

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

Twenty-first Legislative Day

Tuesday, January 31, 2012

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

2

3 Prayer by Father Gary Menard, Arrupe Jesuit High School.

4

5 Pledge of Allegiance led by Kayla and Brooke Hunsaker, Benning Lewis
6 Ranch Academy, Colorado Springs.

7

8 The roll was called with the following result:

9

10 Present--63.

11 Excused--Representative(s) Gardner, Stephens--2.

12 Present after roll call--Representative(s) Gardner.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Szabo, the reading of the journal of
18 January 30, 2012, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22 House in recess. House reconvened.

23

24

25

26 On motion of Representative Balmer, the House resolved itself into
27 Committee of the Whole for consideration of General Orders, and he was
28 called to the Chair to act as Chairman.

29

30

31 **GENERAL ORDERS--SECOND READING OF BILLS**

32

33 The Committee of the Whole having risen, the Chairman reported the
34 titles of the following bills had been read (reading at length had been
35 dispensed with by unanimous consent), the bills considered and action
36 taken thereon as follows:

37

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

40

41 **HB12-1055** by Representative(s) Schafer S.; also Senator(s) White--
42 Concerning the division of registrations in the department
43 of regulatory agencies, and, in connection therewith,

1 renaming the division as the division of professions and
2 occupations, authorizing the executive director of the
3 department to adopt rules pertaining to the administrative
4 duties of the division, and requiring periodic review of the
5 functions of the division.
6

7 Amendment No. 1, Economic & Business Development Report, dated
8 January 24, 2012, and placed in member's bill file; Report also printed in
9 House Journal, January 25, page 84.
10

11 As amended, ordered engrossed and placed on the Calendar for Third
12 Reading and Final Passage.
13

14 **HB12-1013** by Representative(s) Fields and Holbert, Massey; also
15 Senator(s) Hudak and King K., Bacon--Concerning
16 intervention services for middle-grade students.
17

18 Amendment No. 1, Education Report, dated January 25, 2012, and
19 placed in member's bill file; Report also printed in House Journal,
20 January 26, page 90.
21

22 As amended, ordered engrossed and placed on the Calendar for Third
23 Reading and Final Passage.
24

25 **HB12-1061** by Representative(s) Kagan--Concerning requiring a
26 report of the correlation between the educational
27 credentials issued and the state's workforce needs.
28

29 Amendment No. 1, Education Report, dated January 25, 2012, and
30 placed in member's bill file; Report also printed in House Journal,
31 January 26, pages 90-91.
32

33 Amendment No. 2, by Representative(s) Todd.
34

35 Amend the Education Committee report, dated January 25, 2012, page 2,
36 line 6, strike "STATE." and substitute "STATE AND SHALL WORK WITH THE
37 DEPARTMENT OF EDUCATION TO PROVIDE THE REPORT TO THE STATE'S
38 PUBLIC SCHOOL DISTRICTS, THE COLORADO CHARTER SCHOOL INSTITUTE,
39 AND COLORADO PRIVATE ELEMENTARY, MIDDLE, AND HIGH SCHOOLS."
40

41 As amended, laid over until February 1, retaining place on Calendar.
42

43 **HB12-1081** by Representative(s) Duran; also Senator(s) Steadman--
44 Concerning the operations of the Auraria higher education
45 center.
46

47 Amendment No. 1, Education Report, dated January 25, 2012, and
48 placed in member's bill file; Report also printed in House Journal,
49 January 26, page 91.
50

51 As amended, ordered engrossed and placed on the Calendar for Third
52 Reading and Final Passage.
53

54 **HB12-1159** by Representative(s) Brown, Barker, Baumgardner,
55 Beezley, Conti, Court, Holbert, Murray, Ramirez, Vaad;
56 also Senator(s) Nicholson, Cadman, Grantham, King K.,

1 Roberts--Concerning the election of a county
2 commissioner in a county with a population of less than
3 seventy thousand by the voters residing in the district from
4 which the commissioner runs for election.
5

6 Ordered engrossed and placed on the Calendar for Third Reading and
7 Final Passage.
8

9 **HB12-1068** by Representative(s) McKinley--Concerning the
10 administration of a nonprofit cemetery corporation by
11 persons who own the right to bury a deceased person
12 within the cemetery.
13

14 Laid over until February 1, retaining place on Calendar.
15

16 **HB12-1002** by Representative(s) Sonnenberg; also Senator(s) Jahn--
17 Concerning the rules of state agencies applicable to
18 applications for permits.
19

20 Laid over until February 1, retaining place on Calendar.
21

22 **HB12-1040** by Representative(s) Casso--Concerning recognition of
23 September 11 as a state holiday, and, in connection
24 therewith, designating September 11 as "Patriot Day".
25

26 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
27 January 27, 2012, and placed in member's bill file; Report also printed in
28 House Journal, January 27, pages 100-101.
29

30 As amended, ordered engrossed and placed on the Calendar for Third
31 Reading and Final Passage.
32

33 **HB12-1027** by Representative(s) Bradford--Concerning the sale of
34 nonpotentially hazardous food produced in a home
35 kitchen for sale directly to consumers for consumption off
36 premises.
37

38 Amendment No. 1, Economic & Business Development Report, dated
39 January 26, 2012, and placed in member's bill file; Report also printed in
40 House Journal, January 27, page 100.
41

42 Amendment No. 2, by Representative(s) Bradford.
43

44 Amend the Economic and Business Development Committee Report,
45 dated January 26, 2012, page 1, line 1, after "line" insert "14, after
46 "PREMISES." insert ""HOME KITCHEN" MEANS THE PERSON'S OWN
47 KITCHEN, NOT A KITCHEN OWNED BY ANOTHER PERSON, BUSINESS, OR
48 ORGANIZATION."
49

50 Page 2 of the bill, line 21, before "FOR"insert "OWNED BY THE
51 PRODUCER".
52

53 Page 2 of the bill, line".
54

55 Page 1 of the committee report, before line 3 insert:
56

1 "Page 4 of the bill, strike lines 9 and 10 and substitute "MAINTAIN
2 LIABILITY INSURANCE.".

3

4 Page 4 of the bill, after line 10 insert:

5

6 "(7) "NONPOTENTIALLY HAZARDOUS" HAS THE MEANING SET
7 FORTH IN SECTION 25-4-1602 (12) AND DOES NOT INCLUDE LOW-ACID,
8 ACIDIFIED FOODS, OR CANNED FOODS.

9

10 (8) A PERSON WHO SELLS FOOD PURSUANT TO THIS SECTION MUST
11 HAVE A CERTIFICATE OF COMPLETION FROM A FOOD SAFETY TRAINING
12 COURSE.

13

14 (9) A PERSON WHO SELLS FOOD PURSUANT TO THIS SECTION MUST
15 KEEP RECORDS REGARDING RECIPES AND THE PROCUREMENT OF
16 INGREDIENTS.".

17

18 As amended, ordered engrossed and placed on the Calendar for Third
19 Reading and Final Passage.

20

21

22

23

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

24

25 Passed Second Reading: **HB12-1055 amended, 1013 amended, 1081**
26 **amended, 1159, 1040 amended, 1027 amended.**

27

28 Laid over until date indicated retaining place on Calendar: **HB12-1061**
29 **amended, 1068, 1002--February 1, 2012.**

30

31 The Chairman moved the adoption of the Committee of the Whole
32 Report. As shown by the following roll call vote, a majority of those
33 elected to the House voted in the affirmative, and the Report was
34 **adopted.**

35

36

| | YES | 64 | NO | 0 | 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 | E |
| 41 | Becker | Y | 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 | 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

55

56

1 House in recess. House reconvened.
2
3

4
5 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

6
7 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

8 After consideration on the merits, the Committee recommends the
9 following:

10
11 **HB12-1037** be amended as follows, and as so amended, be referred to
12 the Committee on Finance with favorable
13 recommendation:
14

15 Amend printed bill, page 3, line 16, after "COMPOUNDS" insert "AND
16 SPRAY ADJUVANTS".

17
18 Page 3, strike lines 26 and 27.

19
20 Page 4, strike lines 1 through 5.

21
22 Reletter succeeding sub-subparagraph.

23
24 Page 4, after line 7 insert:

25
26 "(III) FOR PURPOSES OF THIS PARAGRAPH (c), "SPRAY ADJUVANTS"
27 MEANS PRODUCTS THAT ARE USED TO INCREASE THE EFFECTIVENESS OF
28 A PESTICIDE.".

