

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

One hundred-eighth Legislative Day

Friday, April 27, 2012

1 The Speaker *Pro Tempore* called the House to order at 9:00 a.m.
2
3 Prayer by Pastor Del Phillips, The House of Worship Center, Denver.
4
5 Pledge of Allegiance led by Sloan Blake from High Plains Elementary,
6 Greenwood Village, and Griffen Blake.
7
8 The roll was called with the following result:
9
10 Present--40.
11 Excused--Representative(s) Becker, Beezley, Bradford, Casso,
12 Coram, DelGrosso, Ferrandino, Gardner B., Gerou,
13 Hullinghorst, Jones, Joshi, Kerr A., Levy, Looper, Massey,
14 McKinley, Pabon, Pace, Schafer, Scott, Solano, Singer,
15 Sonnenberg, Vaad--25.
16 Present after roll call--Representative(s) Becker, Coram,
17 DelGrosso, Ferrandino, Gardner B., Gerou, Hullinghorst, Jones,
18 Kerr A., Looper, Schafer, Solano, Singer, Sonnenberg, Vaad.
19
20 The Speaker declared a quorum present.

21 _____
22
23 On motion of Representative Duran, the reading of the journal of
24 April 26, 2012, was declared dispensed with and approved as corrected
25 by the Chief Clerk. _____
26

CONSIDERATION OF RESOLUTION(S)

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29
30 **SJR12-031** by Senator(s) Aguilar; also Representative(s) Kefalas--
31 Concerning Hepatitis C Awareness Day.

32
33 (Printed and placed in members' file)

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35 On motion of Representative Kefalas, the resolution was read at length
36 and **adopted** by **viva voce** vote.

37
38 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
39 Barker, Baumgardner, Brown, Conti, Court, Duran, Fields, Fischer, Hamner,
40 Holbert, Kagan, Kerr J., Labuda, Lee, Liston, McCann, Miklosi, Murray,
41 Nikkel, Peniston, Priola, Ramirez, Ryden, Soper, Stephens, Summers, Swalm,
42 Swerdfeger, Szabo, Todd, Tyler, Vigil, Waller, Williams A., Wilson, Young,
43 Speaker.

1 **SJR12-035** by Senator(s) Giron and Aguilar, Bacon, Carroll, Foster,
 2 Guzman, Hodge, Hudak, Jahn, Johnston, Morse,
 3 Nicholson, Schwartz, Steadman, Tochtrop, Williams S.;
 4 also Representative(s) Bradford and Peniston, Acree,
 5 Fields, Hamner, Jones, Kerr A., Labuda, Levy, Massey,
 6 Nikkel, Ryden, Schafer S., Summers, Todd, Williams A.,
 7 Wilson, Young--Concerning the designation of April 17,
 8 2012, as "Equal Pay Day" in Colorado, and, in connection
 9 therewith, acknowledging the persisting problem of wage
 10 disparity among various groups.

11
 12 (Printed and placed in members' file)

13
 14 On motion of Representative Peniston, the resolution was read at length
 15 and **adopted** by **viva voce** vote.

16
 17 Current Roll Call added as co-sponsor(s): Representative(s) Balmer, Barker,
 18 Baumgardner, Brown, Conti, Court, Duran, Fischer, Holbert, Kagan, Kefalas,
 19 Kerr J., Lee, Liston, McCann, Miklosi, Murray, Priola, Ramirez, Soper,
 20 Stephens, Swalm, Swerdfeger, Szabo, Tyler, Vigil, Waller, Speaker.

21
 22 **HJR12-1022** by Representative(s) Baumgardner, Looper, Massey,
 23 Wilson; also Senator(s) Nicholson, White--Concerning
 24 naming a portion of the Fraser River the "Eisenhower
 25 Memorial Reach".

26
 27 (Printed and placed in members' file)

28
 29 On motion of Representative Baumgardner, the resolution was read at
 30 length and **adopted** by **viva voce** vote.

31
 32 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
 33 Barker, Brown, Conti, Coram, Court, Duran, Fields, Fischer, Hamner, Holbert,
 34 Kagan, Kefalas, Kerr J., Labuda, Lee, Liston, McCann, Miklosi, Murray,
 35 Nikkel, Peniston, Priola, Ramirez, Ryden, Schafer S., Soper, Stephens,
 36 Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vigil, Waller, Williams A.,
 37 Young, Speaker.

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 41 **INTRODUCTION OF BILL**
 42 **First Reading**

43
 44 The following bill was read by title and referred to the committee
 45 indicated:

46
 47 **HB12-1353** by Representative(s) Becker, Gerou, Levy; also Senator(s)
 48 Steadman, Hodge, Lambert--Concerning the mitigation of
 49 the effect of automatic proportional reductions to the tier
 50 2 transfers out of the operational account of the severance
 51 tax trust fund when revenue shortfalls occur.

52 Committee on Appropriations

53
 54
 55 House in recess. House reconvened.
 56

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

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

HB12-1278 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend the Agriculture, Livestock, and Natural Resources Committee Report, dated April 25, 2012, page 4, strike lines 2 and 3 and substitute: "REGARDING SPECIFIC ISSUES INCLUDING TO WHAT EXTENT DEPLETIONS CAUSED BY PAST PUMPING OF".

Page 4, strike line 6 and substitute:

"(e) IN ADDITION, AND WITHOUT EXPENDING ADDITIONAL FUNDS, THE INSTITUTE SHALL EVALUATE AND REPORT ITS FINDINGS AND CONCLUSIONS TO THE BOARD AND THE GENERAL ASSEMBLY REGARDING: (I) TO WHAT EXTENT AUGMENTATION PLANS ARE PREVENTING".

Renumber succeeding paragraphs accordingly.

Page 4, line 16, strike "(e)" and substitute "(f)".

Page 4, strike lines 31 through 39 and substitute:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund created in section 37-60-121 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, for the fiscal year beginning July 1, 2012, the sum of \$910,900, or so much thereof as may be necessary, for allocation to the Colorado water conservation board for the H.B. 12-1278 South Platte Alluvial Aquifer Study related to the implementation of this act."

HB12-1327 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend the House Transportation Committee Report, dated April 25, 2012, page 5, after line 3 insert:

"SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2012, the sum of \$11,840, or so much thereof as may be necessary, to be allocated for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and

1 registration account in the highway users tax fund created in section 42-1-
2 211 (2), Colorado Revised Statutes, not otherwise appropriated, to the
3 department of revenue, for the fiscal year beginning July 1, 2012, the sum
4 of \$12,210, or so much thereof as may be necessary, for the purchase of
5 computer center services.

6 (3) In addition to any other appropriation, there is hereby
7 appropriated to the governor - lieutenant governor - state planning and
8 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$12,210,
9 or so much thereof as may be necessary, for allocation to the office of
10 information technology, for the provision of computer center services for
11 the department of revenue related to the implementation of this act. Said
12 sum is from reappropriated funds received from the department of revenue
13 out of the appropriation made in subsection (2) of this section."
14

15 Renumber succeeding sections accordingly.

16
17 Page 5 of the committee report, line 11, strike ""PROVISIONS, AND" and
18 substitute ""PROVISIONS,".
19

20 Page 5 of the committee report, line 12, strike "PLATE." and substitute
21 "PLATE, AND, IN CONNECTION THEREWITH, MAKING AN
22 APPROPRIATION.".
23

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26 **HB12-1351** be referred to the Committee of the Whole with favorable
27 recommendation.
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30 **HB12-1353** be referred to the Committee of the Whole with favorable
31 recommendation.
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35 **SB12-026** be referred to the Committee of the Whole with favorable
36 recommendation.
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40 **SB12-078** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:
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44

45 Amend the House Health and Environment committee report, dated April
46 19, 2012, page 1, strike lines 1 through 3.
47

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49 Page 1 of the committee report, line 4, strike "Page 3," and substitute
50 "Amend reengrossed bill, page 3,".
51

52

53 Page 1 of the committee report, strike lines 8 through 17.
54

55

56 Page 2 of the committee report, strike lines 1 through 25 and substitute:
57 "Page 8, line 15, strike "OR FAILS TO MAKE A REPORT".
58

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60 Page 8, strike lines 18 and 19 and substitute "so long as such action was
61 taken in good faith and not in reckless".
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PRINTING REPORT1
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The Chief Clerk reports the following bill has been correctly printed:
HB12-1352.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB12-1131, 1153, 1162, 1258, 1335, 1336, 1337, 1338, 1339, 1340, 1344.**

DELIVERY OF BILL TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bill has been delivered to the Office of the Governor: **HB12-1335** at 10:04 a.m. on April 27, 2012.

MESSAGE(S) FROM THE SENATE

The Senate has passed on Third Reading and returns herewith
HB12-1348.

The Senate has postponed indefinitely **HB12-1014**. The bill is returned herewith.

The Senate has passed on Third Reading and returns herewith
HB12-1140.

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

SB12-101 amended as printed in Senate Journal, April 24, 2012, page 839.

SB12-027 amended as printed in Senate Journal, April 24, 2012, page 839.

SB12-028 amended as printed in Senate Journal, April 24, 2012, pages 839-840.

SB12-002 amended on Third Reading, April 26, 2012, as printed in the Senate Journal.

HB12-1304 amended as printed in Senate Journal, April 23, 2012, page 818, and amended in General Orders as printed in Senate Journal, April 24, 2012, page 838.

HB12-1081 amended as printed in Senate Journal, April 24, 2012, page 838.

HB12-1059 amended as printed in Senate Journal, April 24, 2012, pages 838-839.

HB12-1324 amended as printed in Senate Journal, April 24, 2012, page 841.

1 The Senate has passed on Third Reading and transmits to the Revisor of
2 Statutes:

3
4 SB12-175 amended as printed in Senate Journal, April 26, 2012,
5 pages 888-889, and amended on Third Reading,
6 April 27, 2012, as printed in the Senate Journal.
7 SB12-104 amended as printed in Senate Journal, April 26, 2012,
8 pages 889-890.
9 SB12-090 amended as printed in Senate Journal, April 26, 2012,
10 page 890.
11 SB12-046 amended as printed in Senate Journal, April 26, 2012,
12 pages 890-891.

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16 **MESSAGE(S) FROM THE REVISOR**

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18 We herewith transmit:
19 Without comment, as amended, HB12-1059, 1081, 1304, and 1324.
20 Without comment, as amended, SB12-002, 027, 028, and 101.

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22
23 We herewith transmit:
24 With comment, as amended, SB12-175.
25 Without comment, as amended, SB12-104, 090, and 046.

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29 **INTRODUCTION OF BILLS**
30 **First Reading**

31
32 The following bills were read by title and referred to the committees
33 indicated:

34
35 **HB12-1354** by Representative(s) McKinley and Sonnenberg--
36 Concerning the requirement that a dog breeder provide
37 dogs with access to solid flooring in the cages where they
38 are kept in the dog breeder's pet animal facility.
39 Committee on Agriculture, Livestock, & Natural Resources

40
41 **HB12-1355** by Representative(s) Gerou, Becker, Levy; also Senator(s)
42 Hodge, Steadman, Lambert--Concerning the transfer of the
43 geological survey to the Colorado school of mines.
44 Committee on Appropriations

45
46 **HB12-1356** by Representative(s) Sonnenberg; also Senator(s) Brophy--
47 Concerning a prohibition on a local government that
48 impacts oil and gas extraction from receiving any moneys
49 from the local government severance tax fund.
50 Committee on Agriculture, Livestock, & Natural Resources

51
52 **SB12-005** by Senator(s) Newell; also Representative(s) Massey--
53 Concerning the creation of the Colorado business retention
54 and expansion program.
55 Committee on Appropriations

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- 1 **SB12-047** by Senator(s) King K. and Bacon; also Representative(s)
2 Massey and Holbert--Concerning the use of assessment
3 results for students enrolled in grades nine through twelve
4 to assist students in graduating from high school without
5 needing subsequent remedial educational services, and, in
6 connection therewith, making an appropriation.
7 Committee on Education
8
- 9 **SB12-139** by Senator(s) Boyd; also Representative(s) Fields and
10 Summers--Concerning the "Colorado Job Support Act",
11 and, in connection therewith, requiring a post-enactment
12 review of the implementation of this act.
13 Committee on State, Veterans, & Military Affairs
14
- 15 **SB12-144** by Senator(s) Heath and Scheffel; also Representative(s)
16 Summers and Ryden, Kerr A.--Concerning efforts by the
17 Colorado office of economic development to grow the
18 state's key industries.
19 Committee on Appropriations
20
- 21 **SB12-159** by Senator(s) Hudak, Aguilar, Nicholson, Shaffer B.,
22 Williams S.; also Representative(s) Kerr J., Massey,
23 Schafer S., Peniston, Summers--Concerning the evaluation
24 of home- and community-based services for children with
25 autism under the medicaid waiver program, and, in
26 connection therewith, making an appropriation.
27 Committee on Health and Environment
28
- 29 **SB12-164** by Senator(s) Heath and King K.; also Representative(s)
30 Massey and Todd--Concerning the operation of private
31 postsecondary institutions in Colorado, and, in connection
32 therewith, making an appropriation.
33 Committee on Education
34
- 35 **SB12-165** by Senator(s) Schwartz, Giron; also Representative(s)
36 Baumgardner--Concerning the funding of Colorado water
37 conservation board projects, and making appropriations in
38 connection therewith.
39 Committee on Agriculture, Livestock, & Natural Resources
40
- 41 **SB12-166** by Senator(s) Giron and Roberts; also Representative(s)
42 Priola and Williams A.--Concerning the coordination of
43 various economic development reports, and, in connection
44 therewith, requiring the Colorado office of economic
45 development to report annually to the general assembly
46 regarding the programs it administers.
47 Committee on Finance
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INTRODUCTION OF RESOLUTION

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

SJR12-041 by Senator(s) Morse; also Representative(s) Stephens--
Concerning the convening date for the 2013 First Regular
Session of the Sixty-ninth General Assembly.

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Stephens, the following item(s) on the Calendar was (were) laid over until April 30, retaining place on Calendar:

Consideration of Third Reading--**HB12-1319, 1333, SB12-160.**
Consideration of General Orders--**SB12-118, HB12-1109, 1119, 1347, 1268, SB12-038, 161, HB12-1346.**
Consideration of Resolution(s)--**HJR12-1020, 1021.**
Consideration of Memorial(s)--**HM12-1003.**
Consideration of Senate Amendment(s)--**HJR12-1010, HB12-1008, 1034, 1114, 1151, 1070, 1270, 1224, 1262, 1239, 1244, 1276, 1307, 1012, 1052, 1105, 1146, 1321, 1275.**

On motion of Representative Becker, the House adjourned until 10:00 a.m., April 30, 2012.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk