

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

One-hundredth Legislative Day

Thursday, April 19, 2012

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

2

3 Prayer by Rabbi Joseph Black, Temple Emanuel, Denver.

4

5 Pledge of Allegiance led by Jason Spigner, Everest College, Aurora.

6

7 The roll was called with the following result:

8

9 Present--62.

10 Excused--Representative(s) Barker, Baumgardner, Gardner--3.

11

12 The Speaker declared a quorum present.

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14

15 On motion of Representative Hamner, the reading of the journal of
16 April 18, 2012, was declared dispensed with and approved as corrected
17 by the Chief Clerk.

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House in recess. House reconvened.

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REPORT(S) OF COMMITTEE(S) OF REFERENCE

25

26 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

27 After consideration on the merits, the Committee recommends the
28 following:

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30 **HB12-1004** be postponed indefinitely.

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33 **HB12-1330** be amended as follows, and as so amended, be referred to
34 the Committee on Appropriations with favorable
35 recommendation:

36

37 Amend printed bill, page 2, line 4, strike "**privileges.**" and substitute
38 "**privileges - repeal.**".

39

40 Page 2, strike lines 5 through 8 and substitute "MAY PETITION THE
41 COMMISSION TO END A SUSPENSION ONCE EVERY FIVE YEARS EITHER:

42 (I) AFTER HALF OF A SUSPENSION OF AT LEAST TEN YEARS BUT
43 LESS THAN A LIFETIME HAS ELAPSED; OR".

1 Page 2, line 13, strike "SIXTY" and substitute "ONE HUNDRED TWENTY"
2 and strike "PETITION." and substitute "PETITION; EXCEPT THAT A PERSON
3 MAY PETITION THE COMMISSION NO MORE THAN THREE TIMES. UPON
4 RECEIVING A FOURTH OR SUBSEQUENT PETITION, THE COMMISSION MAY
5 DENY THE PETITION WITHOUT A HEARING."

6
7 Page 2, line 14, after "(c)" insert "(I)".

8
9 Page 2, line 15, strike "(I)" and substitute "(A)".

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11 Page 2, line 16, strike "(II)" and substitute "(B)".

12
13 Page 2, line 19, strike "(III)" and substitute "(C)".

14
15 Page 2, after line 19 insert:

16
17 "(II) IN DETERMINING WHETHER TO END A SUSPENSION UNDER THIS
18 SUBSECTION (9), THE COMMISSION MAY CONSIDER WHETHER THE PERSON
19 HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO ANY
20 MISDEMEANOR OR FELONY."

21
22 Page 3, after line 3 insert:

23
24 "(e) THE COMMISSION SHALL HOLD A HEARING REQUIRED BY THIS
25 SUBSECTION (9) AT ONE OF ITS REGULARLY SCHEDULED MEETINGS BUT
26 NOT MORE THAN QUARTERLY.

27 (f) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2017.
28 PRIOR TO THE REPEAL, THE COMMISSION SHALL REVIEW THE PETITION
29 PROGRAM UNDER THIS SUBSECTION (9) TO DETERMINE WHETHER THE
30 NUMBER OF PETITIONS GRANTED JUSTIFIES THE CONTINUANCE OF THE
31 PROGRAM. BASED UPON THIS REVIEW, THE COMMISSION SHALL MAKE
32 RECOMMENDATIONS TO THE GENERAL ASSEMBLY WHETHER TO CONTINUE
33 THIS SUBSECTION (9) BY OCTOBER 1, 2016."

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38 **FINANCE**

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

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42 **SB12-149** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:

45
46 Amend reengrossed bill, page 4, line 9, strike "MAY" and substitute
47 "SHALL".

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51 **SB12-150** be referred favorably to the Committee on Appropriations.

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1 **TRANSPORTATION**

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

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5 **SB12-044** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:

8
9 Amend reengrossed bill, page 7, line 13, strike "PETITION THE COURT" and
10 substitute "MOTION THE COURT IN THE CASE".

11
12 Page 7, line 15, strike "PETITION." and substitute "MOTION".

13
14 Page 7, line 16, strike "PETITION" and substitute "MOTION".

15
16 Page 7, line 24, strike "PETITION THE COURT" and substitute "MOTION THE
17 COURT IN THE CASE".

18
19 Page 8, line 2, strike "PETITION." and substitute "MOTION." and strike
20 "PETITION," and substitute "MOTION,".

21
22 Page 9, after line 2 insert:

23
24 "(5) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST
25 ON ITS WEB SITE NO LATER THAN JULY 1, 2012, A STATEMENT THAT ALL
26 RECORDS FOR CONVICTIONS OF THEFT OF PUBLIC TRANSPORTATION
27 SERVICES BY FARE EVASION FOR ALL PERSONS WHO HAVE COMPLETED
28 THEIR SENTENCES SHALL BE SEALED NO LATER THAN JANUARY 1, 2013.
29 THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL REMOVE THE
30 POST FROM ITS WEB SITE THIRTY DAYS AFTER THE DATE OF THE INITIAL
31 POSTING.".

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35 **INTRODUCTION OF BILLS**
36 **First Reading**

37
38 The following bills were read by title and referred to the committees
39 indicated:

40
41 **HB12-1348** by Representative(s) Ferrandino, McNulty; also Senator(s)
42 Morse, Cadman--Concerning the powers of the legislative
43 department with respect to capitol buildings group space,
44 and, in connection therewith, providing for the designation
45 of space for the members of the general assembly,
46 legislative staff, and legislative staff agencies and the
47 furnishing and equipping thereof, and granting the control
48 of legislative spaces to the legislative department.

49 Committee on State, Veterans, & Military Affairs

50
51 **HB12-1349** by Representative(s) Baumgardner, Brown, Coram,
52 Fischer, Hullinghorst, Jones, Joshi, Looper, McKinley,
53 McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson; also
54 Senator(s) Schwartz--Concerning the species conservation
55 trust fund.

56 Committee on Agriculture, Livestock, & Natural Resources

1 **SB12-026** by Senator(s) Cadman; also Representative(s) Vaad--
2 Concerning a state agency rule that creates a state mandate
3 on a local government.
4 Committee on Local Government

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8 **INTRODUCTION OF RESOLUTIONS**
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10 The following resolutions were read by title and laid over one day under
11 the rules:

12
13 **HJR12-1019** by Representative(s) Murray; also Senator(s) Scheffel--
14 Concerning urging Congress to propose to the states for
15 ratification an amendment to the United States
16 Constitution regarding parental rights.

17
18 **HJR12-1020** by Representative(s) Kefalas, Court, Duran, Ferrandino,
19 Fields, Fischer, Hamner, Hullinghorst, Jones, Kagan,
20 Kerr A., Labuda, Lee, Levy, McCann, Pabon, Pace,
21 Peniston, Ryden, Schafer S., Solano, Soper, Todd, Tyler,
22 Williams A., Wilson, Young, Casso, Massey, Miklosi,
23 Swerdfeger, Vigil; also Senator(s) Nicholson, Boyd,
24 Shaffer B., Aguilar, Bacon, Carroll, Guzman, Hudak,
25 Jahn, King S., Roberts--Concerning civility and respect in
26 the Colorado general assembly.

27
28 **HJR12-1021** by Representative(s) Hamner and McKinley, Massey; also
29 Senator(s) Scheffel--Concerning the designation of pack
30 burro racing as a summer heritage sport in Colorado.

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33 House in recess. House reconvened.
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37 **MESSAGE(S) FROM THE SENATE**
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39 The Senate has adopted and transmits herewith: SJR12- 032.
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41

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43 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**
44

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

47
48 **SJR12-032** by Senator(s) Guzman, Carroll, Foster, Giron, Grantham,
49 Harvey, Hodge, Hudak, Mitchell, Nicholson, Renfroe,
50 Shaffer B.; also Representative(s) Waller, Court, Duran,
51 Ferrandino, Kagan, Levy, McNulty, Nikkel, Pace,
52 Schafer S., Singer, Todd--Concerning the declaration of
53 April 16 through 22, 2012, as "Holocaust Awareness
54 Week".
55

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

1 On motion of Representative Waller, the resolution was read at length and
2 **adopted by viva voce** vote.
3

4 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
5 Becker, Beezley, Brown, Casso, Conti, Coram, DelGrosso, Fields, Fischer,
6 Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kefalas, Kerr A., Kerr J.,
7 Labuda, Lee, Liston, Looper, Massey, McCann, McKinley, Miklosi, Murray,
8 Pabon, Peniston, Priola, Ramirez, Ryden, Scott, Solano, Sonnenberg, Soper,
9 Stephens, Summers, Swalm, Swerdfeger, Szabo, Tyler, Vaad, Vigil,
10 Williams A., Wilson, Young.
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14 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
15

16 The Speaker has signed: **HB12-1006, 1017, 1023, 1126, 1209, 1236,**
17 **1290, 1297, 1313; HJR12-1004; SJM12-001, SJR12-028.**
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21 **MESSAGE(S) FROM THE SENATE**
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23 The Senate has passed on Third Reading and returns herewith:
24 HB12-1341, HB12-1342, HB12-1343.
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26 The Senate has passed on Third Reading and transmits to the Revisor of
27 Statutes:
28

29 HB12-1335 amended as printed in Senate Journal, April 18, 2012,
30 pages 773-777.
31 HB12-1336 amended as printed in Senate Journal, April 18, 2012,
32 page 771.
33 HB12-1337 amended as printed in Senate Journal, April 18, 2012,
34 page 771.
35 HB12-1338 amended as printed in Senate Journal, April 18, 2012,
36 pages 771-772.
37 HB12-1339 amended as printed in Senate Journal, April 18, 2012,
38 page 772.
39 HB12-1340 amended as printed in Senate Journal, April 18, 2012,
40 page 772.
41 HB12-1344 amended as printed in Senate Journal, April 18, 2012,
42 page 778.
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46 **MESSAGE(S) FROM THE REVISOR**
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48 We herewith transmit:
49 Without comment, as amended, HB12-1335, 1336, 1337, 1338, 1339,
50 1340, and 1344.
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54 House in recess. House reconvened.
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REPORT(S) OF COMMITTEE(S) OF REFERENCE**FINANCE**

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

HB12-1347 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, after line 1 insert:

"**SECTION 1.** In Colorado Revised Statutes, 12-47-102, **add** (3) as follows:

12-47-102. Legislative declaration. (3) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE PURPOSE OF HOUSE BILL 12-1347 IS TO ENCOURAGE THE RESPONSIBLE GROWTH OF COLORADO'S BREW PUBS CONSISTENT WITH THE PRINCIPLES OF THE STATE'S THREE-TIER SYSTEM OF ALCOHOL BEVERAGE REGULATION."

Renumber succeeding sections accordingly.

Page 2, line 13, after "(4)" insert "AND NOT MORE THAN NINE MILLION THREE HUNDRED THOUSAND GALLONS".

Page 2, strike line 16 and substitute "(a) (IV) AND COMPLIES WITH SECTION 12-47-308 WITH RESPECT TO LICENSED RETAILERS IN WHOM THE RETAIL ESTABLISHMENT HAS NO FINANCIAL INTEREST."

SB12-168 be referred favorably to the Committee on Appropriations.

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Acree, the following item(s) on the Calendar was (were) laid over until April 20, retaining place on Calendar:

Consideration of Third Reading--**HB12-1066, 1099.**

Consideration of General Orders---**SB12-118, HB12-1345, 1042, 1075, 1084, 1101, 1109, 1119, 1143, 1266, 1306, 1325, 1334, 1214, 1331.**

Consideration of Resolution(s)---**SJR12-006, 024, 031.**

Consideration of Senate Amendment(s)---**HJR12-1010, HB12-1008, 1034, 1114, 1151, 1070, 1270, 1224, 1262, 1239, 1244, 1276, 1307, 1012, 1052, 1019, 1063, 1105, 1146, 1321.**

On motion of Representative Acree, the House adjourned until 9:00 a.m., April 20, 2012.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk