

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

Thirty-seventh Legislative Day

Thursday, February 16, 2012

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

2

3 Prayer by Dr. Gene Selander, Crystal Clear Ministries, Denver.

4

5 Pledge of Allegiance led by Jared Kramer, Colorado State University,
6 Fort Collins.

7

8 The roll was called with the following result:

9

10 Present--60.

11 Excused--Representative(s) Bradford, Liston, McNulty, Stephens,
12 Swalm--5.

13 Present after roll call--Representative(s) Liston, McNulty, Swalm.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Singer, the reading of the journal of
19 February 15, 2012, was declared dispensed with and approved as
20 corrected by the Chief Clerk.

21

22

23 House in recess. House reconvened.

24

25

26

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

28

29 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

32

33 **HB12-1107** be postponed indefinitely.

34

35

36 **HB12-1172** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole 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, 40-2-123, **amend**

1 (1) (b) as follows:
2

3 **40-2-123. New energy technologies - consideration by**
4 **commission - incentives - demonstration projects - definitions -**
5 **legislative declaration - repeal.** (1) (b) The commission may give
6 consideration to the ~~likelihood~~ EXISTENCE of new environmental
7 regulation and the ~~risk of higher future costs associated with~~ IMPOSED BY
8 CURRENT FEDERAL LAW OR REGULATIONS ON the emission of greenhouse
9 gases such as carbon dioxide when it considers utility proposals to acquire
10 resources. Where utilities eliminate or reduce carbon dioxide emissions
11 through the use of capture and sequestration, the commission may
12 consider the benefits of using carbon dioxide for enhanced oil recovery
13 or other uses.
14

15 **SECTION 2. Act subject to petition - effective date -**
16 **applicability.** This act takes effect January 1, 2013, and applies to
17 proceedings initiated on or after said date; except that, if a referendum
18 petition is filed pursuant to section 1 (3) of article V of the state
19 constitution against this act or an item, section, or part of this act within
20 the ninety-day period after final adjournment of the general assembly,
21 then the act, item, section, or part will not take effect unless approved by
22 the people at the general election to be held in November 2012 and, in
23 such case, will take effect on January 1, 2013, or on the date of the
24 official declaration of the vote thereon by the governor, whichever is
25 later, and applies to proceedings initiated on or after said date."
26
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28
29

30 **FINANCE**

31 After consideration on the merits, the Committee recommends the
32 following:
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34 **HB12-1065** be referred to the Committee of the Whole with favorable
35 recommendation.
36

37
38 **HB12-1075** 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 5, line 2, strike "2012," and substitute "2013,".
43
44
45

46 **HB12-1083** be referred favorably to the Committee on Appropriations.
47

48
49 **HB12-1178** be referred to the Committee of the Whole with favorable
50 recommendation.
51

52
53 **HB12-1236** be amended as follows, and as so amended, be referred to
54 the Committee on Appropriations with favorable
55 recommendation.
56

1 Amend printed bill, page 6, line 12, strike "IN CLOSE PROXIMITY TO THE
2 OPENING GREETING".

3
4 Page 6, line 14, strike "SOLICITOR;" and substitute "SOLICITOR, WHICH
5 MUST BE GIVEN IN THE OPENING GREETING;".

6
7
8
9 **HB12-1246** be referred favorably to the Committee on Appropriations.

10
11
12 **HB12-1290** be referred favorably to the Committee on Appropriations.

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17 **LOCAL GOVERNMENT**

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

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21 **HB12-1056** be amended as follows, and as so amended, be referred to
22 the Committee on Appropriations with favorable
23 recommendation:

24
25 Amend printed bill, page 4, line 24, strike "(1) and (2) (a)" and substitute
26 "(1), (2) (a), and (3) introductory portion".

27
28 Page 5, after line 25 insert:

29
30 "(3) The commission shall hold a public hearing, subject to the
31 provisions of the "Colorado Sunshine Act of 1972", article 6 of this title,
32 to review and consider the application. After the hearing has been held,
33 the commission shall review each application and give consideration to
34 the director's recommendations. The commission shall take action on the
35 application within a reasonable time after submission. If the commission
36 approves the application, it shall adopt AND PROVIDE PROMPTLY TO EACH
37 COUNTY AND MUNICIPALITY TO WHICH THE DIRECTOR FORWARDED THE
38 APPLICATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS
39 SECTION a resolution specifying the following:".

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41
42
43 **HB12-1094** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:

46
47 Amend printed bill, page 2, strike lines 8 and 9 and substitute "PENALTY
48 IS FIFTY DOLLARS.".

49
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51
52 **HB12-1229** be referred to the Committee of the Whole with favorable
53 recommendation.

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55

1 **SB12-094** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend reengrossed bill, page 2, line 6, after "(4.5)" insert "(a)".
6

7 Page 2, strike lines 15 through 19 and substitute "vendor."
8

9 (b) IN DETERMINING WHETHER A FOOD PRODUCT IS FOR DOMESTIC
10 HOME CONSUMPTION, UNLESS THE VENDOR IS DESCRIBED IN SECTION
11 39-26-104 (1) (e), NO INFERENCE SHALL BE DRAWN FROM THE TYPE OF
12 VENDOR SELLING THE PRODUCT, THE LOCATION OF THE PRODUCT WITHIN
13 A STORE, OR THE MANNER IN WHICH THE PRODUCT IS MARKETED.
14

15 **SECTION 2.** In Colorado Revised Statutes, 39-26-104, **amend**
16 (1) (e) as follows:
17

18 **39-26-104. Property and services taxed.** (1) There is levied and
19 there shall be collected and paid a tax in the amount stated in section
20 39-26-106 as follows:
21

22 (e) Upon the amount paid for food or drink served or furnished in
23 or by restaurants, cafes, lunch counters, cafeterias, hotels, ~~drugstores,~~
24 social clubs, nightclubs, cabarets, resorts, snack bars, caterers, carryout
25 shops, and other like places of business at which prepared food or drink
26 is regularly sold, including sales from pushcarts, motor vehicles, and
27 other mobile facilities. Cover charges shall be included as part of the
28 amount paid for such food or drink. However, meals provided to
29 employees of the places mentioned in this paragraph (e) at no charge or
30 at a reduced charge shall be exempt from taxation under the provisions of
31 this part 1."
32

33 Renumber succeeding sections accordingly.
34
35
36
37

38 **TRANSPORTATION**

39 After consideration on the merits, the Committee recommends the
40 following:
41

42 **HB12-1051** be postponed indefinitely.
43

44 **HB12-1102** be postponed indefinitely.
45

46 **HB12-1106** be postponed indefinitely.
47

48 **HB12-1121** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:
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52 Amend printed bill, strike everything below the enacting clause and
53 substitute:
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1 **"SECTION 1.** In Colorado Revised Statutes, 40-2-124, **amend**
2 (1) (c) (I) (E) as follows:

3
4 **40-2-124. Renewable energy standard - definitions - net**
5 **metering - legislative declaration.** (1) Each provider of retail electric
6 service in the state of Colorado, other than municipally owned utilities
7 that serve forty thousand customers or fewer, shall be considered a
8 qualifying retail utility. Each qualifying retail utility, with the exception
9 of cooperative electric associations that have voted to exempt themselves
10 from commission jurisdiction pursuant to section 40-9.5-104 and
11 municipally owned utilities, shall be subject to the rules established under
12 this article by the commission. No additional regulatory authority of the
13 commission other than that specifically contained in this section is
14 provided or implied. In accordance with article 4 of title 24, C.R.S., the
15 commission shall revise or clarify existing rules to establish the
16 following:

17
18 (c) Electric resource standards:

19
20 (I) Except as provided in subparagraph (V) of this paragraph (c),
21 the electric resource standards shall require each qualifying retail utility
22 to generate, or cause to be generated, electricity from eligible energy
23 resources in the following minimum amounts:

24
25 (E) Thirty percent of its retail electricity sales in Colorado for the
26 years 2020 and thereafter, with distributed generation equaling at least
27 three percent of its retail electricity sales; EXCEPT THAT, IF THE
28 COMMISSION FINDS THAT ACHIEVING THESE STANDARDS WOULD CREATE
29 AN UNDUE FINANCIAL BURDEN ON RATEPAYERS, THE COMMISSION MAY
30 SUSPEND THE IMPLEMENTATION OF THIS SUB-SUBPARAGRAPH (E) FOR UP
31 TO TEN YEARS. THIS SUB-SUBPARAGRAPH (E) SHALL BE KNOWN AND MAY
32 BE CITED AS THE "UTILITY RATEPAYERS' BILL OF RIGHTS".

33
34 **SECTION 2. Safety clause.** The general assembly hereby finds,
35 determines, and declares that this act is necessary for the immediate
36 preservation of the public peace, health, and safety."