29
30 Page 5, after line 17 insert:

31
32 "**SECTION 3. Effective date.** This act takes effect upon passage;
33 except that section 2 of this act takes effect July 1, 2012.".

34
35 Renumber succeeding section accordingly.
36
37
38

39 **HB12-1083** be amended as follows, and as so amended, be referred to
40 the Committee on Finance with favorable
41 recommendation:
42

43 Amend printed bill, page 2, line 19, strike "July 1, 2012" and substitute
44 "~~July 1, 2012~~ JUNE 30,".

45
46 Page 3, line 4, strike "July 1, 2012" and substitute "~~July 1, 2012~~ JUNE
47 30,".

48
49 Page 3, line 15, strike "July 1, 2012" and substitute "~~July 1, 2012~~ JUNE
50 30,".

51
52
53
54 **HB12-1087** be postponed indefinitely.
55
56

1 **HB12-1105** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 4, line 18, strike "NEITHER A WIND ENERGY
6 RIGHT NOR A".
7

8 Page 4, strike line 19.
9

10 Page 4, line 20, strike "COLORADO OR ANY LOCAL GOVERNMENT."
11
12
13
14

15 **LOCAL GOVERNMENT**

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

19 **HB12-1017** be referred to the Committee of the Whole with favorable
20 recommendation.
21
22

23 **PRINTING REPORT**

24
25
26 The Chief Clerk reports the following bills have been correctly printed:
27 **HB12-1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210,**
28 **1211, 1212, 1213, 1214.**
29

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

31
32
33 The Senate has passed on Third Reading and transmits to the Revisor of
34 Statutes: **SB12-007, SB12-008, SB12-024, SB12-029, SB12-043, and**
35 **SB12-094.**
36

37 **MESSAGE(S) FROM THE REVISOR**

38
39
40 We herewith transmit:
41 Without comment, SB 12-007, 008, 024, 029, 043, and 094.
42
43

44 **INTRODUCTION OF BILLS** 45 **First Reading**

46
47
48 The following bills were read by title and referred to the committees
49 indicated:
50

51 **HB12-1215** by Representative(s) Gerou, Becker, Levy; also Senator(s)
52 Hodge, Steadman, Lambert--Concerning changes to the
53 "Nonadmitted Insurance Act" to conform it to the
54 requirements of the federal "Nonadmitted and Reinsurance
55 Reform Act of 2010".
56

Committee on Finance

- 1 **HB12-1216** by Representative(s) Becker, Gerou, Levy; also Senator(s)
2 Lambert, Hodge, Steadman--Concerning the financing of
3 the division of motor vehicles in the department of
4 revenue.
5 Committee on Appropriations
6
7 **HB12-1217** by Representative(s) Tyler--Concerning the authority of an
8 organization that maintains a regularly established
9 inspection department to conduct inspections of its own
10 pressure-retaining items.
11 Committee on Economic and Business Development
12
13 **HB12-1218** by Representative(s) Peniston, Massey, Hamner, Solano;
14 also Senator(s) Hudak, King K., Hodge, Steadman,
15 Williams S.--Concerning extending the early childhood
16 and school readiness legislative commission.
17 Committee on Education
18 Committee on Appropriations
19
20 **HB12-1219** by Representative(s) Miklosi, Todd; also Senator(s)
21 Williams S.--Concerning funding for emerging medical
22 discoveries at the health sciences center, and, in
23 connection therewith, making an appropriation.
24 Committee on State, Veterans, & Military Affairs
25 Committee on Appropriations
26
27 **HB12-1220** by Representative(s) Becker; also Senator(s) Bacon--
28 Concerning changes to the governance structure of the
29 board of governors of the Colorado state university
30 system, and, in connection therewith, establishing the
31 governance structure for Colorado state university - global
32 campus.
33 Committee on Education

INTRODUCTION OF RESOLUTION

39 The following resolution was read by title and laid over one day under
40 the rules:

- 41
42 **HJR12-1009** by Representative(s) Massey; also Senator(s) Jahn--
43 Concerning the benefits of homeownership.
44

47 On motion of Representative Baumgardner, the House adjourned until
48 9:00 a.m., February 1, 2012.

50 Approved:
51 FRANK McNULTY,
52 Speaker

53 Attest:
54 MARILYN EDDINS,
55 Chief Clerk

1