

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

Fourteenth Legislative Day

Tuesday, January 25, 2011

1 The Speaker called the House to order at 9:00 a.m.

2

3 Prayer by Father Prudencio Rodriguez, Member of the Congregation of
4 the Mission, Denver.

5

6 Pledge of Allegiance led by Wanda Taylor, Colorado Center for the
7 Blind, Littleton.

8

9 The roll was called with the following result:

10

11 Present--65.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Beezley, the reading of the journal of
17 January 24, 2011, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

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

23

24 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

27

28 **HB11-1004** be amended as follows, and as so amended, be referred to
29 the Committee on Appropriations with favorable
30 recommendation:

31

32 Amend printed bill, page 2, line 18, strike "EFFECTIVE JANUARY 1, 2012,
33 THE" and substitute "THE".

34

35 Page 3, strike lines 3 through 14 and substitute:

36

37 **"SECTION 3. Act subject to petition - effective date -**
38 **applicability.** (1) This act shall take effect January 1, 2012; except that,
39 if a referendum petition is filed pursuant to section 1 (3) of article V of
40 the state constitution against this act or an item, section, or part of this act
41 within the ninety-day period after final adjournment of the general
42 assembly, then the act, item, section, or part shall not take effect unless
43 approved by the people at the general election to be held in November

1 2012 and shall take effect on January 1, 2012, or on the date of the
 2 official declaration of the vote thereon by the governor, whichever is
 3 later.

4 (2) The provisions of this act shall apply to vehicles registered or
 5 registration renewals on or after the applicable effective date of this act."
 6

7
 8
 9 **HB11-1039** be postponed indefinitely.

10

11

12 **HB11-1040** be referred to the Committee of the Whole with favorable
 13 recommendation.
 14

15

16

17

18

18 **EDUCATION**

19 After consideration on the merits, the Committee recommends the
 20 following:
 21

21

22 **HB11-1017** be referred to the Committee of the Whole with favorable
 23 recommendation.
 24

25

26

26 **HB11-1060** be referred to the Committee of the Whole with favorable
 27 recommendation.
 28

29

30

30 **HB11-1077** be amended as follows, and as so amended, be referred to
 31 the Committee of the Whole with favorable
 32 recommendation:
 33

33

34 Amend printed bill, page 2, after line 1 insert:
 35

35

36 "SECTION 1. 22-20-102 (3), (4), and (5), Colorado Revised
 37 Statutes, are amended to read:
 38

38

39 **22-20-102. Legislative declaration.** (3) It is further the intent of
 40 this ~~article~~ PART 1 to ensure that there is a coordination of all services
 41 available to children with disabilities and to promote interagency
 42 operating agreements or contracts between administrative units, other
 43 public agencies, nonprofit organizations, and eligible facilities for the
 44 provision of appropriate services for children with disabilities.
 45

45

46 (4) It is further the intent of the general assembly that this ~~article~~
 47 PART 1, and the rules promulgated pursuant to this ~~article~~ PART 1 by the
 48 state board, align closely with the federal "Individuals with Disabilities
 49 Education Improvement Act of 2004", 20 U.S.C. sec. 1400 et seq., as
 50 amended, and its implementing regulations, 34 CFR part 300 and 34 CFR
 51 part 303, as they pertain to child find, in order to minimize the number of
 52 rules, regulations, and policies to which administrative units,
 53 state-operated programs, and eligible facilities are subject.
 54

54

55 (5) Nothing in this ~~article~~ PART 1 shall be construed to affect the
 56 placement of children out of the home or alternatives to such placements

1 as provided in section 19-1-116, C.R.S."
2
3 Renumber succeeding sections accordingly.
4
5 Page 2, line 5, strike "(1)", and before "and" insert "(15)".
6
7 Page 2, strike lines 9 through 12.
8
9 Page 3, after line 12 insert:
10
11 "(15) "Individualized education program" or "IEP" means a
12 written statement for a child with a disability that is developed, reviewed,
13 and revised in accordance with this ~~article~~ PART 1 and the rules
14 promulgated by the state board."
15
16 Page 8, after line 21 insert:
17
18 "**SECTION 9.** 22-20-114 (5), Colorado Revised Statutes, is
19 amended to read:
20
21 **22-20-114. Funding of programs.** (5) Payments made under the
22 provisions of this ~~article~~ PART 1 shall not affect the amount of other state
23 aid for which an administrative unit may qualify."
24
25 Renumber succeeding sections accordingly.
26
27 Page 10, line 25, strike "PART" and substitute "ARTICLE."
28
29 Page 10, strike line 26.
30
31 Page 11, after line 3 insert:
32
33 "(3) "BOARD OF COOPERATIVE SERVICES" MEANS A REGIONAL
34 EDUCATIONAL SERVICES UNIT CREATED PURSUANT TO ARTICLE 5 OF THIS
35 TITLE AND DESIGNED TO PROVIDE SUPPORTING, INSTRUCTIONAL,
36 ADMINISTRATIVE, FACILITY, COMMUNITY, OR ANY OTHER SERVICES
37 CONTRACTED BY PARTICIPATING MEMBERS."
38
39 Renumber succeeding subsections accordingly.
40
41 Page 11, line 12, strike "(5)" and substitute "(6)".
42
43 Page 13, strike line 2 and substitute "ADMINISTRATIVE UNIT".
44
45 Page 16, line 9, strike "2011," and substitute "2008,".
46
47 Page 18, line 23, strike "(5)" and substitute "(6)".
48
49 Page 19, line 7, strike "(5)." and substitute "(6)".
50
51 Page 19, line 23, strike "(5)." and substitute "(6)".
52
53
54
55

1 **FINANCE**

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

4
5 **HJR11-1007** be amended as follows, and as so amended, be referred out
6 for final action:

7
8 Amend printed joint resolution, page 3, line 19, strike "\$7,093.3" and
9 substitute "\$6,898.2".

10
11
12
13 **PRINTING REPORT**

14
15 The Chief Clerk reports the following bills have been correctly printed:
16 **HB11-1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147.**

17
18
19
20 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

21
22 On motion of Representative Stephens, the rules were suspended and the
23 following resolution was given immediate consideration.

24
25 **HJR11-1007** by Representative(s) DelGrosso; also Senator(s) Johnston-
26 -Concerning the certification by the general assembly of
27 its estimate of state general fund revenues and allowable
28 state general fund appropriations for the 2011-12 fiscal
29 year.

30
31 (Printed and placed in member's files.)

32
33 Representative DelGrosso moved that the resolution be adopted.

34
35 Representative DelGrosso moved the following amendment:

36
37 Amendment No. 1, Finance Report, dated January 25, 2011, and placed
38 in member's bill file; Report also printed in House Journal, January 25,
39 page 94.

40
41 The amendment was declared **passed** by the following roll call vote:

	YES	39	NO	26	EXCUSED	0	ABSENT	0
44	Acree	Y	Fischer	N	Liston	Y	Scott	Y
45	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
46	Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
47	Baumgardner	Y	Gerou	Y	McCann	N	Soper	N
48	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
49	Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y
50	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
51	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
52	Casso	N	Joshi	Y	Pabon	N	Szabo	Y
53	Conti	Y	Kagan	N	Pace	N	Todd	N
54	Coram	Y	Kefalas	N	Peniston	N	Tyler	N
55	Court	N	Kerr A.	N	Priola	Y	Vaad	Y
56	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N

1	Duran	N	Labuda	N	Riesberg	N	Waller	Y
2	Ferrandino	N	Lee	Y	Ryden	Y	Williams A.	N
3	Fields	N	Levy	Y	Schafer S.	N	Wilson	Y
4							Speaker	Y

5
6 On motion of Representative DelGrosso, the resolution, as amended, was
7 **adopted** by **viva voce** vote.

8
9

10

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

14

15

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

17

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

22

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

25

26 **HB11-1015** by Representative(s) Jones; also Senator(s) Tochtrop--
27 Concerning the licensure of certified public accountants.

28

29 Amendment No. 1, by Representative(s) Jones.

30

31 Amend printed bill, page 5, line 16, strike "health and safety" and
32 substitute "health, and safety, AND WELFARE".

33

34 Page 5, line 17, strike "certificate," and substitute "certificate OR
35 REGISTRATION,".

36

37 Page 5, line 21, after "uncertified" insert "OR UNREGISTERED".

38

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

41

42 **HB11-1023** by Representative(s) Ferrandino; also Senator(s) Carroll--
43 Concerning efforts to reduce the number of foreclosures in
44 Colorado, and, in connection therewith, continuing the
45 foreclosure deferment program.

46

47 Amendment No. 1, Economic & Business Development Report, dated
48 January 18, 2011, and placed in member's bill file; Report also printed in
49 House Journal, January 19, page 67.

50

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

53

54 **HB11-1006** by Representative(s) Coram; also Senator(s) Schwartz--
55 Concerning the composition of a regional tourism
56 authority governing board when the board will be

1 comprised of more than two local governmental entities
2 that are counties.

3
4 Amendment No. 1, by Representative(s) Hullinghorst.

5
6 Amend printed bill, page 2, line 12, after "and" insert "ONE LESS THAN".

7
8 Page 2, line 18, after "AND" insert "ONE LESS THAN".

9
10 As amended, ordered engrossed and placed on the Calendar for Third
11 Reading and Final Passage.

12
13 **HB11-1011** by Representative(s) Peniston; also Senator(s) Giron--
14 Concerning the participation of additional individuals in a
15 proceeding pending before the board of assessment
16 appeals.

17
18 Ordered engrossed and placed on the Calendar for Third Reading and
19 Final Passage.

20
21 **HB11-1009** by Representative(s) Waller; also Senator(s) Newell--
22 Concerning interstate compacts for adult criminal
23 supervision.

24
25 Ordered engrossed and placed on the Calendar for Third Reading and
26 Final Passage.

27
28 **HB11-1022** by Representative(s) Scott, Massey, Holbert, Joshi,
29 McNulty; also Senator(s) Morse, Harvey, Grantham,
30 Steadman--Concerning the exemption from laws
31 regulating mortgage loan originators of certain persons
32 providing seller financing for the sale of a limited number
33 of residential properties.

34
35 Amendment No. 1, Economic & Business Development Report, dated
36 January 20, 2011, and placed in member's bill file; Report also printed in
37 House Journal, January 21, page 75.

38
39 As amended, ordered engrossed and placed on the Calendar for Third
40 Reading and Final Passage.

41
42 **HB11-1018** by Representative(s) Tyler; also Senator S. King--
43 Concerning electronically transmitted court documents.

44
45 Ordered engrossed and placed on the Calendar for Third Reading and
46 Final Passage.

47
48 On motion of Representative Stephens, the remainder of the General
49 Orders Calendar (**HB11-1007, 1030, 1041, 1001, 1021, 1035**) was laid
50 over until January 28, retaining place on Calendar.

51
52
53 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

54
55 Passed Second Reading: **HB11-1015 amended, 1023 amended, 1006**
56 **amended, 1011, 1009, 1022 amended, 1018.**

1 Laid over until date indicated retaining place on Calendar: **HB11-1007,**
 2 **1030, 1041, 1001, 1021, 1035**--January 28, 2011.

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.**

	YES	65	NO	0	EXCUSED	0	ABSENT	0
10 Acree	Y	Fischer	Y	Liston	Y	Scott	Y	
11 Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y	
12 Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y	
13 Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y	
14 Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y	
15 Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y	
16 Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y	
17 Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y	
18 Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y	
19 Conti	Y	Kagan	Y	Pace	Y	Todd	Y	
20 Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y	
21 Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y	
22 DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y	
23 Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y	
24 Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y	
25 Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y	
26						Speaker	Y	

27
 28
 29
 30 On motion of Representative Stephens, the House adjourned until
 31 9:00 a.m., January 26, 2011.

32
 33
 34
 35 Approved:
 36 FRANK McNULTY,
 37 Speaker

38 Attest:
 39 MARILYN EDDINS,
 40 Chief Clerk

