

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

One hundred-eighteenth Legislative Day Monday, May 7, 2012

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

2

3 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

4

5 Pledge of Allegiance led by Andrew Craig, Burak Karaoglu, Shehab
6 Solimon from Lotus School for Excellence, Aurora, Colorado.

7

8 The roll was called with the following result:

9

10 Present--64.

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

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

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Jones, the reading of the journal of
18 May 4, 2012, was declared dispensed with and approved as corrected by
19 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 **HB12-1349** by Representative(s) Baumgardner, Brown, Coram,
33 Fischer, Hullinghorst, Jones, Joshi, Looper, McKinley,
34 McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson; also
35 Senator(s) Schwartz--Concerning the species conservation
36 trust fund.

37

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

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

42

	YES	64	NO	0	EXCUSED	1	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	E	Soper	Y
5	Baumgardner	Y	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	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, Becker, Gerou, Hamner,
20 Kerr J., Labuda, Pabon, Pace, Schafer S., Sonnenberg, Tyler, Young.

21
22 **HB12-1355** by Representative(s) Gerou, Becker, Levy; also Senator(s)
23 Hodge, Steadman, Lambert--Concerning the transfer of the
24 geological survey to the Colorado school of mines.

25
26 The question being "Shall the bill pass?".

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

	YES	42	NO	22	EXCUSED	1	ABSENT	0
31								
32	Acree	Y	Fischer	N	Looper	Y	Solano	N
33	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
34	Barker	Y	Gerou	Y	McCann	E	Soper	N
35	Baumgardner	Y	Hamner	N	McKinley	N	Stephens	Y
36	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
37	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
38	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
39	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
40	Casso	N	Kagan	N	Pace	N	Todd	Y
41	Conti	Y	Kefalas	N	Peniston	N	Tyler	Y
42	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
43	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	N
44	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y
45	Duran	N	Lee	Y	Schafer S.	Y	Williams A.	N
46	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	N
47	Fields	N	Liston	Y	Singer	N	Young	N
48							Speaker	Y

49 Co-sponsor(s) added: Representative(s) Coram, Kerr J., Summers.

50
51 **HB12-1357** by Representative(s) Brown, Sonnenberg, Vigil; also
52 Senator(s) Renfroe, Bacon, Schwartz--Concerning the use
53 of unspent moneys after completion of capital construction
54 projects at state-supported institutions of higher education
55 authorized by a 2008 federal mineral lease revenues lease-
56 purchase agreement.

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

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

24 Co-sponsor(s) added: Representative(s) Barker, Baumgardner, Bradford,
 25 Coram, Fischer, Gerou, Holbert, Kerr J., Labuda, Pace, Priola, Wilson.

26
 27 **HB12-1358** by Representative(s) Massey and McCann; also Senator(s)
 28 Aguilar--Concerning funding issues related to medical
 29 marijuana, and, in connection therewith, making an
 30 appropriation.

31
 32 The question being "Shall the bill pass?".
 33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative and the bill
 35 was declared **passed**.

	YES	43	NO	21	EXCUSED	1	ABSENT	0
38	Acree	N	Fischer	Y	Looper	N	Solano	Y
39	Balmer	N	Gardner B.	Y	Massey	Y	Sonnenberg	N
40	Barker	N	Gerou	Y	McCann	E	Soper	Y
41	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	N
42	Becker	N	Holbert	N	Miklosi	Y	Summers	Y
43	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
44	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
45	Brown	Y	Joshi	N	Pabon	Y	Szabo	N
46	Casso	N	Kagan	Y	Pace	Y	Todd	Y
47	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
48	Coram	N	Kerr A.	Y	Priola	Y	Vaad	N
49	Court	Y	Kerr J.	N	Ramirez	N	Vigil	Y
50	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
51	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
52	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
53	Fields	Y	Liston	N	Singer	Y	Young	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Court, Ferrandino, Fields, Hamner,
 56 Labuda, Williams A., Wilson, Young.

1 **HB12-1361** by Representative(s) Gardner B. and Gerou; also
 2 Senator(s) Cadman and Nicholson--Concerning claims
 3 against the state arising under the "Colorado
 4 Governmental Immunity Act".
 5

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

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

29 Co-sponsor(s) added: Representative(s) Barker, Casso, Ferrandino, Fischer,
 30 Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Kerr J., Looper, Pabon, Pace,
 31 Peniston, Priola, Scott, Solano, Summers, Todd, Williams A., Young.
 32
 33
 34

35 On motion of Representative Liston, the House resolved itself into
 36 Committee of the Whole for consideration of General Orders, and he was
 37 called to the Chair to act as Chairman.
 38
 39

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

41
 42 The Committee of the Whole having risen, the Chairman reported the
 43 titles of the following bills had been read (reading at length had been
 44 dispensed with by unanimous consent), the bills considered and action
 45 taken thereon as follows:
 46

47 (Amendments to the committee amendment are to the printed committee
 48 report which was printed and placed in the members' bill file.)
 49

50 **SB12-118** by Senator(s) White, Jahn; also Representative(s) Acree--
 51 Concerning the repeal of the requirement for a hotel and
 52 restaurant alcohol license that twenty-five percent of sales
 53 must be from meals.
 54

55 Ordered revised and placed on the Calendar for Third Reading and Final
 56 Passage.

1 **HB12-1278** by Representative(s) Fischer; also Senator(s) Renfroe--
 2 Concerning groundwater in the South Platte river basin.

3
 4 Laid over until later in the day.

5
 6 A motion by Representative Waller that the Committee rise, report
 7 progress and beg leave to sit again at 1:30 p.m., was adopted by
 8 unanimous consent. (General Orders continued on page 1280.)

9
 10
 11 House reconvened.

12
 13 The Committee of the Whole reported it had risen, reported progress and
 14 would sit again at 1:30 p.m.

15
 16
 17
 18 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

19
 20 Representative Young moved that the First Conference Committee on
 21 **HB12-1168** be granted permission to go beyond the scope of the
 22 difference between the House and the Senate. The motion was passed by
 23 the following roll call vote:

	YES	64	NO	0	EXCUSED	0	ABSENT	1
26	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
27	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
28	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
29	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
30	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
31	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
32	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
33	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
34	Casso	Y	Kagan	Y	Pace	-	Todd	Y
35	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
36	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
37	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
38	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
39	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
40	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
41	Fields	Y	Liston	Y	Singer	Y	Young	Y
42							Speaker	Y

43
 44
 45 **APPOINTMENT**

46
 47 The Speaker announced the temporary appointment:

48
 49 **JUDICIARY**

50 Representative Levy to replace Representative Ryden to the Committee
 51 on Judiciary (temporary appointment for the Monday meeting only on
 52 May 7, 2012).

53
 54
 55 House in recess. House reconvened.
 56

1 On motion of Representative Liston, the House resolved itself into
2 Committee of the Whole for continuation of consideration of General
3 Orders, and he returned to the Chair to act as Chairman.

4
5
6 **GENERAL ORDERS--SECOND READING OF BILLS**
7 (Continued from page 1279)
8

9 **HB12-1278** by Representative(s) Fischer; also Senator(s) Renfroe--
10 Concerning groundwater in the South Platte river basin.

11
12 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
13 dated April 25, 2012, and placed in member's bill file; Report also
14 printed in House Journal, April 25, pages 1133-1136.
15

16 Amendment No. 2, Appropriations Report, dated April 27, 2012, and
17 placed in member's bill file; Report also printed in House Journal,
18 April 27, page 1181.
19

20 Amendment No. 3, by Representative(s) Levy.
21

22 Amend the corrected Agriculture, Livestock, and Natural Resources
23 Committee Report, dated April 25, 2012, page 3, line 8, strike "IS
24 RESTRICTED TO" and substitute "MUST EXAMINE".
25

26 Page 3, line 10, strike "OF" and substitute "TO".
27

28 Amendment No. 4, by Representative(s) Sonnenberg.

29 Amend Agriculture, Livestock, and Natural Resources committee report,
30 dated April 23, 2012, page 1, strike lines 22 and 23.
31

32 Page 2, strike lines 1 through 5.
33

34 Renumber succeeding subsection accordingly.
35

36 Amendment No. 5, by Representative(s) Looper.
37

38 Amend Agriculture, Livestock, and Natural Resources committee report,
39 dated April 25, 2012, page 2, line 15, strike "state." and substitute "state";
40 and

41 (d) The general assembly hereby further declares that the rising
42 waters in the South Platte river alluvium constitute a state of emergency."
43

44 Page 4, strike 31 through 39 and substitute:

45 **"SECTION 4. Appropriation.** In addition to any other
46 appropriation, there is hereby appropriated, out of any moneys in the
47 disaster emergency fund, established in section 24-32-2016 (2) (a) (I),
48 Colorado Revised Statutes, not otherwise appropriated, to the department
49 of natural resources, for the fiscal year beginning July 1, 2012, the sum
50 of \$910,900, or so much thereof as may be necessary, for allocation to the
51 Colorado water conservation board for the implementation of this act."
52

53 Renumber succeeding section accordingly.
54

55 As amended, ordered engrossed and placed on the Calendar for Third
56 Reading and Final Passage.

- 1 **HB12-1360** by Representative(s) Gerou and Levy, Becker; also
2 Senator(s) Steadman and Lambert, Hodge--Concerning the
3 transfer of up to four million dollars from the general fund
4 to the Colorado economic development fund based upon
5 the amount by which the June 2012 estimate of general
6 fund revenue for the 2011-12 fiscal year exceeds the
7 March 2012 estimate of general fund revenue for the
8 2011-12 fiscal year.
9
- 10 Amendment No. 1, Appropriations Report, dated May 3, 2012, and
11 placed in member's bill file; Report also printed in House Journal, May 3,
12 page 1252.
13
- 14 As amended, ordered engrossed and placed on the Calendar for Third
15 Reading and Final Passage.
16
- 17 **HB12-1359** by Representative(s) Vaad; also Senator(s) Jahn--
18 Concerning the prohibition of internet lottery.
19
- 20 Amendment No. 1, Finance Report, dated May 2, 2012, and placed in
21 member's bill file; Report also printed in House Journal, May 2,
22 page 1244.
23
- 24 As amended, ordered engrossed and placed on the Calendar for Third
25 Reading and Final Passage.
26
- 27 **SB12-044** by Senator(s) Guzman; also Representative(s) Pabon--
28 Concerning failure to present valid evidence of mass
29 transit fare payment, and, in connection therewith, making
30 an appropriation.
31
- 32 Amendment No. 1, Transportation Report, dated April 18, 2012, and
33 placed in member's bill file; Report also printed in House Journal,
34 April 19, page 1045.
35
- 36 As amended, ordered revised and placed on the Calendar for Third
37 Reading and Final Passage.
38
- 39 **SB12-166** by Senator(s) Giron and Roberts; also Representative(s)
40 Priola and Williams A.--Concerning the coordination of
41 various economic development reports, and, in connection
42 therewith, requiring the Colorado office of economic
43 development to report annually to the general assembly
44 regarding the programs it administers.
45
- 46 Amendment No. 1, Finance Report, dated May 2, 2012, and placed in
47 member's bill file; Report also printed in House Journal, May 2,
48 pages 1244-1245.
49
- 50 As amended, ordered revised and placed on the Calendar for Third
51 Reading and Final Passage.
52
- 53 **SB12-175** by Senator(s) Carroll and Roberts; also Representative(s)
54 Gardner B. and Duran--Concerning statutorily established
55 time intervals.
56

1 Amendment No. 1, Judiciary Report, dated May 1, 2012, and placed in
 2 member's bill file; Report also printed in House Journal, May 2,
 3 page 1273.

4
 5 Amendment No. 2, by Representative(s) Gardner B.

6
 7 Amend reengrossed bill, page 143, after line 15, insert:

8
 9 "SECTION 173. In Colorado Revised Statutes, 1-40-107, **amend**
 10 (2) as follows:

11 **1-40-107. Rehearing - appeal - fees - signing.** (2) If any person
 12 presenting an initiative petition for which a motion for a rehearing is
 13 filed, any registered elector who filed a motion for a rehearing pursuant
 14 to subsection (1) of this section, or any other registered elector who
 15 appeared before the title board in support of or in opposition to a motion
 16 for rehearing is not satisfied with the ruling of the title board upon the
 17 motion, then the secretary of state shall furnish such person, upon request,
 18 a certified copy of the petition with the titles and submission clause of the
 19 proposed law or constitutional amendment, together with a certified copy
 20 of the motion for rehearing and of the ruling thereon. If filed with the
 21 clerk of the supreme court within five SEVEN days thereafter, the matter
 22 shall be disposed of promptly, consistent with the rights of the parties,
 23 either affirming the action of the title board or reversing it, in which latter
 24 case the court shall remand it with instructions, pointing out where the
 25 title board is in error."

26
 27 Renumber succeeding sections accordingly.

28
 29 As amended, ordered revised and placed on the Calendar for Third
 30 Reading and Final Passage.

31
 32
 33
 34 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

35
 36 Passed Second Reading: **SB12-118, HB12-1278 amended, 1360**
 37 **amended, 1359 amended, SB12-044 amended, 166 amended, 175**
 38 **amended.**

39
 40 The Chairman moved the adoption of the Committee of the Whole
 41 Report. As shown by the following roll call vote, a majority of those
 42 elected to the House voted in the affirmative, and the Report was
 43 **adopted.**

44
 45

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

1	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
2	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
3	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
4	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
5	Fields	Y	Liston	Y	Singer	Y	Young	Y
6							Speaker	Y

7
8
9
10 On motion of Representative Stephens, **HB12-1252** was made Special
11 Orders on Monday, May 7, 2012, at 2:32 p.m.
12
13

14 The hour of 2:32 p.m., having arrived, on motion of Representative
15 Liston, the House resolved itself into Committee of the Whole for
16 consideration of Special Orders and he was called to the Chair to act as
17 Chairman.
18
19

20 **SPECIAL ORDERS--SECOND READING OF BILLS**

21
22 The Committee of the Whole having risen, the Chairman reported the
23 titles of the following bills had been read (reading at length had been
24 dispensed with by unanimous consent), the bills considered and action
25 taken thereon as follows:
26

27 (Amendments to the committee amendment are to the printed committee
28 report which was printed and placed in the members' bill file.)
29

30 **HB12-1252** by Representative(s)Nikkel; also Senator(s) Spence--
31 Concerning the creation of an on-line database for a state
32 institution of higher education's financial information.
33

34 Amendment No. 1, Appropriations Report, dated May 4, 2012, and
35 placed in member's bill file; Report also printed in House Journal, May 4,
36 pages 1264-1265.
37

38 Amendment No. 2, by Representative(s) Nikkel.
39

40 Amend the Appropriations Committee Report, dated May 3, 2012, page
41 1, line 1, before line 1 insert:
42

43 "Amend printed bill, page 4, strike lines 14 through 27.
44

45 Page 5, strike lines 1 and 2 and substitute:
46

47 **"SECTION 5.** In Colorado Revised Statutes, **add 24-72.4-106** as
48 follows:
49

50 **24-72.4-106. State institution of higher education - revenue**
51 **and expenditure - inclusion on web-based system.** (1) NOLATER THAN
52 JULY 1, 2013, THE CHIEF INFORMATION OFFICER SHALL MODIFY THE
53 WEB-BASED SYSTEM TO INCLUDE REVENUE AND EXPENDITURE
54 INFORMATION FOR EACH STATE INSTITUTION OF HIGHER EDUCATION. A
55 STATE INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE ALL OF THE
56 INFORMATION SET FORTH IN THIS SECTION TO THE CHIEF INFORMATION
OFFICER. THE INFORMATION FOR EACH STATE INSTITUTION OF HIGHER

1 EDUCATION SHALL BE SEPARATELY INCLUDED IN THE WEB-BASED SYSTEM.
 2 (2) EXCEPT AS OTHERWISE SET FORTH IN THIS SECTION, A STATE
 3 INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE TO THE CHIEF
 4 INFORMATION OFFICER THE SAME INFORMATION RELATED TO ITS
 5 REVENUES AND EXPENDITURES AS THE DEPARTMENT OF TRANSPORTATION
 6 IS REQUIRED TO INCLUDE IN THE ON-LINE DATABASE PURSUANT TO
 7 SECTION 24-72.4-105."

8
 9 As amended, laid over until May 8, and returned to the General Orders
 10 Calendar.

11
 12
 13 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

14
 15 Laid over until date indicated retaining place on General Orders Calendar:
 16 **HB12-1252 amended**--May 8, 2012.

17
 18 The Chairman moved the adoption of the Committee of the Whole
 19 Report. As shown by the following roll call vote, a majority of those
 20 elected to the House voted in the affirmative, and the Report was
 21 **adopted**.

	YES	54	NO	11	EXCUSED	0	ABSENT	0
24	Acree	Y	Fischer	N	Looper	Y	Solano	Y
25	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
26	Barker	Y	Gerou	Y	McCann	Y	Soper	N
27	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
28	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
29	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
30	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
31	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
32	Casso	N	Kagan	Y	Pace	N	Todd	Y
33	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
34	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
35	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
36	DelGrosso	Y	Labuda	N	Ryden	Y	Waller	Y
37	Duran	N	Lee	Y	Schafer S.	Y	Williams A.	Y
38	Ferrandino	N	Levy	Y	Scott	Y	Wilson	N
39	Fields	Y	Liston	Y	Singer	Y	Young	N
40							Speaker	Y

41
 42
 43
 44 **CONSIDERATION OF RESOLUTION(S)**

45
 46 **HJR12-1023** by Representative(s) McNulty and Stephens, Waller,
 47 Nikkel, Murray, Priola, Becker, Bradford, DelGrosso,
 48 Gardner B., Gerou, Kerr J., Liston, Massey, Sonnenberg,
 49 Summers, Vaad--Concerning authorizing and directing the
 50 committee on legal services to retain legal counsel to
 51 represent the General Assembly as amicus curiae in the
 52 case of Lobato v. State of Colorado for the purpose of
 53 preserving and protecting the General Assembly's plenary
 54 power under the doctrine of separation of powers.

55
 56 (Printed and placed in members' file)

1 On motion of Representative McNulty, the resolution was **adopted** by
2 **viva voce** vote.

3

4 Co-sponsor(s) added: Representative(s) Acree, Barker, Baumgardner, Beezley,
5 Conti, Coram, Holbert, Joshi, Looper, Pabon, Ramirez, Scott, Swalm,
6 Swerdfeger, Szabo.

7

8

House in recess. House reconvened.

9

10

11

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

13

14 **APPROPRIATIONS**

15 After consideration on the merits, the Committee recommends the
16 following:

17

18 **SB12-005** be referred to the Committee of the Whole with favorable
19 recommendation.

20

21

22 **SB12-047** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:

25

26 Amend reengrossed bill, page 15, strike lines 15 through 21 and
27 substitute:

28

29 **"SECTION 11. Appropriation.** In addition to any other
30 appropriation, there is hereby appropriated, out of any moneys in the state
31 public school fund created in section 22-54-114 (1), Colorado Revised
32 Statutes, not otherwise appropriated, to the department of education, for
33 the fiscal year beginning July 1, 2012, the sum of \$1,000,000, or so much
34 thereof as may be necessary, for the implementation of section 22-2-112
35 (4), Colorado Revised Statutes.

36

37 **SECTION 12. Appropriation - adjustments in 2012 long bill.**
38 For the implementation of this act, the cash funds appropriations made in
39 the annual general appropriation act to the department of education for
40 the fiscal year beginning July 1, 2012, for the Colorado student
41 assessment program, is decreased by \$1,000,000. Said sum is from the
42 state public school fund created in section 22-54-114 (1), Colorado
43 Revised Statutes."

44

45 Renumber succeeding section accordingly.

46

47

48

49

50 **FINANCE**

51 After consideration on the merits, the Committee recommends the
52 following:

53

54 **SB12-002** be referred favorably to the Committee on Appropriations.

55

56

SB12-104 be referred favorably to the Committee on Appropriations.

57

1 **HEALTH & ENVIRONMENT**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **SB12-173** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
9

10 **MESSAGE(S) FROM THE SENATE**

11
12 The Senate has granted permission to the First Conference Committee to
13 go beyond the scope of the differences between the two houses, on
14 HB12-1168.

15
16 The Senate has postponed indefinitely HB12-1101. The bill is returned
17 herewith
18
19

20 The Senate has passed on Third Reading and returns herewith
21 HB12-1314, HB12-1084.
22

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

26 SB12-169 amended on Third Reading, May 7, 2012, as printed in
27 the Senate Journal.

28 SB12-174 amended as printed in Senate Journal, May 4, 2012,
29 page 1092.

30 SB12-155 amended as printed in Senate Journal, May 4, 2012,
31 pages 1093-1096.

32 SB12-105 amended as printed in Senate Journal, May 4, 2012,
33 pages 1096-1099, and amended on Third Reading,
34 May 7, 2012, as printed in the Senate Journal.

35 SB12-171 amended as printed in Senate Journal, May 4, 2012,
36 page 1099.

37 SB12-182 amended as printed in Senate Journal, May 4, 2012,
38 page 1099.

39 HB12-1329 amended as printed in Senate Journal, May 4, 2012,
40 page 1096.

41 HB12-1223 amended as printed in Senate Journal, May 4, 2012,
42 page 1099.

43 HB12-1267 amended as printed in Senate Journal, May 4, 2012,
44 page 1100.
45

46 The Senate has postponed indefinitely HB12-1306 and HB12-1218. The
47 bills are returned herewith.
48
49

50 The Senate has postponed indefinitely HB12-1069. The bill is returned
51 herewith
52
53
54
55
56

MESSAGE(S) FROM THE REVISOR

1
2
3 We herewith transmit:
4 Without comment, as amended, HB12-1329, 1223, and 1267.
5 Without comment, as amended, SB12-174, 169, 155, 105, 171, and 182.
6

MESSAGE(S) FROM THE GOVERNOR

7
8
9
10
11 I certify I received the following on the 7th day of May, 2012, at
12 3:10 p.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
19 May 7, 2012

20 The Honorable Colorado State House
21 Sixty-Eighth General Assembly
22 Second Regular Session
23 State Capitol
24 Denver, CO 80203

25 Dear Colleagues:

26
27 We are filing today with the Secretary of State House Bill 12-1348,
28 "Concerning the powers of the legislative department with respect to capitol
29 buildings group space, and, in connection
30 therewith, providing for the designation of space for the members of the
31 General Assembly, legislative staff, and legislative staff agencies and the
32 furnishing and equipping thereof, and granting the control of legislative spaces
33 to the legislative department."
34

35 I will neither sign nor veto House Bill 12-1348. Therefore, this bill will become
36 law at 12:01 a.m. on May 8, 2012. This letter sets forth my reasons for allowing
37 this bill to become law without my signature.
38

39 House Bill 12-1348 proceeds without a master plan for maximizing use of the
40 State's buildings in Denver or for controlling costs across all branches of
41 government in the face of rising leasing expenses. The Department of Personnel
42 and Administration (DPA) presented a preliminary plan to the Capital
43 Development Committee in December, 2011 outlining cost-effective plans for
44 converting 1525 Sherman St. from use by the Attorney General's Office and
45 consolidating two leased spaces into that building. Rather than working with
46 DPA to adapt the submitted long-range plan, House Bill 12-1348 makes hasty
47 decisions, the full financial impact of which will be borne by future General
48 Assemblies.
49

50 For example, House Bill 12-1348 designates parking spaces in proportion to the
51 space assigned to the General Assembly in the building at 1525 Sherman St.
52 Currently, the State charges market rate for parking in state-owned lots and the
53 revenue is used to repay certificates of participation (COP). Revenue for these
54 COP payments will be reduced to the extent that the General Assembly does not
55 pay for its proportionate share of the parking, requiring new financial outlays
56 to meet the COP payments of the parking structure.

1 Also at issue in House Bill 12-1348 are public safety concerns and the financial
2 resources required to allay those concerns. The tunnels between buildings are
3 primarily corridors for utilities, the staff that service those utilities, and the State
4 Patrol. Opening the tunnels to the General Assembly and staff represents a
5 serious employee safety hazard, exacerbated by the lack of communication in
6 the tunnels. Upgrading the accessibility of the tunnels and installing
7 communication equipment may require significant future appropriations. In
8 their current state, the tunnels present serious liabilities to the State through
9 potential workers' compensation claims or lawsuits.

10

11 Despite our concerns for financial planning and public safety, options remain
12 to address these issues and the Executive Committee of Legislative Services
13 maintains control over these new legislative areas. Our administration will
14 engage with the Executive Committee to address the issues raised by House Bill
15 12-1348.

16

17 For these reasons, I am allowing House Bill 12-1348 to become law without my
18 signature.

19

20 Sincerely,

21 (signed)

22 John W. Hickenlooper

23 Governor

24

25

26 May 7, 2012

27

28 To the Honorable House of Representatives

29 Sixty-Eighth General Assembly

30 Second Regular Session

31 State Capitol

32 Denver, CO 80203

33

34 Ladies and Gentlemen:

35

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

38

39 **HB12-1335** CONCERNING THE PROVISION FOR PAYMENT OF THE
40 EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND
41 JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO,
42 AND OF ITS AGENCIES AND INSTITUTIONS FOR AND
43 DURING THE FISCAL YEAR BEGINNING JULY 1, 2012,
44 EXCEPT AS OTHERWISE NOTED.

45

46 Approved May 7, 2012 at 1:23 pm

47

48 Sincerely,

49 (signed)

50 John W. Hickenlooper

51 Governor

52

53

54

55

56

INTRODUCTION OF BILLS
First Reading

1
2
3
4 The following bills were read by title and referred to the committees
5 indicated:

6
7 **SB12-105** by Senator(s) Steadman, Carroll, Guzman; also
8 Representative(s) Levy, Hulinghorst, Lee, Pabon--
9 Concerning provisions that improve the reintegration
10 opportunities for persons involved in the criminal justice
11 system, and, in connection therewith, making and reducing
12 appropriations.

13 Committee on State, Veterans, & Military Affairs
14

15 **SB12-155** by Senator(s) Heath and White; also Representative(s)
16 Court and Murray--Concerning procedures to protect
17 transparency in elections while preserving the integrity of
18 ballots in connection with a request for public inspection
19 of ballots under the "Colorado Open Records Act".

20 Committee on State, Veterans, & Military Affairs
21

22 **SB12-169** by Senator(s) Tochtrop; also Representative(s)
23 Sonnenberg--Concerning the administration of county
24 powers to maintain the landscape.

25 Committee on Agriculture, Livestock, & Natural Resources
26

27 **SB12-171** by Senator(s) Shaffer B. and Brophy; also
28 Representative(s) Becker--Concerning the creation of the
29 Colorado conservation and recreation fund, and, in
30 connection therewith, creating the Colorado conservation
31 license plate and making an appropriation.

32 Committee on Transportation

33 Committee on Finance
34

35 **SB12-174** by Senator(s) Johnston; also Representative(s) Pabon--
36 Concerning the creation of a pilot alternate property tax
37 valuation protest and appeal procedure for the city and
38 county of Denver.

39 Committee on State, Veterans, & Military Affairs
40

41 **SB12-182** by Senator(s) Bacon and Mitchell, Heath, Johnston,
42 Shaffer B., Cadman, Harvey; also Representative(s)
43 Massey, Ramirez--Concerning benefit corporations, and,
44 in connection therewith, making an appropriation.

45 Committee on Economic and Business Development
46

LAY OVER OF CALENDAR ITEM(S)

47
48
49
50
51 On motion of Representative Waller, the following item(s) on the
52 Calendar was (were) laid over until May 8, retaining place on Calendar:

53
54 Consideration of Third Reading--**SB12-160, 026, 078.**

55 Consideration of General Orders--**HB12-1109, 1347, 1354, SB12-051,**
56 **068, 159, 046, 170.**

1 Consideration of Conference Committee Report(s)--**HB12-1002,**
2 **SB12-020.**
3 Consideration of Resolution(s)--**HJR12-1020, SJR12-041, 025, 043, 044,**
4 **HJR12-1024.**
5 Consideration of Memorial(s)--**SJM12-003.**
6 Consideration of Senate Amendment(s)--**HJR12-1010, HB12-1270,**
7 **1275, 1059, 1081, 1304, 1324, 1124, 1041, 1068, 1226, 1274, 1294,**
8 **1303, 1036, 1043, 1086, 1237, 1238.**

9

10

11

12 On motion of Representative Gardner, the House adjourned until
13 9:00 a.m., May 8, 2012.

14

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Approved:
FRANK McNULTY,
Speaker

Attest:

MARILYN EDDINS,

Chief Clerk