

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

Ninety-third Legislative Day

Thursday, April 12, 2012

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

2

3 Prayer by Rabbi Joseph Black, Temple Emanuel, Denver.

4

5 Pledge of Allegiance led by Jamie Edwards from West Jefferson Middle
6 School, Conifer.

7

8 The roll was called with the following result:

9

10 Present--64.

11 Excused--Representative(s) Holbert--1.

12 Present after roll call--Representative(s) Holbert.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Joshi, the reading of the journal of
18 April 11, 2012, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22 House in recess. House reconvened.

23

24

25

26 **THIRD READING OF BILL(S)--FINAL PASSAGE**

27

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

31

32 **HB12-1335** by Representative(s) Gerou, Becker, Levy; also Senator(s)
33 Hodge, Steadman, Lambert--Concerning the provision for
34 payment of the expenses of the executive, legislative, and
35 judicial departments of the state of Colorado, and of its
36 agencies and institutions, for and during the fiscal year
37 beginning July 1, 2012, except as otherwise noted.

38

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

40 A roll call vote was taken. As shown by the following recorded vote, a
41 majority of those elected to the House voted in the affirmative and the bill
42 was declared **passed**.

43

	YES	64	NO	1	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
3	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
4	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
5	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
6	Becker	Y	Holbert	N	Miklosi	Y	Summers	Y
7	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
8	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
9	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
10	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
11	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
12	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
13	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
14	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
15	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
16	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
17	Fields	Y	Liston	Y	Singer	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Barker, Brown, Casso, Coram,
 20 Ferrandino, Fields, Fischer, Gardner B., Hamner, Kefalas, Kerr J., Labuda,
 21 McCann, Murray, Nikkel, Pabon, Pace, Peniston, Schafer S., Stephens, Todd,
 22 Tyler, Vigil, Waller, Williams A., Wilson, Young, Speaker.

23

24

25

26 **HB12-1286** by Representative(s) Massey and Ferrandino, Todd,
 27 Brown, Casso, Coram, Court, Duran, Fields, Fischer,
 28 Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Kerr J.,
 29 Liston, McCann, Miklosi, Pabon, Pace, Peniston, Priola,
 30 Ryden, Schafer S., Singer, Soper, Summers, Swerdfeger,
 31 Vigil, Williams A., Wilson, Young; also Senator(s) Newell
 32 and White, Aguilar, Bacon, Boyd, Foster, Heath, Jahn,
 33 Morse, Nicholson, Shaffer B., Steadman, Williams S.--
 34 Concerning film production activities in Colorado, and, in
 35 connection therewith, making an appropriation.

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**.

41

	YES	45	NO	20	EXCUSED	0	ABSENT	0
43	Acree	N	Fischer	Y	Looper	N	Solano	N
44	Balmer	N	Gardner B.	N	Massey	Y	Sonnenberg	Y
45	Barker	N	Gerou	Y	McCann	Y	Soper	Y
46	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	N
47	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
48	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
49	Bradford	N	Jones	N	Nikkel	Y	Swerdfeger	Y
50	Brown	Y	Joshi	N	Pabon	Y	Szabo	N
51	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
52	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
53	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
54	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
55	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	N
56	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y

1	Ferrandino	Y	Levy	N	Scott	N	Wilson	Y
2	Fields	Y	Liston	Y	Singer	Y	Young	Y
3							Speaker	N

4 Co-sponsor(s) added: Representative(s) Gerou, Lee.

5
6 **HB12-1315** by Representative(s) Becker; also Senator(s) Steadman--
7 Concerning the reorganization of the governor's energy
8 office, and in connection therewith, making an
9 appropriation.

10
11 The question being "Shall the bill pass?".
12 A roll call vote was taken. As shown by the following recorded vote, a
13 majority of those elected to the House voted in the affirmative and the bill
14 was declared **passed**.

16	YES	49	NO	16	EXCUSED	0	ABSENT	0
17	Acree	Y	Fischer	N	Looper	Y	Solano	Y
18	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
19	Barker	Y	Gerou	Y	McCann	N	Soper	N
20	Baumgardner	Y	Hamner	N	McKinley	Y	Stephens	Y
21	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
22	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
23	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
24	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
25	Casso	Y	Kagan	N	Pace	Y	Todd	Y
26	Conti	Y	Kefalas	N	Peniston	Y	Tyler	N
27	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
28	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
29	DelGrosso	Y	Labuda	Y	Ryden	N	Waller	Y
30	Duran	N	Lee	Y	Schafer S.	N	Williams A.	Y
31	Ferrandino	N	Levy	N	Scott	Y	Wilson	Y
32	Fields	Y	Liston	Y	Singer	N	Young	N
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Baumgardner, Bradford, Brown, Conti,
35 Coram, Gardner B., Kerr J., Priola, Ramirez, Summers.

