

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

Eighty-fifth Legislative Day

Wednesday, April 4, 2012

1 The Speaker called the House to order at 9:00 a.m.
2
3 Prayer by the Reverend Jack Cabaness, Westminster Presbyterian
4 Church.
5
6 Pledge of Allegiance led by Chloe Brown from Fruita Monument High
7 School; Hailee Denham from Discovery Canyon Campus Middle
8 School, Colorado Springs; Abi Lange from Blue Mountain
9 Elementary, Longmont; Corinne Stordahl from American
10 Academy, Castle Rock; KerryAnne Kelly from Front Range
11 Community College, Westminster.
12

13 The roll was called with the following result:
14
15 Present--61.
16 Excused--Representative(s) Becker, Singer--2.
17 Absent--Representative(s) Beezley, Miklosi--2.
18 Present after roll call--Representative(s) Beezley, Miklosi, Singer.
19

20 The Speaker declared a quorum present.
21
22

23 On motion of Representative Kagan, the reading of the journal of
24 April 3, 2012, was declared dispensed with and approved as corrected by
25 the Chief Clerk.
26
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INTRODUCTION OF BILL
First Reading

31
32 The following bill was read by title and referred to the committee
33 indicated:
34

35 **HB12-1335** by Representative(s) Gerou, Becker, Levy; also Senator(s)
36 Hodge, Steadman, Lambert--Concerning the provision for
37 payment of the expenses of the executive, legislative, and
38 judicial departments of the state of Colorado, and of its
39 agencies and institutions, for and during the fiscal year
40 beginning July 1, 2012, except as otherwise noted.

41 Committee on Appropriations
42
43

CONSIDERATION OF MEMORIAL

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.

(Printed and placed in members' file)

On motion of Representative Todd, the memorial was read at length and **adopted by viva voce** vote.

Co-sponsor(s) added: Representative(s) Balmer, Barker, Baumgardner, Beezley, Bradford, Casso, Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Hamner, Holbert, Jones, Joshi, Kefalas, Kerr A., Kerr J., Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Scott, Singer, Soper, Stephens, Summers, Swerdfeger, Szabo, Tyler, Vaad, Vigil, Waller, Wilson, Young, Speaker.

MESSAGE(S) FROM THE SENATE

The Senate has adopted and transmits herewith: SJR12- 028.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

On motion of Representative Stephens, the rules were suspended and the following resolution was given immediate consideration.

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.

(Printed and placed in member's file).

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

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

THIRD READING OF BILL(S)--FINAL PASSAGE

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

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

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

Co-sponsor(s) added: Representative(s) Casso, Court, Fields, Fischer, Hullinghorst, Kerr A., Labuda, Pabon, Pace, Ryden, Schafer S., Tyler, Wilson.

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

	YES	48	NO	16	EXCUSED	1	ABSENT	0
Acree	Y	Fischer	Y	Looper	N	Solano	Y	
Balmer	N	Gardner B.	N	Massey	Y	Sonnenberg	N	
Barker	N	Gerou	Y	McCann	Y	Soper	Y	
Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	N	
Becker	E	Holbert	N	Miklosi	Y	Summers	Y	

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

13 Co-sponsor(s) added: Representative(s) Brown, Court, Fischer, Hamner, Jones,
14 Kefalas, Kerr A., Labuda, Lee, Levy, Pabon, Pace, Peniston, Ryden, Schafer S.,
15 Todd, Williams A., Wilson, Young.

16
17 **HB12-1043** by Representative(s) Conti; also Senator K. King--
18 Concerning concurrent enrollment for students who may
19 complete high school graduation requirements before the
20 end of twelfth grade.

21
22 The question being "Shall the bill pass?".

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

26	YES	61	NO	3	EXCUSED	1	ABSENT	0
27								
28	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
29	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
30	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
31	Baumgardner	Y	Hamner	Y	McKinley	N	Stephens	Y
32	Becker	E	Holbert	Y	Miklosi	Y	Summers	Y
33	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
34	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
35	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
36	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
37	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
38	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
39	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
40	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
41	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
42	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
43	Fields	Y	Liston	Y	Singer	Y	Young	Y
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Bradford, Casso, Kerr J., Pace,
46 Peniston, Priola, Summers, Williams A.

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50 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

51

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

55

56 (Amended as printed in Senate Journal, March 19, page 520.)

1 Representative Sonnenberg moved that the House **not concur** in Senate
 2 amendments and that a Conference Committee be appointed with
 3 permission to go beyond the scope of the differences between the House
 4 and the Senate was declared **passed** by the following roll call vote:

	YES	50	NO	14	EXCUSED	1	ABSENT	0
7	Acree	Y	Fischer	N	Looper	Y	Solano	Y
8	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
9	Barker	Y	Gerou	Y	McCann	Y	Soper	N
10	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
11	Becker	E	Holbert	Y	Miklosi	Y	Summers	Y
12	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
13	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
14	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
15	Casso	Y	Kagan	N	Pace	Y	Todd	Y
16	Conti	Y	Kefalas	N	Peniston	Y	Tyler	N
17	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
18	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
19	DelGrosso	Y	Labuda	Y	Ryden	N	Waller	Y
20	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
21	Ferrandino	Y	Levy	N	Scott	Y	Wilson	N
22	Fields	N	Liston	Y	Singer	N	Young	Y
23							Speaker	Y

24 The Speaker appointed Representatives Sonnenberg, Chairman, Waller
 25 and A. Williams as House conferees to the bill.

26
 27 **HB12-1053** by Representative(s) Gardner B.; also Senator(s) Giron--
 28 Concerning the victims' rights act.

29
 30 (Amended as printed in Senate Journal, March 26, page 578.)

31
 32 Representative B. Gardner moved that the House **not concur** in Senate
 33 amendments and that a Conference Committee be appointed. The motion
 34 was declared **passed** by the following roll call vote:

	YES	63	NO	1	EXCUSED	1	ABSENT	0
37	Acree	Y	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	E	Holbert	Y	Miklosi	Y	Summers	Y
42	Beezley	Y	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	N	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 The Speaker appointed Representatives Gardner, Chairman, Barker and
 55 Pace as House conferees to the bill.

1 **HB12-1168** by Representative(s) Young, Fischer, Kerr A., Levy; also
 2 Senator(s) Morse--Concerning clarification of provisions
 3 authorizing ignition interlock devices.
 4

5 (Amended as printed in Senate Journal, March 26, page 578.)
 6

7 Representative Young moved that the House **not concur** in Senate
 8 amendments and that a Conference Committee be appointed. The motion
 9 was declared **passed** by the following roll call vote:
 10

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

29 The Speaker appointed Representatives Young, Chairman, Barker and
 30 Gardner as House conferees to the bill.
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36 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

37
 38 **HEALTH & ENVIRONMENT**

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

42 **HB12-1332** be amended as follows, and as so amended, be referred to
 43 the Committee of the Whole with favorable
 44 recommendation:
 45

46 Amend printed bill, page 4, strike line 6 and substitute "SUPERVISE MORE
 47 THAN THREE ANESTHESIOLOGIST ASSISTANTS; EXCEPT THAT THE BOARD
 48 MAY, BY RULE, ALLOW AN ANESTHESIOLOGIST TO SUPERVISE UP TO FOUR
 49 ANESTHESIOLOGIST ASSISTANTS ON AND AFTER JULY 1, 2016. DIRECT".
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1 **JUDICIARY**
2 After consideration on the merits, the Committee recommends the
3 following:
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5 **HB12-1223** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:
8
9 Amend printed bill, page 3, line 18, after "(9)" insert "(a)".
10
11 Page 3, line 20, after "COMPLETES" insert "A MILESTONE OR PHASE OF".
12
13 Page 3, strike lines 25 and 26 and substitute "MAY BE AWARDED AS MANY
14 AS SIXTY DAYS OF ACHIEVEMENT EARNED TIME PER PROGRAM MILESTONE
15 OR PHASE OR PER INSTANCE OF EXCEPTIONAL CONDUCT, AT THE
16 DISCRETION OF THE EXECUTIVE DIRECTOR; EXCEPT THAT AN OFFENDER
17 SHALL NOT BE AWARDED MORE THAN ONE HUNDRED TWENTY DAYS OF
18 ACHIEVEMENT EARNED TIME PURSUANT TO THIS SUBSECTION (9)".
19
20 Page 3, after line 26 insert:
21
22 "(b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES, "EXCEPTIONAL CONDUCT" INCLUDES, BUT IS NOT LIMITED TO:
24
25 (I) SAVING OR ATTEMPTING TO SAVE THE LIFE OF ANOTHER
26 PERSON;
27
28 (II) AIDING IN THE PREVENTION OF SERIOUS BODILY INJURY OR
29 LOSS OF LIFE;
30
31 (III) PROVIDING SIGNIFICANT ASSISTANCE IN THE PREVENTION OF
32 A MAJOR FACILITY DISRUPTION;
33
34 (IV) PROVIDING SIGNIFICANT ASSISTANCE IN THE SOLVING OF A
35 COLD CASE, AS DEFINED IN SECTION 24-4.1-302 (1.2), C.R.S.;
36
37 (V) ACTING TO PREVENT AN ESCAPE; OR
38
39 (VI) PROVIDING DIRECT ASSISTANCE IN A DOCUMENTED FACILITY
40 OR COMMUNITY EMERGENCY.
41
42 **SECTION 3. Applicability.** The provisions of this act apply to
43 milestones and phases of educational, vocational, therapeutic, or reentry
44 programs completed, and exceptional conduct demonstrated, at least
45 ninety days after the effective date of this act."
46
47 Renumber succeeding section accordingly.
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INTRODUCTION OF BILLS
First Reading

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4 The following bills were read by title and referred to the committees
5 indicated:
6
7 **HB12-1336** by Representative(s) Becker and Levy, Gerou; also
8 Senator(s) Steadman and Lambert, Hodge--Concerning
9 authorization of a prison utilization analysis, and, in
10 connection therewith, making an appropriation.
11 Committee on Appropriations
12
13 **HB12-1337** by Representative(s) Gerou and Levy, Becker; also
14 Senator(s) Steadman and Lambert, Hodge--Concerning the
15 closure of the south campus of the Centennial correctional
16 facility for housing purposes.
17 Committee on Appropriations
18
19 **HB12-1338** by Representative(s) Gerou, Becker, Levy; also Senator(s)
20 Hodge, Steadman, Lambert--Concerning the transfer of
21 general fund surplus moneys to the state education fund at
22 the end of certain fiscal years.
23 Committee on Appropriations
24
25 **HB12-1339** by Representative(s) Becker, Gerou, Levy; also Senator(s)
26 Lambert, Hodge, Steadman--Concerning the Colorado
27 benefits management system improvement and
28 modernization project, and, in connection therewith,
29 making an appropriation.
30 Committee on Appropriations
31
32 **HB12-1340** by Representative(s) Becker, Gerou, Levy; also Senator(s)
33 Lambert, Hodge, Steadman--Concerning a reduction in the
34 general fund portion of the per diem rates paid to nursing
35 facilities, and, in connection therewith, reducing an
36 appropriation.
37 Committee on Appropriations
38
39 **HB12-1341** by Representative(s) Gerou, Becker, Levy; also Senator(s)
40 Hodge, Steadman, Lambert--Concerning the repeal of the
41 statewide strategic use fund.
42 Committee on Appropriations
43
44 **HB12-1342** by Representative(s) Levy, Becker, Gerou; also Senator(s)
45 Hodge, Steadman, Lambert--Concerning a work therapy
46 program in the department of human services, and, in
47 connection therewith, making an appropriation.
48 Committee on Appropriations
49
50 **HB12-1343** by Representative(s) Gerou, Becker, Levy; also Senator(s)
51 Hodge, Steadman, Lambert--Concerning the transfer of
52 moneys from the state rail bank fund to the general fund.
53 Committee on Appropriations
54
55

1 **HB12-1344** by Representative(s) Gerou, Becker, Levy; also Senator(s)
2 Hodge, Steadman, Lambert--Concerning transfers of
3 moneys relating to capital construction.
4 Committee on Appropriations

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8 **PRINTING REPORT**
9

10 The Chief Clerk reports the following bills have been correctly printed:
11 **HB12-1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344.**

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15 **LAY OVER OF CALENDAR ITEM(S)**
16

17 On motion of Representative Waller, the following item(s) on the
18 Calendar was (were) laid over until April 5, retaining place on Calendar:
19

20 Consideration of Third Reading---**HB12-1066, 1161.**

21 Consideration of General Orders---**HB12-1048, 1317, SB12-087,**
22 **HB12-1294, SB12-128, HB12-1281, SB12-036, HB12-1328, SB12-134,**
23 **HB12-1293, SB12-013.**

24 Consideration of Senate Amendment(s)---**HJR12-1010, HB12-1008,**
25 **1034, 1114, 1151, 1070, 1270, 1224, 1262, 1239, 1244, 1276, 1307,**
26 **1012, 1052.**

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30 On motion of Representative Waller, the House adjourned until 9:00 a.m.,
31 April 5, 2012.

32
33 Approved:
34 FRANK McNULTY,
35 Speaker

36 Attest:
37 MARILYN EDDINS,
38 Chief Clerk

