

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

Fifty-sixth Legislative Day

Tuesday, March 6, 2012

1 The Speaker called the House to order at 9:00 a.m.  
 2

3 Prayer by Father Drew Kirschman, Arrupe Jesuit High School, Denver.  
 4

5 Pledge of Allegiance led by Theresa Joseph, Maureen Spiegleman,  
 6 Community College, Denver.  
 7

8 The roll was called with the following result:  
 9

10 Present--64.

11 Excused--Representative(s) Nikkel--1.  
 12

13 The Speaker declared a quorum present.  
 14  
 15

16 On motion of Representative Ryden, the reading of the journal of  
 17 March 5, 2012, was declared dispensed with and approved as corrected  
 18 by the Chief Clerk.  
 19  
 20

21  
 22 **THIRD READING OF BILL(S)--FINAL PASSAGE**  
 23

24 The following bill(s) was(were) considered on Third Reading. The  
 25 title(s) was(were) publicly read. Reading of the bill at length was  
 26 dispensed with by unanimous consent.  
 27

28 **SB12-111** by Senator(s) Hodge, Steadman, Lambert; also  
 29 Representative(s) Levy, Becker, Gerou--Concerning  
 30 departmental reporting of full-time equivalent employees.  
 31

32 The question being "Shall the bill pass?".

33 A roll call vote was taken. As shown by the following recorded vote, a  
 34 majority of those elected to the House voted in the affirmative and the bill  
 35 was declared **passed**.  
 36

	YES	64	NO	0	EXCUSED	1	ABSENT	0
38	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
39	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
40	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
41	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
42	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
43	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y

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

12  
 13 **SB12-112** by Senator(s) Hodge, Steadman, Lambert; also  
 14 Representative(s) Levy, Becker, Gerou--Concerning the  
 15 headnote definition of full-time equivalent employees used  
 16 in the annual general appropriation act.

17  
 18 The question being "Shall the bill pass?".  
 19 A roll call vote was taken. As shown by the following recorded vote, a  
 20 majority of those elected to the House voted in the affirmative and the bill  
 21 was declared **passed**.

YES	64	NO	0	EXCUSED	1	ABSENT	0	
24	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
25	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
26	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
27	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
28	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
29	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
30	Bradford	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
31	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
32	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
33	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
34	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
35	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
36	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
37	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
38	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
39	Fields	Y	Liston	Y	Singer	Y	Young	Y
40							Speaker	Y

41  
 42 **SB12-113** by Senator(s) Lambert, Hodge, Steadman; also  
 43 Representative(s) Gerou, Becker, Levy--Concerning the  
 44 designation in the annual general appropriations act of the  
 45 portion to be redirected to the counties of the state's share  
 46 of recoveries for public assistance paid for family support  
 47 obligations.

48  
 49 The question being "Shall the bill pass?".  
 50 A roll call vote was taken. As shown by the following recorded vote, a  
 51 majority of those elected to the House voted in the affirmative and the  
 52 bill was declared **passed**.

YES	62	NO	2	EXCUSED	1	ABSENT	0	
55	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
56	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y

1	Barker	N	Gerou	Y	McCann	Y	Soper	Y
2	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	Y
3	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
4	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
5	Bradford	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
6	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
7	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
8	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
9	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
10	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
11	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
12	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
13	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
14	Fields	Y	Liston	Y	Singer	Y	Young	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Todd.

17

18

19 **SB12-114** by Senator(s) Lambert, Hodge, Steadman; also  
 20 Representative(s) Levy, Becker, Gerou--Concerning the  
 21 crediting of all disputed payments received by the state  
 22 pursuant to the tobacco litigation settlement agreement on  
 23 or after July 1, 2008, to the state general fund.

