

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

Thirty-sixth Legislative Day

Wednesday, February 15, 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 Paul Schroeder, Laradon's Community  
7 Participation Vocational Program, Denver.

8

9 The roll was called with the following result:

10

11 Present--61.

12 Excused--Representative(s) Bradford, Kagan, Levy, Stephens--4.

13

Present after roll call--Representative(s) Levy.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Singer, the reading of the journal of  
19 February 14, 2012, was declared dispensed with and approved as  
20 corrected by the Chief Clerk.

21

22

23

24

**CONSIDERATION OF RESOLUTION(S)**

25

26 **HJR12-1013** by Representative(s) Gardner B.; also Senator(s) Newell--  
27 Concerning Awareness Day for Individuals with  
28 Developmental Disabilities.

29

30 (Printed and placed in members' file)

31

32 On motion of Representative B. Gardner, the resolution was read at  
33 length and **adopted** by **viva voce** vote.

34

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

43



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

1  
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 **HB12-1040** by Representative(s) Casso--Concerning recognition of  
8 September 11 as a state holiday in certain years, and, in  
9 connection therewith, designating September 11 as  
10 "Patriot Day".

11  
12 Laid over until February 16, retaining place on Calendar.

13  
14  
15 **HB12-1068** by Representative(s) McKinley; also Senator(s) Grantham--  
16 -Concerning the administration of a nonprofit cemetery  
17 corporation by persons who own the right to bury a  
18 deceased person within the cemetery.

19  
20 Laid over until February 16, retaining place on Calendar.

21  
22  
23 **HB12-1009** by Representative(s) Gerou; also Senator(s) Lambert--  
24 Concerning a report related to the federal moneys received  
25 by the executive branch.

26  
27 The question being "Shall the bill pass?".  
28 A roll call vote was taken. As shown by the following recorded vote, a  
29 majority of those elected to the House voted in the affirmative and the bill  
30 was declared **passed**.

31

	YES	54	NO	8	EXCUSED	3	ABSENT	0
33	Acree	Y	Fischer	N	Looper	Y	Solano	N
34	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
35	Barker	Y	Gerou	Y	McCann	N	Soper	Y
36	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	E
37	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
38	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
39	Bradford	E	Jones	Y	Nikkel	Y	Swerdfeger	Y
40	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
41	Casso	N	Kagan	E	Pace	Y	Todd	Y
42	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
43	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
44	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	Y
45	DelGrosso	Y	Labuda	N	Ryden	Y	Waller	Y
46	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
47	Ferrandino	Y	Levy	N	Scott	Y	Wilson	N
48	Fields	Y	Liston	Y	Singer	Y	Young	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Barker, Becker, Brown, Conti,  
51 DelGrosso, Kerr A., Liston, Looper, Murray, Nikkel, Priola, Sonnenberg,  
52 Summers, Speaker.

53  
54  
55 **HB12-1120** by Representative(s) Swerdfeger, Brown, Duran, Liston,  
56 Massey, Pabon, Pace, Williams A.; also Senator(s)

1 Tochtrop--Concerning the creation of the division of  
 2 unemployment insurance in the department of labor and  
 3 employment to administer the unemployment insurance  
 4 program.

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

	YES	62	NO	0	EXCUSED	3	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	E
16	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
17	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
18	Bradford	E	Jones	Y	Nikkel	Y	Swerdfeger	Y
19	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
20	Casso	Y	Kagan	E	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 Co-sponsor(s) added: Representative(s) Schafer S., Todd, Tyler, Vigil.

30  
 31 **HB12-1221** by Representative(s) Liston, Kerr J., Balmer, Miklosi,  
 32 Summers, Swalm, Williams A.; also Senator(s) Tochtrop,  
 33 Boyd, Morse--Concerning billing for anatomic pathology  
 34 services.

35  
 36 The question being "Shall the bill pass?".  
 37 A roll call vote was taken. As shown by the following recorded vote, a  
 38 majority of those elected to the House voted in the affirmative and the bill  
 39 was declared **passed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
42	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
43	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
44	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
45	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	E
46	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
47	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
48	Bradford	E	Jones	Y	Nikkel	Y	Swerdfeger	Y
49	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
50	Casso	Y	Kagan	E	Pace	Y	Todd	Y
51	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
52	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
53	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
54	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
55	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
56	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y



1	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
2	Bradford	E	Jones	Y	Nikkel	Y	Swerdfeger	Y
3	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
4	Casso	Y	Kagan	E	Pace	Y	Todd	Y
5	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
6	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
7	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
8	DelGrosso	Y	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) Acree, Barker, Fischer, Gerou, Kerr A.,  
 14 Labuda, Nikkel, Schafer S., Singer, Summers, Vigil, Wilson, Young.

15  
 16 **HB12-1092** by Representative(s) Priola, McKinley, Holbert, Balmer,  
 17 Barker, Baumgardner, DelGrosso, Kerr J., Liston,  
 18 McNulty, Murray, Sonnenberg, Stephens, Swalm; also  
 19 Senator(s) Brophy--Concerning the authority of a law-  
 20 abiding person to carry a concealed handgun without a  
 21 permit.

22  
 23 Laid over until February 20, retaining place on Calendar.

24  
 25  
 26 House in recess. House reconvened.  
 27  
 28

## 29 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

### 30 **ECONOMIC & BUSINESS DEVELOPMENT**

31  
 32 After consideration on the merits, the Committee recommends the  
 33 following:  
 34

35  
 36 **HB12-1115** 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, **add** 2-2-322.5 as  
 44 follows:  
 45

46 **2-2-322.5. Business fiscal impact statement.** (1) IF A  
 47 LEGISLATIVE MEASURE IS INTRODUCED THAT PROPOSES A NEW OR  
 48 INCREASED MANDATE ON COLORADO'S BUSINESSES OR IS EXPECTED TO  
 49 SIGNIFICANTLY INCREASE COSTS TO COLORADO'S BUSINESSES, THE STAFF  
 50 OF THE LEGISLATIVE COUNCIL SHALL DESIGNATE A TEN-DAY PERIOD  
 51 DURING WHICH THE FIRST FIFTY COLORADO BUSINESSES TO RESPOND MAY  
 52 SUBMIT COMMENTS REGARDING THE POTENTIAL BUSINESS FISCAL IMPACT  
 53 OF THE LEGISLATIVE MEASURE. THE TEN-DAY PERIOD SHALL COMMENCE  
 54 NO SOONER THAN THE SECOND DAY AFTER THE INTRODUCTION OF THE  
 55 LEGISLATIVE MEASURE AND NO LATER THAN THE FOURTH DAY AFTER THE  
 56 INTRODUCTION OF THE LEGISLATIVE MEASURE. IN THE EVENT A

1 COLORADO BUSINESS PROVIDES COMMENTS AND SUCH BUSINESS IS UNDER  
2 A COLLECTIVE-BARGAINING AGREEMENT, A UNION MAY PROVIDE A  
3 STATEMENT AS AN ADDENDUM TO THE COLORADO BUSINESS' COMMENT.  
4

5 (2) UPON THE EXPIRATION OF THE TEN-DAY PERIOD REQUIRED BY  
6 SUBSECTION (1) OF THIS SECTION, THE STAFF OF THE LEGISLATIVE COUNCIL  
7 SHALL COMPILE ANY COMMENTS RECEIVED FROM COLORADO BUSINESSES  
8 AND MAKE COPIES AVAILABLE IN CONJUNCTION WITH THE FISCAL NOTE  
9 REQUIRED BY SECTION 2-2-322.  
10

11 **SECTION 2. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2012 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor."  
21  
22  
23

24 **HB12-1210** be amended as follows, and as so amended, be referred to  
25 the Committee of the Whole with favorable  
26 recommendation:  
27

28 Amend printed bill, page 2, line 21, strike "WITHIN THIRTY DAYS AFTER"  
29 and substitute "PRIOR TO".  
30

31 Page 3, after line 6 insert:  
32

33 "(IV) THE PROVISIONS OF THIS SUBSECTION (8) DO NOT APPLY TO  
34 PROFESSIONALS WHO DO NOT PERMANENTLY RESIDE, OR INTEND TO  
35 PERMANENTLY RESIDE, IN COLORADO. IF AN APPLICANT DOES NOT RESIDE  
36 IN COLORADO WITHIN SIXTY DAYS AFTER APPLYING FOR LICENSURE,  
37 CERTIFICATION, OR REGISTRATION, THE INDIVIDUAL IS NO LONGER  
38 AUTHORIZED TO PRACTICE UNDER THIS SECTION IN COLORADO.  
39

40 (V) THIS PARAGRAPH (f) DOES NOT APPLY TO AN OPTOMETRIST  
41 PRACTICING IN ANOTHER STATE WHOSE INTENT IS TO APPLY FOR A LICENSE  
42 PURSUANT TO ARTICLE 40 OF TITLE 12, C.R.S.  
43

44 (VI) THIS PARAGRAPH (f) DOES NOT APPLY TO A PHYSICIAN OR  
45 PHYSICIAN ASSISTANT PRACTICING IN ANOTHER STATE WHOSE INTENT IS  
46 TO APPLY FOR A LICENSE PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S."  
47  
48  
49

50 **HB12-1270** be amended as follows, and as so amended, be referred to  
51 the Committee of the Whole with favorable  
52 recommendation:  
53

54 Amend printed bill, page 3, strike line 5 and substitute "(2) (a); and **add**  
55 (2) (a.5) as follows:"  
56

1 Page 3, line 6, strike "Every" and substitute "EXCEPT AS PROVIDED IN  
2 PARAGRAPH (a.5) OF THIS SUBSECTION (2), every".

3  
4 Page 3, strike line 9 and substitute "or article 46 of this title. ~~except that,~~

5  
6 (a.5) (I) During a THE 2013 calendar year, a person".

7  
8 Page 3, line 11, strike "TWO" and substitute "ONE".

9  
10 Page 3, after line 11 insert:

11  
12 "(~~H~~) (A) Malt, vinous, or spirituous liquors from a retailer licensed  
13 pursuant to section 12-47-407 or 12-47-408; and

14  
15 (~~H~~) (B) Fermented malt beverages from a retailer licensed  
16 pursuant to section 12-46-104 (1) (c).

17  
18 (II) DURING THE 2014 CALENDAR YEAR, A PERSON SELLING  
19 ALCOHOL BEVERAGES AS PROVIDED IN THIS SECTION MAY PURCHASE NOT  
20 MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS' WORTH OF:

21  
22 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
23 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

24  
25 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
26 PURSUANT TO SECTION 12-46-104 (1) (c).

27  
28 (III) DURING THE 2015 CALENDAR YEAR AND EACH CALENDAR  
29 YEAR THEREAFTER, A PERSON SELLING ALCOHOL BEVERAGES AS PROVIDED  
30 IN THIS SECTION MAY PURCHASE NOT MORE THAN TWO THOUSAND  
31 DOLLARS' WORTH OF:

32  
33 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
34 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

35  
36 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
37 PURSUANT TO SECTION 12-46-104 (1) (c)."

38  
39 Page 3, strike line 13 and substitute "(3) (a); and **add** (3) (a.5) as  
40 follows:".

41  
42 Page 3, line 14, strike "Every" and substitute "EXCEPT AS PROVIDED IN  
43 PARAGRAPH (a.5) OF THIS SUBSECTION (3), every".

44  
45 Page 3, strike line 18 and substitute "this title. ~~except that,~~

46  
47 (a.5) (I) During a THE 2013 calendar year, a person selling  
48 alcohol".

49  
50 Page 3, line 20, strike "TWO" and substitute "ONE".

51  
52 Page 3, after line 20 insert:

53  
54 "(~~H~~) (A) Malt, vinous, ~~and~~ OR spirituous liquors from a retailer  
55 licensed pursuant to section 12-47-407 or 12-47-408; and

56



1           ~~(H)~~ (B) Fermented malt beverages from a retailer licensed  
2 pursuant to section 12-46-104 (1) (c).  
3

4           (II) DURING THE 2014 CALENDAR YEAR, A PERSON SELLING  
5 ALCOHOL BEVERAGES AS PROVIDED IN THIS SECTION MAY PURCHASE NOT  
6 MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS' WORTH OF:  
7

8           (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
9 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND  
10

11           (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
12 PURSUANT TO SECTION 12-46-104 (1) (c).  
13

14           (III) DURING THE 2015 CALENDAR YEAR AND EACH CALENDAR  
15 YEAR THEREAFTER, A PERSON SELLING ALCOHOL BEVERAGES AS PROVIDED  
16 IN THIS SECTION MAY PURCHASE NOT MORE THAN TWO THOUSAND  
17 DOLLARS' WORTH OF:  
18

19           (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
20 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND  
21

22           (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
23 PURSUANT TO SECTION 12-46-104 (1) (c).".  
24

25 Page 3, strike line 22 and substitute "(2) (a); and **add** (2) (a.5) as  
26 follows:".  
27

28 Page 3, line 23, strike "Every" and substitute "EXCEPT AS PROVIDED IN  
29 PARAGRAPH (a.5) OF THIS SUBSECTION (2), every".  
30

31 Page 3, strike line 26 and substitute "article or article 46 of this title.  
32 ~~except that,~~  
33

34           (a.5) (I) During a THE 2013 calendar year, a".  
35

36 Page 4, line 1, strike "TWO" and substitute "ONE".  
37

38 Page 4, after line 1 insert:  
39

40           ~~(H)~~ (A) Malt, vinous, ~~and~~ OR spirituous liquors from a retailer  
41 licensed pursuant to section 12-47-407 or 12-47-408; and  
42

43           ~~(H)~~ (B) Fermented malt beverages from a retailer licensed  
44 pursuant to section 12-46-104 (1) (c).  
45

46           (II) DURING THE 2014 CALENDAR YEAR, A PERSON SELLING  
47 ALCOHOL BEVERAGES AS PROVIDED IN THIS SECTION MAY PURCHASE NOT  
48 MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS' WORTH OF:  
49

50           (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
51 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND  
52

53           (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
54 PURSUANT TO SECTION 12-46-104 (1) (c).  
55

56           (III) DURING THE 2015 CALENDAR YEAR AND EACH CALENDAR

1 YEAR THEREAFTER, A PERSON SELLING ALCOHOL BEVERAGES AS PROVIDED  
2 IN THIS SECTION MAY PURCHASE NOT MORE THAN TWO THOUSAND  
3 DOLLARS' WORTH OF:

4  
5 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
6 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

7  
8 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
9 PURSUANT TO SECTION 12-46-104 (1) (c)."

10

11 Page 4, strike line 3 and substitute "(4) (a); and **add** (4) (a.5) as follows:".

12

13 Page 4, line 4, strike "Every" and substitute "EXCEPT AS PROVIDED IN  
14 PARAGRAPH (a.5) OF THIS SUBSECTION (4), every".

15

16 Page 4, strike line 7 and substitute "this title. ~~except that,~~

17

18 (a.5) (I) During a THE 2013 calendar year, a person selling  
19 alcohol".

20

21 Page 4, line 9, strike "TWO" and substitute "ONE".

22

23 Page 4, after line 9 insert:

24

25 ~~(F)~~ (A) Malt, vinous, ~~and~~ OR spirituous liquors from a retailer  
26 licensed pursuant to section 12-47-407 or 12-47-408; and

27

28 ~~(H)~~ (B) Fermented malt beverages from a retailer licensed  
29 pursuant to section 12-46-104 (1) (c).

30

31 (II) DURING THE 2014 CALENDAR YEAR, A PERSON SELLING  
32 ALCOHOL BEVERAGES AS PROVIDED IN THIS SECTION MAY PURCHASE NOT  
33 MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS' WORTH OF:

34

35 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
36 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

37

38 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
39 PURSUANT TO SECTION 12-46-104 (1) (c).

40

41 (III) DURING THE 2015 CALENDAR YEAR AND EACH CALENDAR  
42 YEAR THEREAFTER, A PERSON SELLING ALCOHOL BEVERAGES AS PROVIDED  
43 IN THIS SECTION MAY PURCHASE NOT MORE THAN TWO THOUSAND  
44 DOLLARS' WORTH OF:

45

46 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
47 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

48

49 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
50 PURSUANT TO SECTION 12-46-104 (1) (c)."

51

52 Page 4, strike line 11 and substitute "(2) (a); and **add** (2) (a.5) as  
53 follows:".

54

55 Page 4, line 12, strike "Every" and substitute "EXCEPT AS PROVIDED IN  
56 PARAGRAPH (a.5) OF THIS SUBSECTION (2), every".

1 Page 4, strike line 15 and substitute "article 46 of this title. ~~except that,~~

2

3 (a.5) (I) During a THE 2013 calendar year, a person selling".

4

5 Page 4, line 17, strike "TWO" and substitute "ONE".

6

7 Page 4, after line 17 insert:

8

9 (⊕) (A) Malt, vinous, ~~and~~ OR spirituous liquors from a retailer  
10 licensed pursuant to section 12-47-407 or 12-47-408; and

11

12 (⊕) (B) Fermented malt beverages from a retailer licensed  
13 pursuant to section 12-46-104 (1) (c).

14

15 (II) DURING THE 2014 CALENDAR YEAR, A PERSON SELLING  
16 ALCOHOL BEVERAGES AS PROVIDED IN THIS SECTION MAY PURCHASE NOT  
17 MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS' WORTH OF:

18

19 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
20 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

21

22 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
23 PURSUANT TO SECTION 12-46-104 (1) (c).

24

25 (III) DURING THE 2015 CALENDAR YEAR AND EACH CALENDAR  
26 YEAR THEREAFTER, A PERSON SELLING ALCOHOL BEVERAGES AS PROVIDED  
27 IN THIS SECTION MAY PURCHASE NOT MORE THAN TWO THOUSAND  
28 DOLLARS' WORTH OF:

29

30 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
31 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

32

33 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
34 PURSUANT TO SECTION 12-46-104 (1) (c).".

35

36 Page 4, strike line 19 and substitute "(3) (a); and **add** (3) (a.5) as  
37 follows:".

38

39 Page 4, line 20, strike "Every" and substitute "EXCEPT AS PROVIDED IN  
40 PARAGRAPH (a.5) OF THIS SUBSECTION (3), every".

41

42 Page 4, strike line 24 and substitute "article 46 of this title. ~~except that,~~

43

44 (a.5) (I) During a THE 2013 calendar year, a person may".

45

46 Page 4, line 25, strike "TWO" and substitute "ONE".

47

48 Page 4, after line 25 insert:

49

50 (⊕) (A) Malt, vinous, ~~and~~ OR spirituous liquors from a retailer  
51 licensed pursuant to section 12-47-407 or 12-47-408; and

52

53 (⊕) (B) Fermented malt beverages from a retailer licensed  
54 pursuant to section 12-46-104 (1) (c).

55

56 (II) DURING THE 2014 CALENDAR YEAR, A PERSON SELLING

1 ALCOHOL BEVERAGES AS PROVIDED IN THIS SECTION MAY PURCHASE NOT  
2 MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS' WORTH OF:

3  
4 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
5 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

6  
7 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
8 PURSUANT TO SECTION 12-46-104 (1) (c).

9  
10 (III) DURING THE 2015 CALENDAR YEAR AND EACH CALENDAR  
11 YEAR THEREAFTER, A PERSON SELLING ALCOHOL BEVERAGES AS PROVIDED  
12 IN THIS SECTION MAY PURCHASE NOT MORE THAN TWO THOUSAND  
13 DOLLARS' WORTH OF:

14  
15 (A) MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER  
16 LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

17  
18 (B) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED  
19 PURSUANT TO SECTION 12-46-104 (1) (c).".

20  
21  
22  
23 **HB12-1284** be postponed indefinitely.

24  
25  
26 **HB12-1289** be referred to the Committee of the Whole with favorable  
27 recommendation.

28  
29  
30  
31  
32 **HEALTH & ENVIRONMENT**

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

35  
36 **HB12-1097** 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, page 2, before line 1 insert:

41  
42 "SECTION 1. In Colorado Revised Statutes, 25-4-1602, add  
43 (6.5) as follows:

44  
45 **25-4-1602. Definitions.** As used in this part 16, unless the context  
46 otherwise requires:

47  
48 (6.5) "IMMINENT HEALTH HAZARD" MEANS A SIGNIFICANT THREAT  
49 OR DANGER TO HEALTH THAT IS CONSIDERED TO EXIST WHEN THERE IS  
50 EVIDENCE SUFFICIENT TO SHOW THAT A PRODUCT, PRACTICE,  
51 CIRCUMSTANCE, OR EVENT CREATES A SITUATION THAT REQUIRES  
52 IMMEDIATE CORRECTION OR CESSATION OF OPERATION TO PREVENT  
53 INJURY OR ILLNESS BASED ON THE NUMBER OF POTENTIAL INJURIES OR  
54 ILLNESSES AND THE NATURE, SEVERITY, AND DURATION OF THE  
55 ANTICIPATED INJURY OR ILLNESS."

56

1 Renumber succeeding sections accordingly.

2

3 Page 2, line 3, after "**Disciplinary actions** -"insert "**closure** -".

4

5 Page 2, line 4, strike "PROCEEDINGS" and substitute "EXCEPT IN CASES OF  
6 CLOSURE DUE TO AN IMMINENT HEALTH HAZARD, PROCEEDINGS".

7

8 Page 2, before line 11 insert:

9

10 **"SECTION 3.** In Colorado Revised Statutes, 25-4-1611, **amend**  
11 (3) as follows:

12

13 **25-4-1611. Violation - penalties.** (3) A maximum of three civil  
14 penalties may be assessed against a licensee or other person operating a  
15 retail food establishment in any ~~calendar year~~ TWELVE-MONTH PERIOD.  
16 Whenever a third civil penalty is assessed in a ~~calendar year~~  
17 TWELVE-MONTH PERIOD, the department or a county or district board of  
18 health ~~shall~~ MAY initiate proceedings to suspend or revoke the license of  
19 the licensee pursuant to section 25-4-1609."

20

21 Renumber succeeding section accordingly.

22

23

24

25 **HB12-1276** be amended as follows, and as so amended, be referred to  
26 the Committee of the Whole with favorable  
27 recommendation:

28

29 Amend printed bill, page 4, after line 20 insert:

30

31 **"SECTION 2.** In Colorado Revised Statutes, **amend** 26-6-106 (3)  
32 as follows:

33

34 **26-6-106. Standards for facilities and agencies.** (3) Any  
35 applicant or person licensed to operate a child care facility or agency  
36 under the provisions of this part 1 has the right to appeal any standard  
37 that, in his or her opinion, works an undue hardship or when, in his or her  
38 opinion, a standard has been too stringently applied by representatives of  
39 the department. The department shall designate a panel of persons  
40 representing various state and local governmental agencies with an  
41 interest in and concern for children to hear such appeal and to make  
42 recommendations to the department. THE MEMBERSHIP OF THE APPEALS  
43 REVIEW PANEL SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, A  
44 REPRESENTATIVE FROM CHILD CARE PROVIDERS, A REPRESENTATIVE FROM  
45 A LOCAL EARLY CHILDHOOD COUNCIL OR LOCAL CHILD CARE RESOURCE  
46 AND REFERRAL AGENCY, A STATE-LEVEL EARLY CHILDHOOD  
47 REPRESENTATIVE WITH EARLY CARE AND EDUCATION EXPERTISE, AND A  
48 PARENT REPRESENTATIVE. ALL MEMBERS TO THE APPEALS REVIEW PANEL  
49 SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OR HIS OR HER  
50 DESIGNEE AND SHALL SERVE TERMS OF NO MORE THAN THREE YEARS.  
51 REPRESENTATIVES TO THE APPEALS REVIEW PANEL MAY SERVE  
52 SUCCESSIVE TERMS."

53

54 Renumber succeeding section accordingly.

55

56

1 **JUDICIARY**

2 After consideration on the merits, the Committee recommends the  
3 following:

4  
5 **HB12-1139** be referred to the Committee of the Whole with favorable  
6 recommendation.

7  
8  
9 **HB12-1151** be amended as follows, and as so amended, be referred to  
10 the Committee of the Whole with favorable  
11 recommendation:

12  
13 Amend printed bill, page 2, strike lines 5 through 12 and substitute:

14  
15 **"13-21-127. Civil damages for human trafficking and**  
16 **involuntary servitude.** (1) A PERSON IS ENTITLED TO RECOVER  
17 DAMAGES AND TO OBTAIN INJUNCTIVE RELIEF FROM ANY PERSON WHO  
18 COMMITS TRAFFICKING IN ADULTS, AS DESCRIBED IN SECTION 18-3-501,  
19 C.R.S.; TRAFFICKING IN CHILDREN, AS DESCRIBED IN SECTION 18-3-502,  
20 C.R.S.; OR COERCION OF INVOLUNTARY SERVITUDE, AS DESCRIBED IN  
21 SECTION 18-3-503, C.R.S.

22  
23 (2) A CONVICTION FOR TRAFFICKING IN ADULTS, AS DESCRIBED IN  
24 SECTION 18-3-501, C.R.S.; TRAFFICKING IN CHILDREN, AS DESCRIBED IN  
25 SECTION 18-3-502, C.R.S.; OR COERCION OF INVOLUNTARY SERVITUDE, AS  
26 DESCRIBED IN SECTION 18-3-503, C.R.S., SHALL NOT BE A CONDITION  
27 PRECEDENT TO MAINTAINING A CIVIL ACTION PURSUANT TO THE  
28 PROVISIONS OF THIS SECTION."

29  
30 Page 3, strike lines 14 through 27.

31  
32 Page 4, strike lines 1 through 23 and substitute:

33  
34 **"SECTION 4.** In Colorado Revised Statutes, 12-25.5-112, **add**  
35 (3) as follows:

36  
37 **12-25.5-112. Duties of escort bureau.** (3) EACH ESCORT BUREAU  
38 SHALL PROVIDE TO EACH EMPLOYEE OF THE ESCORT BUREAU A WRITTEN  
39 NOTICE THAT INCLUDES:

40  
41 (a) A STATEMENT THAT HUMAN TRAFFICKING AND COERCION OF  
42 INVOLUNTARY SERVITUDE ARE PROHIBITED IN THIS STATE BY THE  
43 PROVISIONS OF SECTIONS 18-3-501, 18-3-502, AND 18-3-503, C.R.S.; AND

44  
45 (b) THE NAME, TELEPHONE NUMBER, AND INTERNET WEB SITE  
46 ADDRESS OF A LOCAL, STATEWIDE, OR NATIONAL ORGANIZATION THAT  
47 PROVIDES ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING AND SLAVERY.

48  
49 **SECTION 5.** In Colorado Revised Statutes, 12-48.5-110, **amend**  
50 (1) (f); and **add** (1) (g) as follows:

51  
52 **12-48.5-110. Unlawful acts.** (1) It is unlawful for any person:  
53 (f) To ~~fail~~ OPERATE A MESSAGE PARLOR WHILE FAILING to display  
54 at all times in a prominent place on the licensed premises a printed card  
55 with a minimum height of fourteen inches and a width of eleven inches  
56 with each letter a minimum of one-half inch in height, which shall read

1 as follows:

2  
3 WARNING

4  
5 IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN  
6 YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY  
7 TIME, UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER  
8 PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE  
9 SERVICES.

10  
11 IT IS ILLEGAL FOR ANY PERSON TO ALLOW A PERSON  
12 UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE  
13 PREMISES AT ANY TIME, UNLESS HE OR SHE IS  
14 ACCOMPANIED BY HIS OR HER PARENT OR HAS A  
15 PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

16  
17 PART 5 OF ARTICLE 3 OF TITLE 18, COLORADO REVISED  
18 STATUTES, PROHIBITS TRAFFICKING OF ADULTS,  
19 TRAFFICKING OF CHILDREN, AND COERCION OF  
20 INVOLUNTARY SERVITUDE AND ESTABLISHES CRIMINAL  
21 PENALTIES FOR THESE OFFENSES.

22  
23 FINES OR IMPRISONMENT MAY BE IMPOSED BY THE  
24 COURTS FOR VIOLATION OF THESE PROVISIONS UNDER  
25 ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.

26  
27 (g) To operate a massage parlor while failing to display at all  
28 times in a prominent place on the licensed premises a printed card with  
29 a minimum height of fourteen inches and a width of eleven inches with  
30 each letter a minimum of one-half inch in height, which provides the  
31 name and contact information of a state or local organization that  
32 provides services or other assistance to victims of human trafficking.

