

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

Seventy-seventh Legislative Day

Tuesday, March 30, 2010

1 Prayer by the Reverend Terrance D. Carroll.

2

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

4

5 Pledge of Allegiance led by Francesca Rubin, Evergreen Middle School.

6

7 The roll was called with the following result:

8

9 Present--50.

10 Excused--Representative(s) Ferrandino, Fischer, Gardner B.,  
11 Hullinghorst, Judd, Kefalas, King, Lambert, McFadyen,  
12 Middleton, Pace, Pommer, Riesberg, Sonnenberg, Vaad--15.

13 Present after roll call--Representative(s) Ferrandino, Fischer,  
14 Gardner B., Hullinghorst, Judd, Kefalas, Lambert, McFadyen,  
15 Middleton, Pace, Pommer, Riesberg, Sonnenberg.

16

17 The Speaker declared a quorum present.

18

19

20 On motion of Representative Labuda, the reading of the journal of  
21 March 29, 2010, was declared dispensed with and approved as corrected  
22 by the Chief Clerk.

23

24

25

House in recess. House reconvened.

26

27

28

29

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

30

**APPROPRIATIONS**

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

34

35 **HB10-1376** be amended as follows, and as so amended, be referred to  
36 the Committee of the Whole with favorable  
37 recommendation:

38

39 Amend printed bill, page 125, line 6, in the ITEM & SUBTOTAL column  
40 strike "10,726,063" and substitute "10,430,371" and in the GENERAL  
41 FUND column strike "10,434,912" and substitute "10,139,220".

42

43 Adjust affected totals accordingly.

1 Page 142, line 9, strike "institutions" and substitute "governing boards,  
2 with the exception of Fort Lewis College,".  
3

4 Page 142, line 10, after the period insert "It is the intent of the General  
5 Assembly that Fort Lewis College be prohibited from raising nonresident  
6 tuition rates in FY 2010-11."  
7  
8  
9

10 **HB10-1377** be referred to the Committee of the Whole with favorable  
11 recommendation.  
12  
13

14 **HB10-1378** be referred to the Committee of the Whole with favorable  
15 recommendation.  
16  
17

18 **HB10-1379** be referred to the Committee of the Whole with favorable  
19 recommendation.  
20  
21

22 **HB10-1380** be referred to the Committee of the Whole with favorable  
23 recommendation.  
24  
25

26 **HB10-1381** be amended as follows, and as so amended, be referred to  
27 the Committee of the Whole with favorable  
28 recommendation:  
29

30 Amend printed bill, page 6, strike lines 23 and 24 and substitute "million  
31 four hundred fifty thousand four hundred thirty-five dollars  
32 (\$4,450,435)".  
33

34 Page 7, strike lines 18 and 19 and substitute "grants appropriation is  
35 decreased by five million five hundred twenty-four thousand three  
36 hundred fifty-eight dollars (\$5,524,358)".  
37

38 Page 8, strike lines 4 and 5 and substitute "appropriation is decreased by  
39 fifteen million three hundred forty-six thousand six hundred twenty-five  
40 dollars (\$15,346,625)".  
41  
42  
43

44 **HB10-1382** be amended as follows, and as so amended, be referred to  
45 the Committee of the Whole with favorable  
46 recommendation:  
47

48 Amend printed bill, page 10, line 1, in the ITEM & SUBTOTAL column,  
49 strike "222,272,707" and substitute "245,487,785".  
50  
51  
52

53 **HB10-1383** be referred to the Committee of the Whole with favorable  
54 recommendation.  
55  
56

1 **HB10-1384** be amended as follows, and as so amended, be referred to  
2 the Committee of the Whole with favorable  
3 recommendation:  
4

5 Amend printed bill, page 3, line 5, strike "paragraph (d)" and substitute  
6 "~~paragraph~~ PARAGRAPHS (c) AND (d)".  
7

