

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

Thirty-fourth Legislative Day

Monday, February 13, 2012

1 The Speaker called the House to order at 10:00 a.m.

2

3 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

4

5 Pledge of Allegiance led by Michael Ramires, Lawrence West, Marcus  
6 Minty, and Jose Hernandez, Cheltenham Elementary, Denver.

7

8 The roll was called with the following result:

9

10 Present--62.

11 Excused--Representative(s) Bradford, Massey, Miklosi--3.

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

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Singer, the reading of the journal of  
18 February 10, 2012, was declared dispensed with and approved as  
19 corrected by the Chief Clerk.

20

21

22

23 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

24

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

27

28 **HJR12-1012** by Representative(s) Acree; also Senator(s) Nicholson--  
29 Concerning the designation of February 13, 2012, as "One  
30 Voice Against Cancer Day", and, in connection therewith,  
31 honoring cancer patients, survivors, and their families and  
32 remembering those people who have been lost to cancer.

33

34 (Printed and placed in member's file).

35

36 On motion of Representative Acree, the resolution was **adopted** by **viva**  
37 **voce** vote.

38

39 Current Roll Call added as co-sponsor(s): Representative(s) Balmer, Barker,  
40 Baumgardner, Becker, Beezley, Brown, Casso, Conti, Coram, Court,  
41 DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Hamner,  
42 Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda,  
43 Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Murray, Nikkel,

1 Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer,  
 2 Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo,  
 3 Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.

4  
 5  
 6  
 7 **THIRD READING OF BILL(S)--FINAL PASSAGE**

8  
 9 The following bill(s) was(were) considered on Third Reading. The  
 10 title(s) was(were) publicly read. Reading of the bill at length was  
 11 dispensed with by unanimous consent.

12  
 13 **HB12-1088** by Representative(s) Holbert and Becker, Baumgardner,  
 14 Sonnenberg, McKinley, Scott, Balmer, Looper, Liston,  
 15 Coram, Stephens, Acree, Barker, Beezley, Brown, Joshi,  
 16 McNulty, Priola, Ramirez, Swalm; also Senator(s)  
 17 Grantham--Concerning the use of deadly physical force  
 18 against a person who makes an illegal entry into a place of  
 19 business.

20  
 21 The question being "Shall the bill pass?".  
 22 A roll call vote was taken. As shown by the following recorded vote, a  
 23 majority of those elected to the House voted in the affirmative and the bill  
 24 was declared **passed**.

25  
 26

	YES	35	NO	26	EXCUSED	4	ABSENT	0
27	Acree	Y	Fischer	N	Looper	Y	Solano	N
28	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
29	Barker	Y	Gerou	Y	McCann	N	Soper	Y
30	Baumgardner	Y	Hamner	N	McKinley	Y	Stephens	Y
31	Becker	N	Holbert	Y	Miklosi	E	Summers	Y
32	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
33	Bradford	E	Jones	N	Nikkel	Y	Swerdfeger	Y
34	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
35	Casso	Y	Kagan	N	Pace	Y	Todd	N
36	Conti	Y	Kefalas	N	Peniston	N	Tyler	N
37	Coram	Y	Kerr A.	N	Priola	E	Vaad	Y
38	Court	N	Kerr J.	E	Ramirez	Y	Vigil	Y
39	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y
40	Duran	N	Lee	N	Schafer S.	N	Williams A.	N
41	Ferrandino	N	Levy	N	Scott	Y	Wilson	N
42	Fields	N	Liston	Y	Singer	N	Young	Y
43							Speaker	Y

44 Co-sponsor(s) added: Representative(s) Gardner B., Murray, Pace, Swerdfeger,  
 45 Vaad, Vigil.

46  
 47 **HB12-1089** by Representative(s) Court; also Senator(s) Steadman--  
 48 Concerning the specific wording related to a statewide  
 49 ballot title.

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	63	NO	0	EXCUSED	2	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	E	Summers	Y
7	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
8	Bradford	E	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) Duran, Fields, Fischer, Kerr J., Labuda,  
20 Murray, Singer, Todd, Wilson.

