATION'S POLICIES GOVERNING THE
13 TRANSFER OF A RESALE TIME SHARE BY A TIME SHARE OWNER, THE
14 ASSOCIATION OR RESPONSIBLE PERSON SHALL PROVIDE TO THE RESALE
15 TIME SHARE ENTITY THE BASIS FOR THE DETERMINATION AND A COPY OF
16 THE ASSOCIATION'S POLICIES GOVERNING THE TRANSFER OF A RESALE TIME
17 SHARE SO AS TO ALLOW THE TIME SHARE RESALE ENTITY THE
18 OPPORTUNITY TO COMPLY WITH THE ASSOCIATION'S POLICIES AND OBTAIN
19 THE WRITTEN ACKNOWLEDGMENT DESCRIBED IN SUB-SUBPARAGRAPH (A)
20 OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f).

21
22 (B) A DETERMINATION PURSUANT TO SUB-SUBPARAGRAPH (A) OF
23 THIS SUBPARAGRAPH (II) IS NOT A FAILURE TO RESPOND TO A WRITTEN
24 REQUEST SUBMITTED BY A TIME SHARE RESALE ENTITY PURSUANT TO
25 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f);".

26
27 Page 11, after line 22 insert:

28
29 **"SECTION 4. No appropriation.** The general assembly has
30 determined that this act can be implemented within existing
31 appropriations, and therefore no separate appropriation of state moneys
32 is necessary to carry out the purposes of this act.".

33
34 Renumber succeeding section accordingly.

35
36
37
38 **HB12-1129** be amended as follows, and as so amended, be referred to
39 the Committee on Appropriations with favorable
40 recommendation:

41
42 Amend printed bill, page 2, line 5, after "(a)" insert "(I)".

43
44 Page 2, after line 11 insert:

45
46 "(II) IF, IN EITHER STATE FISCAL YEAR 2012-2013 OR 2013-2014,
47 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT DOES NOT RECEIVE
48 FEDERAL FUNDS FOR SMALL BUSINESS DEVELOPMENT CENTERS IN AN
49 AMOUNT AT LEAST EQUAL TO THE MONEYS IT RECEIVED FOR SUCH
50 PURPOSE IN FISCAL YEAR 2011-2012, THE GENERAL ASSEMBLY MAY, IN
51 LIEU OF THE APPROPRIATION DESCRIBED IN SUBPARAGRAPH (I) OF THIS
52 PARAGRAPH (a), APPROPRIATE TO THE OFFICE MONEYS IN SUCH AMOUNT,
53 NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS, THAT WOULD
54 MAKE UP THE DIFFERENCE.".

55
56

1 **HB12-1134** be postponed indefinitely.

2

3

4 **HB12-1170** be postponed indefinitely.

5

6

7 **HB12-1174** be postponed indefinitely.

8

9

10 **HB12-1288** be amended as follows, and as so amended, be referred to
11 the Committee of the Whole with favorable
12 recommendation:

13

14 Amend printed bill, page 4, line 27, strike "PRIOR TO THE INITIATION" and
15 substitute "AS PART".

16

17 Page 5, after line 4 insert:

18

19 "(II) A BUSINESS CASE FOR THE PROJECT THAT IS IN ALIGNMENT
20 WITH THE STRATEGIC GOALS OF THE STATE AGENCY;

21

22 (III) BUSINESS REQUIREMENTS FOR THE PROJECT DEVELOPED IN
23 COLLABORATION WITH THE STATE AGENCY AND END USERS;".