8 Page 4, strike lines 19 through 22 and substitute the following:  
9

10 "SUBSECTION (2) IF IT IS DETERMINED PURSUANT TO RULES OF THE STATE  
11 DEPARTMENT THAT:  
12

13 (A) THE QUALIFIED ALIEN HAS BEEN ABANDONED BY OR IS A  
14 VICTIM OF MISTREATMENT BY HIS OR HER SPONSOR OR IS AN ABUSED  
15 SPOUSE AND WOULD INCUR A SIGNIFICANT FINANCIAL HARDSHIP; OR  
16

17 (B) THE QUALIFIED ALIEN WHO DOES NOT HAVE A SPONSOR  
18 WOULD HAVE INSUFFICIENT INCOME TO SUPPORT HIMSELF OR HERSELF OR  
19 WOULD OTHERWISE INCUR A SIGNIFICANT FINANCIAL HARDSHIP."  
20

21 Page 7, line 24, strike "10-\_\_\_," and substitute "10-1384,".  
22

23 Page 8, strike lines 17 through 21 and substitute:  
24

25 "age pension in paragraph (a) of this subsection (2) if it is determined  
26 pursuant to rules of the state department that:  
27

28 (A) The qualified alien has been abandoned by or is a victim of  
29 mistreatment by his or her sponsor or is an abused spouse and would  
30 incur a significant financial hardship; or  
31

32 (B) The qualified alien who does not have a sponsor would have  
33 insufficient income to support himself or herself or would otherwise  
34 incur a significant financial hardship; OR".  
35

36 Page 8, line 22, strike "(B)" and substitute "(C)".  
37

38 Page 8, strike lines 26 and 27 and substitute:  
39

40 "QUALIFIED ALIEN."  
41

42 Page 12, line 26, strike "fourteen".  
43

44 Page 12, strike line 27.  
45

46 Page 13, strike line 1 and substitute "thirteen million four hundred thirty-  
47 nine thousand nine hundred eighty-seven dollars (\$13,439,987)".  
48

49  
50  
51 **HB10-1385** be amended as follows, and as so amended, be referred to  
52 the Committee of the Whole with favorable  
53 recommendation:  
54

55 Amend printed bill, page 7, line 14, strike "an" and substitute "the".  
56

1 Page 7, line 14, after "appropriation" insert "for insurance fraud  
2 prosecution".

3  
4 Page 7, line 18, strike "an" and substitute "the".

5  
6 Page 7, line 18, after "appropriation" insert "for insurance fraud  
7 prosecution".

8  
9 Page 7, after line 20, insert:

10  
11 "(2) For the implementation of this act, appropriations made in the  
12 annual general appropriation act to the department of law, administration  
13 division, for the fiscal year beginning July 1, 2010, are adjusted as  
14 follows:

15  
16 (a) The appropriation from various sources of reappropriated funds  
17 is decreased by one hundred eleven thousand two hundred thirty-two  
18 dollars (\$111,232).

19  
20 (b) The appropriation from various sources of cash funds is  
21 increased by one hundred eleven thousand two hundred thirty-two dollars  
22 (\$111,232)."

23  
24 Page 7, line 21, strike "(2)" and substitute "(3)".

25  
26 Page 8, after line 3, insert:

27  
28 "(4) For the implementation of this act, the appropriation of  
29 reappropriated funds to the department of regulatory agencies, division  
30 of insurance, for insurance fraud prosecution, from the division of  
31 insurance cash fund, for the fiscal year beginning July 1, 2010, is reduced  
32 by eight hundred sixty thousand one hundred eighty-six dollars  
33 (\$860,186)."

34  
35 Page 1, strike line 103 and substitute "OF LAW, AND MAKING  
36 APPROPRIATIONS IN CONNECTION THEREWITH."