33  
34 **SECTION 6.** In Colorado Revised Statutes, 19-1-306, **add** (5) (d)  
35 and (6) (a.5) as follows:

36  
37 **19-1-306. Expungement of juvenile delinquent records.**  
38 (5) (d) THE COURT SHALL ORDER EXPUNGED ALL RECORDS IN THE  
39 CUSTODY OF THE COURT AND ANY RECORDS IN THE CUSTODY OF ANY  
40 OTHER AGENCY OR OFFICIAL THAT PERTAIN TO THE PETITIONER'S  
41 CONVICTION FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201,  
42 C.R.S.; SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION  
43 18-7-202, C.R.S.; KEEPING A PLACE OF PROSTITUTION, AS DESCRIBED IN  
44 SECTION 18-7-204, C.R.S.; PUBLIC INDECENCY, AS DESCRIBED IN SECTION  
45 18-7-301, C.R.S.; SOLICITING FOR CHILD PROSTITUTION, AS DESCRIBED IN  
46 SECTION 18-7-402, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR  
47 ORDINANCE IF, AT THE HEARING, THE COURT FINDS THAT THE PETITIONER  
48 WHO IS THE SUBJECT OF THE HEARING HAS ESTABLISHED BY A  
49 PREPONDERANCE OF THE EVIDENCE THAT, AT THE TIME HE OR SHE  
50 COMMITTED THE OFFENSE, HE OR SHE:

51  
52 (I) HAD BEEN SOLD, EXCHANGED, BARTERED, OR LEASED BY  
53 ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-501 OR 18-3-502,  
54 C.R.S., FOR THE PURPOSE OF PERFORMING THE OFFENSE; OR

55  
56 (II) WAS COERCED BY ANOTHER PERSON, AS DESCRIBED IN

1 SECTION 18-3-503, C.R.S., TO PERFORM THE OFFENSE.

2

3 (6) A person is eligible to petition for an expungement order:

4

5 (a.5) AT ANY TIME FOR THE PURPOSES DESCRIBED IN PARAGRAPH  
6 (d) OF SUBSECTION (5) OF THIS SECTION;

7

8 **SECTION 7.** In Colorado Revised Statutes, **add** 24-72-308.7 as  
9 follows:

10

11 **24-72-308.7. Sealing of criminal conviction records**  
12 **information for offenses committed by victims of human trafficking.**

13 (1) **Definitions.** FOR PURPOSES OF THIS SECTION, "CONVICTION RECORDS"  
14 MEANS ARREST AND CRIMINAL RECORDS INFORMATION AND ANY RECORDS  
15 PERTAINING TO A JUDGMENT OF CONVICTION.

16

17 (2) **Sealing of conviction records.** (a) (I) A DEFENDANT MAY  
18 PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY  
19 CONVICTION RECORDS PERTAINING TO THE DEFENDANT'S CONVICTION FOR  
20 PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201, C.R.S.; SOLICITING  
21 FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S.; KEEPING  
22 A PLACE OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-204, C.R.S.;  
23 PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301, C.R.S., OR ANY  
24 CORRESPONDING MUNICIPAL CODE OR ORDINANCE ARE LOCATED FOR THE  
25 SEALING OF THE CONVICTION RECORDS, EXCEPT FOR BASIC IDENTIFYING  
26 INFORMATION.

27

28 (II) IF A PETITION IS FILED PURSUANT TO SUBPARAGRAPH (I) OF  
29 THIS PARAGRAPH (a) FOR THE SEALING OF A RECORD OF CONVICTION FOR  
30 PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201, C.R.S.; SOLICITING  
31 FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S.; KEEPING  
32 A PLACE OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-204, C.R.S., OR  
33 PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301, C.R.S., THE  
34 COURT SHALL ORDER THE RECORD SEALED AFTER:

35

36 (A) THE PETITION IS FILED;

37

38 (B) THE FILING FEE IS PAID; AND

39

40 (C) THE DEFENDANT ESTABLISHES BY A PREPONDERANCE OF THE  
41 EVIDENCE THAT, AT THE TIME HE OR SHE COMMITTED THE OFFENSE, HE OR  
42 SHE HAD BEEN SOLD, EXCHANGED, BARTERED, OR LEASED BY ANOTHER  
43 PERSON, AS DESCRIBED IN SECTION 18-3-501 OR 18-3-502, C.R.S., FOR THE  
44 PURPOSE OF PERFORMING THE OFFENSE, OR HE OR SHE WAS COERCED BY  
45 ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-503, C.R.S., TO  
46 PERFORM THE OFFENSE.

47

48 (III) AN ORDER ENTERED PURSUANT TO THIS SECTION SHALL BE  
49 DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF  
50 THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.  
51 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS  
52 PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE  
53 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE  
54 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE  
55 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL  
56 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU.



1 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT  
2 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS  
3 WERE SEALED.

4  
5 (IV) AN ORDER SEALING CONVICTION RECORDS SHALL NOT DENY  
6 ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW  
7 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING  
8 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A  
9 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL. AN ORDER SEALING  
10 CONVICTION RECORDS DOES NOT VACATE A CONVICTION. A CONVICTION  
11 SEALED PURSUANT TO THIS SECTION MAY BE USED BY A CRIMINAL JUSTICE  
12 AGENCY, LAW ENFORCEMENT AGENCY, COURT, OR PROSECUTING  
13 ATTORNEY FOR ANY LAWFUL PURPOSE RELATING TO THE INVESTIGATION  
14 OR PROSECUTION OF ANY CASE, INCLUDING BUT NOT LIMITED TO ANY  
15 SUBSEQUENT CASE THAT IS FILED AGAINST THE DEFENDANT, OR FOR ANY  
16 OTHER LAWFUL PURPOSE WITHIN THE SCOPE OF HIS, HER, OR ITS DUTIES. IF  
17 A DEFENDANT IS CONVICTED OF A NEW CRIMINAL OFFENSE AFTER AN  
18 ORDER SEALING CONVICTION RECORDS IS ENTERED, THE COURT SHALL  
19 ORDER THE CONVICTION RECORDS TO BE UNSEALED. A PARTY OR AGENCY  
20 REQUIRED BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK IS  
21 AUTHORIZED TO USE ANY SEALED CONVICTION FOR THE LAWFUL PURPOSE  
22 FOR WHICH THE CRIMINAL HISTORY RECORD CHECK IS REQUIRED BY LAW.

23  
24 (b) A PETITION TO SEAL CONVICTION RECORDS PURSUANT TO THIS  
25 SECTION SHALL INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS  
26 TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT  
27 ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.

28  
29 (c) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (IV) OF  
30 PARAGRAPH (a) OF THIS SUBSECTION (2), UPON THE ENTRY OF AN ORDER  
31 TO SEAL THE CONVICTION RECORDS, THE DEFENDANT AND ALL CRIMINAL  
32 JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE  
33 MATTER, THAT PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT  
34 TO THE DEFENDANT.

35  
36 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (IV) OF  
37 PARAGRAPH (a) OF THIS SUBSECTION (2), INSPECTION OF THE RECORDS  
38 INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER  
39 BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

40  
41 (e) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (IV)  
42 OF PARAGRAPH (a) OF THIS SUBSECTION (2), EMPLOYERS, STATE AND  
43 LOCAL GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES  
44 SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY,  
45 REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN  
46 SEALED CONVICTION RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO  
47 ANY QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN  
48 SEALED, INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE  
49 SEALED CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS  
50 NOT BEEN CRIMINALLY CONVICTED.

51  
52 (II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e)  
53 DO NOT PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD  
54 OF LAW EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF  
55 A CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE  
56 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE

1 BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND  
2 ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT DOES  
3 NOT HAVE A RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER  
4 REFUSAL TO ANSWER A QUESTION CONCERNING SEALED CONVICTION  
5 RECORDS THAT HAVE COME TO THE ATTENTION OF THE BAR COMMITTEE  
6 THROUGH OTHER MEANS.

7  
8 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)  
9 OF THIS PARAGRAPH (e), THE DEPARTMENT OF EDUCATION MAY REQUIRE  
10 A LICENSED EDUCATOR OR AN APPLICANT FOR AN EDUCATOR'S LICENSE  
11 WHO FILES A PETITION TO SEAL A CRIMINAL RECORD TO NOTIFY THE  
12 DEPARTMENT OF EDUCATION OF THE PENDING PETITION TO SEAL. THE  
13 DEPARTMENT HAS THE RIGHT TO INQUIRE INTO THE FACTS OF THE  
14 CRIMINAL OFFENSE FOR WHICH THE PETITION TO SEAL IS PENDING. THE  
15 EDUCATOR OR APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE THAT  
16 JUSTIFIES HIS OR HER REFUSAL TO ANSWER ANY QUESTIONS CONCERNING  
17 THE ARREST AND CRIMINAL RECORDS INFORMATION CONTAINED IN THE  
18 PENDING PETITION TO SEAL.

19  
20 (IV) ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO  
21 UNSEAL ANY FILE THAT HAS BEEN PREVIOUSLY SEALED UPON A SHOWING  
22 THAT CIRCUMSTANCES HAVE COME INTO EXISTENCE SINCE THE ORIGINAL  
23 SEALING, AND, AS A RESULT, THE PUBLIC INTEREST IN DISCLOSURE NOW  
24 OUTWEIGHS THE DEFENDANT'S INTEREST IN PRIVACY.

25  
26 (f) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST  
27 ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS  
28 THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT  
29 GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY  
30 DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS  
31 FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS  
32 AND INFORMATION PERTINENT THERETO SHALL BE REMOVED FROM THE  
33 WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

34  
35 (g) NOTHING IN THIS SECTION AUTHORIZES THE PHYSICAL  
36 DESTRUCTION OF ANY CONVICTION RECORDS.

37  
38 (h) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE  
39 CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING  
40 FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE  
41 THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED  
42 PURSUANT TO THE PROVISIONS OF THIS SECTION ONLY IF THE RECORDS OF  
43 EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY  
44 BE SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

45  
46 (3) **Rules of discovery - rules of evidence - witness testimony.**  
47 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO  
48 THIS SECTION DO NOT LIMIT THE OPERATIONS OF:

49  
50 (a) THE COLORADO RULES OF CIVIL PROCEDURE RELATED TO  
51 DISCOVERY OR THE COLORADO RULES OF EVIDENCE PROMULGATED BY  
52 THE SUPREME COURT OF COLORADO OR ANY OTHER STATE OR FEDERAL  
53 COURT; OR  
54

1 (b) THE PROVISIONS OF SECTION 13-90-101, C.R.S., CONCERNING  
2 WITNESS TESTIMONY."

3  
4 Renumber succeeding sections accordingly.

5  
6  
7  
8 **HB12-1164** be postponed indefinitely.

9  
10  
11 **HB12-1231** be referred to the Committee of the Whole with favorable  
12 recommendation.

13  
14  
15 **HB12-1233** be referred to the Committee of the Whole with favorable  
16 recommendation.

17  
18  
19 **MESSAGE(S) FROM THE SENATE**

20  
21 The Senate has adopted and returns herewith: HJR12-1013.

22  
23  
24 **MESSAGE(S) FROM THE GOVERNOR**

25  
26 I certify I received the following on the 15th day of February, 2012, at  
27 11:20 a.m. The original is on file in the records of the House of  
28 Representatives of the General Assembly.

29  
30  
31 Marilyn Eddins,  
32 Chief Clerk of the House

33  
34 February 15, 2012

35 To the Honorable House  
36 Sixty-Eighth General Assembly  
37 Second Regular Session  
38 State Capitol  
39 Denver, CO 80203

40 Ladies and Gentlemen:

41  
42 I have the honor to inform you that I have approved and filed with the Secretary  
43 of State the following Acts:

44  
45 **HB12-1001** CONCERNING LEGISLATIVE REVIEW OF RULES OF THE  
46 STATE BOARD OF EDUCATION TO IMPLEMENT THE  
47 STATEWIDE SYSTEM TO EVALUATE THE EFFECTIVENESS  
48 OF LICENSED EDUCATORS

49  
50 Approved February 15, 2012 at 10:56 a.m.

51  
52 Sincerely,  
53 (signed)  
54 John W. Hickenlooper  
55 Governor

56

**INTRODUCTION OF BILLS**  
**First Reading**

- 1  
2  
3  
4 The following bills were read by title and referred to the committees  
5 indicated:
- 6  
7 **HB12-1302** by Representative(s) Massey--Concerning the creation of  
8 a flight for life Colorado license plate.  
9 Committee on Transportation  
10
- 11 **HB12-1303** by Representative(s) Schafer S., Hamner, Kerr J.,  
12 Peniston, Summers, Young; also Senator(s) Spence, Jahn--  
13 Concerning the regulation of speech-language pathologists  
14 by the department of regulatory agencies.  
15 Committee on Health and Environment  
16
- 17 **HB12-1304** by Representative(s) Barker--Concerning measures to  
18 prevent organized retail theft.  
19 Committee on Economic and Business Development  
20
- 21 **HB12-1305** by Representative(s) Gardner B.--Concerning statutory  
22 rates of interest.  
23 Committee on Judiciary  
24
- 25 **HB12-1306** by Representative(s) Holbert; also Senator(s) King K.--  
26 Concerning the manner of determining pupil enrollment  
27 counts in public schools.  
28 Committee on Education  
29
- 30 **HB12-1307** by Representative(s) Kerr J. and Summers--Concerning  
31 the authority of a nonlawyer trustee of a certain size trust  
32 to represent the trust before the board of assessment  
33 appeals.  
34 Committee on Finance  
35
- 36 **SB12-030** by Senator(s) Jahn; also Representative(s) Liston--  
37 Concerning administrative matters related to a foreclosure  
38 sale.  
39 Committee on Local Government  
40
- 41 **SB12-037** by Senator(s) King S., Aguilar; also Representative(s)  
42 Young--Concerning the ability to dispense a controlled  
43 substance based on an electronically transmitted  
44 prescription drug order.  
45 Committee on Health and Environment  
46
- 47 **SB12-040** by Senator(s) Bacon, Harvey, Renfroe, Schwartz; also  
48 Representative(s) Vigil, Brown, Sonnenberg--Concerning  
49 the qualification of certain state higher education facilities  
50 for state controlled maintenance funding.  
51 Committee on Education  
52
- 53 **SB12-055** by Senator(s) White, Aguilar, Giron, Guzman, Hudak,  
54 Newell, Nicholson, Spence, Steadman, Tochtrop,  
55 Williams S.; also Representative(s) McCann--Concerning  
56 the voluntary contribution designation benefiting the

- 1                   9Health Fair fund to appear on the state individual income  
2                   tax return forms.  
3   Committee on Finance  
4
- 5   **SB12-064**    by Senator(s) Nicholson; also Representative(s) Massey--  
6                   Concerning the Colorado children's trust fund.  
7   Committee on Health and Environment  
8
- 9   **SB12-074**    by Senator(s) Aguilar; also Representative(s) Gardner B.--  
10                  Concerning services provided by a person designated by a  
11                  person eligible for consumer-directed care services.  
12   Committee on Judiciary  
13
- 14   **SB12-096**    by Senator(s) Lambert, Hodge, Steadman; also  
15                  Representative(s) Levy, Becker, Gerou--Concerning the  
16                  continuation of the office of information technology's  
17                  authority to amend existing contracts for information  
18                  technology resources.  
19   Committee on Economic and Business Development  
20
- 21   **SB12-110**    by Senator(s) Steadman, Hodge, Lambert; also  
22                  Representative(s) Levy, Becker, Gerou--Concerning a  
23                  fund consisting of surcharges on insurance premiums to  
24                  pay for costs associated with criminal prosecution of  
25                  insurance fraud investigations, and, in connection  
26                  therewith, making an appropriation.  
27   Committee on Judiciary  
28   Committee on Appropriations  
29
- 30   **SB12-111**    by Senator(s) Hodge, Steadman, Lambert; also  
31                  Representative(s) Levy, Becker, Gerou--Concerning  
32                  departmental reporting of full-time equivalent employees.  
33   Committee on Appropriations  
34
- 35   **SB12-112**    by Senator(s) Hodge, Steadman, Lambert; also  
36                  Representative(s) Levy, Becker, Gerou--Concerning the  
37                  headnote definition of full-time equivalent employees used  
38                  in the annual general appropriation act.  
39   Committee on Appropriations  
40
- 41   **SB12-113**    by Senator(s) Lambert, Hodge, Steadman; also  
42                  Representative(s) Gerou, Becker, Levy--Concerning the  
43                  designation in the annual general appropriations act of the  
44                  portion to be redirected to the counties of the state's share  
45                  of recoveries for public assistance paid for family support  
46                  obligations.  
47   Committee on Appropriations  
48
- 49   **SB12-114**    by Senator(s) Lambert, Hodge, Steadman; also  
50                  Representative(s) Levy, Becker, Gerou--Concerning the  
51                  crediting of all disputed payments received by the state  
52                  pursuant to the tobacco litigation settlement agreement on  
53                  or after July 1, 2008, to the state general fund.  
54   Committee on Appropriations  
55

1 **SB12-115** by Senator(s) Steadman, Hodge, Lambert; also  
 2 Representative(s) Becker, Gerou, Levy--Concerning a  
 3 requirement that the limited gaming control commission  
 4 take into account the impact on all authorized recipients of  
 5 gaming tax revenue when considering changes in rules  
 6 governing the taxes on limited gaming activity.  
 7 Committee on Appropriations

8  
 9 **SB12-145** by Senator(s) Steadman, Hodge, Lambert; also  
 10 Representative(s) Becker, Gerou, Levy--Concerning a cap  
 11 on the 2011-12 state fiscal year transfers to the state public  
 12 school fund from public school land moneys.  
 13 Committee on Education  
 14 Committee on Appropriations

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17  
 18 **LAY OVER OF CALENDAR ITEM(S)**

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

- 23  
 24 Consideration of Special Orders--**HB12-1043**.  
 25 Consideration of General Orders--**HB12-1105, 1017, 1005, 1026**.

26  
 27  
 28  
 29 On motion of Representative Holbert, the House adjourned until  
 30 9:00 a.m., February 16, 2012.

31  
 32  
 33 Approved:  
 34 FRANK McNULTY,  
 Speaker

35 Attest:  
 36 MARILYN EDDINS,  
 37 Chief Clerk