21  
22 **HB12-1147** by Representative(s) Williams A., Court, Fields,  
23 Hullinghorst, Kerr A., McCann, Schafer S., Solano, Todd,  
24 Wilson, Brown, Casso, Fischer, Hamner, Holbert, Kagan,  
25 Labuda, Miklosi, Pabon, Ryden, Swalm, Szabo, Tyler,  
26 Vigil, Young; also Senator(s) Foster, Guzman, Johnston,  
27 Spence, Tochtrop--Concerning the designation of the  
28 western tiger salamander as the state amphibian.

29  
30 The question being "Shall the bill pass?".

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

	YES	51	NO	12	EXCUSED	2	ABSENT	0
36	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
37	Balmer	N	Gardner B.	Y	Massey	Y	Sonnenberg	N
38	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
39	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	Y
40	Becker	N	Holbert	N	Miklosi	E	Summers	Y
41	Beezley	N	Hullinghorst	Y	Murray	Y	Swalm	N
42	Bradford	E	Jones	Y	Nikkel	N	Swerdfeger	Y
43	Brown	Y	Joshi	N	Pabon	Y	Szabo	Y
44	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
45	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
46	Coram	N	Kerr A.	Y	Priola	Y	Vaad	Y
47	Court	Y	Kerr J.	N	Ramirez	Y	Vigil	Y
48	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
49	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
50	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
51	Fields	Y	Liston	N	Singer	Y	Young	Y
52							Speaker	Y

53 Representatives Holbert, Swalm requested their names be removed as  
54 sponsors.

55 Co-sponsor(s) added: Representative(s) Duran, McKinley, Pace, Peniston.

56

1 **HB12-1158** by Representative(s) Baumgardner, Scott, Brown, Joshi;  
 2 also Senator(s) Giron and Grantham--Concerning the  
 3 regulation of producers of materials that may be used in  
 4 commercial livestock feed, and, in connection therewith,  
 5 repealing the "Colorado Inedible Meat Rendering and  
 6 Processing Act of 1967" and relocating some of its  
 7 provisions to the "Colorado Feed Law".  
 8

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
15	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
16	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
17	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
18	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
19	Becker	Y	Holbert	Y	Miklosi	E	Summers	Y
20	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
21	Bradford	E	Jones	Y	Nikkel	Y	Swerdfeger	Y
22	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
23	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
24	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
25	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
26	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
27	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
28	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
29	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
30	Fields	Y	Liston	Y	Singer	Y	Young	Y
31							Speaker	Y

32 Co-sponsor(s) added: Representative(s) Coram, Pace, Sonnenberg, Vigil.  
 33

34 **HB12-1212** by Representative(s) Becker, Gerou, Levy; also Senator(s)  
 35 Hodge, Steadman, Lambert--Concerning the designation  
 36 of an on-line education program as a multi-district  
 37 program if the program is authorized by a board of  
 38 cooperative services.  
 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	63	NO	0	EXCUSED	2	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	E	Summers	Y
51	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
52	Bradford	E	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) DelGrosso, Fields, Fischer, Gardner B.,  
8 Kerr A., Kerr J., Labuda, Pace, Sonnenberg, Todd, Vigil, Young.

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10  
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12

On motion of Representative Stephens, **HB12-1070, 1072, 1079, 1086** were added to the Special Orders Calendar on Monday, February 13, 2012.

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16  
17

On motion of Representative Murray, the House resolved itself into Committee of the Whole for consideration of Special Orders and she was called to the Chair to act as Chairman.

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19  
20

### 21 **SPECIAL ORDERS--SECOND READING OF BILLS**

22  
23  
24

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

25  
26  
27

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

28  
29  
30  
31

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

32  
33

(Previously amended as printed in House Journal, February 1, page 127.)

34  
35

Amendment No. 3, by Representative(s) Stephens.

