## HOUSE JOURNAL SIXTY-EIGHTH GENERAL ASSEMBLY STATE OF COLORADO

## Second Regular Session

One hundred-fourth Legislative Day Monday, April 23, 2012

1	The Speaker called the House to order at 10:00 a.m.
2 3 4	Prayer by Chaplain Lieutenant Colonel Jeff Williams, Civil Air Patrol.
4 5 6 7	Pledge of Allegiance led by 2nd Lieutenant Aaron Pettit member of Valkyrie Cadet Squadron, Civil Air Patrol.
/ 8 9	The roll was called with the following result:
10 11 12	Present61. ExcusedRepresentative(s) Conti, Fields, Liston, Schafer4. Present after roll callRepresentative(s) Conti, Liston.
13 14 15	The Speaker declared a quorum present.
16 17 18 19 20	On motion of Representative Duran, the reading of the journal of April 20, 2012, was declared dispensed with and approved as corrected by the Chief Clerk.
21 22 23 24 25	House in recess. House reconvened.
26 27	<b>MESSAGE(S) FROM THE SENATE</b>
28 29 30 31	The Senate has adopted and transmits herewith: SJR12-042.
32 33 34	INTRODUCTION AND CONSIDERATION OF RESOLUTION
35 36	On motion of Representative Waller, the rules were suspended and the following resolution was given immediate consideration.
37 38 39 40	<b>SJR12-042</b> by Senator(s) Guzman and White; also Representative(s) Murray and PabonConcerning the designation of April as "Donate Life Colorado" month.
41 42 43	(Printed and placed in member's file).

1 2 3	On motion of Representative Murray, the resolution was <b>adopted</b> by <b>viva voce</b> vote.
4 5 6 7 8 9 10 11 12	Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer, Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram, Court, DelGrosso, Duran, Ferrandino, Fischer, Gardner B., Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi, Nikkel, Pace, Peniston, Priola, Ramirez, Ryden, Scott, Singer, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.
13 14 15	CHANGE IN SPONSORSHIP
16	
17 18 19 20	The Speaker announced the following change in sponsorship: HB12-1329Representative Pabon to be added as dual prime sponsor with Representative Scott.
20 21 22	
23 24 25 26	On motion of Representative Acree, the House resolved itself into Committee of the Whole for consideration of General Orders, and she was called to the Chair to act as Chairman.
27 28 29	GENERAL ORDERSSECOND READING OF BILLS
30 31 32 33 34	The Committee of the Whole having risen, the Chairman reported the titles of the following bills had been read (reading at length had been dispensed with by unanimous consent), the bills considered and action taken thereon as follows:
35 36	(Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.)
37 38 39 40 41	On motion of Representative Waller, the following bills on the General Orders Calendar was laid over until April 24, retaining place on Calendar: <b>SB12-118, HB12-1084, 1119, 1347</b> .
41 42 43 44 45	<b>HB12-1345</b> by Representative(s) Massey; also Senator(s) Bacon-Concerning the financing of public schools, and, in connection therewith, making an appropriation.
46 47 48 49	<u>Amendment No. 1</u> , Education Report, dated April 9, 2012, and placed in member's bill file; Report also printed in House Journal, April 10, pages 913-914.
50 51 52 53	<u>Amendment No. 2</u> , Appropriations Report, dated April 10, 2012, and placed in member's bill file; Report also printed in House Journal, April 10, pages 918-919.
55 54 55 56	As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.

1 <u>HB12-10</u>42 by Representative(s) Pace--Concerning a state income tax 2 credit related to the portion of Colorado estate taxes paid 3 that are attributable to agricultural land. 4 5 Amendment No. 1, Appropriations Report, dated April 17, 2012, and 6 placed in member's bill file; Report also printed in House Journal, 7 April 17, page 1016. 8 9 As amended, ordered engrossed and placed on the Calendar for Third 10 Reading and Final Passage. 11 12 13 HB12-1075 by Representative(s) Beezley and DelGrosso; also Senator(s) Brophy--Concerning a limit on total state 14 15 general fund appropriations. 16 Amendment No. 1, Finance Report, dated February 15, 2012, and placed 17 in member's bill file; Report also printed in House Journal, February 16, 18 19 page 282. 20 21 As amended, ordered engrossed and placed on the Calendar for Third 22 Reading and Final Passage. 23 24 by Representative(s) Barker--Concerning the culpable 25 HB12-1101 26 mental state for identity theft. 27 28 Amendment No. 1, Judiciary Report, dated February 2, 2012, and placed 29 in member's bill file; Report also printed in House Journal, February 6, 30 pages 159-160. 31 32 Amendment No. 2, Appropriations Report, dated April 17, 2012, and placed in member's bill file; Report also printed in House Journal, 33 34 April 17, page 1016. 35 As amended, ordered engrossed and placed on the Calendar for Third 36 Reading and Final Passage. 37 38 39 by Representative(s) McKinley--Concerning budget cuts 40 HB12-1109 41 to provide more funding for public schools. 42 43 Laid over until April 24, retaining place on Calendar. 44 45 46 HB12-1143 Representative(s) Ferrandino; also Senator(s) by 47 Steadman--Concerning an adjustment in the 48 reimbursement rates the state pays county governments for 49 costs associated with elections involving statewide ballot 50 measures. 51 Amendment No. 1, State, Veterans, & Military Affairs Report, dated 52 February 8, 2012, and placed in member's bill file; Report also printed in 53 House Journal, February 9, page 221. 54 55

Amendment No. 2, Appropriations Report, dated April 17, 2012, and 1 2 placed in member's bill file; Report also printed in House Journal, 3 April 17, page 1017. 4 5 As amended, ordered engrossed and placed on the Calendar for Third 6 Reading and Final Passage. 7 8 <u>SB12-149</u> by Senator(s) Steadman; also Representative(s) Priola--9 Concerning the circumstances in which the board of a 10 defined benefit plan or system created by a local 11 government may modify retirement benefit provisions of 12 the plan or system. 13 14 Amendment No. 1, Finance Report, dated April 18, 2012, and placed in 15 member's bill file; Report also printed in House Journal, April 19, 16 page 1044. 17 As amended, ordered revised and placed on the Calendar for Third 18 19 Reading and Final Passage. 20 21 <u>HB12-1266</u> by Representative(s) Sonnenberg, Gardner B.; also 22 Senator(s) Morse--Concerning the continuation of the 23 licensing of persons who furnish bail for compensation. 24 Amendment No. 1, Judiciary Report, dated February 28, 2012, and 25 26 placed in member's bill file; Report also printed in House Journal, 27 February 29, pages 460-491. 28 29 Amendment No. 2, Appropriations Report, dated April 17, 2012, and placed in member's bill file; Report also printed in House Journal, 30 31 April 17, pages 1017-1018. 32 33 <u>Amendment No. 3</u>, by Representative(s) Sonnenberg. 34 35 Amend the House Judiciary Committee Report, dated February 28, 2012, page 24, line 1, strike "CERTIFICATION" and substitute "CERTIFICATE". 36 37 Page 34, line 38, strike "APPEARENCE" and substitute "APPEARANCE". 38 39 40 <u>Amendment No. 4</u>, by Representative(s) Gardner. 41 42 Amend the House Judiciary Committee Report, dated February 28, 2012, 43 page 5, line 22, strike "(3)" and substitute "(3); and add (5)". 44 45 Page 6, after line 11 insert: 46 47 "(5) AN INSURANCE PRODUCER LICENSEE WHO FUNDS OR WRITES 48 BAIL BONDS SHALL, WHEN RENEWING THEIR LICENSE, SUBMIT A SUMMARY 49 REPORT OF THE FOLLOWING DURING THE LAST TWO YEARS TO THE 50 DIVISION: (a) THE NUMBER OF BAIL BONDS PROVIDED TO THE PUBLIC; 51 52 (b) THE NUMBER OF DEFENDANTS ADJUDICATED WITHOUT FAILURE 53 TO APPEAR OR BAIL FORFEITURE; 54 (c) THE NUMBER OF DEFENDANTS WHO FAILED TO APPEAR OR 55 CAUSED A BAIL FORFEITURE;

56 (d) THE NUMBER OF BAIL BONDS THAT WERE REINSTATED AFTER

1 FORFEITURE; 2 (e) THE NUMBER OF DEFENDANTS WHO WERE INCARCERATED 3 AFTER FAILING TO APPEAR OR FORFEITING BAIL BY ACTION OF THE 4 LICENSEE OR LICENSEE'S AGENT; 5 (f) THE NUMBER OF DEFENDANTS WHO WERE REINSTATED AFTER 6 THE FAILURE TO APPEAR OR BAIL FORFEITURE BY POLICE WITHOUT ACTION 7 BY THE LICENSEE OR LICENSEE'S AGENT; 8 (g) THE NUMBER OF DEFENDANTS WHO WERE JAILED AFTER THE 9 FAILURE TO APPEAR OR BAIL FORFEITURE BY THE COURT; 10 (h) THE NUMBER BAIL FORFEITURE JUDGMENTS THAT WERE PAID 11 TO THE COURT; 12 (i) THE NUMBER OF BAIL FORFEITURE JUDGMENTS THAT HAVE NOT 13 BEEN RESOLVED OR PAID TO THE COURT BECAUSE THE BAIL FORFEITURE 14 WAS NOT DUE DURING THE TWO-YEAR PERIOD; 15 (j) THE NUMBER OF FORFEITURE JUDGMENTS WHERE REMISSION 16 WAS GRANTED AFTER PAYMENT BECAUSE THE DEFENDANT WAS TAKEN 17 INTO CUSTODY; 18 (k) THE NUMBER OF BAIL BONDS PROVIDED TO THE DEFENDANTS 19 CHARGED WITH FELONIES; AND 20 (1) THE NUMBER OF BAIL BONDS PROVIDED TO THE DEFENDANTS 21 CHARGED WITH MISDEMEANORS.". 22 23 <u>Amendment No. 5</u>, by Representative(s) Gardner. 24 Amend the House Judiciary Committee Report, dated February 28, 2012, 25 26 page 19, line 1, strike "(6)" and substitute "(6)". 27 28 Page 19, line 3, after the period add "EACH CASH-BONDING AGENT OR 29 PROFESSIONAL CASH-BAIL AGENT SHALL, WHEN RENEWING A 30 REGISTRATION, SUBMIT A SUMMARY REPORT OF THE FOLLOWING DURING 31 THE LAST TWO YEARS TO THE DIVISION: 32 (a) THE NUMBER OF BAIL BONDS PROVIDED TO THE PUBLIC; 33 (b) THE NUMBER OF DEFENDANTS ADJUDICATED WITHOUT FAILURE 34 TO APPEAR OR BAIL FORFEITURE; 35 (c) THE NUMBER OF DEFENDANTS WHO FAILED TO APPEAR OR 36 CAUSED A BAIL FORFEITURE; 37 (d) THE NUMBER OF BAIL BONDS THAT WERE REINSTATED AFTER **38** FORFEITURE; 39 (e) THE NUMBER OF DEFENDANTS WHO WERE INCARCERATED 40 AFTER FAILING TO APPEAR OR FORFEITING BAIL BY ACTION OF THE 41 REGISTRANT OR REGISTRANT'S AGENT; 42 (f) THE NUMBER OF DEFENDANTS WHO WERE REINSTATED AFTER 43 THE FAILURE TO APPEAR OR BAIL FORFEITURE BY POLICE WITHOUT ACTION 44 BY THE REGISTRANT OR REGISTRANT'S AGENT; 45 (g) THE NUMBER OF DEFENDANTS WHO WERE JAILED AFTER THE 46 FAILURE TO APPEAR OR BAIL FORFEITURE BY THE COURT; 47 (h) THE NUMBER BAIL FORFEITURE JUDGMENTS THAT WERE PAID 48 TO THE COURT; 49 (1) THE NUMBER OF BAIL FORFEITURE JUDGMENTS THAT HAVE NOT 50 BEEN RESOLVED OR PAID TO THE COURT BECAUSE THE BAIL FORFEITURE 51 WAS NOT DUE DURING THE TWO-YEAR PERIOD; 52 (1) THE NUMBER OF FORFEITURE JUDGMENTS WHERE REMISSION 53 WAS GRANTED AFTER PAYMENT BECAUSE THE DEFENDANT WAS TAKEN 54 INTO CUSTODY; 55 (k) THE NUMBER OF BAIL BONDS PROVIDED TO THE DEFENDANTS 56 CHARGED WITH FELONIES; AND

1 (1) THE NUMBER OF BAIL BONDS PROVIDED TO THE DEFENDANTS 2 CHARGED WITH MISDEMEANORS.". 3 4 As amended, ordered engrossed and placed on the Calendar for Third 5 Reading and Final Passage. 6 7 HB12-1306 by Representative(s) Holbert; also Senator(s) King K.--8 Concerning the manner of determining pupil enrollment 9 counts in public schools. 10 11 Amendment No. 1, Education Report, dated March 7, 2012, and placed in member's bill file; Report also printed in House Journal, March 8, 12 13 pages 580-581. 14 15 Amendment No. 2, Appropriations Report, dated April 17, 2012, and 16 placed in member's bill file; Report also printed in House Journal, 17 April 17, page 1018. 18 19 As amended, ordered engrossed and placed on the Calendar for Third 20 Reading and Final Passage. 21 HB12-1325 by Representative(s) Summers; also Senator(s) Nicholson-22 23 -Concerning tracking transactions related to 24 methamphetamine precursor drugs. 25 26 <u>Amendment No. 1</u>, Judiciary Report, dated March 27, 2012, and placed 27 in member's bill file; Report also printed in House Journal, March 28, 28 pages 839-840. 29 30 <u>Amendment No. 2</u>, by Representative(s) Summers. 31 32 Amend printed bill, page 2, line 3, strike "(2);" and substitute "(2) and 33 (4);". 34 35 Page 5, after line 11 insert: 36 37 "(4) For purposes of this section: 38 (a) "ELECTRONIC LOGGING SYSTEM" MEANS A COMPUTER-BASED 39 SYSTEM THAT: 40 **(I) OPERATES IN REAL-TIME RECEIVING AND TRACKING** 41 INFORMATION RELATED TO THE SALES OF METHAMPHETAMINE PRECURSOR 42 DRUGS; 43 (II) CAN CREATE A STOP SALE ALERT IF THE PURCHASE WOULD 44 VIOLATE THE PROVISIONS OF THIS SECTION; AND 45 (III) IS FREE OF CHARGE TO THE STATE, A STORE, AND STATE AND 46 LOCAL LAW ENFORCEMENT AGENCIES. (a) (b) (I) Except as otherwise provided in subparagraph (II) of 47 48 this paragraph (a) (b), "methamphetamine precursor drug" means ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, 49 50 isomers, or salts of isomers. "Methamphetamine precursor drug" does not include a 51 (II)substance contained in any package or container that is labeled by the 52 53 manufacturer as intended for pediatric use. (b) (c) "Person" means an individual who owns, operates, is 54 55 employed by, or is an agent of a store.

1 (c) (d) "Store" means any establishment primarily engaged in the 2 sale of goods at retail.". 3 4 As amended, ordered engrossed and placed on the Calendar for Third 5 Reading and Final Passage. 6 7 <u>HB12-1331</u> by Representative(s) Brown, Wilson, Pace, Hamner, Kerr 8 A., Massey, Murray, Ramirez, Schafer S., Summers, Todd; also Senator(s) Schwartz, Bacon, Heath, Johnston, 9 10 King K., King S.--Concerning changing the name of 11 Western state college of Colorado to Western state 12 Colorado university. 13 14 Amendment No. 1, Education Report, dated April 16, 2012, and placed 15 in member's bill file; Report also printed in House Journal, April 16, 16 page 1019. 17 18 As amended, ordered engrossed and placed on the Calendar for Third 19 Reading and Final Passage. 20 21 HB12-1038 by Representative(s) Looper, Barker, Brown, Priola, 22 Ramirez, Scott, Williams A.; also Senator(s) Williams S.--23 Concerning the creation of a multi-year registration for 24 Class A trailers. 25 26 <u>Amendment No. 1</u>, Transportation Report, dated February 16, 2012, and 27 placed in member's bill file; Report also printed in House Journal, 28 February 17, page 305. 29 Amendment No. 2, Appropriations Report, dated April 17, 2012, and 30 31 placed in member's bill file; Report also printed in House Journal, 32 April 18, pages 1039-1040. 33 34 <u>Amendment No. 3</u>, by Representative(s) Looper. 35 Amend the Appropriations Committee Report, dated April 17, 2012, page 36 37 1, strike lines 2 through 18. 38 39 Renumber succeeding section accordingly. 40 41 Page 2, line 12, strike "section." and substitute "section.".". 42 43 Page 2, strike lines 13 through 41. 44 45 Page 3, strike lines 1 through 10. 46 47 As amended, ordered engrossed and placed on the Calendar for Third 48 Reading and Final Passage. 49 HB12-1310 by Representative(s) Gardner B., Barker; also Senator(s) 50 51 Carroll, Guzman--Concerning changes to statutory 52 provisions related to criminal proceedings. 53 54 Amendment No. 1, Judiciary Report, dated March 8, 2012, and placed in member's bill file; Report also printed in House Journal, March 9, 55

56 page 608.

1 Amendment No. 2, Appropriations Report, dated April 10, 2012, and 2 placed in member's bill file; Report also printed in House Journal, 3 April 10, page 917. 4 5 <u>Amendment No. 3</u>, by Representative(s) Gardner. 6 7 Amend printed bill, printed bill, page 25, after line 3, insert: 8 9 "SECTION 27. In Colorado Revised Statutes, 17-2-201, amend 10 (3) (h.1) (I) as follows: 17-2-201. State board of parole. (3) The chairperson, in addition 11 12 to other provisions of law, has the following powers and duties: (h.1) To contract with qualified individuals to serve as release 13 14 hearing officers: (I) To conduct parole application hearings for inmates convicted 15 of nonviolent CLASS 4, CLASS 5, OR CLASS 6 felonies who have been 16 assessed to be low or very low risk LESS THAN HIGH RISK by the Colorado 17 risk assessment scale developed pursuant to section 17-22.5-404 (2) (a), 18 C.R.S., pursuant to rules adopted by the parole board; and". 19 20 21 Renumber succeeding section accordingly. 22 23 As amended, ordered engrossed and placed on the Calendar for Third 24 Reading and Final Passage. 25 26 27 Committee in recess. Committee reconvened. 28 29 30 **GENERAL ORDERS--SECOND READING OF BILLS** 31 (Continued) 32 by Representative(s) Becker, Gerou, Levy; also Senator(s) 33 HB12-1334 Hodge, Lambert, Steadman--Concerning the extension of 34 severance tax funding for the promotion of agricultural 35 36 energy-related projects. 37 38 Laid over until later in the day, retaining place on Calendar. 39 40 by Representative(s) Becker, Todd; also Senator(s) HB12-1214 41 Nicholson and Spence--Concerning community college two-year degree programs in certain health care fields 42 43 without a student transfer agreement. 44 Laid over until later in the day, retaining place on Calendar. 45 46 47 48 49 50 AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT 51 Representative Ferrandino moved to amend the Report of the Committee 52 53 of the Whole to reverse the action taken by the Committee in not adopting 54 the following Ferrandino amendment, to HB12-1075, to show that said 55 amendment passed, and that HB12-1075, as amended, passed.

1 Amend printed bill, page 2, line 3, after "portion," insert "(1) (a) (III) 2 (B),". 3 Page 2, line 4, strike "(1) (a) (II.7)" and substitute "(1) (a) (II.7), (1) (a) 4 5 (III) (D), (1) (a) (III) (E), (1) (a) (III) (F), and (1) (a) (III) (G)". 6 7 Page 3, after line 7 insert: 8 9 "(B) Any state general fund appropriation which, as a result of any 10 requirement of a final state or federal court order, is made for any new 11 program or service or for any increase in the level of service for an existing program beyond the existing level of service; or 12 13 (D) ANY STATE GENERAL FUND APPROPRIATION MADE TO PROVIDE 14 FUNDING FOR PUBLIC SCHOOLS FROM KINDERGARTEN THROUGH THE 15 TWELFTH GRADE; (E) ANY STATE GENERAL FUND APPROPRIATION TO THE COLLEGE 16 17 OPPORTUNITY FUND, CREATED IN SECTION 23-18-202, C.R.S.; 18 ANY STATE GENERAL FUND APPROPRIATION FOR THE (F) 19 CHILDREN'S BASIC HEALTH PLAN ESTABLISHED PURSUANT TO ARTICLE 8 OF 20 TITLE 25.5, C.R.S.; OR 21 (E) ANY STATE GENERAL FUND APPROPRIATION TO PROVIDE 22 SERVICES FOR PEOPLE WITH DISABILITIES.". 23 24 The amendment was declared **lost** by the following roll call vote: 25 26 YES 30 NO 32 **EXCUSED** 3 ABSENT 0 27 Solano Y Acree Ν Fischer Y Looper Ν 28 Balmer Ν Ν Ν Gardner B. Ν Massey Sonnenberg 29 Barker Ν Gerou Ν McCann Y Soper Y 30 Baumgardner N Y Y Hamner McKinley Stephens Ν 31 Becker Ν Y Summers Ν Ν Holbert Miklosi 32 Beezley Hullinghorst Murray Ν Swalm Ν Ν Y 33 Bradford Ν Jones Y Nikkel Ν Swerdfeger Ν 34 Ε Pabon Y Ν Brown Joshi Ν Szabo 35 Y Y Pace Y Todd Y Casso Kagan 36 Conti Ν Kefalas Peniston Y Tyler Y Y 37 Priola N Coram Ν Kerr A. Y Ν Vaad Y 38 Court Y Kerr J. Ν Ramirez Ν Vigil 39 Waller Ν DelGrosso Ν Labuda Y Ryden Y 40 Y Y Schafer S. Ε Williams A. Y Duran Lee Y 41 Ferrandino Y Levy Y Scott Ν Wilson 42 Fields Ε Liston Ν Singer Y Young Y 43 Ν Speaker 44 Representative Ferrandino moved to amend the Report of the Committee 45 of the Whole to reverse the action taken by the Committee in not adopting 46 47 the following Ferrandino amendment, to HB12-1075, to show that said 48 amendment passed, and that **HB12-1075**, as amended, passed. 49 50 Strike the Finance Committee Report, dated February 15, 2012 and 51 substitute the following: 52 53 "Amend printed bill, page 4, strike lines 4 through 27.

54

55 Strike page 5.

1 Page 6, strike lines 1 through 16. 2 3 Renumber succeeding sections accordingly. 4 Page 6, line 23, strike "SECTION 24-75-218 (2)" and substitute 5 6 "SUBSECTION (2) OF THIS SECTION". 7 8 Page 7, line 2, strike "(2)" and substitute "(3)". 9 10 Page 7, after line 2 insert: 11 12 "(2) ON THE DATE ON WHICH THE STATE CONTROLLER PUBLISHES 13 THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE STATE FOR THE FISCAL YEAR 2012-13 AND EACH FISCAL YEAR THEREAFTER, THE STATE 14 15 TREASURER SHALL TRANSFER THE GENERAL FUND SURPLUS THAT IS DESIGNATED IN ACCORDANCE WITH SECTION 24-75-201 (1) FOR SUCH 16 17 FISCAL YEAR FROM THE GENERAL FUND TO THE STATE RESERVE FUND.". 18 Renumber succeeding subsection accordingly. 19 20 21 Page 7, strike lines 8 through 23. 22 23 Renumber succeeding section accordingly.". 24 The amendment was declared **lost** by the following roll call vote: 25 26 27 YES 30 NO 32 **EXCUSED** 3 ABSENT 0 28 Ν Ν Y Y Acree Fischer Looper Solano 29 Balmer Ν Gardner B. Ν Massey Ν Sonnenberg Ν 30 Y Y Barker Ν Gerou Ν McCann Soper 31 Baumgardner N Hamner Y Y Ν McKinley Stephens 32 Becker Ν Holbert Ν Miklosi Y Summers Ν 33 Beezley Ν Hullinghorst Y Murray Ν Swalm Ν 34 Bradford Ν Y Nikkel Swerdfeger Jones Ν Ν 35 Brown Ε Joshi Ν Pabon Y Szabo Ν Y 36 Casso Y Kagan Y Pace Y Todd 37 Y Y Y Peniston Tyler Conti Ν Kefalas 38 Coram Ν Kerr A. Y Priola Ν Vaad N 39 Y Y Kerr J. Ν Ramirez Ν Vigil Court 40 DelGrosso Ν Labuda Y Ryden Y Waller Ν Y 41 Duran Y Lee Y Schafer S. Ε Williams A. Y 42 Ferrandino Y Levy Y Scott Ν Wilson 43 Е Y Young Y Fields Liston Ν Singer Ν 44 Speaker 45

Representative Ferrandino moved to amend the Report of the Committee 46 47 of the Whole to reverse the action taken by the Committee in not adopting 48 the following Ferrandino amendment, to HB12-1345, to show that said 49 amendment passed, and that HB12-1345, as amended, passed.

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51

Amend printed bill, page 10, after line 4, insert: "SECTION 7. In Colorado Revised Statutes, 22-41-102, amend 52 53 (3) (a); and **add** (3) (c) as follows:

22-41-102. Fund inviolate. (3) (a) Except as provided in 54 paragraph (b) of this subsection (3), for the 2010-11 state fiscal year and 55 each state fiscal year thereafter, the first eleven million dollars of any 56

1 interest or income earned on the investment of the moneys in the public 2 school fund shall be credited to the state public school fund created in 3 section 22-54-114 for distribution as provided by law. PRIOR TO THE 4 2013-14 STATE FISCAL YEAR, any amount of such interest and income earned on the investment of the moneys in the state public school fund in 5 6 excess of eleven million dollars, other than interest and income credited 7 to the public school capital construction assistance fund, created in section 22-43.7-104 (1), pursuant to section 22-43.7-104 (2) (b) (I), shall 8 remain in the fund and shall become part of the principal of the fund. 9

10 (c) FOR THE 2013-14 STATE FISCAL YEAR AND FOR EACH STATE 11 FISCAL YEAR THEREAFTER, OF ANY AMOUNT OF INTEREST OR INCOME 12 EARNED ON THE INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND IN 13 EXCESS OF ELEVEN MILLION DOLLARS, OTHER THAN INTEREST AND INCOME 14 CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE 15 FUND, CREATED IN SECTION 22-43.7-104 (1), PURSUANT TO SECTION 22-16 43.7-104 (2) (b) (I), ELEVEN MILLION ONE HUNDRED THOUSAND DOLLARS 17 SHALL BE CREDITED TO THE STATE PUBLIC SCHOOL FUND CREATED IN 18 SECTION 22-54-114 AND APPROPRIATED TO FUND THE INCREASE IN THE 19 NUMBER OF PUPILS ENROLLED IN THE FULL-DAY KINDERGARTEN PROGRAM BEGINNING IN THE 2013-14 STATE FISCAL YEAR;". 20

21

22 Renumber succeeding sections accordingly.

23

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

25

23 26	YES	30	NO	31	EXCUSED	4	ABSENT	0
20 27		N	Fischer	Y	-	N	Solano	Y
	Acree				Looper			
28	Balmer	Ν	Gardner B.	Ν	Massey	Ν	Sonnenberg	Ν
29	Barker	Ν	Gerou	Ν	McCann	Y	Soper	Y
30	Baumgardner	Ν	Hamner	Y	McKinley	Y	Stephens	Ν
31	Becker	Ν	Holbert	Ν	Miklosi	Y	Summers	Ν
32	Beezley	Ν	Hullinghorst	Y	Murray	Ν	Swalm	Ν
33	Bradford	Ν	Jones	Y	Nikkel	Ν	Swerdfeger	Ν
34	Brown	Е	Joshi	Ν	Pabon	Y	Szabo	Ν
35	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
36	Conti	Ν	Kefalas	Y	Peniston	Y	Tyler	Y
37	Coram	Ν	Kerr A.	Y	Priola	Ν	Vaad	Ν
38	Court	Y	Kerr J.	Ν	Ramirez	Ν	Vigil	Y
39	DelGrosso	Е	Labuda	Y	Ryden	Y	Waller	Ν
40	Duran	Y	Lee	Y	Schafer S.	Е	Williams A.	Y
41	Ferrandino	Y	Levy	Y	Scott	Ν	Wilson	Y
42	Fields	E	Liston	Ν	Singer	Y	Young	Y
43					-		Speaker	Ν
44							-	

- 45
- 46
- 47 48

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

49 50

51 Passed Second Reading: HB12-1345 amended, 1042 amended, 1075
52 amended, 1101 amended, 1143 amended, SB12-149 amended, HB1253 1266 amended, 1306 amended, 1325 amended, 1331 amended, 1038
54 amended, 1310 amended.

55

56 Laid over until date indicated retaining place on Calendar:

## **SB12-118, HB12-1084, 1109, 1119, 1347**--April 24, 2012. **HB12-1334, 1214**--Later in the day. 1 2

3 4 The Chairman moved the adoption of the Committee of the Whole 5 Report. As shown by the following roll call vote, a majority of those 6 elected to the House voted in the affirmative, and the Report was 7 adopted. 8

0				-				
9	YES	61	NO	0	EXCUSED	4	ABSENT	0
10	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
11	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
12	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
13	Baumgardner		Hamner	Ŷ	McKinley	Ŷ	Stephens	Ŷ
14	Becker	Ŷ	Holbert	Ŷ	Miklosi	Ŷ	Summers	Ŷ
15	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
16	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
17	Brown	Е	Joshi	Y	Pabon	Y	Szabo	Y
18	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
19	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
20	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
21	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
22	DelGrosso	Ē	Labuda	Ŷ	Ryden	Ŷ	Waller	Ŷ
$\overline{23}$	Duran	Y	Lee	Ŷ	Schafer S.	Ē	Williams A.	Ŷ
23 24	Ferrandino	Ŷ		Ŷ	Scott	Y	Wilson	Y
			Levy					
25	Fields	E	Liston	Y	Singer	Y	Young	Y
26							Speaker	Y
27								
28								
29								
30								
31	On motion of I	Rep	resentative Wa	aller	, HB12-1334,	1214	l, 1069, SB12	-012,
32	041, HB12-1.	319.	, SB12-009 v	vere	made Specia	al Oi	ders on Mo	nday,
33	April 23, 201	1. a	t 1:17 p.m.		I			
34	r - , -	,	I. I.					
35								
36	The hour of	$1 \cdot 17$	nm having	σar	rived on mo	tion	of Represent	ative
30 37	The hour of 1:17 p.m., having arrived, on motion of Representative Summers, the House resolved itself into Committee of the Whole for							
	consideration of Special Orders and he was called to the Chair to act as							
38								
39	Chairman.							
40								
41	~~~~~~						~ ~	
42	SPECI	AL	<b>ORDERSS</b>	<b>SEC</b>	OND READ	ING	OF BILLS	
43								
44	The Committe	ee o	f the Whole	havi	ng risen, the	Chai	rman reporte	d the
45	titles of the fo	ollo	wing bills had	d be	en read (read	ing a	t length had	been
46	dispensed with	h by	unanimous of	cons	ent), the bills	con	sidered and a	ction
47	taken thereon			- 0115		• 0 m	und u	
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49 50	(Amendments							intiee
50	report which w	was	printed and p	iace	u in the memb	bers	dill file.)	
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52	<u>HB12-1334</u>		Representativ					
53		Ho	dge, Lambert,	, Ste	admanConc	ernir	ng the extensi	on of
54			erance tax fu					
55			ergy-related p				-6	
56			-0, ieiaiea pi					

Amendment No. 1, Appropriations Report, dated April 17, 2012, and 1 2 placed in member's bill file; Report also printed in House Journal, 3 April 17, pages 1018-1019. 4 5 As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage. 6 7 by Representative(s)Becker, Todd; also Senator(s) 8 HB12-1214 9 Nicholson and Spence--Concerning community college 10 two-year degree programs in certain health care fields 11 without a student transfer agreement. 12 13 <u>Amendment No. 1</u>, Education Report, dated April 16, 2012, and placed in member's bill file; Report also printed in House Journal, April 16, 14 15 page 1019. 16 17 As amended, ordered engrossed and placed on the Calendar for Third 18 Reading and Final Passage. 19 20 HB12-1069 by Representative(s) Miklosi and Pabon--Concerning tax 21 expenditures. 22 Amendment No. 1, Finance Report, dated February 8, 2012, and placed 23 in member's bill file; Report also printed in House Journal, February 9, 24 25 page 220. 26 Amendment No. 2, Appropriations Report, dated April 20, 2012, and 27 placed in member's bill file; Report also printed in House Journal, 28 29 April 20, pages 1057-1058. 30 31 As amended, ordered engrossed and placed on the Calendar for Third 32 Reading and Final Passage. (For change in action, see Amendments to Report, page 1081.) 33 34 35 **SB12-012** by Senator(s) King S., Guzman, Tochtrop; also Representative(s) Miklosi, Gardner D.--Concerning the 36 department of revenue's audits of automobile emission 37 38 inspection facilities. 39 40 Ordered revised and placed on the Calendar for Third Reading and Final 41 Passage. 42 43 **SB12-041** by Senator(s) Spence; also Representative(s) Priola--44 Concerning the continuous appropriation of the moneys in the commercial vehicle enterprise tax fund to the 45 46 department of revenue for sales and use tax refunds. 47 48 Ordered revised and placed on the Calendar for Third Reading and Final 49 Passage. 50 51 <u>HB12-1319</u> by Representative(s) Gardner B.--Concerning building 52 inspections relating to utilities. 53 54 Amendment No. 1, Local Government Report, dated April 4, 2012, and 55 placed in member's bill file; Report also printed in House Journal, April 5, 56 pages 907-908.

Page 1080

1 <u>Amendment No. 2</u>, by Representative(s) Gardner. 2

3 Amend Local Government Committee Report, dated April 4, 2012, page 4 1, strike lines 1 and 2 and substitute:

5

6 "Amend printed bill, page 2, strike lines 3 through 20 and substitute "(7) 7 as follows:".

8

9 Page 1 of the committee report, strike line 10 and substitute "DISTRICT. 10 THE SCHOOL DISTRICT SHALL NOTIFY THE BOARD ON OR BEFORE OCTOBER 11 1 OF THE PRECEDING YEAR WHETHER THE SCHOOL DISTRICT WILL USE A 12 STATE ELECTRICAL INSPECTOR OR A LOCAL ELECTRICAL CODE AND 13 INSPECTION AUTHORITY TO PERFORM ELECTRICAL INSPECTIONS OF THE 14 SCHOOLS OF THE SCHOOL DISTRICT DURING THE SUBSEQUENT STATE 15 FISCAL YEAR. THE SCHOOL DISTRICT SHALL USE THE DESIGNATED 16 ELECTRICAL INSPECTOR FOR ALL OF THE SCHOOLS OF THE SCHOOL 17 DISTRICT, UNLESS THE SCHOOL DISTRICT HAS DESIGNATED A LOCAL 18 ELECTRICAL CODE AND INSPECTION AUTHORITY TO PERFORM INSPECTIONS 19 AND THE SCHOOL BUILDING BEING INSPECTED IS LOCATED IN A 20 JURISDICTION THAT DOES NOT HAVE A LOCAL ELECTRICAL CODE AND 21 INSPECTION AUTHORITY, IN WHICH CASE A STATE ELECTRICAL INSPECTOR 22 SHALL PERFORM THE INSPECTION. IF A SCHOOL DISTRICT DESIGNATES A 23 LOCAL ELECTRICAL CODE AND INSPECTION AUTHORITY TO PERFORM THE 24 INSPECTIONS OF THE SCHOOLS OF THE SCHOOL DISTRICT, THE SCHOOL 25 DISTRICT SHALL INCLUDE IN ITS NOTIFICATION TO THE BOARD A LISTING OF 26 THE SCHOOLS OF THE SCHOOL DISTRICT THAT ARE LOCATED IN A 27 JURISDICTION THAT DOES NOT HAVE A LOCAL ELECTRICAL CODE AND INSPECTION AUTHORITY.".". 28

29

Page 1 of the committee report, strike line 22 and substitute "SCHOOL 30 31 DISTRICT. THE SCHOOL DISTRICT SHALL NOTIFY THE BOARD ON OR BEFORE 32 OCTOBER 1 OF THE PRECEDING YEAR WHETHER THE SCHOOL DISTRICT WILL 33 USE A STATE PLUMBING INSPECTOR OR A LOCAL PLUMBING CODE AND 34 INSPECTION AUTHORITY TO PERFORM PLUMBING INSPECTIONS OF THE 35 SCHOOLS OF THE SCHOOL DISTRICT DURING THE SUBSEQUENT STATE 36 FISCAL YEAR. THE SCHOOL DISTRICT SHALL USE THE DESIGNATED 37 PLUMBING INSPECTOR FOR ALL OF THE SCHOOLS OF THE SCHOOL DISTRICT, 38 UNLESS THE SCHOOL DISTRICT HAS DESIGNATED A LOCAL PLUMBING CODE 39 AND INSPECTION AUTHORITY TO PERFORM INSPECTIONS AND THE SCHOOL 40 BUILDING BEING INSPECTED IS LOCATED IN A JURISDICTION THAT DOES NOT 41 HAVE A LOCAL PLUMBING CODE AND INSPECTION AUTHORITY, IN WHICH 42 CASE A STATE PLUMBING INSPECTOR SHALL PERFORM THE INSPECTION. IF 43 A SCHOOL DISTRICT DESIGNATES A LOCAL PLUMBING CODE AND 44 INSPECTION AUTHORITY TO PERFORM THE INSPECTIONS OF THE SCHOOLS 45 OF THE SCHOOL DISTRICT, THE SCHOOL DISTRICT SHALL INCLUDE IN ITS 46 NOTIFICATION TO THE BOARD A LISTING OF THE SCHOOLS OF THE SCHOOL 47 DISTRICT THAT ARE LOCATED IN A JURISDICTION THAT DOES NOT HAVE A 48 LOCAL PLUMBING CODE AND INSPECTION AUTHORITY.".".

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50 Page 2 of the committee report, after line 2 insert:

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52 "Page 4 of the bill, strike lines 9 and 10 and substitute "or gas piping" inspections in its respective jurisdiction, IT SHALL COMMENCE OR CEASE

- 53 THE SAME".".
- 54
- 55

1 Amendment No. 3, by Representative(s) Gardner. 2 3 Amend Amendment No.2, by Representative Gardner as printed in House 4 Journal, page 1080, after line 7 insert: 5 6 "Page 1 of the Local Government Committee Report, line 9, strike 7 "INSPECTOR" and substitute "CODE AND INSPECTION AUTHORITY". 8 9 Amend Amendment No. 2 by Representative Gardner as printed in House 10 Journal page 1080, after line 28, insert: 11 12 "Page 1 of the Local Government Committee Report, line 21, strike "INSPECTOR" and substitute "CODE AND INSPECTION AUTHORITY". 13 14 As amended, ordered engrossed and placed on the Calendar for Third 15 16 Reading and Final Passage. 17 <u>SB12-009</u> 18 by Senator(s) Hodge, Brophy, Giron, Roberts, Schwartz; also Representative(s) Swerdfeger, Baumgardner, 19 Sonnenberg, Vigil, Wilson--Concerning the consolidation 20 21 of cash funds administered by the division of water 22 resources. 23 Amendment No. 1, Appropriations Report, dated April 20, 2012, and 24 placed in member's bill file; Report also printed in House Journal, 25 26 April 20, page 1060. 27 28 As amended, ordered revised and placed on the Calendar for Third 29 Reading and Final Passage. 30 31 32 33 AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT 34 Representative Pabon moved to amend the Report of the Committee of 35 the Whole to reverse the action taken by the Committee in not adopting 36 37 the following Pabon amendment, to HB12-1069, to show that said 38 amendment passed, and that HB12-1069, as amended, passed. 39 40 Amend printed bill, page 4, line 8, strike "SEPTEMBER 1, 2016." and 41 substitute "SEPTEMBER 1 OF THE LAST YEAR IN WHICH THE EXEMPTION 42 APPLIES PURSUANT TO PARAGRAPH (c) OF SUBSECTION (3) OF THIS 43 SECTION.". 44 45 The amendment was declared **passed** by the following roll call vote: 46 47 YES EXCUSED 53 NO 9 3 ABSENT 0 48 Y Ν Y Acree Fischer Ν Looper Solano 49 Balmer E Gardner B. Y Massey Y Sonnenberg Y Gerou Y Y Y 50 Barker Y McCann Soper Baumgardner Y 51 Hamner Y McKinley Y Stephens Y Ν Y Y 52 Becker Holbert Y Miklosi Summers Y 53 Beezley Ν Hullinghorst Y Murray Ν Swalm 54 Bradford Y Y Nikkel Y Swerdfeger Ν Jones Y 55 Y Y Y Szabo Brown Joshi Pabon

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23	YES	62	NO	0	EXCUSED	3	ABSENT	0
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34	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
35	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
36	DelGrosso			Y			Waller	Y
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55 54	HB12-1155	he	amended as fo	01103	vs, and as so a	men	ded he refer	ed to
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House Journal--104th Day--April 23, 2012 Page 1083 Amend printed bill, page 14, strike line 7 and substitute"(5) (c) (I) (B) and 1 2 (5) (c) (III) as".Page 14, line 12, strike "forty-five FORTY" and substitute "forty-five". 3 4 Page 14, strike lines 14 through 18. 5 Page 15, line 3, strike "forty-five FORTY" and substitute "forty-five". 6 Page 15, strike lines 4 through 9. 7 Page 15, strike lines 20 through 27. 8 Page 16, strike lines 1 through 8. 9 Page 16, strike lines 9 through 25. 10 Renumber succeeding sections accordingly. 11 12 13 14 15 STATE, VETERANS, & MILITARY AFFAIRS After consideration on the merits, the Committee recommends the 16 17 following: 18 19 HB12-1348 be amended as follows, and as so amended, be referred to 20 the Committee of the Whole with favorable 21 recommendation: 22 23 Amend printed bill, page 4, line 16, strike "THREE" and substitute "TWO". 24 25 26 27 **MESSAGE(S) FROM THE SENATE** 28 29 The President appoints Senators Hodge Chair, Steadman, and Lambert as 30 conferees on the First Conference Committee on HB12-1335. The Senate 31 has granted permission to the First Conference Committee to go beyond 32 the scope of the differences between the two houses. 33 34 The President appoints Senators Hodge Chair, Steadman, and Lambert as 35 conferees on the First Conference Committee on HB12-1336. The Senate 36 has granted permission to the First Conference Committee to go beyond the scope of the differences between the two houses. 37 38

The President appoints Senators Hodge Chair, Steadman, and Lambert as
conferees on the First Conference Committee on HB12-1337. The Senate
has granted permission to the First Conference Committee to go beyond
the scope of the differences between the two houses.

The President appoints Senators Hodge Chair, Steadman, and Lambert as
conferees on the First Conference Committee on HB12-1338. The Senate
has granted permission to the First Conference Committee to go beyond
the scope of the differences between the two houses.

48

49 The President appoints Senators Hodge Chair, Steadman, and Lambert as 50 conferees on the First Conference Committee on HB12-1339. The Senate

51 has granted permission to the First Conference Committee to go beyond

52 the scope of the differences between the two houses.

53

54 The President appoints Senators Hodge Chair, Steadman, and Lambert as

- 55 conferees on the First Conference Committee on HB12-1340. The Senate
- 56 has granted permission to the First Conference Committee to go beyond

1 the scope of the differences between the two houses. 2 3 The President appoints Senators Hodge Chair, Steadman, and Lambert as conferees on the First Conference Committee on HB12-1344. The Senate 4 5 has granted permission to the First Conference Committee to go beyond 6 the scope of the differences between the two houses. 7 8 9 10 **MESSAGE(S) FROM THE GOVERNOR** 11 I certify I received the following on the 23rd day of April, 2012, at 12 8:45 a.m. The original is on file in the records of the House of 13 Representatives of the General Assembly. 14 15 16 Marilyn Eddins, 17 Chief Clerk of the House 18 April 20, 2012 19 To the Honorable House of Representatives 20 Sixty-Eighth General Assembly 21 Second Regular Session 22 State Capitol 23 Denver, CO 80203 24 25 Ladies and Gentlemen: 26 27 I have the honor to inform you that I have approved and filed with the 28 Secretary of State the following Acts: 29 30 <u>HB12-1271</u> CONCERNING CHARGING OF JUVENILES BY DIRECT FILE 31 OF INFORMATION OR INDICTMENT IN DISTRICT COURT. 32 33 Approved April 20, 2012 at 4:09 pm 34 35 Sincerely, 36 (signed) John W. Hickenlooper 37 38 Governor 39 40 41 42 I certify I received the following on the 23rd day of April, 2012, at 43 2:20. p.m. The original is on file in the records of the House of 44 Representatives of the General Assembly. 45 46 Marilvn Eddins. 47 Chief Clerk of the House 48 April 23, 2012 49 50 To the Honorable House of Representatives 51 Sixty-Eighth General Assembly 52 Second Regular Session 53 State Capitol 54 Denver, CO 80203 55 56 Ladies and Gentlemen:

1 2 3	I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:						
4 5 6	<u>HB12-1228</u>	CONCERNING CRIMINAL BACKGROUND CHECKS FOR NEIGHBORHOOD YOUTH ORGANIZATION SEEKING TO OBTAIN A LICENSE.					
7 8 9		Approved April 23, 2012 at 1:19 pm					
10 11 12	<u>HB12-1318</u>	CONCERNING THE DEVELOPMENT OF GUIDELINES REGARDING THE ELIGIBILITY OF CONTROLLED MAINTENANCE FUNDING FOR STATE FACILITIES.					
13 14 15		Approved April 23, 2012 at 1:15 pm					
16 17 18 19 20	Sincerely, (signed) John W. Hicke Governor	nlooper					
21 22 23		LAY OVER OF CALENDAR ITEM(S)					
24 25 26	On motion of Calendar was	f Representative Waller, the following item(s) on the (were) laid over until April 24, retaining place on Calendar:					
27 28 29 20	Consideration of Third ReadingHB12-1066, 1099. Consideration of Resolution(s)SJR12-006, 024, 031, HJR12-1019,						
30 31 32 33 34 35	1034, 1114, 1	of Senate Amendment(s)HJR12-1010, HB12-1008, 1151, 1070, 1270, 1224, 1262, 1239, 1244, 1276, 1307, 105, 1146, 1321.					
36 37 38 39	On motion of 1 April 24, 2012	Representative Waller, the House adjourned until 9:00 a.m., 2.					
40 41 42		Approved: FRANK McNULTY, Speaker					
43 44 45	Attest: MARILYN E Chief Clerk	DDINS,					

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