

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

Ninety-first Legislative Day

Tuesday, April 12, 2011

1 Prayer by the Reverend Dr. Timothy Tyler, Shorter Community African
2 Methodist Episcopal Church, Denver.

3

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

5

6 Pledge of Allegiance led by Isabella Contolini from Dunstan Middle
7 School, Lakewood.

8

9 The roll was called with the following result:

10

11 Present--50.

12 Excused for Legislative Business--Representative(s) Becker,
13 DelGrosso, Ferrandino, Gardner B., Gerou, Hulinghorst,
14 Kagan, Kerr A., Looper, Pabon, Riesberg, Solano, Sonnenberg,
15 Vaad--14.

16 Absent--Representative(s) Jones--1.

17 Present after roll call--Representative(s) Becker, DelGrosso,
18 Ferrandino, Gardner B., Gerou, Hulinghorst, Jones, Kagan,
19 Kerr A., Looper, Pabon, Riesberg, Solano, Sonnenberg, Vaad.

20

21 The Speaker declared a quorum present.

22

23

24 On motion of Representative Lee, the reading of the journal of
25 April 11, 2011, was declared dispensed with and approved as corrected
26 by the Chief Clerk.

27

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30

House in recess. House reconvened.

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MESSAGE(S) FROM THE SENATE

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36 The Senate has adopted and transmits herewith: SJR11- 038.

37

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42

1 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

2

3 On motion of Representative Stephens, the rules were suspended and the
4 following resolution was given immediate consideration.

5

6 **SJR11-038** by Senator(s) Hudak and Giron; also Representative(s)
7 Duran and Looper--Concerning the designation of
8 April 12, 2011, as "Equal Pay Day" in Colorado, and, in
9 connection therewith, acknowledging the persisting
10 problem of wage disparity among various groups.

11

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

13

14 On motion of Representative Duran, the resolution was **adopted** by **viva**
15 **voce** vote.

16

17 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
18 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
19 Court, DelGrosso, Ferrandino, Fields, Fischer, Gardner B., Gardner D., Gerou,
20 Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J.,
21 Labuda, Lee, Levy, Liston, Massey, McCann, McKinley, Miklosi, Murray,
22 Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Riesberg, Ryden, Schafer S.,
23 Scott, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger,
24 Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Speaker.

25

26

27 House in recess. House reconvened.

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REPORT(S) OF COMMITTEE(S) OF REFERENCE

32

33 **APPROPRIATIONS**

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

36

37 **HB11-1296** be referred to the Committee of the Whole with favorable
38 recommendation.

39

40

41 **SB11-209** be amended as follows, and as so amended, be referred to
42 the Committee of the Whole with favorable
43 recommendation:

44

45 Amend reengrossed bill, page 63, strike lines 1 and 2.

46

47 Adjust affected totals accordingly.

48

49 Page 64, line 5, in the ITEM & SUBTOTAL column strike "5,000,000"
50 and substitute "2,500,000" and in the CASH FUNDS column strike
51 "5,000,000^b" and substitute "2,500,000^b".

52

53 Adjust affected totals accordingly.

54

55 Page 84, line 6, strike "Telecommunications Revolving Fund created in
56 Section 24-37.5-505 (1), C.R.S.," and substitute "Computer Services

- 1 Revolving Fund created in Section 24-37.5-604 (2), C.R.S.,".
2
3 Page 88, line 6, strike "**BUDGETING**)^{9b}" and substitute
4 "**BUDGETING**".
5
6 Page 88, strike lines 15 through 16.
7
8 Page 89, strike lines 1 through 18.
9
10 Page 90, strike lines 1 through 8.
11
12 Page 99, line 7, in the TOTAL column strike "3,487,538,965" and
13 substitute "3,487,165,965", in the GENERAL FUND column strike
14 "1,002,404,501(M)" and substitute "1,002,218,001(M)", and in the
15 FEDERAL FUNDS column strike "1,717,827,007" and substitute
16 "1,717,640,507".
17
18 Adjust affected totals accordingly.
19
20 Page 113, line 7, strike "662,628,863" and substitute "662,255,863" and
21 strike "2,094.33" and substitute "2,093.15".
22
23 Page 113, line 11, strike "\$3,487,538,965" and substitute
24 "\$3,487,165,965" and strike "\$5,687.92" and substitute "\$5,687.32".
25
26 Page 203, line 5, in the ITEM & SUBTOTAL column strike "675,000"
27 and substitute "500,000" and in the GENERAL FUND column strike
28 "458,430" and substitute "283,430".
29
30 Adjust affected totals accordingly.
31
32 Page 212, line 12, in the ITEM & SUBTOTAL column strike "475,000"
33 and substitute "400,000" and in the GENERAL FUND column strike
34 "475,000" and substitute "400,000".
35
36 Adjust affected totals accordingly.
37
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39
40 **SB11-210** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:
43
44 Amend reengrossed bill, page 11, line 1, strike "(1)".
45
46 Page 11, line 5, strike "(a)" and substitute "(1)".
47
48 Page 11, line 8, strike "(b)" and substitute "(2)".
49
50 Page 11, line 16, strike "(c)" and substitute "(3)".
51
52
53
54 **SB11-211** be referred to the Committee of the Whole with favorable
55 recommendation.
56

1 **SB11-212** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB11-213** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend reengrossed bill, page 2, line 7, after "(I)" insert "(A)".

10
11 Page 2, line 19, strike "(II)" and substitute "(B)".
12

13 Page 3, line 4, strike "(III)" and substitute "(C)".
14

15 Page 3, line 12, strike "SUBPARAGRAPH (III)" and substitute
16 "SUB-SUBPARAGRAPH (C)".
17

18 Page 3, after line 12 insert:
19

20 "(II) THE DEPARTMENT MAY PROVIDE INFORMATION TO THE
21 DEPARTMENT OF REVENUE PURSUANT TO SECTION 26-2-133, C.R.S.,
22 REGARDING PERSONS WHO ARE OBLIGATED TO THE STATE FOR
23 NONPAYMENT OF ENROLLMENT FEES PURSUANT TO THIS PARAGRAPH (b).
24 PRIOR TO PROVIDING INFORMATION TO THE DEPARTMENT OF REVENUE
25 PURSUANT TO SECTION 26-2-133, C.R.S., THE DEPARTMENT SHALL
26 ESTABLISH A PROCESS TO ENSURE THAT THE OBLIGATED PERSON HAS BEEN
27 AFFORDED THE OPPORTUNITY TO CONTEST AND APPEAL THE
28 DETERMINATION OF THE DEBT."
29

30 Page 3, after line 18 insert:
31

32 "**SECTION 2.** 26-2-133 (2), Colorado Revised Statutes, is
33 amended to read:
34

35 **26-2-133. State income tax refund offset.** (2) As a condition of
36 certifying an overpayment to the department of revenue as provided in
37 subsection (1) of this section, the state department shall ensure that the
38 obligated person has been afforded the opportunity for a conference at the
39 county department level pursuant to section 26-2-127 or 25.5-4-207,
40 C.R.S., and the opportunity for an appeal to the state department pursuant
41 to section 26-2-127 or 26-2-304, OR THAT THE OBLIGATED PERSON HAS
42 BEEN AFFORDED THE PROCESS ESTABLISHED PURSUANT TO SECTION
43 25.5-8-107, C.R.S. In addition, the state department, prior to final
44 certification of the information specified in subsection (1) of this section
45 to the department of revenue, shall notify the obligated person, in writing,
46 at his OR HER last-known address, that the state intends to refer the
47 person's name to the department of revenue in an attempt to offset the
48 obligation against the person's state income tax refund. Such notification
49 shall inform the obligated person of the opportunity for a conference with
50 the county department pursuant to section 26-2-127 or 25.5-4-207,
51 C.R.S., and of the opportunity for an appeal to the state department
52 pursuant to section 26-2-127 or 26-2-304, OR OF THE PROCESS
53 ESTABLISHED PURSUANT TO SECTION 25.5-8-107, C.R.S. In addition, the
54 notice shall specify issues that may be raised at an evidentiary conference
55 or on appeal, as provided by this subsection (2), by the obligated person
56 in objecting to the offset and shall specify that the obligated person may

1 not object to the fact that an overpayment occurred. A person who has
 2 received a notice pursuant to this subsection (2) shall request, within
 3 thirty days from the date such notice was mailed, an administrative review
 4 or evidentiary conference, as provided in this subsection (2).".

5

6 Renumber succeeding sections accordingly.

7

8 Page 5, strike lines 11 through 16 and substitute "state planning and
 9 budgeting, for the fiscal year beginning July 1, 2011, shall be adjusted as
 10 follows:

11

12 (a) The appropriation for the office of information technology for
 13 the Colorado benefits management system, is increased by three hundred
 14 seventy-five thousand nine hundred sixty dollars (\$375,960). Said sum
 15 shall be reappropriated funds received from the department of human
 16 services out of the appropriation made in subsection (2) of this section.

17

18 (b) The appropriation for the office of information technology for
 19 computer services is increased by five thousand nine hundred twenty
 20 dollars (\$5,920). Said sum shall be reappropriated funds received from
 21 the department of revenue out of the appropriations made in subsection
 22 (4) of this section.

23

24 (4) For the implementation of this act, the general fund
 25 appropriation made in the annual general appropriation act, to the
 26 department of revenue, information technology division, for system
 27 support, is increased by five thousand nine hundred twenty dollars
 28 (\$5,920).".

29

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31

32 **SB11-214** be referred to the Committee of the Whole with favorable
 33 recommendation.

34

35

36 **SB11-215** be referred to the Committee of the Whole with favorable
 37 recommendation.

38

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40 **SB11-216** be referred to the Committee of the Whole with favorable
 41 recommendation.

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44 **SB11-217** be referred to the Committee of the Whole with favorable
 45 recommendation.

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47

48 **SB11-218** be referred to the Committee of the Whole with favorable
 49 recommendation.

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51

52 **SB11-219** be amended as follows, and as so amended, be referred to
 53 the Committee of the Whole with favorable
 54 recommendation:

55

56 Amend reengrossed bill, page 3, strike lines 23 through 27.

1 Page 4, strike lines 1 and 2.

2

3 Renumber succeeding sections accordingly.

4

5 Page 7, strike line 27.

6

7 Page 8, strike lines 1 through 8 and substitute:

8

9 "(1) Twenty-one million five hundred ten thousand dollars
10 (\$21,510,000) for allocation to the health care services fund for
11 community primary care providers pursuant to section 25.5-3-112 (2.8),
12 Colorado Revised Statutes. Of said sum, ten million seven hundred
13 fifty-five thousand dollars (\$10,755,000) shall be cash funds from the
14 Colorado health care services fund created in section 25.5-3-112 (1),
15 Colorado Revised Statutes, and ten million seven hundred fifty-five
16 thousand dollars (\$10,755,000) shall be from federal funds."

17

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19

20 **SB11-221** be referred to the Committee of the Whole with favorable
21 recommendation.

22

23

24 **SB11-222** be referred to the Committee of the Whole with favorable
25 recommendation.

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28 **SB11-223** be referred to the Committee of the Whole with favorable
29 recommendation.

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31

32 **SB11-224** be referred to the Committee of the Whole with favorable
33 recommendation.

34

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36 **SB11-225** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:

39

40 Amend reengrossed bill, page 3, strike lines 15 through 27.

41

42 Page 4, strike lines 1 through 15.

43

44 Renumber succeeding sections accordingly.

45

46

47

48 **SB11-226** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51

52 Amend reengrossed bill, page 6, strike lines 13 through 19.

53

54 Renumber succeeding sections accordingly.

55

56

1 **SB11-228** be referred to the Committee of the Whole with favorable
2 recommendation.
3

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5 **SB11-229** be referred to the Committee of the Whole with favorable
6 recommendation.
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11 **ECONOMIC & BUSINESS DEVELOPMENT**

12 After consideration on the merits, the Committee recommends the
13 following:
14

15 **HB11-1293** be referred favorably to the Committee on Appropriations.
16
17

18
19 **PRINTING REPORT**

20
21 The Chief Clerk reports the following bill has been correctly printed:
22 **HB11-1296.**
23

24
25
26 **SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

27
28 The Speaker has signed: **SB11-057.**
29
30

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32
33 **LAY OVER OF CALENDAR ITEM(S)**

34
35 On motion of Representative Balmer, the following item(s) on the
36 Calendar (was)were laid over until April 13, retaining place on Calendar:
37

38 Consideration of Third Reading--**HB11-1141, 1032, SB11-188, HB11-**
39 **1064, 1265, 1272, 1275, 1043, 1288.**

40 Consideration of General Orders--**HB11-1255, 1222, 1271 amended,**
41 **1212, 1242, SB11-076, 128, HB11-1250.**

42 Consideration of Senate Amendment(s)--**HB11-1097.**
43
44

45
46 On motion of Representative Balmer, the House adjourned until
47 9:00 a.m., April 13, 2011.
48

49 Approved:
50 FRANK McNULTY,
51 Speaker

52 Attest:
53 MARILYN EDDINS,
54 Chief Clerk

