HOUSE JOURNAL SIXTY-EIGHTH GENERAL ASSEMBLY STATE OF COLORADO

Second Regular Session

Ninth Legislative Day

Thursday, January 19, 2012

The Speaker called the House to order at 9:00 a.m. 1 2 3 Prayer by Rabbi Joe Black, Temple Emanuel, Denver. 4 5 Pledge of Allegiance led by Matthew Baumgardner, Grandby Elementary. 6 7 The roll was called with the following result: 8 9 Present--63. 10 Excused--Representative(s) Miklosi--1. 11 Present after roll call--Representative(s) Miklosi. 12 Vacancy--1. 13 14 The Speaker declared a quorum present. 15 16 17 On motion of Representative Wilson, the reading of the journal of January 18, 2012, was declared dispensed with and approved as corrected 18 19 by the Chief Clerk. 20 21 **CONSIDERATION OF RESOLUTION(S)** 22 23 24 <u>HR12-1003</u> by Representative(s) Balmer--Concerning an application 25 under Article V of the United States Constitution to the 26 Congress of the United States to call a convention for 27 proposing an amendment to the United States Constitution 28 to repeal the "Patient Protection and Affordable Care 29 Act". 30 31 (Printed and placed in member's file.) 32 33 Representative Balmer moved that the resolution be adopted. 34 35 <u>Amendment No. 1</u>, moved by Representative Ferrandino. 36 Amend printed resolution, page 2, strike lines 3 through 6 and substitute: 37 38 39 "WHEREAS, If a constitutional convention is called that results 40 in the repeal of the Act, according to a February 2011 estimate prepared by the nonpartisan Congressional budget office, the federal budget deficit 41 will increase by over two hundred ten billion dollars between 2012 and 42 2021; and". 43

YES		NO		EXCU			NT 0	VACANCY	
Acree	Ν		Fischer		Y	Liston	Ν	Solano	Y
Balmer	Ν		Gardner		Ν	Looper	Ν	Sonnenberg	Ν
Barker	Ν				V	Massey	Ν	Soper	Y
Baumga			Gerou		Ν	McCann	Y	Stephens	Ν
Becker	Ν		Hamner		Y	McKinley	Y	Summers	Ν
Beezley			Holbert		Ν	Miklosi	E	Swalm	Ν
Bradfor			Hullingh	orst	Y	Murray	Ν	Swerdfeger	Ν
Brown	Ν		Jones		Y	Nikkel	Ν	Szabo	Ν
Casso	Ŋ	Ζ.	Joshi		Ν	Pabon	Y	Todd	Y
Conti	Ν		Kagan		Y	Pace	Y	Tyler	Y
Coram	Ν	1	Kefalas		Y	Peniston	Y	Vaad	Ν
Court	Ŋ		Kerr A.		Y	Priola	Ν	Vigil	Y
DelGros	sso N	J	Kerr J.		Ν	Ramirez	Ν	Waller	Ν
Duran	Ŋ		Labuda		Y	Ryden	Y	Williams A.	Y
Ferrand	ino Y		Lee		Y	Schafer S.	Y	Wilson	Y
Fields	Ŋ		Levy		Y	Scott	Ν	Young	Y
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1 The amendment was declared **lost** by the following roll call vote:

Amendment No. 3, moved by Representative Gardner. 1

2 3 Amend printed resolution, page 2, after line 2, insert:

4 5 "WHEREAS, The Act will increase the cost of health care for Colorado families, add trillions to the national debt, stifle innovation, 6 result in the rationing of health care, and force millions of Americans to 7 lose their current health care coverage; and". 8 9

The amendment was declared **passed** by the following roll call vote: 10 11

12	YES 33	NO	31 I	EXCUSED	0	ABSENT	0 VACANO	CY 1
13	Acree	Ν	Fischer	Y	Liston	Ν	Solano	Y
14	Balmer	Ν	Gardner	Ν	Looper	Ν	Sonnenberg	Ν
15	Barker	Ν		V	Massey	Ν	Soper	Y
16	Baumgardner	Ν	Gerou	Ν	McCann	Y	Stephens	Ν
17	Becker	Ν	Hamner	Y	McKinle	ey Y	Summers	Ν
18	Beezley	Ν	Holbert	Ν	Miklosi	E	Swalm	Ν
19	Bradford	Ν	Hullingho	orst Y	Murray	Ν	Swerdfeger	Ν
20	Brown	Ν	Jones	Y	Nikkel	Ν	Szabo	Ν
21	Casso	Y	Joshi	Ν	Pabon	Y	Todd	Y
22	Conti	Ν	Kagan	Y	Pace	Y	Tyler	Y
23	Coram	Ν	Kefalas	Y	Peniston	Y	Vaad	Ν
24	Court	Y	Kerr A.	Y	Priola	Ν	Vigil	Y
25	DelGrosso	Ν	Kerr J.	Ν	Ramirez	Ν	Waller	Ν
26	Duran	Y	Labuda	Y	Ryden	Y	Williams A.	Y
27	Ferrandino	Y	Lee	Y	Schafer	S. Y	Wilson	Y
28	Fields	Y	Levy	Y	Scott	Ν	Young	Y
29			-				Speaker	Ν
20							-	

30

Amendment No. 4, moved by Representative Fischer. 31

32 33 Amend printed resolution, page 1, strike lines 9 through 12 and substitute: 34

"WHEREAS, If a constitutional convention is called that results 35 in the repeal of the Act, seniors who are now enjoying a significant 36 discount on covered brand name prescription drugs under the Medicare prescription drug coverage known as the "donut hole" will lose this 37 38 benefit; and". 39

40

The amendment was declared **lost** by the following roll call vote: 41 42

YES	31	NO	33	EXCUS	ED	0	ABSENT	0	VACANCY	1
Acree		Ν	Fischer	,	Y	Liston	N	S S	olano	Y
Balmer		Ν	Gardner	: I	N	Looper	N	S S	onnenberg	Ν
Barker		Ν		V	V	Massey	N	S S	oper	Y
Baumga	rdner	Ν	Gerou	1	N	McCan	ı Y	St	ephens	Ν
Becker		Ν	Hamner		Y	McKinl	ey Y	Sı Sı	ummers	Ν
Beezley		Ν	Holbert	1	N	Miklosi	Y	Sv.	walm	Ν
Bradford	ł	Ν	Hulling	horst	Y	Murray	N	[Sv	werdfeger	Ν
Brown		Ν	Jones	N.	Y	Nikkel	N	[Sz	zabo	Ν
Casso		Y	Joshi	1	N	Pabon	Y	T T	bbc	Y
Conti		Ν	Kagan	,	Y	Pace	Y	T T	yler	Y
Coram		Ν	Kefalas	,	Y	Penistor	ı Y	V	aad	Ν
Court		Y	Kerr A.	,	Y	Priola	Ν	[V	igil	Y
DelGros	so	Ν	Kerr J.	1	N	Ramirez	z N			Ν
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Page 52

2 Ferrandino Y Lee Y Schafer S. Y Wilson 3 Fields Y Levy Y Scott N Young 4 Speaker	Y Y Y N	Y Y Y N
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67 Amendment No. 5, moved by Representative Duran.

8
9 Amend printed resolution, page 2, strike lines 1 and 2 and substitute:

"WHEREAS, If a constitutional convention is called that results
in the repeal of the Act, according to a study cited by the Colorado Trust,
economic activity across the state will be obstructed and the state will
lose approximately 19,000 new jobs by 2019; and".

15

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

1/									
18	YES 31	. 1	NO 3.	B EXC	CUSED	0 A	BSENT 0	VACANCY	<i>1</i>
19	Acree	N	I Fisc	her	Y	Liston	Ν	Solano	Y
20	Balmer	N	J Gar	dner	Ν	Looper	Ν	Sonnenberg	Ν
21	Barker	N	1		V	Massey	Ν	Soper	Y
22	Baumgard	ner N	Ger	ou	Ν	McCanr	n Y	Stephens	Ν
23	Becker	N	I Han	nner	Y	McKinle	ey Y	Summers	Ν
24	Beezley	N	I Hol	bert	Ν	Miklosi	Y	Swalm	Ν
25	Bradford	N	I Hul	linghors	t Y	Murray	Ν	Swerdfeger	Ν
26	Brown	N			Y	Nikkel	Ν	Szabo	Ν
27	Casso	Y	Z Josł	ni	Ν	Pabon	Y	Todd	Y
28	Conti	N	I Kag	an	Y	Pace	Y	Tyler	Y
29	Coram	N			Y	Penistor	n Y	Vaad	Ν
30	Court	Y	Ker	r A.	Y	Priola	Ν	Vigil	Y
31	DelGrosso	N	Ker	r J.	Ν	Ramirez	z N	Waller	Ν
32	Duran	Y	′ Lab	uda	Y	Ryden	Y	Williams A.	Y
33	Ferranding) Y	Lee		Y	Schafer	S. Y	Wilson	Y
34	Fields	Y	Lev Lev	у	Y	Scott	Ν	Young	Y
35				-				Speaker	Ν

36 37

38 <u>Amendment No. 6</u>, moved by Representative Gardner.

39

40 Amend printed resolution, page 2, after line 13, insert:

41

"WHEREAS, The Act, for the first time, extends the commerce
power of the United States to mandating individual conduct, and the Act
depends upon this unconstitutional mandate for its funding; and".

45

<u>Amendment No. 7</u>, moved by Representative Ferrandino, amending the
 above amendment No. 6, by Representative Gardner.

48

49 Amend, Amendment No. 6, by Representative Gardner (printed in House

50 Journal January 19, page 52 line 37), strike "unconstitutional" and strike

51 "funding; and" and substitute "funding; the Act is currently under review

52 by the United States Supreme Court; and".

53

54 Representative Ferrandino's amendment was declared **passed** by **viva** 55 **voce** vote:

56

Representative Gardner's amendment, as amended, by Amendment No. 7 by Representative Ferrandino, was declared **passed** by **viva voce** vote: 1 2 3

4 5 6 On motion of Representative Balmer, the resolution, as amended, was **adopted** by the following roll call vote:

7	YES 33	NO	31	EXCU	JSED	0 AB	SENT	0	VACANCY	1
8	Acree	Y	Fischer		Ν	Liston	Y	ζ	Solano	Ν
9	Balmer	Y	Gardner		Y	Looper	Y	ζ	Sonnenberg	Y
10	Barker	Y			V	Massey	Ŋ	ζ	Soper	Ν
11	Baumgardner	Y	Gerou		Y	McCann		J	Stephens	Y
12	Becker	Y	Hamner		Ν	McKinley		Č	Summers	Y
13	Beezley	Ŷ	Holbert		Y	Miklosi	/	J	Swalm	Ŷ
14	Bradford	Ň	Hullingh	orst	Ň	Murray		Č	Swerdfeger	Ŷ
15	Brown	Y	Jones	10150	N	Nikkel		7	Szabo	Ŷ
16	Casso	Ň	Joshi		Y	Pabon		J	Todd	Ň
17	Conti	Y	Kagan		N	Pace		J	Tyler	N
18	Coram	Ŷ	Kefalas		N	Peniston		J	Vaad	Y
19	Court	N	Kerr A.		N	Priola		r C	Vigil	N
20	DelGrosso	Y	Kerr J.		Y	Ramirez		7	Waller	Y
20		N	Labuda		N			J	Williams A.	N
$\frac{21}{22}$	Duran				N	Ryden			Willson	N
	Ferrandino	N N	Lee			Schafer S		N Z		
23	Fields	Ν	Levy		Ν	Scott	Y	Ĺ	Young	N
24 25			d. Danna	antati	iva(a)	A arrage D	ontron	Da	Speaker	Y
23 26	Co-sponsor(s) a Brown, Coram		u. Kepies rdnor D	Gara) Aciee, D		Da	migaruner, De	
20 27										
$\frac{27}{28}$	Nikkel, Priola	, 50	ion, 5011	nende	1g, 1	stephens,	Summ	iei	s, Swalli, w	allel,
20	Speaker.									
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- 55 Page 2, strike lines 16 through 21 and substitute "fund. Any moneys in the
- 56 fund not expended or encumbered from any appropriation at the end of

1 any fiscal year shall remain available, without further appropriation, for 2 expenditure in the next fiscal year by the department to be used THE 3 GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE FUND for 4 monthly partial reimbursement to processors and end users, up to a maximum of sixty-five dollars for each ton of raw Colorado waste tires 5 6 that are processed or used. The purpose of such THE". 7 8 Page 2, line 25, after the period add "THE DEPARTMENT SHALL NOT 9 REIMBURSE A PROCESSOR FOR PROCESSING WASTE TIRES UNLESS THE 10 PROCESSOR HAS END USED THE TIRE-DERIVED PRODUCT OR IF THE 11 TIRE-DERIVED PRODUCT HAS BEEN SOLD FOR AN END USE AND MOVED OFF-SITE.". 12 13 14 15 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS 16 17 18 The Speaker has signed: **HR12-1001**, **1002**. 19 20 21 22 **INTRODUCTION OF BILLS** 23 **First Reading** 24 The following bills were read by title and referred to the committees 25 26 indicated: 27 28 HB12-1102 by Representative(s) Swalm, Balmer, Holbert, Soper; also 29 Senator(s) Tochtrop--Concerning a cap on increases in electrical utility rates arising from implementation of the 30 "Clean Air - Clean Jobs Act". 31 32 Committee on Transportation 33 34 HB12-1103 by Representative(s) Vaad--Concerning an authorization for a board of county commissioners to exclude its county 35 from the enhanced automobile inspection and readjustment 36 emissions program area if the excluded county does not 37 38 violate applicable national ambient air quality standards. 39 Committee on Health and Environment 40 by Representative(s) Swerdfeger, Acree, Conti, Hullinghorst, Kagan, Kefalas, Pabon, Swalm; also 41 <u>HB12-1104</u> by 42 43 Senator(s) Giron--Concerning a change to the voluntary contribution designation benefiting the Colorado breast 44 45 and women's reproductive cancers fund, and, in connection therewith, changing the name of the fund to the 46 47 Colorado cancer fund and expanding the purpose of the 48 fund to include furtherance of the Colorado Cancer 49 Coalition's work on behalf of the cancer community. 50 Committee on Finance 51 52 <u>HB12-1105</u> by Representative(s) Becker--Concerning wind energy 53 property rights. 54 Committee on Agriculture, Livestock, & Natural Resources 55 56

INTRODUCTION OF RESOLUTION 1 2 3 4 The following resolution was read by title and laid over one day under the rules: 5 6 **HJR12-1002** by Representative(s) Baumgardner; also Senator(s) Nicholson, White--Concerning the recognition of the 100th anniversary of the Grand Winter Sports Carnival 7 8 9 and celebrating a century of skiing in Colorado. 10 11 12 On motion of Representative Stephens, the House adjourned until 9:00 a.m., January 20, 2012. 13 14 15 Approved: FRANK McNULTY, 16 17 Speaker 18 19 Attest: 20 MARILYN EDDINS, 21 Chief Clerk

1