24

25 Renumber succeeding subparagraphs accordingly.

26

27 Page 5, line 24, strike the first "OF" and substitute "OF, OR ANY ADDITIONS
28 OR SUBSTANTIAL CHANGES TO,".

29

30

31

32

33 **HEALTH & ENVIRONMENT**

34 After consideration on the merits, the Committee recommends the
35 following:

36

37 **HB12-1141** be amended as follows, and as so amended, be referred to
38 the Committee on Appropriations with favorable
39 recommendation:

40

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

43

44 "SECTION 1. In Colorado Revised Statutes, 12-29.5-105, add
45 (3) as follows:

46

47 **12-29.5-105. Unlawful acts - exceptions.**

48 (3) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
49 CONTRARY, A MENTAL HEALTH CARE PROFESSIONAL WHO IS LICENSED,
50 REGISTERED, OR CERTIFIED PURSUANT TO ARTICLE 43 OF THIS TITLE AND
51 WHO HAS BEEN TRAINED TO PERFORM AURICULAR ACUDETUX MAY
52 PERFORM AURICULAR ACUDETUX. THE AURICULAR ACUDETUX MUST BE
53 PERFORMED UNDER THE MENTAL HEALTH CARE PROFESSIONAL'S CURRENT
54 SCOPE OF PRACTICE.

55

56 (b) AS USED IN THIS SUBSECTION (3) "AURICULAR ACUDETUX"

1 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
2 ACUPUNCTURE NEEDLES IN THE FOLLOWING FIVE CONSISTENT,
3 PREDETERMINED BILATERAL LOCATIONS:

4

5 (I) SYMPATHETIC;

6

7 (II) SHEN MEN;

8

9 (III) KIDNEY;

10

11 (IV) LIVER; AND

12

13 (V) LUNG.

14

15 **SECTION 2. Effective date.** This act takes effect July 1, 2012.

16

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

20

21

22

23 **HB12-1204** be referred to the Committee of the Whole with favorable
24 recommendation.

25

26

27 **HB12-1281** be referred favorably to the Committee on Appropriations.

28

29

30

31

32 **JUDICIARY**

33 After consideration on the merits, the Committee recommends the
34 following:

35

36 **HB12-1130** be amended as follows, and as so amended, be referred to
37 the Committee on Appropriations with favorable
38 recommendation:

39

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

42

43 "SECTION 1. In Colorado Revised Statutes, **add** 18-1-506 as
44 follows:

45

46 **18-1-506. Construction of statutes regarding unborn members**
47 **of the species homo sapiens.** IF THE COMMISSION OF ANY CRIME CODIFIED
48 IN THIS TITLE OR TITLE 42, C.R.S., IS THE PROXIMATE CAUSE OF DEATH OR
49 INJURY TO AN UNBORN MEMBER OF THE SPECIES HOMO SAPIENS, THE
50 RESPECTIVE HOMICIDE AND ASSAULT CHARGES FOR THAT DEATH OR
51 INJURY MAY BE BROUGHT CONTEMPORANEOUSLY WITH THE UNDERLYING
52 CHARGES.

53

54 **SECTION 2. Potential appropriation.** Pursuant to section
55 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
56 in periods of imprisonment in the state correctional facilities must include

1 an appropriation of moneys that is sufficient to cover any increased
2 capital construction and operational costs for the first five fiscal years in
3 which there is a fiscal impact. Because this act may increase periods of
4 imprisonment, this act may require a five-year appropriation.

5
6 **SECTION 3. Effective date - applicability.** This act takes effect
7 July 1, 2012, and applies to offenses committed on or after said date.

8
9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety."

12
13
14
15 **HB12-1168** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18
19 Amend printed bill, page 2, line 18, strike "DRIVING;" and substitute
20 "DRIVING OR WHOSE DRIVING RECORD OTHERWISE INDICATES A
21 DESIGNATION OF PERSISTENT DRUNK DRIVER AS DEFINED IN SECTION
22 42-1-102 (68.5);".

23
24 Page 4, line 13, strike "PARAGRAPH (c) OF SUBSECTION (1) OF THIS".

25
26 Page 4, line 14, strike "SECTION, SUBSECTION (3) OF THIS SECTION," and
27 substitute "SUBSECTION (3) OF THIS SECTION".

28
29 Page 5, line 3, strike "(b)" and substitute "(d)".

30
31 Page 5, line 19, strike "THE".

32
33 Page 5, strike lines 20 and 21.

34
35 Page 6, line 20, strike "PARAGRAPH (b) OF".

36
37 Page 6, line 24, strike "A VIOLATION" and substitute "VIOLATIONS".

38
39 Page 7, line 1, strike "SHALL" and substitute "MAY".

40
41 Page 7, line 14, strike "SHALL" and substitute "MAY".

42
43 Page 12, strike lines 19 through 26.

44
45 Renumber succeeding sections accordingly.

46
47 Page 14, line 23, after "is", insert "AN INTERLOCK-RESTRICTED DRIVER OR
48 IS".

49
50 Page 14, line 27, strike "not" and substitute "~~not~~".

51
52
53
54 **HB12-1206** be referred to the Committee of the Whole with favorable
55 recommendation.

56

1 **HB12-1208** be postponed indefinitely.

2

3

4 **HB12-1256** be postponed indefinitely.

5

6

7 **HB12-1283** be referred to the Committee of the Whole with favorable
8 recommendation.

9

10

11

12 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

13

14 The Speaker has signed: **SJR12-003, 007, 014.**

15

16

17

18 **INTRODUCTION OF BILLS** 19 **First Reading**

20

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

23

24 **HB12-1315** by Representative(s) Becker; also Senator(s) Steadman--
25 Concerning the reorganization of the governor's energy
26 office.

27 Committee on Agriculture, Livestock, & Natural Resources

28

29 **HB12-1316** by Representative(s) Stephens--Concerning bond
30 conditions when a United States immigration and customs
31 enforcement detainer is lodged against a defendant.

32 Committee on Judiciary

33

34 **SB12-003** by Senator(s) Carroll; also Representative(s) Fischer--
35 Concerning the use of consumer credit information by
36 employers.

37 Committee on Local Government

38

39 **SB12-058** by Senator(s) Heath; also Representative(s) Ryden--
40 Concerning the creation of the venture capital advisory
41 board.

42 Committee on Economic and Business Development

43

44 **SB12-062** by Senator(s) Williams S.; also Representative(s) Loooper--
45 Concerning procedures that facilitate voting by military
46 personnel.

47 Committee on State, Veterans, & Military Affairs

48

49 **SB12-072** by Senator(s) Lambert, Newell, Grantham, Scheffel,
50 Cadman, Aguilar, King K., Lundberg, Neville, Renfroe;
51 also Representative(s) Stephens, Holbert, Joshi, Loooper,
52 DelGrosso, Gerou--Concerning the Colorado mounted
53 rangers.

54 Committee on Local Government

55

1 **SB12-102** by Senator(s) Brophy; also Representative(s) Nikkel--
2 Concerning the repeal of the crime of criminal libel.
3 Committee on Judiciary
4

5 **SB12-146** by Senator(s) Hodge; also Representative(s) Peniston--
6 Concerning limitations on the acceptance of certain
7 benefits by specified governmental actors who are in a
8 position to reward persons offering such benefits with
9 official action.
10 Committee on Local Government
11

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

16 On motion of Representative Holbert, the following item(s) on the
17 Calendar was (were) laid over until February 23, retaining place on
18 Calendar:
19

20 Consideration of Special Orders--**HB12-1043**.
21 Consideration of Third Reading--**HB12-1040, 1068**.
22 Consideration of General Orders--**HB12-1105, 1017, 1005, 1026, 1115,**
23 **1210, 1172, 1121, 1007, 1114, 1144, 1169, 1269, 1030, 1123, 1095,**
24 **1163**.
25 Consideration of Senate Amendment(s)--**HB12-1078**.
26

27
28
29 On motion of Representative Holbert, the House adjourned until
30 9:00 a.m., February 23, 2012.
31

32 Approved:
33 FRANK McNULTY,
34 Speaker

35 Attest:
36 MARILYN EDDINS,
37 Chief Clerk