37  
38  
39  
40 **HB10-1386** be amended as follows, and as so amended, be referred to  
41 the Committee of the Whole with favorable  
42 recommendation:

43  
44 Amend printed bill, page 5, after line 24 insert:

45  
46 **"SECTION 3. Appropriation - adjustments to the 2010 long  
47 bill.** (1) For the implementation of this act, the general fund  
48 appropriation made in the annual general appropriation act for the fiscal  
49 year beginning July 1, 2010, to the department of local affairs, property  
50 tax, division of property taxation line item, is decreased by one hundred  
51 sixty-nine thousand seven hundred forty-two dollars (\$169,742) and 2.1  
52 FTE.

53  
54 (2) In addition to any other appropriation, there is hereby  
55 appropriated, out of any moneys in the property tax exemption fund  
56 created in section 39-2-117 (8), Colorado Revised Statutes, not otherwise

1 appropriated, to the department of local affairs, property tax, division of  
2 property taxation line item, for the direct and indirect costs of  
3 administering the property tax exemption program, for the fiscal year  
4 beginning July 1, 2010, the sum of three hundred one thousand  
5 seventy-three dollars (\$301,073) and 2.1 FTE, or so much thereof as may  
6 be necessary, for the implementation of this act."

7  
8 Renumber succeeding section accordingly.

9  
10 Page 1, line 103, strike "TAXATION." and substitute "TAXATION, AND  
11 MAKING AN APPROPRIATION THEREFOR."

12  
13  
14  
15 **HB10-1387** be referred to the Committee of the Whole with favorable  
16 recommendation.

17  
18  
19 **HB10-1388** be referred to the Committee of the Whole with favorable  
20 recommendation.

21  
22  
23 **HB10-1389** be amended as follows, and as so amended, be referred to  
24 the Committee of the Whole with favorable  
25 recommendation:

26  
27 Amend printed bill, page 5, line 21, strike "2008," and substitute "~~2008~~  
28 2010,"

29  
30  
31  
32 **HB10-1390** be referred to the Committee of the Whole with favorable  
33 recommendation.

34  
35  
36  
37  
38 **PRINTING REPORT**

39  
40 The Chief Clerk reports the following bills have been correctly printed:  
41 **HB10-1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385,**  
42 **1386, 1387, 1388, 1389, 1390.**

43  
44  
45  
46  
47 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

48  
49 The Speaker has signed: **HM10-1001.**

**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 **HB10-1391** by Representative(s) Rice, Court, Levy, McCann, Ryden;  
8 also Senator(s) Boyd, Hudak, Newell, Steadman--  
9 Concerning the elimination of the repeal of certain  
10 provisions requiring that the Colorado bureau of  
11 investigation deny the transfer of a firearm to a person if  
12 the bureau receives certain information about the person's  
13 criminal history in response to a search of a criminal  
14 history records database.  
15 Committee on Judiciary  
16  
17 **HB10-1392** by Representative(s) Benefield; also Senator(s) Johnston--  
18 Concerning the membership of the government data  
19 advisory board.  
20 Committee on State, Veterans, & Military Affairs  
21  
22 **HB10-1393** by Representative(s) Nikkel; also Senator(s) Kopp--  
23 Concerning the information included in the web-based  
24 system that provides the public access to state financial  
25 information.  
26 Committee on State, Veterans, & Military Affairs  
27  
28 **SB10-061** by Senator(s) Tochtrop and Williams, Newell; also  
29 Representative(s) Soper and Riesberg, Roberts, Tyler--  
30 Concerning medicaid payments for inpatient care for  
31 hospice recipients, and making an appropriation therefor.  
32 Committee on Health and Human Services  
33  
34 **SB10-070** by Senator(s) Kester; also Representative(s) McCann--  
35 Concerning a statutory mechanism for the referral of a  
36 ballot question regarding the term limit of a district  
37 attorney.  
38 Committee on State, Veterans, & Military Affairs  
39  
40 **SB10-106** by Senator(s) Bacon, Boyd, Newell, Sandoval; also  
41 Representative(s) Looper--Concerning the creation of a  
42 food systems advisory council, and making an  
43 appropriation therefor.  
44 Committee on Agriculture, Livestock, & Natural Resources  
45  
46 **SB10-124** by Senator(s) Carroll M.; also Representative(s) Ryden--  
47 Concerning a requirement that certain health care  
48 providers disclose information about their practice history,  
49 and making an appropriation therefor.  
50 Committee on Health and Human Services  
51  
52 **SB10-162** by Senator(s) Heath; also Representative(s) Hullinghorst  
53 and May--Concerning modifications to the "Urban and  
54 Rural Enterprise Zone Act" to improve the accountability  
55 of income tax credits allowed by the act.  
56 Committee on Finance