36
37 **HB12-1336** by Representative(s) Becker and Levy, Gerou; also
38 Senator(s) Steadman and Lambert, Hodge--Concerning
39 authorization of a prison utilization analysis, and, in
40 connection therewith, making an appropriation.

41
42 The question being "Shall the bill pass?".
43 A roll call vote was taken. As shown by the following recorded vote, a
44 majority of those elected to the House voted in the affirmative and the bill
45 was declared **passed**.

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

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

9 Co-sponsor(s) added: Representative(s) Barker, Bradford, Fields, Gardner B.,
 10 Hamner, Kagan, Kefalas, Labuda, Lee, Pace, Ramirez, Singer, Todd, Wilson.

11
 12 **HB12-1337** by Representative(s) Gerou and Levy, Becker; also
 13 Senator(s) Steadman and Lambert, Hodge--Concerning the
 14 closure of the south campus of the Centennial correctional
 15 facility for housing purposes.

16
 17 The question being "Shall the bill pass?".
 18 A roll call vote was taken. As shown by the following recorded vote, a
 19 majority of those elected to the House voted in the affirmative and the bill
 20 was declared **passed**.

21	YES	65	NO	0	EXCUSED	0	ABSENT	0
23	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
24	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
25	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
26	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
27	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
28	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
29	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
30	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
31	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
32	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
33	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
34	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
35	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
36	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
37	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
38	Fields	Y	Liston	Y	Singer	Y	Young	Y
39							Speaker	Y

40 Co-sponsor(s) added: Representative(s) Barker, Bradford, Court, Fields,
 41 Fischer, Gardner B., Jones, Kagan, Kefalas, Kerr A., Labuda, Pabon, Priola,
 42 Schafer S., Todd, Tyler, Vigil, Williams A., Young.

43
 44
 45 **HB12-1339** by Representative(s) Becker, Gerou, Levy; also Senator(s)
 46 Lambert, Hodge, Steadman--Concerning the Colorado
 47 benefits management system improvement and
 48 modernization project, and, in connection therewith,
 49 making an appropriation.

50
 51 The question being "Shall the bill pass?".
 52 A roll call vote was taken. As shown by the following recorded vote, a
 53 majority of those elected to the House voted in the affirmative and the bill
 54 was declared **passed**.

	YES	59	NO	6	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Fischer	Y	Looper	N	Solano	Y
3	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
4	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
5	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	Y
6	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
7	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
8	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
9	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
10	Casso	N	Kagan	Y	Pace	Y	Todd	Y
11	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
12	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	N
13	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
14	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
15	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
16	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
17	Fields	Y	Liston	N	Singer	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Fischer, Labuda, Ryden, Tyler, Wilson.

20
21
22 **HB12-1338** by Representative(s) Gerou, Becker, Levy; also Senator(s)
23 Hodge, Steadman, Lambert--Concerning the transfer of
24 general fund surplus moneys to the state education fund at
25 the end of certain fiscal years.

26
27 The question being "Shall the bill pass?".

28 A roll call vote was taken. As shown by the following recorded vote, a
29 majority of those elected to the House voted in the affirmative and the bill
30 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
33	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
34	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
35	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
36	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
37	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
38	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
39	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
40	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
41	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
42	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
43	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
44	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
45	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
46	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
47	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
48	Fields	Y	Liston	Y	Singer	Y	Young	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Conti, Court, Ferrandino, Fields,
51 Fischer, Hamner, Jones, Kagan, Kefalas, Kerr A., Labuda, Massey, Miklosi,
52 Pabon, Pace, Peniston, Ryden, Schafer S., Solano, Summers, Todd, Tyler,
53 Williams A., Wilson, Young.

54
55
56

1 **HB12-1340** by Representative(s) Becker, Gerou, Levy; also Senator(s)
 2 Lambert, Hodge, Steadman--Concerning a reduction in the
 3 general fund portion of the per diem rates paid to nursing
 4 facilities, and, in connection therewith, reducing an
 5 appropriation.
 6

7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared **passed**.
 11

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

30 Co-sponsor(s) added: Representative(s) Schafer S., Vigil.
 31
 32
 33

34 On motion of Representative Ramirez, the House resolved itself into
 35 Committee of the Whole for consideration of General Orders, and he was
 36 called to the Chair to act as Chairman.
 37
 38

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

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

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

49 **HB12-1341** by Representative(s) Gerou, Becker, Levy; also Senator(s)
 50 Hodge, Steadman, Lambert--Concerning the repeal of the
 51 statewide strategic use fund.
 52

53 Ordered engrossed and placed on the Calendar for Third Reading and
 54 Final Passage.
 55

1 **HB12-1342** by Representative(s) Levy, Becker, Gerou; also Senator(s)
2 Hodge, Steadman, Lambert--Concerning a work therapy
3 program in the department of human services, and, in
4 connection therewith, making an appropriation.
5
6 **Amendment No. 1**, by Representative(s) Levy.
7
8 Amend printed bill, page 2, strike line 8 and substitute "MENTAL HEALTH
9 INSTITUTES AND AT THE".
10
11 As amended, ordered engrossed and placed on the Calendar for Third
12 Reading and Final Passage.
13
14 **HB12-1343** by Representative(s) Gerou, Becker, Levy; also Senator(s)
15 Hodge, Steadman, Lambert--Concerning the transfer of
16 moneys from the state rail bank fund to the general fund.
17
18 Ordered engrossed and placed on the Calendar for Third Reading and
19 Final Passage.
20
21 **HB12-1344** by Representative(s) Gerou, Becker, Levy; also Senator(s)
22 Hodge, Steadman, Lambert--Concerning transfers of
23 moneys relating to capital construction.
24
25 **Amendment No. 1**, by Representative(s) Brown.
26
27 Amend printed bill, page 3, strike lines 2 and 3 and substitute:
28
29 "(y) On July 1, 2012, SEVENTY-TWO MILLION NINE HUNDRED
30 NINETEEN THOUSAND THREE HUNDRED NINE DOLLARS, PLUS one hundred
31 twelve".
32
33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.
35
36 **SB12-110** by Senator(s) Steadman, Hodge, Lambert; also
37 Representative(s) Levy, Becker, Gerou--Concerning a
38 fund consisting of surcharges on insurance premiums to
39 pay for costs associated with criminal prosecution of
40 insurance fraud investigations, and, in connection
41 therewith, making an appropriation.
42
43 Ordered revised and placed on the Calendar for Third Reading and Final
44 Passage.
45
46 **SB12-156** by Senator(s) Steadman, Hodge, Lambert; also
47 Representative(s) Gerou, Becker, Levy--Concerning the
48 authority of the department of personnel to expend gifts,
49 grants, and donations.
50
51 Ordered revised and placed on the Calendar for Third Reading and Final
52 Passage.
53
54
55
56

- 1 Concerning creating an optional category of tuition at state
- 2 institutions of higher education.
- 3 Committee on Education
- 4 Committee on Appropriations
- 5
- 6 **SB12-160** by Senator(s) Hudak; also Representative(s) Duran--
- 7 Concerning parent involvement in public education
- 8 advisory committees.
- 9 Committee on Education
- 10
- 11 **SB12-168** by Senator(s) Steadman, Hodge, Lambert; also
- 12 Representative(s) Gerou, Becker, Levy--Concerning a
- 13 trigger related to general fund obligations created in
- 14 Senate Bill 09-228.
- 15 Committee on Finance
- 16
- 17
- 18
- 19
- 20

APPOINTMENT

The Speaker announced the following temporary appointments:

APPROPRIATIONS

Representative Tyler to replace Representative A. Kerr to the Committee on Appropriations (temporary appointment for the meeting on Tuesday, April 17, 2012).

EDUCATION

Representative Young to replace Representative A. Kerr to the Committee on Education (temporary appointment for the meeting on Monday, April 16, 2012).

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Scott, the following item(s) on the Calendar was (were) laid over until April 13, retaining place on Calendar:

- 44 Consideration of Third Reading--**HB12-1066, 1161, SB12-128,**
- 45 **HB12-1328, SB12-134, HB12-1293, SB12-013, 124, 036, HB12-1326.**
- 46 Consideration of General Orders--**HB12-1048, 1317, SB12-087,**
- 47 **HB12-1294, 1281, SB12-118, HB12-1332, 1037, SB12-158, HB12-1045,**
- 48 **1099, 1213, 1310, 1311, 1314, 1345.**
- 49 Consideration of Resolution(s)--**SJR12-006, 024.**
- 50 Consideration of Senate Amendment(s)--**HJR12-1010, HB12-1008,**
- 51 **1034, 1114, 1151, 1070, 1270, 1224, 1262, 1239, 1244, 1276, 1307,**
- 52 **1012, 1052, 1019, 1063, 1105, 1146.**

1 On motion of Representative Scott, the House adjourned until 9:00 a.m.,
2 April 13, 2012.

3

4

5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:
FRANK McNULTY,
Speaker