37
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40 **PRINTING REPORT**

41
42 The Chief Clerk reports the following bills have been correctly printed:
43 **HB12-1302, 1303, 1304, 1305, 1306, 1307.**

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46
47 **MESSAGE(S) FROM THE SENATE**

48
49 The Senate has passed on Third Reading and returns herewith:
50 HB12-1180, HB12-1182, HB12-1183, HB12-1184, HB12-1185,
51 HB12-1186, HB12-1187, HB12-1188, HB12-1189, HB12-1190,
52 HB12-1191, HB12-1192, HB12-1193, HB12-1194, HB12-1195,
53 HB12-1196, HB12-1197, HB12-1199, HB12-1201 and HB12-1203.

54
55 The Senate has passed on Third Reading and transmits to the Revisor of
56 Statutes:

- 1 HB12-1200 amended in General Orders as printed in Senate Journal,
 2 February 14, 2012, page 157.
 3 HB12-1202 amended in General Orders as printed in Senate Journal,
 4 February 14, 2012, page 157.

5
 6
 7 The Senate has passed on Third Reading and transmits to the Revisor of
 8 Statutes: SB12-131.

- 9
 10 SB12-067 amended as printed in Senate Journal, February 15, 2012,
 11 page 181.
 12 SB12-061 amended as printed in Senate Journal, February 15, 2012,
 13 page 183 and amended on Third Reading,
 14 February 16, 2012, as printed in the Senate Journal.
 15 SB12-045 amended as printed in Senate Journal, February 15, 2012,
 16 page 183.
 17 SB12-036 amended as printed in Senate Journal, February 15, 2012,
 18 page 183.
 19 HB12-1078 amended as printed in Senate Journal, February 15, 2012,
 20 page 181.

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 23
 24 **MESSAGE(S) FROM THE REVISOR**

25
 26 We herewith transmit:
 27 Without comment, as amended, HB12-1200 and 1202.

28
 29
 30 We herewith transmit:
 31 Without comment, SB12-131.
 32 Without comment, as amended, HB12-1078.
 33 Without comment, as amended, SB12-036, 045, 061, and 067.

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 35
 36
 37 **INTRODUCTION OF BILLS**
 38 **First Reading**

39
 40 The following bills were read by title and referred to the committees
 41 indicated:

42
 43 **SB12-012** by Senator(s) King S., Guzman, Tochtrop; also
 44 Representative(s) Miklosi--Concerning the department of
 45 revenue's audits of automobile emission inspection
 46 facilities.

47 Committee on Transportation

48
 49 **SB12-020** by Senator(s) Aguilar, Steadman; also Representative(s)
 50 Summers--Concerning immunity from certain criminal
 51 offenses when a person reports in good faith an emergency
 52 drug or alcohol overdose event.

53 Committee on Judiciary

54
 55

- 1 **SB12-035** by Senator(s) Hodge; also Representative(s) Gardner B.--
2 Concerning limited liability for spaceflight activities.
3 Committee on Judiciary
4
5 **SB12-042** by Senator(s) Spence; also Representative(s) Summers--
6 Concerning bringing certain statutory provisions related to
7 child support into compliance with federal law.
8 Committee on Judiciary
9
10 **SB12-079** by Senator(s) King S., Cadman, Morse; also
11 Representative(s) Stephens, Fields, Priola, Schafer S.--
12 Concerning revisions to the safe2tell program relating to
13 advances in communications technology.
14 Committee on Local Government
15
16 **SB12-097** by Senator(s) Hodge; also Representative(s) Sonnenberg--
17 Concerning a simplified procedure for the adjudication of
18 certain changes of the points of diversion of water rights.
19 Committee on Agriculture, Livestock, & Natural Resources
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25 **LAY OVER OF CALENDAR ITEM(S)**

26
27 On motion of Representative Baumgardner, the following item(s) on the
28 Calendar was (were) laid over until February 17, retaining place on
29 Calendar:

- 30
31 Consideration of Special Orders--**HB12-1043**.
32 Consideration of Third Reading--**HB12-1040, 1068**.
33 Consideration of General Orders--**HB12-1105, 1017, 1005, 1026, 1160,**
34 **SB12-008, HB12-1124, 1117, 1157, 1207**.
35

36
37
38 On motion of Representative Baumgardner, the House adjourned until
39 9:00 a.m., February 17, 2012.
40

41 Approved:
42 FRANK McNULTY,
43 Speaker

44 Attest:
45 MARILYN EDDINS,
46 Chief Clerk