1 **SB10-172** by Senator(s) Steadman, Foster, Hudak, Johnston, Kester,  
2 Newell, Sandoval; also Representative(s) Primavera--  
3 Concerning the continuation of voluntary contribution  
4 designation lines on state individual income tax forms for  
5 certain funds set to expire January 1, 2011.

6 Committee on Finance

7  
8  
9

## 10 INTRODUCTION OF CONCURRENT RESOLUTION

11

12 The following resolutions were read by title and referred to the  
13 committees indicated:

14

15 **HCR10-1002** by Representative(s) Benefield, Frangas, McKinley,  
16 Merrifield, Middleton, Peniston, Rice, Scanlan, Schafer S.,  
17 Solano, Todd, Hullinghorst, Apuan, Casso, Fischer,  
18 Gagliardi, Kagan, Labuda, Levy, McCann, Miklosi, Pace,  
19 Pommer, Primavera, Ryden, Soper, Tyler, Vigil,  
20 Weissmann; also Senator(s) Williams and Romer, Bacon,  
21 Shaffer B.--Submitting to the registered electors of the  
22 state of Colorado an amendment to article IX of the  
23 constitution of the state of Colorado, concerning the  
24 authority of the general assembly to generate additional  
25 state revenues for funding preschool through  
26 postsecondary public education without prior voter  
27 approval, and, in connection therewith, notwithstanding  
28 the prior voter approval requirement of section 20 (4) (a)  
29 of article X of the state constitution, allowing the general  
30 assembly to enact statutes that result in additional state  
31 revenues to be used to fund preschool through  
32 postsecondary public education and exempting any  
33 additional state revenues raised for this purpose from the  
34 constitutional limitations on fiscal year spending.

35 Committee on Education

36

37 **HCR10-1003** by Representative(s) Curry; also Senator(s) Penry--  
38 Submitting to the registered electors of the state of  
39 Colorado an amendment to article X of the constitution of  
40 the state of Colorado, concerning a state rainy day fund,  
41 and, in connection therewith, creating the state rainy day  
42 fund; beginning July 1, 2011, requiring twenty-five million  
43 dollars of severance tax revenues to be credited to the fund  
44 for each fiscal year in which total severance tax revenues  
45 are greater than fifty million dollars; and allowing the  
46 moneys in the fund to be used only during economic  
47 downturns and with a three-fifths majority vote of both  
48 houses of the general assembly.

49 Committee on Finance

50 Committee on Appropriations

51  
52  
53  
54  
55

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**NOTICE OF CALENDARED ITEM(S)**

On motion of Representative Weissmann, the following bill(s) will be calendared for Second Reading on March 31, 2010: **HB10-1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390.**



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

On motion of Representative Weissmann, the following item(s) on the Calendar (was)were laid over until March 31, retaining place on Calendar:

Consideration of Resolution(s)--**HJR10-1016, 1017.**  
Consideration of Senate Amendment(s)---**HB10-1108, 1188, 1043, 1058, 1062, 1109, 1133, 1202, 1244, 1288, 1004, 1114, 1183, 1222, 1225, 1232, 1236, 1240, 1128, 1166, 1168, 1180, 1197, 1201, 1249.**



On motion of Representative Weissmann, the House adjourned until 9:00 a.m., March 31, 2010.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk