

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

Ninety-ninth Legislative Day

Wednesday, April 20, 2011

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
 2 Church, Denver.

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

5
 6 Pledge of Allegiance led by Tye Brown Wolf, Grant Morgan from Silver
 7 Thorne Elementary and Melanie Delacruz, Luis Espino, Aubrey Blea
 8 from Swansea Elementary, Denver.

9
 10 The roll was called with the following result:

11
 12 Present--64.
 13 Absent--Representative(s) Liston--1.
 14 Present after roll call--Representative(s) Liston.

15
 16 The Speaker declared a quorum present.

17 _____
 18
 19 On motion of Representative Pabon, the reading of the journal of
 20 April 19, 2011, was declared dispensed with and approved as corrected
 21 by the Chief Clerk.

22 _____
 23
 24
 25 **THIRD READING OF BILL(S)--FINAL PASSAGE**

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

30
 31 **HB11-1242** by Representative(s) Ferrandino; also Senator(s)
 32 Nicholson--Concerning the provision of integrated health
 33 care services pursuant to the Colorado medical assistance
 34 program, and making an appropriation therefor.

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
 39 bill was declared **passed**.

40
 41

	YES	47	NO	18	EXCUSED	0	ABSENT	0
42	Acree	N	Fischer	Y	Liston	N	Scott	N
43	Balmer	N	Gardner B.	Y	Looper	N	Solano	Y

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

16 Co-sponsor(s) added: Representative(s) Casso, Court, Fischer, Gardner D.,
 17 Hamner, Hullinghorst, Kagan, Kefalas, Labuda, Lee, Levy, Pace, Peniston,
 18 Riesberg, Ryden, Schafer S., Solano, Todd, Tyler, Vigil, Wilson.

19
 20 **SB11-128** by Senator(s) Newell, Bacon, Foster, Guzman, Hudak,
 21 Jahn, Johnston, Nicholson, Schwartz, Shaffer B.,
 22 Steadman, Williams S.; also Representative(s) McCann
 23 and Summers, Acree, Court, Duran, Lee, Pabon, Ryden--
 24 Concerning requiring a carrier that participates in the
 25 individual health insurance market in Colorado to issue
 26 child-only plans on a guaranteed-issue basis, and making
 27 an appropriation in connection therewith.

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

	YES	47	NO	18	EXCUSED	0	ABSENT	0
35	Acree	Y	Fischer	Y	Liston	Y	Scott	N
36	Balmer	N	Gardner B.	N	Looper	N	Solano	Y
37	Barker	N	Gardner D.	Y	Massey	Y	Sonnenberg	N
38	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
39	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
40	Beezley	Y	Holbert	N	Miklosi	Y	Summers	Y
41	Bradford	N	Hullinghorst	Y	Murray	N	Swalm	Y
42	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
43	Casso	Y	Joshi	N	Pabon	Y	Szabo	Y
44	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
45	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
46	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
47	DelGrosso	N	Kerr J.	Y	Ramirez	N	Vigil	Y
48	Duran	Y	Labuda	Y	Riesberg	Y	Waller	N
49	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
50	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Casso, Ferrandino, Fields, Fischer,
 53 Gardner D., Hamner, Jones, Kefalas, Kerr A., Labuda, Levy, Massey, Miklosi,
 54 Pace, Schafer S., Solano, Todd, Tyler, Vigil, Williams A., Wilson.

1 **HB11-1250** by Representative(s) Acree, Balmer, Conti, Joshi,
 2 Ramirez, Scott; also Senator(s) Renfroe, Harvey, King K.,
 3 Lambert--Concerning a prohibition on ingestible medical
 4 marijuana-infused products.

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	59	NO	6	EXCUSED	0	ABSENT	0
12	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
13	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
14	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
15	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
16	Becker	Y	Hamner	Y	McKinley	N	Stephens	Y
17	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
18	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
19	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
20	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
21	Conti	Y	Kagan	N	Pace	N	Todd	Y
22	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
23	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
24	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
25	Duran	N	Labuda	Y	Riesberg	Y	Waller	Y
26	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	N
27	Fields	Y	Levy	N	Schafer S.	Y	Wilson	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Casso, Fields, Gardner B., Kerr J.,
 30 Labuda, Murray, Pabon, Stephens, Summers, Todd.

31
 32
 33 **HB11-1271** by Representative(s) Scott; also Senator(s) Brophy--
 34 Concerning limitations on electric utilities' ability to
 35 establish a graduated scale of charges.

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**.

	YES	34	NO	31	EXCUSED	0	ABSENT	0
43	Acree	Y	Fischer	N	Liston	Y	Scott	Y
44	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
45	Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
46	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	N
47	Becker	Y	Hamner	N	McKinley	N	Stephens	Y
48	Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y
49	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
50	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
51	Casso	N	Joshi	Y	Pabon	N	Szabo	Y
52	Conti	Y	Kagan	N	Pace	N	Todd	N
53	Coram	Y	Kefalas	N	Peniston	N	Tyler	N
54	Court	N	Kerr A.	N	Priola	Y	Vaad	Y
55	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
56	Duran	N	Labuda	N	Riesberg	N	Waller	Y

1	Ferrandino	N	Lee	N	Ryden	N	Williams A.	N
2	Fields	N	Levy	N	Schafer S.	N	Wilson	N
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Becker, Conti, Coram, Kerr J., Looper,
5 Murray.

8 **CONSIDERATION OF RESOLUTION(S)**

10 **HR11-1007** by Representative(s) McNulty, Stephens, Pace--
11 Concerning the rules of the House of Representatives
12 regarding an official seal of the House of Representatives.

14 (Printed and placed in members' file)

16 On motion of Representative Stephens, the resolution was **adopted** by
17 **viva voce** vote.

19 Co-sponsor(s) added: Representative(s) Barker, Baumgardner, Becker,
20 Bradford, Brown, Casso, Coram, DelGrosso, Ferrandino, Fields, Gerou,
21 Hamner, Holbert, Joshi, Kerr A., Kerr J., Liston, Looper, Massey, Murray,
22 Nikkel, Peniston, Priola, Ramirez, Scott, Sonnenberg, Summers, Swalm,
23 Swerdfeger, Todd, Vigil.

27 On motion of Representative Becker, the House resolved itself into
28 Committee of the Whole for consideration of General Orders, and he was
29 called to the Chair to act as Chairman.

32 **GENERAL ORDERS--SECOND READING OF BILLS**

34 The Committee of the Whole having risen, the Chairman reported the
35 titles of the following bills had been read (reading at length had been
36 dispensed with by unanimous consent), the bills considered and action
37 taken thereon as follows:

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

42 **HB11-1255** by Representative(s) DelGrosso, Kefalas; also Senator(s)
43 Schwartz--Concerning alternative energy parks, and, in
44 connection therewith, authorizing local governments to
45 apply to the Colorado economic development commission
46 for approval to create such parks, allowing tax increment
47 financing and bonding to be used to finance development
48 within such parks, and providing tax incentives to
49 taxpayers who invest in or otherwise financially support
50 such parks.

52 (Previously amended as printed in House Journal, April 19,
53 pages 1024-1025.)

55 As amended, declared **lost** on Second Reading.

1 On motion of Representative Stephens, the remainder of the General
 2 Orders Calendar (**HB11-1222, 1212, SB11-076**) was laid over until
 3 April 21, retaining place on Calendar.

4
 5
 6
 7 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

8
 9 Lost on Second Reading: **HB11-1255 amended.**

10
 11 Laid over until date indicated retaining place on Calendar: **HB11-1222,**
 12 **1212, SB11-076**--April 21, 2011.

13
 14 The Chairman moved the adoption of the Committee of the Whole
 15 Report. As shown by the following roll call vote, a majority of those
 16 elected to the House voted in the affirmative, and the Report was
 17 **adopted.**

	YES	62	NO	3	EXCUSED	0	ABSENT	0
20	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
21	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
22	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
23	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
24	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
25	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
26	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
27	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
28	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
29	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
30	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
31	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
32	DelGrosso	N	Kerr J.	Y	Ramirez	Y	Vigil	Y
33	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
34	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
35	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
36							Speaker	N

37
 38
 39
 40 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

41
 42 Representative Gerou moved that the First Conference Committee on
 43 **SB11-209** be granted permission to go beyond the scope of the difference
 44 between the House and the Senate. The motion was passed by the
 45 following roll call vote:

	YES	65	NO	0	EXCUSED	0	ABSENT	0
48	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
49	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
50	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
51	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
52	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
53	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
54	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
55	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
56	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y

1	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
2	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
3	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
4	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
5	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
6	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
7	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
8							Speaker	Y
9								

10
11 House in recess. House reconvened.
12
13

14
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 **SB11-230** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:
24

25 Amend reengrossed bill, page 13, line 1, strike "one thousand one
26 hundred eighty-one dollars (\$1,181)." and substitute "four hundred
27 eighty-one dollars (\$481).".
28

29 Page 13, line 8, strike "three hundred seventy-six dollars (\$284,810,376)."
30 and substitute "four hundred sixty-five dollars (\$284,810,465).".
31

32 Page 13, line 16, strike "six" and substitute "eight".
33

34 Page 13, line 17, strike "thirty-seven dollars (\$329,637)." and substitute
35 "ninety-seven dollars (\$329,897).".
36

37 Page 14, line 14, strike "nine hundred fifty-nine dollars (\$175,946,959)."
38 and substitute "eight hundred seventy dollars (\$175,946,870).".
39

40 Page 14, line 18, strike "nine hundred fifty-nine dollars (\$175,946,959)."
41 and substitute "eight hundred seventy dollars (\$175,946,870).".
42
43
44
45

46 **ECONOMIC & BUSINESS DEVELOPMENT**

47 After consideration on the merits, the Committee recommends the
48 following:
49

50 **SB11-179** be referred to the Committee of the Whole with favorable
51 recommendation.
52
53
54
55
56

1 **HEALTH & ENVIRONMENT**

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

4
5 **HB11-1285** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, strike everything below the enacting clause and
10 substitute the following:

11
12 "SECTION 1. 25.5-5-402 (1), Colorado Revised Statutes, is
13 amended to read:

14
15 **25.5-5-402. Statewide managed care system - rules.**

16 (1) (a) The state board shall adopt rules to implement a managed care
17 system for Colorado medical assistance clients pursuant to ~~the provisions~~
18 ~~of~~ this article and articles 4 and 6 of this title. The statewide managed
19 care system shall be implemented to the extent possible.

20
21 (b) THE STATE DEPARTMENT SHALL INSTITUTE A PROCESS FOR
22 STAKEHOLDER INPUT WITH RESPECT TO ACHIEVING COST SAVINGS,
23 QUALITY OF PATIENT CARE, AND EFFICIENCIES THROUGH THE
24 COORDINATION OF LONG-TERM CARE SERVICES PRIOR TO CONSIDERATION
25 OF A STATEWIDE LONG-TERM CARE SYSTEM FOR COLORADO MEDICAL
26 ASSISTANCE CLIENTS.

27
28 (c) ON OR BEFORE JANUARY 2, 2012, THE STATE DEPARTMENT
29 SHALL REPORT THE RESULTS OF THE STAKEHOLDER PROCESS REQUIRED IN
30 PARAGRAPH (b) OF THIS SUBSECTION (1) AND ANY RECOMMENDATIONS
31 FOR LEGISLATIVE OR REGULATORY CHANGES THAT RESULT FROM THE
32 PROCESS TO THE HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE
33 OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE
34 OF THE SENATE.

35
36 **SECTION 2. Effective date.** This act shall take effect July 1,
37 2011.

