

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

Seventy-sixth Legislative Day

Monday, March 26, 2012

1 The Speaker *Pro-tempore* called the House to order at 10:00 a.m.
2
3 Prayer by Rabbi Hillel Goldberg, Executive Director of Rocky Mountain
4 Jewish News.
5
6 Pledge of Allegiance led by Connor Beezley, Henry Connolly, Restyn
7 Mayer, Hailey Jolynn Togerson, Prospect Ridge, Broomfield.
8
9 The roll was called with the following result:
10
11 Present--63.
12 Excused--Representative(s) J. Kerr, McNulty--2.
13 Present after roll call--Representative(s) J. Kerr.
14

15 The Speaker declared a quorum present.
16
17

18 On motion of Representative Summers, the reading of the journal of
19 March 23, 2012, was declared dispensed with and approved as corrected
20 by the Chief Clerk.
21
22

CONSIDERATION OF MEMORIAL

23
24
25
26 **HM12-1002** by Representative(s) Sonnenberg--Memorializing former
27 Representative Lowell Sonnenberg.
28

29 (Printed and placed in member's file)
30

31 Representative Sonnenberg moved that the Memorial be adopted and
32 asked the memorial be read at length.
33
34

35 Pursuant to House Rule 26(f) the House stood in recess to allow the
36 following former members to speak on behalf of the honorable Lowell
37 Sonnenberg: Former state Senator Hugh Fowler, former United States
38 Senator Bill Armstrong. A letter from former State Senator Tillie Bishop
39 was read by Representative Jerry Sonnenberg.
40
41

House reconvened.
42
43

1 The memorial was **adopted** by the following roll call vote:
2

	YES	63	NO	0	EXCUSED	2	ABSENT	0
4	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
5	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
6	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
7	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
8	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
9	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
10	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
11	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
12	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
13	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
14	Coram	Y	Kerr A.	E	Priola	Y	Vaad	Y
15	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
16	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
17	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
18	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
19	Fields	Y	Liston	Y	Singer	Y	Young	Y
20							Speaker	E

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

29
30 Representative Sonnenberg introduced members of the family who were
31 present.

32 _____
33 House in recess. House reconvened.
34 _____
35

36 37 MESSAGE(S) FROM THE SENATE

38
39 The Senate has adopted and transmits herewith: SJR12- 026.
40 _____
41

42 43 INTRODUCTION AND CONSIDERATION OF RESOLUTION

44
45 On motion of Representative Stephens, the rules were suspended and the
46 following resolution was given immediate consideration.
47

48 **SJR12-026** by Senator(s) Newell, Hudak; also Representative(s)
49 Gardner B.--Concerning recognition of October as
50 "Conflict Resolution Month" in Colorado.
51

52 (Printed and placed in member's file).
53

54 On motion of Representative Gardner B., the resolution was read at
55 length and **adopted** by **viva voce** vote.
56

1 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
2 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
3 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gerou, Hamner, Holbert,
4 Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr J., Labuda, Lee, Levy, Liston,
5 Looper, Massey, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon, Pace,
6 Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer, Solano,
7 Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd,
8 Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young.
9

10

11

12 On motion of Representative Sonnenberg, the House resolved itself into
13 Committee of the Whole for consideration of General Orders, and he was
14 called to the Chair to act as Chairman.

15

16

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

18

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

23

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

26

27 **HB12-1080** by Representative(s) Vigil; also Senator(s) Schwartz--
28 Concerning changing the name of Adams state college to
29 Adams state university.

30

31 Ordered engrossed and placed on the Calendar for Third Reading and
32 Final Passage.

33

34

35 **SB12-148** by Senator(s) Guzman, Newell, Nicholson, King S.; also
36 Representative(s) Duran, Hamner, Hullinghorst, Kerr A.,
37 Massey, Scott, Summers, Todd--Concerning changing the
38 name of Metropolitan state college of Denver to
39 Metropolitan state university of Denver.

40

41 Ordered revised and placed on the Calendar for Third Reading and Final
42 Passage.

43

44

45 **HB12-1254** by Representative(s) Swerdfeger; also Senator(s) Giron--
46 Concerning the reallocation of the conservation trust fund
47 to a metropolitan district that provides parks and recreation
48 services within the unincorporated area of a county only.

49

50 Amendment No. 1, Local Government Report, dated February 22, 2012,
51 and placed in member's bill file; Report also printed in House Journal,
52 February 23, page 356.

53

54 Amendment No. 2, Appropriations Report, dated March 16, 2012, and
55 placed in member's bill file; Report also printed in House Journal,
56 March 16, page 687.

1 Amendment No. 3, by Representative(s) Swerdfeger.

2
3 Amend the Local Government Committee Report, dated February 22,
4 2012, page 1, line 2, strike "(A);" and substitute "(A) and (4);".

5
6 Page 2 of the report, strike line 15 and substitute "2015."

7
8 (4) All moneys received from the state by each eligible entity
9 pursuant to this section shall be deposited in its conservation trust fund
10 and shall be expended only for the acquisition, development, and
11 maintenance of new conservation sites or for ~~capital improvements or~~
12 ~~maintenance for recreational purposes on any public site~~ PARK AND
13 RECREATION AREAS OR FACILITIES. An eligible entity shall not deposit any
14 other moneys in its conservation trust fund. All interest earned on the
15 investment of moneys in a local conservation trust fund shall be credited
16 to the fund and shall be expended only for purposes authorized by this
17 article."."

18
19 Amendment No. 4, by Representative(s) Swerdfeger.

20
21 Amend printed bill, page 3, line 2, after "SHARE." add "IF, AS OF JANUARY
22 1, 2012, A COUNTY HAS PLEDGED OR OTHERWISE USED REVENUES FROM ITS
23 SHARE OF CONSERVATION TRUST FUND MONEYS TO SECURE FINANCING FOR
24 A SPECIFIC PROJECT, EACH METROPOLITAN DISTRICT WITHIN THE COUNTY,
25 INCLUDING EACH METROPOLITAN DISTRICT THAT PROVIDES PARKS AND
26 RECREATION SERVICES EXCLUSIVELY IN THE UNINCORPORATED AREA OF
27 THE COUNTY, SHALL BE APPORTIONED A SHARE EQUAL TO ONE-HALF OF
28 THE PERCENTAGE WHICH THE POPULATION OF THE METROPOLITAN
29 DISTRICT IS TO THE TOTAL POPULATION OF THE UNINCORPORATED AREA OF
30 THE COUNTY UNTIL THE COUNTY HAS REPAID IN FULL THE FINANCING
31 SECURED BY CONSERVATION TRUST FUND MONEYS. A COUNTY SHALL
32 NOTIFY THE DIVISION WHEN IT HAS FULLY REPAID ANY SUCH FINANCING.
33 ON OR BEFORE AUGUST 1, 2012, A COUNTY THAT, AS OF JANUARY 1, 2012,
34 HAS PLEDGED OR OTHERWISE USED REVENUES FROM ITS SHARE TO SECURE
35 FINANCING FOR A SPECIFIC PROJECT SHALL NOTIFY THE DIVISION THAT IT
36 HAS DONE SO."."

37
38 As amended, declared **lost** on Second Reading.

39
40 SB12-022 by Senator(s) Williams S., Boyd, Hudak; also
41 Representative(s) Massey, Fields, Kefalas--Concerning
42 maintaining child care assistance for working families.

43
44 Ordered revised and placed on the Calendar for Third Reading and Final
45 Passage.

46
47 SB12-057 by Senator(s) Williams S.; also Representative(s) Brown--
48 Concerning native American language instruction.

49
50 Ordered revised and placed on the Calendar for Third Reading and Final
51 Passage.

52
53 SB12-061 by Senator(s) King K.; also Representative(s) Massey--
54 Concerning procedures relating to the authorization of
55 charter schools.

56

1 Amendment No. 1, Education Report, dated March 21, 2012, and placed
2 in member's bill file; Report also printed in House Journal, March 22,
3 pages 761-762.

4
5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **HB12-1108** by Representative(s) Kagan, Brown, Holbert; also
9 Senator(s) Scheffel--Concerning the authority of the
10 Colorado department of transportation to have signs within
11 rights-of-way on the highway system.

12
13 Ordered engrossed and placed on the Calendar for Third Reading and
14 Final Passage.

15
16 **SB12-095** by Senator(s) Lundberg; also Representative(s) Barker--
17 Concerning requirements for the valid transfer of title to a
18 motor vehicle.

19
20 Ordered revised and placed on the Calendar for Third Reading and Final
21 Passage.

22
23 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

24
25 Passed Second Reading: **HB12-1080, SB12-148, 022, 057, 061**
26 **amended, HB12-1108, SB12-095.**

27
28 Lost on Second Reading: **HB12-1254 amended.**

29
30 The Chairman moved the adoption of the Committee of the Whole
31 Report. As shown by the following roll call vote, a majority of those
32 elected to the House voted in the affirmative, and the Report was
33 **adopted.**

34
35

	YES	62	NO	0	EXCUSED	2	ABSENT	1
36	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
37	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
38	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
39	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
40	Becker	Y	Holbert	Y	Miklosi	-	Summers	Y
41	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
42	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
43	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
44	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
45	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
46	Coram	Y	Kerr A.	E	Priola	Y	Vaad	Y
47	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
48	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
49	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
50	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
51	Fields	Y	Liston	Y	Singer	Y	Young	Y
52							Speaker	E

53
54
55 House in recess. House reconvened.
56

1 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2
3 **APPROPRIATIONS**

4 After consideration on the merits, the Committee recommends the
5 following:

6
7 **HB12-1046** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10
11 Amend printed bill, page 2, after line 1 insert:

12
13 **"SECTION 1.** In Colorado Revised Statutes, **add** 24-18-114 as
14 follows:

15
16 **24-18-114. Mandatory drug testing - disclosure.** THE
17 GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, TREASURER,
18 ATTORNEY GENERAL, AND MEMBERS OF THE GENERAL ASSEMBLY SHALL
19 ANNUALLY SUBMIT TO A DRUG TEST FOR CONTROLLED SUBSTANCES AND
20 SHALL BEAR THE COST OF THE DRUG TESTING. FOR PURPOSES OF THIS
21 SECTION, "CONTROLLED SUBSTANCES" MEANS A SUBSTANCE, A DRUG, OR
22 AN IMMEDIATE PRECURSOR INCLUDED IN SCHEDULES I TO V OF PART 2 OF
23 PART 2 OF ARTICLE 18 OF TITLE 18, C.R.S., AND ANY "ALCOHOL
24 BEVERAGE" AS DEFINED IN SECTION 12-47-103 (2), C.R.S."

25
26 Renumber succeeding sections accordingly.

27
28 Page 6, after line 21 insert:

29
30 **"SECTION 3. Appropriation.** In addition to any other
31 appropriation, there is hereby appropriated, out of any moneys in the
32 general fund not otherwise appropriated, to the department of human
33 services, for the fiscal year beginning July 1, 2012, the sum of \$219,520,
34 or so much thereof as may be necessary, for allocation to the office of
35 information technology services for the Colorado benefits management
36 system related to the implementation of this act.

37
38 (2) In addition to any other appropriation, there is hereby
39 appropriated to the governor - lieutenant governor - state planning and
40 budgeting, for the fiscal year beginning July 1, 2012, the sum of
41 \$219,520, or so much thereof as may be necessary, for allocation to the
42 office of information technology, for the provision of computer center
43 services for the department of human services related to the
44 implementation of this act. Said sum is from reappropriated funds
45 received from the department of human services out of the appropriation
46 made in subsection (1) of this section."

47
48 Renumber succeeding section accordingly.

49
50 Page 1, line 102, strike "**PROGRAM.**" and substitute "**PROGRAM, AND, IN**
51 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"

52
53
54
55

1 **STATE, VETERANS, & MILITARY AFFAIRS**
2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **SB12-021** be postponed indefinitely.
6
7

8
9 **PRINTING REPORT**

10
11 The Chief Clerk reports the following bill has been correctly printed:
12 **HB12-1330.**
13

14
15
16 **MESSAGE(S) FROM THE SENATE**

17
18 The Senate has postponed indefinitely HB12-1027, and HB12-1175. The
19 bills are returned herewith.
20

21
22 The Senate has passed on Third Reading and returns herewith
23 HB12-1026, HB12-1097.
24

25 The Senate has passed on Third Reading and transmits to the Revisor of
26 Statutes:

27
28 HB12-1224 amended as printed in Senate Journal, March 23, 2012,
29 page 564.

30 SB12-130 amended as printed in Senate Journal, March 23, 2012,
31 page 564, and amended on Third Reading,
32 March 26, 2012, as printed in the Senate Journal.

33 HB12-1262 amended on Third Reading, March 26, 2012, as printed in
34 the Senate Journal.
35

36
37
38 **MESSAGE(S) FROM THE REVISOR**

39
40 We herewith transmit:
41 Without comment, as amended, HB12-1224 and 1262.
42 Without comment, as amended, SB12-130.
43

44
45
46
47 **MESSAGE(S) FROM THE GOVERNOR**

48
49 I certify I received the following on the 26th day of March, 2012, at
50 12:30 p.m. The original is on file in the records of the House of
51 Representatives of the General Assembly.
52

53
54 Marilyn Eddins,
55 Chief Clerk of the House

1 March 26, 2012

2

3 To the Honorable House of Representatives

4 Sixty-Eighth General Assembly

5 Second Regular Session

6 State Capitol

7 Denver, CO 80203

8

9 Ladies and Gentlemen:

10

11 I have the honor to inform you that I have approved and filed with the
12 Secretary of State the following Acts:

13

14 **HB12-1028** CONCERNING THE CONTINUATION OF ENERGY-RELATED
15 ASSISTANCE TO LOW-INCOME HOUSEHOLDS FROM THE
16 OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST
17 FUND

18

19 Approved March 24, 2012 at 8:30 am

20

21 **HB12-1029** CONCERNING AN ECONOMIC STIMULUS THROUGH A
22 PROPERTY TAX EXEMPTION FOR BUSINESS PERSONAL
23 PROPERTY, AND, IN CONNECTION THEREWITH, ENACTING
24 THE "SAVE COLORADO JOBS ACT"

25

26 Approved March 24, 2012 at 8:30 am

27

28

29 **HB12-1031** CONCERNING THE AUTHORITY OF THE BOARD OF THE
30 FIRE AND POLICE PENSION ASSOCIATION TO MAKE
31 AMENDMENTS TO PLANS FOR THE ADMINISTRATION OF
32 BENEFITS

33

34 Approved March 24, 2012 at 8:38 am

35

36 **HB12-1032** CONCERNING CONTINUATION OF FORESTRY-RELATED
37 PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING
38 AN APPROPRIATION

39

40 Approved March 24, 2012 at 8:38 am

41

42

43 **HB12-1058** CONCERNING THE REQUIREMENT THAT THE
44 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
45 PROVIDE INFANT EYE PROPHYLAXIS

46

47 Approved March 24, 2012 at 8:40 am

48

49 **HB12-1072** CONCERNING CREDIT FOR PRIOR LEARNING IN HIGHER
50 EDUCATION.

51

52 Approved March 24, 2012 at 8:31 am

53

54

55

- 1 **HB12-1089** CONCERNING THE SPECIFIC WORDING RELATED TO A
2 STATEWIDE BALLOT TITLE
3
4 Approved March 24, 2012 at 8:39 am
5
 - 6 **HB12-1104** CONCERNING A CHANGE TO THE VOLUNTARY
7 CONTRIBUTION DESIGNATION BENEFITING THE
8 COLORADO BREAST AND WOMEN'S REPRODUCTIVE
9 CANCERS FUND, AND, IN CONNECTION THEREWITH,
10 CHANGING THE NAME OF THE FUND TO THE COLORADO
11 CANCER FUND AND EXPANDING THE PURPOSE OF THE
12 FUND TO INCLUDE FURTHERANCE OF THE COLORADO
13 CANCER COALITION'S WORK ON BEHALF OF THE CANCER
14 COMMUNITY.
15
16 Approved March 24, 2012 at 8:32 am
17
 - 18 **HB12-1169** CONCERNING A CLARIFICATION OF THE CIRCUMSTANCES
19 UNDER WHICH VOTING TO ELECT LEADERSHIP OF A
20 PUBLIC BODY MAY BE HELD BY SECRET BALLOT IN
21 ACCORDANCE WITH THE STATE OPEN MEETINGS LAW.
22
23 Approved March 24, 2012 at 8:33 am
24
 - 25 **HB12-1207** CONCERNING THE REPEAL OF THE ADVISORY
26 COMMITTEE ON COVERING ALL CHILDREN IN COLORADO.
27
28 Approved March 24, 2012 at 8:34 am
29
 - 30 **HB12-1212** CONCERNING THE DESIGNATION OF AN ON-LINE
31 EDUCATION PROGRAM AS A MULTI-DISTRICT PROGRAM
32 IF THE PROGRAM IS AUTHORIZED BY A BOARD OF
33 COOPERATIVE SERVICES
34
35 Approved March 24, 2012 at 8:35 am
36
 - 37 **HB12-1249** CONCERNING THE MANNER IN WHICH TOBACCO
38 LITIGATION SETTLEMENT MONEYS ARE ALLOCATED TO
39 THE STATE AUDITOR'S OFFICE FOR THE COSTS OF
40 CONDUCTING PROGRAM REVIEWS AND EVALUATIONS OF
41 THE PERFORMANCE OF TOBACCO SETTLEMENT
42 PROGRAMS
43
44 Approved March 24, 2012 at 8:41 am
45
 - 46 **HB12-1288** CONCERNING THE ADMINISTRATION OF INFORMATION
47 TECHNOLOGY PROJECTS IN STATE GOVERNMENT
48
49 Approved March 24, 2012 at 8:36 am
50
- 51 Sincerely,
52 (signed)
53 John W. Hickenlooper
54 Governor
55
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INTRODUCTION OF RESOLUTION

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

HJR12-1017 by Representative(s) Priola and Kerr A., Waller; also Senator(s) Steadman and Roberts--Concerning the designation of the Denver-Boulder Turnpike portion of United States Highway 36 as the "Buffalo Highway".

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Brown, the following item(s) on the Calendar was (were) laid over until March 27, retaining place on Calendar:

Consideration of Third Reading--**HB12-1305, 1162, 1297, SB12-074, 131, HB12-1258, SB12-034, 092, 040, 045, 091, HB12-1068, 1303, SB12-056.**
Consideration of Resolution(s)--**HJR12-1016.**
Consideration of Senate Amendment(s)--**HJR12-1010, HB12-1008, 1034, 1114, 1151, 1070, 1002, 1270.**

On motion of Representative Brown, the House adjourned until 9:00 a.m., March 27, 2012.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk