

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

Ninth Legislative Day

Thursday, January 19, 2012

1 The Speaker called the House to order at 9:00 a.m.
2
3 Prayer by Rabbi Joe Black, Temple Emanuel, Denver.
4
5 Pledge of Allegiance led by Matthew Baumgardner, Grandby Elementary.
6
7 The roll was called with the following result:
8
9 Present--63.
10 Excused--Representative(s) Miklosi--1.
11 Present after roll call--Representative(s) Miklosi.
12 Vacancy--1.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Wilson, the reading of the journal of
18 January 18, 2012, was declared dispensed with and approved as corrected
19 by the Chief Clerk.
20
21

CONSIDERATION OF RESOLUTION(S)

22
23
24 **HR12-1003** by Representative(s) Balmer--Concerning an application
25 under Article V of the United States Constitution to the
26 Congress of the United States to call a convention for
27 proposing an amendment to the United States Constitution
28 to repeal the "Patient Protection and Affordable Care
29 Act".
30

31 (Printed and placed in member's file.)
32

33 Representative Balmer moved that the resolution be adopted.
34

35 Amendment No. 1, moved by Representative Ferrandino.
36

37 Amend printed resolution, page 2, strike lines 3 through 6 and substitute:
38

39 "WHEREAS, If a constitutional convention is called that results
40 in the repeal of the Act, according to a February 2011 estimate prepared
41 by the nonpartisan Congressional budget office, the federal budget deficit
42 will increase by over two hundred ten billion dollars between 2012 and
43 2021; and".

1 The amendment was declared **lost** by the following roll call vote:

	YES	30	NO	33	EXCUSED	1	ABSENT	0	VACANCY	1
4	Acree	N	Fischer	Y	Liston	N	Solano	Y		
5	Balmer	N	Gardner	N	Looper	N	Sonnenberg	N		
6	Barker	N		V	Massey	N	Soper	Y		
7	Baumgardner	N	Gerou	N	McCann	Y	Stephens	N		
8	Becker	N	Hamner	Y	McKinley	Y	Summers	N		
9	Beezley	N	Holbert	N	Miklosi	E	Swalm	N		
10	Bradford	N	Hullinghorst	Y	Murray	N	Swerdfeger	N		
11	Brown	N	Jones	Y	Nikkel	N	Szabo	N		
12	Casso	Y	Joshi	N	Pabon	Y	Todd	Y		
13	Conti	N	Kagan	Y	Pace	Y	Tyler	Y		
14	Coram	N	Kefalas	Y	Peniston	Y	Vaad	N		
15	Court	Y	Kerr A.	Y	Priola	N	Vigil	Y		
16	DelGrosso	N	Kerr J.	N	Ramirez	N	Waller	N		
17	Duran	Y	Labuda	Y	Ryden	Y	Williams A.	Y		
18	Ferrandino	Y	Lee	Y	Schafer S.	Y	Wilson	Y		
19	Fields	Y	Levy	Y	Scott	N	Young	Y		
20							Speaker	N		

21
22 Amendment No. 2, moved by Representative Ferrandino.

23
24 Amend printed resolution, page 2, strike lines 1 and 2 and substitute:

25
26 "WHEREAS, If a constitutional convention is called that results
27 in the repeal of the Act, the state of Colorado will lose the benefits of
28 almost \$30 million in therapeutic discovery project program tax credits
29 and grants that will support groundbreaking biomedical research to
30 produce new therapies, address unmet needs, reduce the long-term growth
31 of health care costs, and advance the goal of curing cancer within the next
32 30 years; and".

33
34 The amendment was declared **lost** by the following roll call vote:

	YES	31	NO	33	EXCUSED	0	ABSENT	0	VACANCY	1
37	Acree	N	Fischer	Y	Liston	N	Solano	Y		
38	Balmer	N	Gardner.	N	Looper	N	Sonnenberg	N		
39	Barker	N		V	Massey	N	Soper	Y		
40	Baumgardner	N	Gerou	N	McCann	Y	Stephens	N		
41	Becker	N	Hamner	Y	McKinley	Y	Summers	N		
42	Beezley	N	Holbert	N	Miklosi	E	Swalm	N		
43	Bradford	N	Hullinghorst	Y	Murray	N	Swerdfeger	N		
44	Brown	N	Jones	Y	Nikkel	N	Szabo	N		
45	Casso	Y	Joshi	N	Pabon	Y	Todd	Y		
46	Conti	N	Kagan	Y	Pace	Y	Tyler	Y		
47	Coram	N	Kefalas	Y	Peniston	Y	Vaad	N		
48	Court	Y	Kerr A.	Y	Priola	N	Vigil	Y		
49	DelGrosso	N	Kerr J.	N	Ramirez	N	Waller	N		
50	Duran	Y	Labuda	Y	Ryden	Y	Williams A.	Y		
51	Ferrandino	Y	Lee	Y	Schafer S.	Y	Wilson	Y		
52	Fields	Y	Levy	Y	Scott	N	Young	Y		
53							Speaker	N		

54
55

1 Amendment No. 3, moved by Representative Gardner.

2

3 Amend printed resolution, page 2, after line 2, insert:

4

5 "WHEREAS, The Act will increase the cost of health care for
6 Colorado families, add trillions to the national debt, stifle innovation,
7 result in the rationing of health care, and force millions of Americans to
8 lose their current health care coverage; and".

9

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

11

12	YES	33	NO	31	EXCUSED	0	ABSENT	0	VACANCY	1
13	Acree	N	Fischer	Y	Liston	N	Solano	Y		
14	Balmer	N	Gardner	N	Looper	N	Sonnenberg	N		
15	Barker	N		V	Massey	N	Soper	Y		
16	Baumgardner	N	Gerou	N	McCann	Y	Stephens	N		
17	Becker	N	Hamner	Y	McKinley	Y	Summers	N		
18	Beezley	N	Holbert	N	Miklosi	E	Swalm	N		
19	Bradford	N	Hullinghorst	Y	Murray	N	Swerdfeger	N		
20	Brown	N	Jones	Y	Nikkel	N	Szabo	N		
21	Casso	Y	Joshi	N	Pabon	Y	Todd	Y		
22	Conti	N	Kagan	Y	Pace	Y	Tyler	Y		
23	Coram	N	Kefalas	Y	Peniston	Y	Vaad	N		
24	Court	Y	Kerr A.	Y	Priola	N	Vigil	Y		
25	DelGrosso	N	Kerr J.	N	Ramirez	N	Waller	N		
26	Duran	Y	Labuda	Y	Ryden	Y	Williams A.	Y		
27	Ferrandino	Y	Lee	Y	Schafer S.	Y	Wilson	Y		
28	Fields	Y	Levy	Y	Scott	N	Young	Y		
29							Speaker	N		

30

31 Amendment No. 4, moved by Representative Fischer.

32

33 Amend printed resolution, page 1, strike lines 9 through 12 and substitute:

34

35 "WHEREAS, If a constitutional convention is called that results
36 in the repeal of the Act, seniors who are now enjoying a significant
37 discount on covered brand name prescription drugs under the Medicare
38 prescription drug coverage known as the "donut hole" will lose this
39 benefit; and".

40

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

42

43	YES	31	NO	33	EXCUSED	0	ABSENT	0	VACANCY	1
44	Acree	N	Fischer	Y	Liston	N	Solano	Y		
45	Balmer	N	Gardner.	N	Looper	N	Sonnenberg	N		
46	Barker	N		V	Massey	N	Soper	Y		
47	Baumgardner	N	Gerou	N	McCann	Y	Stephens	N		
48	Becker	N	Hamner	Y	McKinley	Y	Summers	N		
49	Beezley	N	Holbert	N	Miklosi	Y	Swalm	N		
50	Bradford	N	Hullinghorst	Y	Murray	N	Swerdfeger	N		
51	Brown	N	Jones	Y	Nikkel	N	Szabo	N		
52	Casso	Y	Joshi	N	Pabon	Y	Todd	Y		
53	Conti	N	Kagan	Y	Pace	Y	Tyler	Y		
54	Coram	N	Kefalas	Y	Peniston	Y	Vaad	N		
55	Court	Y	Kerr A.	Y	Priola	N	Vigil	Y		
56	DelGrosso	N	Kerr J.	N	Ramirez	N	Waller	N		

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

5

6

7 Amendment No. 5, moved by Representative Duran.

8

9 Amend printed resolution, page 2, strike lines 1 and 2 and substitute:

10

11 "WHEREAS, If a constitutional convention is called that results
12 in the repeal of the Act, according to a study cited by the Colorado Trust,
13 economic activity across the state will be obstructed and the state will
14 lose approximately 19,000 new jobs by 2019; and".

15

16 The amendment was declared **lost** by the following roll call vote:

17

18 YES 31 NO 33 EXCUSED 0 ABSENT 0 VACANCY 1

19	Acree	N	Fischer	Y	Liston	N	Solano	Y
20	Balmer	N	Gardner	N	Looper	N	Sonnenberg	N
21	Barker	N		V	Massey	N	Soper	Y
22	Baumgardner	N	Gerou	N	McCann	Y	Stephens	N
23	Becker	N	Hamner	Y	McKinley	Y	Summers	N
24	Beezley	N	Holbert	N	Miklosi	Y	Swalm	N
25	Bradford	N	Hullinghorst	Y	Murray	N	Swerdfeger	N
26	Brown	N	Jones	Y	Nikkel	N	Szabo	N
27	Casso	Y	Joshi	N	Pabon	Y	Todd	Y
28	Conti	N	Kagan	Y	Pace	Y	Tyler	Y
29	Coram	N	Kefalas	Y	Peniston	Y	Vaad	N
30	Court	Y	Kerr A.	Y	Priola	N	Vigil	Y
31	DelGrosso	N	Kerr J.	N	Ramirez	N	Waller	N
32	Duran	Y	Labuda	Y	Ryden	Y	Williams A.	Y
33	Ferrandino	Y	Lee	Y	Schafer S.	Y	Wilson	Y
34	Fields	Y	Levy	Y	Scott	N	Young	Y
35							Speaker	N

36

37

38 Amendment No. 6, moved by Representative Gardner.

39

40 Amend printed resolution, page 2, after line 13, insert:

41

42 "WHEREAS, The Act, for the first time, extends the commerce
43 power of the United States to mandating individual conduct, and the Act
44 depends upon this unconstitutional mandate for its funding; and".

45

46 Amendment No. 7, moved by Representative Ferrandino, amending the
47 above amendment No. 6, by Representative Gardner.

48

49 Amend, Amendment No. 6, by Representative Gardner (printed in House
50 Journal January 19, page 52 line 37), strike "unconstitutional" and strike
51 "funding; and" and substitute "funding; the Act is currently under review
52 by the United States Supreme Court; and".

53

54 Representative Ferrandino's amendment was declared **passed** by **viva**
55 **voce** vote:

56

1 Representative Gardner's amendment, as amended, by Amendment No. 7
2 by Representative Ferrandino, was declared **passed** by **viva voce** vote:

3
4 On motion of Representative Balmer, the resolution, as amended, was
5 **adopted** by the following roll call vote:

	YES 33	NO 31	EXCUSED 0	ABSENT 0	VACANCY 1	
8 Acree	Y	Fischer	N	Liston	Y Solano	N
9 Balmer	Y	Gardner	Y	Looper	Y Sonnenberg	Y
10 Barker	Y		V	Massey	Y Soper	N
11 Baumgardner	Y	Gerou	Y	McCann	N Stephens	Y
12 Becker	Y	Hamner	N	McKinley	Y Summers	Y
13 Beezley	Y	Holbert	Y	Miklosi	N Swalm	Y
14 Bradford	N	Hullinghorst	N	Murray	Y Swerdfeger	Y
15 Brown	Y	Jones	N	Nikkel	Y Szabo	Y
16 Casso	N	Joshi	Y	Pabon	N Todd	N
17 Conti	Y	Kagan	N	Pace	N Tyler	N
18 Coram	Y	Kefalas	N	Peniston	N Vaad	Y
19 Court	N	Kerr A.	N	Priola	Y Vigil	N
20 DelGrosso	Y	Kerr J.	Y	Ramirez	Y Waller	Y
21 Duran	N	Labuda	N	Ryden	N Williams A.	N
22 Ferrandino	N	Lee	N	Schafer S.	N Wilson	N
23 Fields	N	Levy	N	Scott	Y Young	N
24					Speaker	Y

25 Co-sponsor(s) added: Representative(s) Acree, Barker, Baumgardner, Becker,
26 Brown, Coram, Gardner B., Gerou, Joshi, Kerr J., Looper, Massey, Murray,
27 Nikkel, Priola, Scott, Sonnenberg, Stephens, Summers, Swalm, Waller,
28 Speaker.

31 32 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

33 **TRANSPORTATION**

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

36
37
38 **HB12-1034** be amended as follows, and as so amended, be referred to
39 the Committee on Appropriations with favorable
40 recommendation:

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

42
43
44 **"SECTION 1.** In Colorado Revised Statutes, 25-17-202, **amend**
45 (1) (c) as follows:

46
47 **25-17-202. Waste tire fees - definitions - repeal.** (1) As used in
48 this part 2, unless the context otherwise requires:

49
50 (c) "End user" means a person who uses ~~processed waste tires~~ A
51 TIRE-DERIVED PRODUCT for a commercial or industrial purpose."

52
53 Renumber succeeding sections accordingly.

54
55 Page 2, strike lines 16 through 21 and substitute "fund. ~~Any moneys in the~~
56 ~~fund not expended or encumbered from any appropriation at the end of~~

1 ~~any fiscal year shall remain available, without further appropriation, for~~
 2 ~~expenditure in the next fiscal year by the department to be used~~ THE
 3 GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE FUND for
 4 monthly partial reimbursement to processors and end users, up to a
 5 maximum of sixty-five dollars for each ton of raw Colorado waste tires
 6 that are processed or used. The purpose of ~~such~~ THE".
 7

8 Page 2, line 25, after the period add "THE DEPARTMENT SHALL NOT
 9 REIMBURSE A PROCESSOR FOR PROCESSING WASTE TIRES UNLESS THE
 10 PROCESSOR HAS END USED THE TIRE-DERIVED PRODUCT OR IF THE
 11 TIRE-DERIVED PRODUCT HAS BEEN SOLD FOR AN END USE AND MOVED
 12 OFF-SITE."
 13

16 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

17
 18 The Speaker has signed: **HR12-1001, 1002.**
 19
 20

22 INTRODUCTION OF BILLS

23 First Reading

24
 25 The following bills were read by title and referred to the committees
 26 indicated:
 27

28 **HB12-1102** by Representative(s) Swalm, Balmer, Holbert, Soper; also
 29 Senator(s) Tochtrop--Concerning a cap on increases in
 30 electrical utility rates arising from implementation of the
 31 "Clean Air - Clean Jobs Act".

32 Committee on Transportation
 33

34 **HB12-1103** by Representative(s) Vaad--Concerning an authorization
 35 for a board of county commissioners to exclude its county
 36 from the enhanced automobile inspection and readjustment
 37 emissions program area if the excluded county does not
 38 violate applicable national ambient air quality standards.

39 Committee on Health and Environment
 40

41 **HB12-1104** by Representative(s) Swerdfeger, Acree, Conti,
 42 Hullinghorst, Kagan, Kefalas, Pabon, Swalm; also
 43 Senator(s) Giron--Concerning a change to the voluntary
 44 contribution designation benefiting the Colorado breast
 45 and women's reproductive cancers fund, and, in
 46 connection therewith, changing the name of the fund to the
 47 Colorado cancer fund and expanding the purpose of the
 48 fund to include furtherance of the Colorado Cancer
 49 Coalition's work on behalf of the cancer community.

50 Committee on Finance
 51

52 **HB12-1105** by Representative(s) Becker--Concerning wind energy
 53 property rights.

54 Committee on Agriculture, Livestock, & Natural Resources
 55
 56

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

INTRODUCTION OF RESOLUTION

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

HJR12-1002 by Representative(s) Baumgardner; also Senator(s) Nicholson, White--Concerning the recognition of the 100th anniversary of the Grand Winter Sports Carnival and celebrating a century of skiing in Colorado.

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

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