36  
37

Amend printed bill, page 3, after line 3 insert:

38  
39  
40

**"SECTION 3.** In Colorado Revised Statutes, **add** 7-47-110 as follows:

41  
42  
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**7-47-110. Enforcement - attorney general.** IF A PERSON PROVIDES INFORMATION THAT A CEMETERY CORPORATION MAY NOT BE FULFILLING THE DUTIES REQUIRED BY THIS ARTICLE, THE ATTORNEY GENERAL SHALL HOLD A HEARING AFTER SIXTY DAYS' NOTICE TO THE CEMETERY AND THE PERSON PROVIDING THE INFORMATION. IF THE ATTORNEY GENERAL FINDS PROBABLE CAUSE TO BELIEVE THAT A CEMETERY CORPORATION HAS NOT FULFILLED ITS OBLIGATIONS UNDER THIS ARTICLE, THE ATTORNEY GENERAL SHALL ENFORCE THIS ARTICLE IN DISTRICT COURT TO REQUIRE CORRECTIVE ACTION. IF THE COURT FINDS THAT A CEMETERY CORPORATION HAS FAILED TO FULFILL THE DUTIES REQUIRED BY THIS ARTICLE, THE COURT SHALL REQUIRE THE

1 CORPORATION TO PAY THE ATTORNEY GENERAL REASONABLE ATTORNEY  
2 FEES. THE ATTORNEY GENERAL RETAINS OVERSIGHT OF THE CORRECTIVE  
3 ACTION FOR AS LONG AS NECESSARY TO ENSURE COMPLIANCE.".

4  
5 As amended, ordered engrossed and placed on the Calendar for Third  
6 Reading and Final Passage.

7  
8 **HB12-1070** by Representative(s) Peniston; also senator(s) Hodge--  
9 Concerning the modification of statutory provisions  
10 governing the ethical conduct of persons involved in  
11 government for the purpose of harmonizing such  
12 provisions with section 3 (5) of article XXIX of the state  
13 constitution.

14  
15 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
16 February 1, 2012, and placed in member's bill file; Report also printed in  
17 House Journal, February 6, pages 160-161.

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

21  
22 **HB12-1072** by Representative(s) Massey and Fields, Holbert; also  
23 Senator(s) Bacon and King K., Hudak--Concerning credit  
24 for prior learning in higher education.

25  
26 Amendment No. 1, Education Report, dated February 8, 2012, and  
27 placed in member's bill file; Report also printed in House Journal,  
28 February 9, page 219.

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

32  
33 **HB12-1079** by Representative(s) Barker; also Senator(s) King S.--  
34 Concerning designation of certain positions in the  
35 department of public safety.

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

39  
40 **HB12-1086** by Representative(s) Gardner B., Labuda, Levy, Murray,  
41 Waller; also Senator(s) Morse, Brophy, Guzman, Roberts,  
42 Schwartz--Concerning implementation of  
43 recommendations of the committee on legal services in  
44 connection with legislative review of rules and regulations  
45 of state agencies.

46  
47 Amendment No. 1, Legal Services Report, dated February 8, 2012, and  
48 placed in member's bill file; Report also printed in House Journal,  
49 February 9, page 220.

50  
51 As amended, ordered engrossed and placed on the Calendar for Third  
52 Reading and Final Passage.

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- 1 election to preregister to vote, and, in connection  
2 therewith, allowing a preregistered person to change his or  
3 her information on the secretary of state's official web site.  
4 Committee on State, Veterans, & Military Affairs  
5
- 6 **HB12-1299** by Representative(s) Singer--Concerning the specification  
7 that a motor vehicle lessee is entitled to claim the  
8 innovative motor vehicle tax credit.  
9 Committee on Finance  
10
- 11 **HB12-1300** by Representative(s) Gardner B., Barker, Ryden, Waller;  
12 also Senator(s) Aguilar--Concerning professional review  
13 committees, and, in connection therewith, implementing  
14 the sunset review recommendations of the department of  
15 regulatory agencies.  
16 Committee on Judiciary  
17
- 18 **SB12-009** by Senator(s) Hodge, Brophy, Giron, Roberts, Schwartz;  
19 also Representative(s) Swerdfeger, Baumgardner,  
20 Sonnenberg, Vigil, Wilson--Concerning the consolidation  
21 of cash funds administered by the division of water  
22 resources.  
23 Committee on Agriculture, Livestock, & Natural Resources  
24
- 25 **SB12-010** by Senator(s) Hodge; also Representative(s) Ferrandino--  
26 Concerning the authority of the department of public  
27 safety to use gifts, grants, and donations for the purpose of  
28 funding the activities of the Colorado bureau of  
29 investigation.  
30 Committee on Judiciary  
31 Committee on Appropriations  
32
- 33 **SB12-013** by Senator(s) Schwartz; also Representative(s) Jones--  
34 Concerning low-speed electric vehicles.  
35 Committee on Transportation  
36
- 37 **SB12-033** by Senator(s) Guzman; also Representative(s) Massey--  
38 Concerning adding near fatalities to the responsibilities of  
39 the department of human services child fatality review  
40 team.  
41 Committee on Health and Environment  
42
- 43 **SB12-048** by Senator(s) Schwartz; also Representative(s) Coram--  
44 Concerning the creation of the "Colorado Cottage Foods  
45 Act" for locally produced home foods sold directly to  
46 consumers.  
47 Committee on Agriculture, Livestock, & Natural Resources  
48
- 49 **SB12-066** by Senator(s) Nicholson; also Representative(s)  
50 Gardner B.--Concerning expanding those persons eligible  
51 as guardians in the guardianship assistance program to  
52 include persons ascribed by the family as having a family-  
53 like relationship with the child.  
54 Committee on Judiciary  
55  
56
-

1 House in recess. House reconvened.  
2  
3

4 **MESSAGE(S) FROM THE SENATE**  
5

6 The Senate has adopted and returns herewith: HJR12-1012.  
7  
8

9 The Senate has passed on Third Reading and transmits to the Revisor of  
10 Statutes: **SB12-037, SB12-055, SB12-096, SB12-064, SB12-111,**  
11 **SB12-112, SB12-113 and SB12-114.**  
12

13 The Senate has passed on Third Reading and transmits to the Revisor of  
14 Statutes:

15  
16 **SB12-074** As amended in General Orders as printed in Senate Journal,  
17 February 10, 2012, page 120.

18 **SB12-012** As amended in General Orders as printed in Senate Journal,  
19 February 10, 2012, page 121.

20 **SB12-030** As amended in General Orders as printed in Senate Journal,  
21 February 6, 2012, page 91 and amended on Third Reading,  
22 February 13, 2012, as printed in the Senate Journal.

23 **SB12-040** As amended in General Orders as printed in Senate Journal,  
24 February 10, 2012, page 120 and amended on Third Reading,  
25 February 13, 2012, as printed in the Senate Journal.  
26

27  
28 **MESSAGE(S) FROM THE REVISOR**  
29

30 We herewith transmit:

31 Without comment, SB12-037, 055, 064, 096, 111, 112, 113 and 114.

32 Without comment, as amended, SB12-012, 074, 030, and 040.  
33

34  
35 **INTRODUCTION OF BILL**  
36 **First Reading**  
37

38 The following bill was read by title and referred to the committee  
39 indicated:

40  
41 **HB12-1301** by Representative(s) McNulty, Ferrandino; also Senator(s)  
42 Morse, Shaffer B., Cadman--Concerning payment of  
43 expenses of the legislative department.

44 Committee on Appropriations  
45

46  
47  
48 **LAY OVER OF CALENDAR ITEM(S)**  
49

50 On motion of Representative Becker, the following item(s) on the  
51 Calendar was (were) laid over until February 14, retaining place on  
52 Calendar:  
53

54 Consideration of Third Reading--**HB12-1040.**

55 Consideration of General Orders--**HB12-1105, 1017, 1009 amended,**  
56 **1005, 1026, 1043.**  
\_\_\_\_\_

1 On motion of Representative Becker, the House adjourned until  
2 9:00 a.m., February 14, 2012.

3

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6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:  
FRANK McNULTY,  
Speaker