

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
First Extraordinary Session

Second Legislative Day

Tuesday, May 15, 2012

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

2

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

4

5 Pledge of Allegiance led by Frank McNulty, Speaker of the House.

6

7 The roll was called with the following result:

8

9 Present--60.

10 Excused--Representative(s) Joshi, Kagan, McKinley, Ramirez,
11 Summers--5.

12 Present after roll call--Representative(s) Kagan, Ramirez,
13 Summers.

14

15 The Speaker declared a quorum present.

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

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24

THIRD READING OF BILL(S)--FINAL PASSAGE

25

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

29

30 **HB12S-1002** by Representative(s) Liston and Pabon, Pace; also
31 Senator(s) Jahn--Concerning administration of the
32 unemployment insurance program in order to stabilize
33 unemployment insurance rates, and, in connection
34 therewith, facilitating the issuance of unemployment
35 revenue bonds, accelerating the creation of the division of
36 unemployment insurance in the department of labor and
37 employment, and making technical changes to provisions
38 enacted as part of House Bill 11-1288 to ensure
39 appropriate transition to the new unemployment insurance
40 premium rate structure.

41

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

43 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
2 was declared **passed**.

	YES	60	NO	0	EXCUSED	5	ABSENT	0
5	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
6	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
7	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
8	Baumgardner	Y	Hamner	Y	McKinley	E	Stephens	Y
9	Becker	Y	Holbert	Y	Miklosi	Y	Summers	E
10	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
11	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
12	Brown	Y	Joshi	E	Pabon	Y	Szabo	Y
13	Casso	Y	Kagan	E	Pace	Y	Todd	Y
14	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
15	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
16	Court	Y	Kerr J.	Y	Ramirez	E	Vigil	Y
17	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
18	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
19	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
20	Fields	Y	Liston	Y	Singer	Y	Young	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Acree, Barker, Baumgardner, Bradford,
23 Casso, Coram, Court, DelGrosso, Duran, Ferrandino, Fields, Fischer,
24 Gardner B., Gerou, Hamner, Holbert, Hullinghorst, Jones, Kefalas, Kerr A.,
25 Kerr J., Labuda, Lee, Levy, Looper, Massey, Miklosi, Murray, Nikkel, Peniston,
26 Priola, Ryden, Schafer S., Scott, Singer, Solano, Sonnenberg, Soper, Swalm,
27 Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Williams A., Wilson, Young,
28 Speaker.

29
30 **HB12S-1005** by Representative(s) Waller and Fields; also Senator(s)
31 King S.--Concerning the penalties for persons who drive
32 while under the influence of alcohol or drugs, and, in
33 connection therewith, making an appropriation.
34

35 As shown by the following roll call vote, a majority of all members
36 elected to the House voted in the affirmative, and Representative Waller
37 was given permission to offer a Third Reading amendment:
38

	YES	51	NO	11	EXCUSED	3	ABSENT	0
40	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
41	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
42	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
43	Baumgardner	Y	Hamner	Y	McKinley	E	Stephens	Y
44	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
45	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
46	Bradford	N	Jones	N	Nikkel	N	Swerdfeger	Y
47	Brown	Y	Joshi	E	Pabon	N	Szabo	Y
48	Casso	Y	Kagan	E	Pace	N	Todd	Y
49	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
50	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
51	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
52	DelGrosso	Y	Labuda	N	Ryden	Y	Waller	Y
53	Duran	N	Lee	Y	Schafer S.	Y	Williams A.	N
54	Ferrandino	N	Levy	Y	Scott	Y	Wilson	N
55	Fields	Y	Liston	Y	Singer	Y	Young	Y
56							Speaker	Y

1 **Third Reading amendment No. 1**, by Representative Waller.

2
3 Amend engrossed bill, page 21, after line 2, insert:

4 "SECTION 22. In Colorado Revised Statutes, 42-2-132.5, **amend**
5 **as amended by House Bill 12-1168**, enacted in the second regular
6 session of the sixty-eighth general assembly, (1) (a), (1) (c), and (4) (c) as
7 follows:

8 **42-2-132.5. Mandatory and voluntary restricted licenses**
9 **following alcohol convictions - rules.** (1) The following persons shall
10 be required to hold an interlock-restricted license pursuant to this section
11 for at least one year following reinstatement prior to being eligible to
12 obtain any other driver's license issued under this article:

13 (a) A person whose privilege to drive was revoked for multiple
14 convictions for any combination of a DUI, DUI per se, OR DWAI ~~or~~
15 ~~habitual user~~ pursuant to section 42-2-125 (1) (g) (I) or (1) (i);

16 (c) A person whose privilege to drive was revoked as an habitual
17 offender under section 42-2-203 in which the revocation was due in part
18 to a DUI, DUI per se, OR DWAI ~~or habitual user~~ conviction; or

19 (4) **Persons who may acquire an interlock-restricted license**
20 **prior to serving a full-term revocation.** (c) In order to be eligible for
21 early reinstatement pursuant to this subsection (4), a person who has been
22 designated an habitual offender under the provisions of section 42-2-202
23 must have at least one conviction for DUI, DUI per se, OR DWAI ~~or~~
24 ~~habitual user~~ under section 42-4-1301, and no contributing violations
25 other than violations for driving under restraint under section 42-2-138
26 or reckless driving under section 42-4-1401."
27

28 Renumber succeeding sections accordingly.

29
30 Page 21, after line 24, insert:

31 "SECTION 24. **Effective date.** (1) Except as otherwise provided
32 in this section, this act takes effect upon passage.

33 (2) Section 12 of this act takes effect only if House Bill 12-1168
34 does not become law.

35 (3) Section 22 of this act takes effect only if House Bill 12-1168
36 becomes law, in which case section 22 of this act takes effect either upon
37 the effective date of this act or House Bill 12-1168, whichever is later."
38

39 Renumber succeeding section accordingly.

40
41 The amendment was declared **passed** by the following roll call vote:

	YES	50	NO	12	EXCUSED	3	ABSENT	0
44	Acree	Y	Fischer	Y	Looper	Y	Solano	N
45	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
46	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
47	Baumgardner	Y	Hamner	Y	McKinley	E	Stephens	Y
48	Becker	Y	Holbert	Y	Miklosi	N	Summers	Y
49	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
50	Bradford	Y	Jones	N	Nikkel	N	Swerdfeger	Y
51	Brown	Y	Joshi	E	Pabon	N	Szabo	Y
52	Casso	Y	Kagan	E	Pace	Y	Todd	Y
53	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
54	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
55	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
56	DelGrosso	Y	Labuda	N	Ryden	Y	Waller	Y

1	Duran	N	Lee	Y	Schafer S.	Y	Williams A.	N
2	Ferrandino	N	Levy	Y	Scott	Y	Wilson	N
3	Fields	Y	Liston	N	Singer	Y	Young	Y
4							Speaker	Y

5
 6 The question being, "Shall the bill, as amended, 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
 9 bill, as amended, was declared **passed**.

10	YES	38	NO	24	EXCUSED	3	ABSENT	0
12	Acree	Y	Fischer	Y	Looper	Y	Solano	N
13	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
14	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
15	Baumgardner	Y	Hamner	Y	McKinley	E	Stephens	Y
16	Becker	N	Holbert	Y	Miklosi	N	Summers	Y
17	Beezley	N	Hullinghorst	N	Murray	Y	Swalm	Y
18	Bradford	Y	Jones	Y	Nikkel	N	Swerdfeger	Y
19	Brown	Y	Joshi	E	Pabon	Y	Szabo	Y
20	Casso	N	Kagan	E	Pace	N	Todd	Y
21	Conti	Y	Kefalas	N	Peniston	Y	Tyler	N
22	Coram	Y	Kerr A.	N	Priola	N	Vaad	Y
23	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	N
24	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y
25	Duran	N	Lee	N	Schafer S.	Y	Williams A.	N
26	Ferrandino	N	Levy	N	Scott	Y	Wilson	N
27	Fields	Y	Liston	Y	Singer	Y	Young	N
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Barker, Coram, Gardner B., Kerr J.,
 30 Soper.

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 32
 33 House in recess. House reconvened.
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36
 37 **MESSAGE(S) FROM THE SENATE**
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39 The Senate has passed on Third Reading and transmits to the Revisor of
 40 Statutes: SB12S-002, SCR12S-001.

- 41
 42 SB12S-001 amended as printed in Senate Journal, May 14, 2012,
 43 page 8.
 44 SB12S-003 amended as printed in Senate Journal, May 14, 2012,
 45 page 8.
 46

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 48
 49 **MESSAGE(S) FROM THE REVISOR**
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51 We herewith transmit:
 52 Without comment, SCR12S-001 and SB12S-002.
 53 Without comment, as amended, SB12S-001 and 003.
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INTRODUCTION OF BILLS
First Reading

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

SB12S-001 by Senator(s) Cadman, Tochtrop; also Representative(s) Priola and Bradford--Concerning the registration of special mobile machinery fleets, and, in connection therewith, making an appropriation.
Committee on Economic and Business Development

SB12S-002 by Senator(s) Schwartz; also Representative(s) Sonnenberg and Baumgardner, Hamner, Pace--Concerning the funding of Colorado water conservation board projects, and, in connection therewith, making appropriations.
Committee on Agriculture, Livestock, & Natural Resources

SB12S-003 by Senator(s) Bacon; also Representative(s) Massey--Concerning benefit corporations, and, in connection therewith, making an appropriation.
Committee on State, Veterans, & Military Affairs

INTRODUCTION OF CONCURRENT RESOLUTION

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

SCR12S-001 by Senator(s) Steadman; also Representative(s) Ferrandino, Pace--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction after the exhaustion of appellate remedies.
Committee on State, Veterans, & Military Affairs

APPOINTMENT

The Speaker announced the temporary appointment:

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES
Representative Hamner to replace Representative McKinley to the Committee on Agriculture, Livestock, & Natural Resources for the Tuesday meeting only on May 15, 2012.

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CHANGE IN SPONSORSHIP

The Speaker announced the following changes in sponsorship:
SB12S-002--Representative Baumgardner to be added as dual prime sponsor with Representative Sonnenberg.

House in recess. House reconvened.

REPORT(S) OF COMMITTEE(S) OF REFERENCE

ECONOMIC & BUSINESS DEVELOPMENT

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

HB12S-1003 be postponed indefinitely.

SB12S-001 be referred favorably to the Committee on Finance.

House in recess. House reconvened.

REPORT(S) OF COMMITTEE(S) OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HBS12-1001 be postponed indefinitely.

SB12S-002 be referred favorably to the Committee on Appropriations.

FINANCE

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

SB12S-001 be referred favorably to the Committee on Appropriations.

1 **STATE, VETERANS, & MILITARY AFFAIRS**
2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **SB12S-003** be postponed indefinitely.

6
7
8 **SCR12S-001** be postponed indefinitely.

9
10 _____
11 House in recess. House reconvened.
12 _____
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15 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

16
17 **APPROPRIATIONS**

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

20
21 **SB12S-001** be referred to the Committee of the Whole with favorable
22 recommendation.

23
24
25 **SB12S-002** be referred to the Committee of the Whole with favorable
26 recommendation.

27
28 _____
29 **PRINTING REPORT**

30
31 The Chief Clerk reports the following bills have been correctly printed:
32 **HB12S-1001, 1002, 1003, 1004, 1005, 1006, 1007.**

33
34 _____
35 On motion of Representative Sonnenberg, the House resolved itself into
36 Committee of the Whole for consideration of General Orders, and he was
37 called to the Chair to act as Chairman.

38
39 _____
40 **GENERAL ORDERS--SECOND READING OF BILLS**

41
42 The Committee of the Whole having risen, the Chairman reported the
43 titles of the following bills had been read (reading at length had been
44 dispensed with by unanimous consent), the bills considered and action
45 taken thereon as follows:

46
47 (Amendments to the committee amendment are to the printed committee
48 report which was printed and placed in the members' bill file.)

49
50 **SB12S-001** by Senator(s) Cadman, Tochtrop; also Representative(s)
51 Priola and Bradford--Concerning the registration of
52 special mobile machinery fleets, and, in connection
53 therewith, making an appropriation.

54
55 Ordered revised and placed on the Calendar for Third Reading and Final
56 Passage.

1 **SB12S-002** by Senator(s) Schwartz; also Representative(s)
 2 Sonnenberg and Baumgardner, Hamner, Pace--Concerning
 3 the funding of Colorado water conservation board
 4 projects, and, in connection therewith, making
 5 appropriations.
 6

7 Ordered revised and placed on the Calendar for Third Reading and Final
 8 Passage.
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 12 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

13
 14 Passed Second Reading: **SB12S-001, 002.**

15
 16 The Chairman moved the adoption of the Committee of the Whole
 17 Report. As shown by the following roll call vote, a majority of those
 18 elected to the House voted in the affirmative, and the Report was
 19 **adopted.**
 20

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

39
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 41
 42
 43 On motion of Representative Stephens, the House adjourned until
 44 9:00 a.m., May 16, 2012.
 45

46
 47 Approved:
 48 FRANK McNULTY,
 Speaker

49 Attest:
 50 MARILYN EDDINS,
 51 Chief Clerk