24

25 The question being "Shall the bill pass?".

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

29

30	YES	50	NO	14	EXCUSED	1	ABSENT	0
31	Acree	Y	Fischer	Y	Looper	N	Solano	Y
32	Balmer	N	Gardner B.	Y	Massey	Y	Sonnenberg	N
33	Barker	N	Gerou	Y	McCann	Y	Soper	Y
34	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	Y
35	Becker	Y	Holbert	N	Miklosi	Y	Summers	Y
36	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	Y
37	Bradford	N	Jones	Y	Nikkel	E	Swerdfeger	Y
38	Brown	Y	Joshi	N	Pabon	Y	Szabo	N
39	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
40	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
41	Coram	Y	Kerr A.	Y	Priola	N	Vaad	Y
42	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
43	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
44	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
45	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
46	Fields	Y	Liston	N	Singer	Y	Young	Y
47							Speaker	Y

48

49

50 **SB12-115** by Senator(s) Steadman, Hodge, Lambert; also  
 51 Representative(s) Becker, Gerou, Levy--Concerning a  
 52 requirement that the limited gaming control commission  
 53 take into account the impact on all authorized recipients of  
 54 gaming tax revenue when considering changes in rules  
 55 governing the taxes on limited gaming activity.

56

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

	YES	63	NO	1	EXCUSED	1	ABSENT	0
7	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
8	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
9	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
10	Baumgardner	Y	Hamner	Y	McKinley	N	Stephens	Y
11	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
12	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
13	Bradford	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
14	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
15	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
16	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
17	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
18	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
19	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
20	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
21	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
22	Fields	Y	Liston	Y	Singer	Y	Young	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Ferrandino, Jones, Murray.

25  
 26 **HB12-1063** by Representative(s) Ramirez; also Senator(s) Schwartz--  
 27 Concerning the state veterans nursing home at Homelake,  
 28 Colorado.

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	64	NO	0	EXCUSED	1	ABSENT	0
36	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
37	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
38	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
39	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
40	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
41	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
42	Bradford	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
43	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
44	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
45	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
46	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
47	Court	Y	Kerr J.	Y	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	Y	Singer	Y	Young	Y
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) Barker, Conti, Kerr J., Liston, Pace,  
 54 Summers, Todd, Vigil, Young.

55

1 **HB12-1299** by Representative(s) Singer; also Senator(s) Shaffer--  
 2 Concerning the specification that a motor vehicle lessee is  
 3 entitled to claim the innovative motor vehicle tax credit.  
 4

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

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

28 Co-sponsor(s) added: Representative(s) Fields, Fischer, Holbert, Jones, Kefalas,  
 29 Labuda, Tyler, Vigil, Wilson.  
 30

31  
 32 **HB12-1083** by Representative(s) Sonnenberg; also Senator(s)  
 33 Schwartz--Concerning maintenance of the current fee  
 34 structure on certain feeding operations under the  
 35 "Colorado Water Quality Control Act".  
 36

37 The question being "Shall the bill pass?".  
 38 A roll call vote was taken. As shown by the following recorded vote, a  
 39 majority of those elected to the House voted in the affirmative and the bill  
 40 was declared **passed**.  
 41

	YES	64	NO	0	EXCUSED	1	ABSENT	0
43	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
44	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
45	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
46	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
47	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
48	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
49	Bradford	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
50	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
51	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
52	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
53	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
54	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
55	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
56	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y

1	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
2	Fields	Y	Liston	Y	Singer	Y	Young	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Coram, Fischer.

5  
6 **HB12-1126** by Representative(s) Gerou; also Senator(s) Roberts--  
7 Concerning on-site wastewater treatment systems, and in  
8 connection therewith, making an appropriation.  
9

10 The question being "Shall the bill pass?".

11 A roll call vote was taken. As shown by the following recorded vote, a  
12 majority of those elected to the House voted in the affirmative and the bill  
13 was declared **passed**.  
14

15	YES	60	NO	4	EXCUSED	1	ABSENT	0
16	Acree	N	Fischer	Y	Looper	Y	Solano	Y
17	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
18	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
19	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
20	Becker	N	Holbert	Y	Miklosi	Y	Summers	Y
21	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
22	Bradford	N	Jones	Y	Nikkel	E	Swerdfeger	Y
23	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
24	Casso	N	Kagan	Y	Pace	Y	Todd	Y
25	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
26	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
27	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
28	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
29	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
30	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
31	Fields	Y	Liston	Y	Singer	Y	Young	Y
32							Speaker	Y

33 Co-sponsor(s) added: Representative(s) Fischer, Kerr J., Wilson.  
34

35 **HB12-1215** by Representative(s) Gerou, Becker, Levy; also Senator(s)  
36 Hodge, Steadman, Lambert--Concerning changes to the  
37 "Nonadmitted Insurance Act" to conform it to the  
38 requirements of the federal "Nonadmitted and Reinsurance  
39 Reform Act of 2010".  
40

41 The question being "Shall the bill pass?".

42 A roll call vote was taken. As shown by the following recorded vote, a  
43 majority of those elected to the House voted in the affirmative and the bill  
44 was declared **passed**.  
45

46	YES	64	NO	0	EXCUSED	1	ABSENT	0
47	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
48	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
49	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
50	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
51	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
52	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
53	Bradford	Y	Jones	Y	Nikkel	E	Swerdfeger	Y
54	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
55	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
56	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y

1	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
2	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
3	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
4	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
5	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
6	Fields	Y	Liston	Y	Singer	Y	Young	Y
7							Speaker	Y

8 Co-sponsor(s) added: Representative(s) Brown, DelGrosso.

9  
10 **HB12-1236** by Representative(s) Summers, Holbert; also Senator(s)  
11 Jahn, Boyd--Concerning the regulation of charitable  
12 solicitations, and, in connection therewith, making an  
13 appropriation.

14  
15 The question being "Shall the bill pass?".

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

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

38 Co-sponsor(s) added: Representative(s) Fields, Kerr A., Labuda, Young.

39  
40 **HB12-1290** by Representative(s) Brown; also Senator(s) Tochtrop--  
41 Concerning the voluntary contribution designation  
42 benefiting the Colorado for Healthy Landscapes fund that  
43 appears on the state individual income tax return forms.

44  
45 The question being "Shall the bill pass?".

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

50	YES	61	NO	3	EXCUSED	1	ABSENT	0
51	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
52	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
53	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
54	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
55	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
56	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y

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

12 Co-sponsor(s) added: Representative(s) Coram, Fischer, Gerou, Holbert,  
13 Kerr J., Pace.

14  
15 **HB12-1312** by Representative(s) Sonnenberg, Levy; also Senator(s)  
16 Brophy and Johnston--Concerning the exclusion of land  
17 use issues addressed by local governing bodies from the  
18 public utilities commission's proper scope of review with  
19 respect to applications for certificates of public  
20 convenience and necessity for transmission lines.

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**.

27	YES	62	NO	2	EXCUSED	1	ABSENT	0
28	Acree	Y	Fischer	N	Looper	Y	Solano	N
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	Y	Stephens	Y
32	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
33	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
34	Bradford	Y	Jones	Y	Nikkel	E	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.	Y	Priola	Y	Vaad	Y
39	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
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) Brown, Priola, Vigil, Wilson.

46  
47  
48 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

49  
50 **LOCAL GOVERNMENT**

51 After consideration on the merits, the Committee recommends the  
52 following:

53  
54 **SB12-030** be amended as follows, and as so amended, be referred to  
55 the Committee of the Whole with favorable  
56 recommendation:



1 Amend reengrossed bill, page 3, strike lines 2 through 5 and substitute:

2

3 "(2) ANY OVERBID, AS DEFINED IN SECTION 38-38-100.3, C.R.S.,  
4 THAT IS EQUAL TO OR GREATER THAN TWENTY-FIVE DOLLARS AND THAT  
5 REMAINS UNCLAIMED FOR FIVE YEARS FROM THE DATE OF SALE IS  
6 PRESUMED ABANDONED."

7

8 Page 3, after line 20 insert:

9

10 "SECTION 3. In Colorado Revised Statutes, 38-38-100.3, add  
11 (17.3) as follows:

12

13 **38-38-100.3. Definitions.** As used in articles 37 to 39 of this title,  
14 unless the context otherwise requires:

15

16 (17.3) "OVERBID" MEANS THE AMOUNT A PROPERTY IS SOLD FOR  
17 AT A FORECLOSURE SALE THAT IS IN EXCESS OF THE WRITTEN OR AMENDED  
18 BID AMOUNT EXECUTED BY THE HOLDER OF THE EVIDENCE OF DEBT  
19 SECURED BY THE DEED OF TRUST OR OTHER LIEN BEING FORECLOSED."

20

21 Renumber succeeding sections accordingly.

22

23 Page 3, line 21, after "38-38-101," insert "**amend** (10); and".

24

25 Page 4, after line 7 insert:

26

27 "(10) **Deposit.** The public trustee may require a deposit of up to  
28 six hundred fifty dollars or the amount of the fee permitted pursuant to  
29 section 38-37-104 (1) (b) (I), whichever is greater, at the time the notice  
30 of election and demand is filed, to be applied against the fees and costs  
31 of the public trustee. The public trustee may allow the attorney for the  
32 holder of the evidence of debt to establish one or more accounts with the  
33 public trustee, which the public trustee may use to pay the fees and costs  
34 of the public trustee in any foreclosure filed by the holder or the attorney  
35 for the holder, or through which the public trustee may transmit refunds  
36 or cures, ~~excess proceeds~~ OVERBIDS, or redemption proceeds."

37

38 Page 15, line 8, before "(3);" insert "(1), (2), and".

39

40 Page 15, strike lines 9 through 11 and substitute:

41

42 **38-38-111. Treatment of an overbid - definition.** (1) ~~If, at a~~  
43 ~~sale, the property is sold for an amount in excess of the written or~~  
44 ~~amended bid amount executed by the holder of the evidence of debt~~  
45 ~~secured by the deed of trust or other lien being foreclosed, such excess~~  
46 ~~proceeds~~ AN OVERBID shall be first applied to any deficiency as indicated  
47 in the holder's bid, and then paid to the ~~officer~~ PUBLIC TRUSTEE to be held  
48 in escrow until the end of all redemption periods as provided in section  
49 38-38-302.

50

51 (2) Upon the expiration of all redemption periods provided in  
52 section 38-38-302, any remaining ~~excess proceeds~~ OVERBID shall be paid  
53 in order of recording priority to junior lienors, determined as of the  
54 recording date of the notice of election and demand or lis pendens  
55 according to the records, who have duly filed a notice of intent to redeem  
56 and whose liens have not been redeemed pursuant to section 38-38-302,

1 in each case up to the unpaid amount of each such lienor's lien plus fees  
 2 and costs. A lienor holding a lien that is not entitled to redeem by virtue  
 3 of being recorded after the notice of election and demand, a lienor that  
 4 has not timely filed a notice of intent to redeem pursuant to section  
 5 38-38-302, or a lienor who accepts less than a full redemption pursuant  
 6 to section 38-38-302 (4) (c) shall not have any claim to any portion of the  
 7 ~~excess proceeds~~ OVERBID. After payment to all lienors and the holder  
 8 entitled to receive ~~excess proceeds~~ A PORTION OF THE OVERBID pursuant  
 9 to this section, any remaining ~~excess proceeds~~ OVERBID shall be paid to  
 10 the owner. ~~of the property as of the date and time of the recording of the~~  
 11 ~~notice of election and demand or lis pendens.~~

12  
 13 (2.5) (a) IF A PUBLIC TRUSTEE MAINTAINS A WEB SITE FOR HIS OR  
 14 HER OFFICE, THE PUBLIC TRUSTEE SHALL INCLUDE THE FOLLOWING  
 15 STATEMENT ON SUCH WEB SITE:".

16  
 17 Page 15, line 20, strike "EXCESS PROCEEDS IS" and substitute "REMAINING  
 18 OVERBID IS EQUAL TO OR".

19  
 20 Page 15, strike lines 24 through 27 and substitute "REMAINING OVERBID  
 21 TO THE BEST AVAILABLE ADDRESS NO LATER THAN".

22  
 23 Page 16, strike lines 5 through 8 and substitute "COURT, any unclaimed  
 24 ~~excess proceeds~~ REMAINING OVERBID shall be transferred by the officer  
 25 to the county treasurer within ninety calendar days after the expiration of  
 26 all redemption periods as provided in section 38-38-302 and held BY THE  
 27 PUBLIC TRUSTEE in escrow for five years from the date of sale. The  
 28 county".

29  
 30 Page 16, line 9, strike "TREASURER" and substitute "PUBLIC TRUSTEE".

31  
 32 Page 16, line 12, strike "EXCESS PROCEEDS" and substitute "REMAINING  
 33 OVERBIDS".

34  
 35 Page 16, line 14, strike "by the county treasurer" and substitute "by the  
 36 county treasurer".

37  
 38 Page 16, strike lines 15 through 17 and substitute "general fund of the  
 39 county, ~~After the lapse of five years from the date of sale, no claim~~  
 40 ~~therefor having been made and established by any person entitled thereto,~~  
 41 ~~said~~ AND SUCH moneys PAID TO THE GENERAL FUND OF THE".

42  
 43 Page 16, line 18, strike "~~and UNCLAIMED EXCESS~~" and substitute "~~and the~~  
 44 ~~county treasurer and officer UNCLAIMED~~".

45  
 46 Page 16, line 19, strike "PROCEEDS" and substitute "REMAINING  
 47 OVERBIDS".

48  
 49 Page 16, strike lines 22 through 26 and substitute:

50  
 51 "THE "UNCLAIMED PROPERTY ACT" AND TRANSFERRED TO THE  
 52 ADMINISTRATOR IN ACCORDANCE WITH SUCH ACT. AFTER THE UNCLAIMED  
 53 REMAINING OVERBIDS ARE TRANSFERRED TO THE ADMINISTRATOR OR TO  
 54 THE GENERAL FUND OF THE COUNTY, THE PUBLIC TRUSTEE shall be  
 55 discharged from any further liability or responsibility for the moneys.  
 56 ~~except that,~~".

1 Page 16, line 27, strike "EXCESS PROCEEDS" and substitute "REMAINING  
2 OVERBIDS".

3  
4 Page 17, strike lines 3 through 10 and substitute "as provided by section  
5 38-38-302, the ~~county treasurer~~ PUBLIC TRUSTEE SHALL, within ninety  
6 calendar days from the expiration of all".

7  
8 Page 17, line 18, strike "excess" and substitute "~~excess~~".

9  
10 Page 17, line 19, strike "proceeds were" and substitute "~~proceeds were~~ AN  
11 OVERBID WAS".

12  
13 Page 17, line 25, strike "county treasurer" and substitute "~~county treasurer~~  
14 PUBLIC TRUSTEE".

15  
16 Page 18, line 4, strike "county treasurer." and substitute "~~county treasurer~~  
17 PUBLIC TRUSTEE.".

18  
19  
20  
21 **SB12-072** be referred to the Committee of the Whole with favorable  
22 recommendation.

23  
24  
25 **SB12-079** be referred to the Committee of the Whole with favorable  
26 recommendation.

27  
28  
29 **SB12-146** be amended as follows, and as so amended, be referred to  
30 the Committee of the Whole with favorable  
31 recommendation:

32  
33 Amend reengrossed bill, page 3, line 17, strike "MATERIAL ADVANTAGE"  
34 and substitute "SUBSTANTIAL BENEFIT".

35  
36 Page 4, line 19, strike "MATERIAL ADVANTAGE" and substitute  
37 "SUBSTANTIAL BENEFIT".

38  
39  
40 **MESSAGE(S) FROM THE SENATE**

41  
42 The Senate has passed on Third Reading and transmits to the Revisor of  
43 Statutes: SB12-141.

44  
45 SB12-095 amended as printed in Senate Journal, March 2, 2012,  
46 page 369.

47 SB12-143 amended as printed in Senate Journal, March 2, 2012,  
48 page 369.

49 SB12-118 amended as printed in Senate Journal, March 2, 2012,  
50 page 370.

51 HB12-1221 amended as printed in Senate Journal, March 2, 2012,  
52 page 368.

53  
54 The Senate has passed on Third Reading and returns herewith:  
55 HB12-1071, HB12-1231, HB12-1139.

56

**MESSAGE(S) FROM THE REVISOR**

1  
2  
3 We herewith transmit:  
4 Without comment, SB12-141.  
5 Without comment, as amended, HB12-1221.  
6 Without comment, as amended, SB12-095, 118, and 143.

7  
8  
9 House in recess. House reconvened.  
10  
11

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

12  
13  
14  
15 The Speaker has signed: **SJR12-016, 017.**  
16  
17

**MESSAGE(S) FROM THE SENATE**

18  
19  
20  
21 The Senate has passed on Third Reading and transmits to the Revisor of  
22 Statutes:

23  
24 SB12-023 amended as printed in Senate Journal, March 5, 2012,  
25 page 379.  
26 HB12-1074 amended as printed in Senate Journal, March 5, 2012,  
27 page 378.  
28

29 The Senate has passed on Third Reading and returns herewith  
30 HB12-1077, HB12-1018, HB12-1127, HB12-1120, HB12-1079,  
31 HB12-1117, HB12-1013.  
32  
33

**MESSAGE(S) FROM THE REVISOR**

34  
35  
36  
37 We herewith transmit:  
38 Without comment, as amended, HB12-1074.  
39 Without comment, as amended, SB12-023.  
40  
41

**INTRODUCTION OF BILLS  
First Reading**

42  
43  
44  
45  
46  
47 The following bills were read by title and referred to the committees  
48 indicated:

49  
50 **HB12-1321** by Representative(s) Ferrandino and Vaad; also Senator(s)  
51 Johnston and King K.--Concerning the state personnel  
52 system, and, in connection therewith, enacting the  
53 "Modernization of the State Personnel System Act".  
54 Committee on State, Veterans, & Military Affairs  
55  
56

- 1 **SB12-095** by Senator(s) Lundberg; also Representative(s) Barker--  
 2 Concerning requirements for the valid transfer of title to a  
 3 motor vehicle.  
 4 Committee on Transportation  
 5
- 6 **SB12-118** by Senator(s) White, Jahn; also Representative(s) Acree--  
 7 Concerning the repeal of the requirement for a hotel and  
 8 restaurant alcohol license that twenty-five percent of sales  
 9 must be from meals.  
 10 Committee on Local Government  
 11
- 12 **SB12-141** by Senator(s) Shaffer B.; also Representative(s) Kerr A.--  
 13 Concerning measures to alleviate difficulties faced by  
 14 military personnel in qualifying for home mortgage loans.  
 15 Committee on Judiciary  
 16
- 17 **SB12-143** by Senator(s) Carroll; also Representative(s) Pabon--  
 18 Concerning the development of a local businesses  
 19 database by the Colorado office of economic development.  
 20 Committee on State, Veterans, & Military Affairs  
 21

---

## 24 INTRODUCTION OF CONCURRENT RESOLUTION

25  
 26 The following resolution was read by title and referred to the committee  
 27 indicated:

- 28  
 29 **HCR12-1001** by Representative(s) Ferrandino and Vaad; also Senator(s)  
 30 Johnston and King K.--Submitting to the registered  
 31 electors of the state of Colorado amendments to the  
 32 Colorado constitution concerning the state personnel  
 33 system, and, in connection therewith, expanding the  
 34 veterans' preference; increasing the number of candidates  
 35 eligible to be appointed to a position; adjusting the  
 36 duration of allowable temporary employment; allowing the  
 37 flexibility to remove a limited number of positions from  
 38 the system; modifying the residency requirement;  
 39 adjusting the terms of service for members of the state  
 40 personnel board; and requiring merit-based appointments  
 41 to be made through a comparative analysis process.  
 42 Committee on State, Veterans, & Military Affairs  
 43

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## 46 LAY OVER OF CALENDAR ITEM(S)

47  
 48 On motion of Representative Stephens, the following item(s) on the  
 49 Calendar was (were) laid over until March 7, retaining place on Calendar:

- 50  
 51 Consideration of Third Reading--**HB12-1304, 1175.**  
 52 Consideration of General Orders--**HB12-1121, 1103, 1146, 1226, 1150,**  
 53 **SB12-020, HB12-1116, 1300, 1241.**  
 54 Consideration of Senate Amendment(s)--**HB12-1078, 1055,**  
 55 **HJR12-1010, HB12-1177, 1212.**  
 56
-

1 On motion of Representative Stephens, the House adjourned until  
2 10:00 a.m., March 7, 2012.

3

4

5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:  
FRANK McNULTY,  
Speaker