38
39 **SECTION 3. Safety clause.** The general assembly hereby finds,
40 determines, and declares that this act is necessary for the immediate
41 preservation of the public peace, health, and safety."

42
43 Page 1, line 101, strike "MANAGED CARE" and substitute "STAKEHOLDER
44 PROCESS".

45
46 Page 1, line 102, strike "SYSTEM FOR" and substitute "FOR THE
47 MANAGEMENT OF".

48
49
50
51
52 **JUDICIARY**

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

55
56 **HB11-1139** be postponed indefinitely.

1 **SB11-088** be referred favorably to the Committee on Appropriations.

2

3

4

5

6 **LEGISLATIVE COUNCIL**

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

9

10 **HB11-1020** be postponed indefinitely.

11

12

13 **HB11-1184** be postponed indefinitely.

14

15

16 **SB11-045** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:

19

20 Amend the Transportation Committee Report, dated March 23, 2011,
21 page 1, strike lines 3 through 5 and substitute "Page 4, line 8, strike
22 "EIGHT" and substitute "TEN".

23

24 Page 4, of the reengrossed bill, line 18, strike "AND".

25

26 Page 4, line 20, after the semicolon add "AND".

27

28 Page 4, after line 20 insert:

29

30 "(G) TWOLANDOWNERS REPRESENTING AGRICULTURAL INTERESTS
31 WHO RESIDE IN DIFFERENT GEOGRAPHIC AREAS OF THE STATE."

32

33 Page 5, line 2, after the semicolon add "AND".

34

35 Page 5, line 5, strike "ORGANIZATION; AND" and substitute
36 "ORGANIZATION."

37

38 Page 5, strike lines 6 and 7."

39

40

41

42 **PRINTING REPORT**

43

44 The Chief Clerk reports the following bills have been correctly printed:

45 **HB11-1301, 1302.**

46

47

48

49 **MESSAGE(S) FROM THE SENATE**

50

51 The Senate has adopted and transmits herewith: SJR11- 041.

52

53

54 The Senate has passed on Third Reading and transmitted to the Revisor
55 of Statutes, SB11-060.

56

1 The Senate has passed on Third Reading and returns herewith
2 HB11-1200.
3
4 The Senate has passed on Third Reading and transmitted to the Revisor
5 of Statutes:
6
7 HB11-1026 amended as printed in Senate Journal, April 19, 2011,
8 page 794.
9 SB11-203 amended as printed in Senate Journal, April 19, 2011,
10 page 794.

11
12
13
14 **MESSAGE(S) FROM THE REVISOR**

15
16 We herewith transmit:
17 Without comment, SB11-060.
18 Without comment, as amended, HB11-1026.
19 Without comment, as amended, SB11-203.
20

21
22
23 **INTRODUCTION OF RESOLUTION**

24
25 The following resolution was read by title and laid over one day under the
26 rules:

27
28 **SJR11-041** by Senator(s) Tochtrop, Carroll, King S., Renfroe; also
29 Representative(s) Acree, Gardner D., Kerr J., Miklosi--
30 Concerning the appointment of Dianne E. Ray to the
31 position of state auditor.
32

33
34
35 **INTRODUCTION OF MEMORIAL**

36
37 The following memorial was read by title and laid over until
38 April 25, 2011 under the rules:

39
40 **HM11-1005** by Representative(s) Vigil and McKinley, Todd, Balmer,
41 Kerr J., Liston, Massey, Riesberg, Solano, Soper--
42 Memorializing former Representative Rafael Gallegos.
43

44
45
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 April 21, retaining place on Calendar:

50
51 Consideration of Resolution(s)--**SJR11-009**.
52 Consideration of Senate Amendment(s)--**HB11-1230, 1196**.
53
54
55
56

1 On motion of Representative Waller, the House adjourned until 9:00 a.m.,
2 April 21, 2011.

3

4

5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:
FRANK McNULTY,
Speaker