

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

Forty-third Legislative Day

Wednesday, February 23, 2011

1 Prayer by Ed Maxwell, Colorado State Patrol Chaplain.

2

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

4

5 Pledge of Allegiance led by Katelynn Wilson and Ryan Dreitz, North
6 Eastern Junior College, Sterling.

7

8 The roll was called with the following result:

9

10 Present--64.

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

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Duran, the reading of the journal of
17 February 22, 2011, was declared dispensed with and approved as
18 corrected by the Chief Clerk.

19

20

21

22 **THIRD READING OF BILL(S)--FINAL PASSAGE**

23

24 The following bill(s) was(were) considered on Third Reading. The
25 title(s) was(were) publicly read. Reading of the bill at length was
26 dispensed with by unanimous consent.

27

28 **HB11-1188** by Representative(s) Liston; also Senator(s) Newell--
29 Concerning franchise agreements for a dealer to sell
30 vehicles.

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
35 bill was declared **passed**.

36

37

	YES	61	NO	3	EXCUSED	1	ABSENT	0
38	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
39	Balmer	Y	Gardner B.	N	Looper	Y	Solano	Y
40	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
41	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
42	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
43	Beezley	N	Holbert	Y	Miklosi	Y	Summers	E

1	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
2	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
3	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
4	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
5	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
6	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
7	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
8	Duran	Y	Labuda	Y	Riesberg	N	Waller	Y
9	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
10	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
11							Speaker	Y

12 Co-sponsor(s) added: Representative(s) Casso, Fields, Holbert, Kerr J., Nikkel,
 13 Pace, Schafer S., Scott, Soper, Stephens, Todd, Wilson.

14
 15 **HB11-1042** by Representative(s) Levy; also Senator(s) Nicholson--
 16 Concerning the classification of residential land when the
 17 residential improvement is temporarily removed.

18
 19 The question being "Shall the bill pass?".
 20 A roll call vote was taken. As shown by the following recorded vote, a
 21 majority of those elected to the House voted in the affirmative and the bill
 22 was declared **passed**.

23	YES	63	NO	1	EXCUSED	1	ABSENT	0
24								
25	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
26	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
27	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
28	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
29	Becker	Y	Hamner	Y	McKinley	N	Stephens	Y
30	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	E
31	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
32	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
33	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
34	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
35	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
36	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
37	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
38	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
39	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
40	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
41							Speaker	Y

42 Co-sponsor(s) added: Representative(s) Gardner D., Gerou, Hamner, Jones,
 43 Kagan, Kefalas, Massey, Nikkel, Pace, Priola, Ryden, Schafer S., Wilson,
 44 Speaker.

45
 46
 47 **HB11-1144** by Representative(s) Solano, Casso, Duran, Kerr A., Todd;
 48 also Senator(s) Tochtrop--Concerning fetal alcohol
 49 spectrum disorders, and, in connection therewith,
 50 expanding the number of members of the fetal alcohol
 51 spectrum disorders commission and encouraging
 52 evaluation and expanded use of health warning
 53 information.

54
 55 The question being "Shall the bill pass?".
 56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
2 was declared **passed**.

	YES	53	NO	11	EXCUSED	1	ABSENT	0
5	Acree	Y	Fischer	Y	Liston	Y	Scott	N
6	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
7	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
8	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
9	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
10	Beezley	N	Holbert	N	Miklosi	Y	Summers	E
11	Bradford	Y	Hullinghorst	Y	Murray	N	Swalm	N
12	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
13	Casso	Y	Joshi	N	Pabon	Y	Szabo	Y
14	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
15	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
16	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
17	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
18	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
19	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
20	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Court, Fields, Fischer, Hullinghorst,
23 Labuda, Pabon, Pace, Peniston, Riesberg, Schafer S., Vigil, Wilson.

24
25 **HB11-1186** by Representative(s) Ryden, Kerr A., McCann, Vigil; also
26 Senator(s) Guzman--Concerning reimbursement by health
27 insurance carriers for acupuncture services.

28
29 The question being "Shall the bill pass?".

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

	YES	47	NO	17	EXCUSED	1	ABSENT	0
35	Acree	Y	Fischer	Y	Liston	N	Scott	N
36	Balmer	N	Gardner B.	N	Looper	N	Solano	Y
37	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
38	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
39	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
40	Beezley	N	Holbert	N	Miklosi	Y	Summers	E
41	Bradford	N	Hullinghorst	Y	Murray	Y	Swalm	N
42	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
43	Casso	Y	Joshi	N	Pabon	Y	Szabo	Y
44	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
45	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
46	Court	Y	Kerr A.	Y	Priola	Y	Vaad	N
47	DelGrosso	N	Kerr J.	Y	Ramirez	Y	Vigil	Y
48	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
49	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
50	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
51							Speaker	N

52 Co-sponsor(s) added: Representative(s) Duran, Fields, Fischer, Gardner D.,
53 Hullinghorst, Kefalas, Labuda, Pabon, Pace, Riesberg, Schafer S., Solano,
54 Todd.

55
56

1 **HB11-1101** by Representative(s) Swalm; also Senator(s) Morse--
 2 Concerning an exemption from state licensure
 3 requirements for a community clinic that is a federally
 4 qualified health center, and making an appropriation in
 5 connection therewith.
 6

7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared **passed**.
 11

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

30 Co-sponsor(s) added: Representative(s) Ferrandino, Fischer, Gardner D.,
 31 Kefalas, Massey, Pace, Solano, Todd.
 32

33 **HB11-1155** by Representative(s) McNulty and Pace, Swerdfeger; also
 34 Senator(s) Shaffer B. and Kopp--Concerning the lieutenant
 35 governor of the state of Colorado serving concurrently as
 36 the head of a principal department in state government,
 37 and making an appropriation in connection therewith.
 38

39 The question being "Shall the bill pass?".
 40 A roll call vote was taken. As shown by the following recorded vote, a
 41 majority of those elected to the House voted in the affirmative and the bill
 42 was declared **passed**.
 43

	YES	64	NO	0	EXCUSED	1	ABSENT	0
45	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
46	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
47	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
48	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
49	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
50	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	E
51	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
52	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
53	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
54	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
55	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
56	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y

1	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
2	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
3	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
4	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
5	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
6	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
7	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
8	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
9	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
10							Speaker	Y

11 Co-sponsor(s) added: Representative(s) Fields, Kerr J., Labuda, Looper,
12 Schafer S., Todd.

13
14 **HB11-1203** by Representative(s) Lee, Ferrandino, Levy, Tyler; also
15 Senator(s) Nichol森--Concerning a requirement that
16 private custodians of criminal records remove records
17 from their databases when a court orders the criminal
18 records sealed.

19
20 The question being "Shall the bill pass?".

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

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

43 Co-sponsor(s) added: Representative(s) Barker, Duran, Fields, Kagan, Labuda,
44 Nikkel, Pabon, Pace, Schafer S., Solano, Vigil, Wilson.

45
46 **HB11-1226** by Representative(s) Conti, Acree, Brown, Kerr J., Scott,
47 Summers; also Senator(s) Spence--Concerning the
48 information provided on a disabled veteran's property tax
49 exemption application form.

50
51 The question being "Shall the bill pass?".

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

55

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

19 Co-sponsor(s) added: Representative(s) Barker, Casso, Fields, Hamner, Labuda,
 20 Lee, Nikkel, Priola, Ramirez, Schafer S., Soper, Stephens, Todd, Vaad,
 21 Speaker.

22
 23 **HB11-1189** by Representative(s) Fields, Schafer S., Todd, Vigil; also
 24 Senator(s) K. King--Concerning bail bond conditions for
 25 those arrested for subsequent substance abuse driving
 26 offenses.

27
 28 The question being "Shall the bill pass?".
 29 A roll call vote was taken. As shown by the following recorded vote, a
 30 majority of those elected to the House voted in the affirmative and the bill
 31 was declared **passed**.

	YES	57	NO	7	EXCUSED	1	ABSENT	0
33								
34	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
35	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
36	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
37	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
38	Becker	N	Hamner	Y	McKinley	N	Stephens	Y
39	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	E
40	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
41	Brown	Y	Jones	Y	Nikkel	N	Swerdfeger	Y
42	Casso	Y	Joshi	N	Pabon	Y	Szabo	Y
43	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
44	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
45	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
46	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
47	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
48	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
49	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
50							Speaker	Y

51 Co-sponsor(s) added: Representative(s) Barker, Duran, Fischer, Gardner B.,
 52 Hamner, Labuda, Peniston.

53
 54 **HB11-1210** by Representative(s) Hamner, Levy, McCann, Tyler; also
 55 Senator(s) Nicholson--Concerning a requirement that the
 56 department of transportation recommend to the general

1 assembly actions that can be taken in the short-term to
 2 improve mobility in the interstate 70 mountain corridor.
 3

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

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

	YES	50	NO	14	EXCUSED	1	ABSENT	0
10	Acree	N	Fischer	Y	Liston	Y	Scott	Y
11	Balmer	N	Gardner B.	Y	Looper	Y	Solano	Y
12	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
13	Baumgardner	Y	Gerou	N	McCann	Y	Soper	Y
14	Becker	N	Hamner	Y	McKinley	N	Stephens	Y
15	Beezley	N	Holbert	N	Miklosi	Y	Summers	E
16	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
17	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
18	Casso	Y	Joshi	Y	Pabon	Y	Szabo	N
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	N	Kerr J.	N	Ramirez	N	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 Co-sponsor(s) added: Representative(s) Fields, Fischer, Hullinghorst, Labuda,
 28 Lee, Pace, Todd, Williams A., Wilson.

29
 30

31 **HB11-1071** by Representative(s) Hamner; also Senator(s) Bacon--
 32 Concerning the voluntary contribution designation
 33 benefiting the Roundup River Ranch fund that appears on
 34 the state individual income tax return forms, and making
 35 an appropriation therefor.
 36

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

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

41
 42

	YES	52	NO	12	EXCUSED	1	ABSENT	0
43	Acree	Y	Fischer	Y	Liston	N	Scott	N
44	Balmer	N	Gardner B.	N	Looper	Y	Solano	Y
45	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
46	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
47	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
48	Beezley	Y	Holbert	N	Miklosi	Y	Summers	E
49	Bradford	Y	Hullinghorst	Y	Murray	N	Swalm	Y
50	Brown	Y	Jones	Y	Nikkel	N	Swerdfeger	Y
51	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
52	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
53	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
54	Court	Y	Kerr A.	Y	Priola	N	Vaad	Y
55	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
56	Duran	Y	Labuda	Y	Riesberg	N	Waller	Y

1	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
2	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Fields, Fischer, Labuda, Pabon, Pace,
5 Todd, Tyler, Wilson.

6
7 **HB11-1181** by Representative(s) Kefalas; also Senator(s) Newell--
8 Concerning the department of human services child
9 fatality review team.

10
11 The question being "Shall the bill pass?".

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

15	YES	62	NO	2	EXCUSED	1	ABSENT	0
17	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
18	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
19	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
20	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
21	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
22	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	E
23	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
24	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
25	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
26	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
27	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
28	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
29	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
30	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
31	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
32	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Casso, Fields, Fischer, Labuda, Lee,
35 Peniston, Riesberg, Schafer S., Todd.

36
37 On motion of Representative Stephens, consideration on Third Reading
38 of **HB11-1192, 1084, 1183, 1220** was laid over until February 24,
39 retaining place on Calendar.

44 REPORT(S) OF COMMITTEE(S) OF REFERENCE

46 ECONOMIC & BUSINESS DEVELOPMENT

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

49
50 **HB11-1136** be amended as follows, and as so amended, be referred to
51 the Committee on Appropriations with favorable
52 recommendation:

53
54 Strike the Local Government Committee Report, dated February 7, 2011,
55 and substitute:

56

1 "Amend printed bill, strike everything below the enacting clause and
2 substitute:

3

4 **"SECTION 1. Legislative declaration.** (1) The general
5 assembly hereby finds and declares that:

6

7 (a) There is a crisis of foreclosures of single-family,
8 owner-occupied homes both nationwide and in Colorado, especially for
9 homeowners whose original loan amount was less than five hundred
10 thousand dollars;

11

12 (b) The foreclosure prevention counseling fund is intended to
13 provide support during this crisis for proven and established foreclosure
14 prevention methods such as foreclosure counseling and outreach by
15 approved housing counseling agencies;

16

17 (c) Lenders have found that borrowers who engage the services
18 of approved housing counseling agencies are better prepared to resolve
19 the issues that caused the foreclosure to begin with; and

20

21 (d) The foreclosure prevention counseling fund will bolster the
22 use of approved housing counseling agencies by borrowers seeking to
23 avoid foreclosure.

24

25 **SECTION 2.** 24-32-705 (1), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27

28 **24-32-705. Functions of division - repeal.** (1) The division has
29 the following functions:

30

31 (t) (I) (A) TO EXPEND MONEYS FROM THE FORECLOSURE
32 PREVENTION COUNSELING FUND, CREATED IN SECTION 24-32-722, IN
33 ACCORDANCE WITH THAT SECTION; AND

34

35 (B) TO ACCEPT PUBLIC AND PRIVATE GIFTS, GRANTS, AND
36 DONATIONS FOR DEPOSIT IN THE FORECLOSURE PREVENTION COUNSELING
37 FUND.

38

39 (II) THIS PARAGRAPH (t) IS REPEALED, EFFECTIVE SEPTEMBER 30,
40 2015.

41

42 **SECTION 3.** Part 7 of article 32 of title 24, Colorado Revised
43 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
44 read:

45

46 **24-32-722. Foreclosure prevention counseling fund - creation**
47 **- definition - repeal.** (1) AS USED IN THIS SECTION, "APPROVED HOUSING
48 COUNSELING AGENCY" OR "APPROVED AGENCY" MEANS AN AGENCY THAT
49 IS APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND
50 URBAN DEVELOPMENT AND THAT RECEIVES REFERRALS THROUGH THE
51 COLORADO FORECLOSURE HOTLINE.

52

53 (2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
54 FORECLOSURE PREVENTION COUNSELING FUND, ALSO REFERRED TO IN THIS
55 SECTION AS THE "FUND".

56

- 1 (3) THE FUND CONSISTS OF:
2
3 (a) MONEYS COLLECTED BY PUBLIC TRUSTEES AND TRANSMITTED
4 TO THE STATE TREASURER PURSUANT TO SECTION 38-38-1002, C.R.S.;
5 AND
6
7 (b) GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE
8 SOURCES ACCEPTED BY THE DIVISION FOR DEPOSIT IN THE FUND
9 PURSUANT TO SECTION 24-32-705 (1) (t) (I) (B).
- 10
11 (4) (a) THE MONEYS IN THE FUND ARE CONTINUOUSLY
12 APPROPRIATED TO THE DIVISION, WHICH SHALL EXPEND MONEYS FROM THE
13 FUND, AS APPROVED BY THE BOARD, FOR THE FOLLOWING PURPOSES:
14
15 (I) TO MAKE GRANTS TO APPROVED HOUSING COUNSELING
16 AGENCIES;
17
18 (II) TO SUPPORT, THROUGH APPROVED HOUSING COUNSELING
19 AGENCIES, EVALUATIONS CONDUCTED BY SUCH AGENCIES UNDER THE
20 FORECLOSURE DEFERMENT PROGRAM CREATED BY PART 8 OF ARTICLE 38
21 OF TITLE 38, C.R.S.;
22
23 (III) TO SUPPORT OTHER FORECLOSURE PREVENTION ACTIVITIES
24 ADMINISTERED BY AN APPROVED HOUSING COUNSELING AGENCY,
25 INCLUDING:
26
27 (A) THE OPERATION OF THE FORECLOSURE DEFERMENT PROGRAM
28 CREATED BY PART 8 OF ARTICLE 38 OF TITLE 38, C.R.S.; AND
29
30 (B) COMMUNITY OUTREACH; AND
31
32 (IV) FOR THE ACTUAL AND DIRECT COSTS, NOT TO EXCEED EIGHTY
33 THOUSAND DOLLARS PER YEAR, INCURRED BY THE DIVISION IN
34 ADMINISTERING THIS SECTION.
35
36 (b) (I) (A) IN MAKING GRANTS AND OTHER EXPENDITURES FROM
37 THE FUND, THE DIVISION SHALL, TO THE GREATEST EXTENT POSSIBLE,
38 ALLOCATE MONEY IN COLORADO ACCORDING TO NEED, TAKING INTO
39 CONSIDERATION FACTORS SUCH AS THE PARTICULAR RURAL AND
40 REGIONAL NEEDS, THE FORECLOSURE RATE IN EACH COUNTY, AND THE
41 AMOUNT COLLECTED AND TRANSMITTED BY THE PUBLIC TRUSTEE OF EACH
42 COUNTY IN ACCORDANCE WITH PART 10 OF ARTICLE 38 OF TITLE 38, C.R.S.
43 AT LEAST FIVE PERCENT, BUT NO MORE THAN TEN PERCENT, OF THE
44 MONEYS IN THE FUND MUST BE ALLOCATED FOR COMMUNITY OUTREACH.
45
46 (B) AN APPROVED AGENCY THAT INTENDS TO PROVIDE
47 COUNSELING SERVICES IN RURAL AREAS OF COLORADO MUST DESCRIBE,
48 IN ITS APPLICATION FOR FUNDING UNDER THIS SECTION, THE MECHANISMS
49 AND METHODS THROUGH WHICH THE AGENCY WILL OFFER HOUSING
50 COUNSELING IN A MANNER SUFFICIENT TO MEET THE NEEDS OF RURAL
51 BORROWERS FACING FORECLOSURE.
52
53 (II) AN APPROVED AGENCY RECEIVING MONEYS FROM THE FUND:
54
55 (A) SHALL ADHERE TO THE FORECLOSURE INTERVENTION
56 SPECIALTY CORE OPERATING PROCEDURES AND REPORTING REQUIREMENTS

1 PROMULGATED BY THE NATIONAL INDUSTRY STANDARDS FOR
2 HOMEOWNERSHIP EDUCATION AND COUNSELING, OR ANY SUCCESSOR
3 ORGANIZATION, AND SHALL COMPLY WITH THE GUIDELINES CONTAINED IN
4 THE LATEST REVISION OF THE UNITED STATES DEPARTMENT OF HOUSING
5 AND URBAN DEVELOPMENT'S DATA COLLECTION INSTRUMENT, COMMONLY
6 REFERRED TO AS HOUSING COUNSELING FORM HUD-9902, OR ANY
7 SUCCESSOR INSTRUMENT; AND

8
9 (B) SHALL NOT SHOW FAVORITISM OR BIAS TOWARD ANY PERSON
10 IN THE FORECLOSURE PROCESS OR IN THE WAY A FORECLOSURE IS
11 RESOLVED.

12
13 (5) ALL MONEYS CREDITED TO THE FUND, AND ALL INTEREST
14 EARNED ON THE INVESTMENT OF MONEYS IN THE FUND, REMAIN IN THE
15 FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE GENERAL
16 FUND OR TO ANY OTHER FUND EXCEPT AS DIRECTED BY THE GENERAL
17 ASSEMBLY ACTING BY BILL.

18
19 (6) (a) AS A CONDITION OF RECEIVING MONEYS FROM THE FUND,
20 THE DIVISION SHALL CONTRACTUALLY OBLIGATE AN APPROVED HOUSING
21 COUNSELING AGENCY TO COLLECT CLIENT-LEVEL DATA SUFFICIENT TO
22 REPORT ANNUAL PROGRAM AND RELATED OUTCOME PERFORMANCE DATA
23 UNDER THIS SUBSECTION (6).

24
25 (b) FOR ANY YEAR IN WHICH AN APPROVED AGENCY RECEIVES
26 MONEYS FROM THE FUND, THE APPROVED AGENCY SHALL PROVIDE TO THE
27 DIVISION OUTCOME-BASED DATA DERIVED FROM ITS FORECLOSURE
28 PREVENTION COUNSELING ACTIVITIES. THE DATA REQUIRED UNDER THIS
29 PARAGRAPH (b) MUST INCLUDE THE INFORMATION PROVIDED BY THE
30 AGENCY TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
31 DEVELOPMENT IN THE DATA COLLECTION INSTRUMENT, COMMONLY
32 REFERRED TO AS HOUSING COUNSELING FORM HUD-9902, OR ANY
33 SUCCESSOR INSTRUMENT, FOR THE DEPARTMENT'S HOUSING COUNSELING
34 PROGRAM.

35
36 (c) EACH APPROVED AGENCY THAT RECEIVES MONEYS FROM THE
37 FUND SHALL MAINTAIN A SECURE CLIENT FILE, IN EITHER ELECTRONIC OR
38 PAPER FORMAT, FOR EACH CLIENT THAT THE AGENCY COUNSELS USING
39 MONEYS FROM THE FUND. IN USING THE MONEYS, AN AGENCY SHALL
40 ADHERE TO ALL RELEVANT GUIDELINES ISSUED BY THE UNITED STATES
41 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AS CONTAINED IN
42 THE LATEST ADOPTED REVISION OF THE HUD HOUSING COUNSELING
43 PROGRAM HANDBOOK.

44
45 (d) AN APPROVED AGENCY THAT RECEIVES MONEYS FROM THE
46 FUND SHALL MAKE ALL NONIDENTIFYING CLIENT DATA THAT THE AGENCY
47 COLLECTS REGARDING PERSONS BENEFITTING FROM THE FUND MONEYS
48 ACCESSIBLE TO THE DIVISION FOR PURPOSES OF DETERMINING OVERALL
49 PROGRAM EFFECTIVENESS AND DEVELOPING RELATED OUTCOME
50 PERFORMANCE DATA.

51
52 (e) (I) THE DIVISION MAY INSPECT, CONDUCT AN AUDIT OF, OR
53 OTHERWISE REVIEW ALL RECORDS MAINTAINED BY AN APPROVED AGENCY
54 FOR THE FORECLOSURE PREVENTION ACTIVITIES FUNDED IN WHOLE OR IN
55 PART UNDER THIS SECTION.

56

1 (II) INDIVIDUAL CLIENT DATA REVIEWED OR RECEIVED BY DIVISION
2 STAFF DURING ANY INSPECTION, AUDIT, OR RECORD REVIEW UNDER THIS
3 SECTION ARE CONFIDENTIAL RECORDS AND ARE EXEMPT FROM DISCLOSURE
4 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF
5 THIS TITLE.

6
7 (7) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 30,
8 2015. THE STATE TREASURER SHALL TRANSFER ANY UNEXPENDED AND
9 UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF THAT DATE TO
10 THE HOUSING DEVELOPMENT GRANT FUND CREATED IN SECTION
11 24-32-721.

12
13 (b) DURING THE FIRST REGULAR SESSION OF THE SEVENTIETH
14 GENERAL ASSEMBLY IN 2015, IN ITS ANNUAL REPORT TO THE HOUSE AND
15 SENATE LOCAL GOVERNMENT COMMITTEES, OR THEIR SUCCESSOR
16 COMMITTEES, THE DIVISION SHALL REPORT REGARDING THE FUND,
17 INCLUDING AN ANALYSIS OF THE AMOUNTS RECEIVED PER COUNTY, HOW
18 THE DIVISION EXPENDED MONEYS FROM THE FUND TO SUPPORT APPROVED
19 AGENCIES ENGAGING IN FORECLOSURE PREVENTION AND OUTREACH
20 EFFORTS, AND THE OUTCOMES AND RESULTS OF THOSE EFFORTS.

21
22 **SECTION 4.** The introductory portions to 38-37-104 (1) and (1)
23 (b), Colorado Revised Statutes, are amended, and the said 38-37-104 (1)
24 (b) is further amended BY THE ADDITION OF A NEW
25 SUBPARAGRAPH, to read:

26
27 **38-37-104. Duties of public trustees - fees, expenses, and**
28 **salaries - reports - repeal.** (1) The public trustees of each county of this
29 state shall perform the functions and exercise the powers conferred upon
30 them by statute. They ~~shall be~~ ARE entitled to receive as fees for such
31 services the following sums and no other fees or perquisites: ~~whatever:~~

32
33 (b) For performing a foreclosure under article 38 of this title, the
34 following sums, which ~~shall be~~ ARE cumulative:

35
36 (I.5) (A) FOR THE COSTS OF COLLECTING AND PROCESSING THE
37 FORECLOSURE PREVENTION COUNSELING FUND SURCHARGE PURSUANT TO
38 PART 10 OF THIS ARTICLE, THE SUM OF TEN DOLLARS.

39
40 (B) THIS SUBPARAGRAPH (I.5) IS REPEALED, EFFECTIVE MARCH 31,
41 2015.

42
43 **SECTION 5.** 38-38-806, Colorado Revised Statutes, is amended
44 to read:

45 **38-38-806. Foreclosure counselor immunity.** A foreclosure
46 counselor acting in good faith ~~shall~~ IS not ~~be~~ liable to any person for
47 approving or failing to approve a borrower for a foreclosure deferment or
48 for certifying or declining to certify an early termination, NOR DOES ANY
49 SUCH ACT AFFECT THE VALIDITY OF A FORECLOSURE PROCEEDING OR
50 FORECLOSURE SALE.

51
52 **SECTION 6.** Article 38 of title 38, Colorado Revised Statutes, is
53 amended BY THE ADDITION OF A NEW PART to read:

54
55 PART 10
56 FORECLOSURE PREVENTION

COUNSELING SURCHARGE

38-38-1001. Definitions. AS USED IN THIS PART 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DIVISION" MEANS THE DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-704, C.R.S.

(2) "FORECLOSURE PREVENTION COUNSELING FUND SURCHARGE" OR "SURCHARGE" MEANS THE SURCHARGE COLLECTED UNDER SECTION 38-38-1002 FOR THE PURPOSES SET FORTH IN SECTION 24-32-722, C.R.S.

38-38-1002. Foreclosure prevention counseling fund surcharge - waiver. (1) (a) PRIOR TO SALE OF A PROPERTY UNDER THIS ARTICLE, A PUBLIC TRUSTEE SHALL COLLECT:

(I) A FORECLOSURE PREVENTION COUNSELING FUND SURCHARGE OF TWO HUNDRED FORTY DOLLARS FOR THE PURPOSES SET FORTH IN SECTION 24-32-722, C.R.S.; OR

(II) PROOF OF WAIVER ISSUED IN ACCORDANCE WITH SECTION 38-38-1004.

(b) PARAGRAPH (a) OF THIS SUBSECTION (1) APPLIES ONLY TO A FORECLOSURE OF A PROPERTY FOR WHICH POSTING OF A NOTICE UNDER SECTION 38-38-802 IS REQUIRED.

(c) A PUBLIC TRUSTEE SHALL COLLECT THE SURCHARGE ONLY ONCE PER FORECLOSURE.

(2) THE FORECLOSURE PREVENTION COUNSELING FUND SURCHARGE MAY BE INCLUDED IN THE BID SUBMITTED UNDER SECTION 38-38-106 (1). IF SO INCLUDED, THE SURCHARGE MUST BE ITEMIZED UNDER THE CATEGORY "OTHER FEES AND COSTS ADVANCED BY THE HOLDER OF EVIDENCE OF DEBT" PURSUANT TO SECTION 38-38-106 (2).

(3) A SURCHARGE COLLECTED UNDER THIS PART 10, AND THE ASSOCIATED FEE COLLECTED PURSUANT TO SECTION 38-37-104 (1) (b) (I.5), QUALIFY AS FEES OR COSTS UNDER SECTION 38-38-107.

(4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE SURCHARGE IS NOT INCLUDED IN:

(a) A STATEMENT OF SUMS NECESSARY TO CURE A DEFAULT UNDER SECTION 38-38-104; OR

(b) ANY LOAN MODIFICATION OR LOAN REINSTATEMENT FEE CHARGED TO THE BORROWER.

(5) ALL SURCHARGES PAID PURSUANT TO THIS SECTION ARE NONREFUNDABLE.

38-38-1003. Collection of surcharge. (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE PUBLIC TRUSTEE SHALL SEPARATELY ACCOUNT FOR SURCHARGE MONEYS AND, AT LEAST QUARTERLY, SHALL TRANSMIT ALL SUCH MONEYS TO THE STATE

1 TREASURER, WHO SHALL CREDIT THEM TO THE FORECLOSURE PREVENTION
2 COUNSELING FUND CREATED IN SECTION 24-32-722, C.R.S.

3
4 (b) A PUBLIC TRUSTEE MAY TRANSMIT THE SURCHARGE MONEYS
5 TO THE STATE TREASURER LESS FREQUENTLY THAN QUARTERLY, BUT AT
6 LEAST ANNUALLY, IF THE TOTAL OF UNTRANSMITTED SURCHARGE MONEYS
7 COLLECTED DOES NOT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS.
8 IF THE TOTAL OF ALL SURCHARGE MONEYS COLLECTED EXCEEDS TWO
9 THOUSAND FIVE HUNDRED DOLLARS IN ANY QUARTER, THE PUBLIC
10 TRUSTEE SHALL TRANSMIT ALL MONEYS COLLECTED TO DATE WITHIN
11 THIRTY DAYS AFTER THE END OF THE QUARTER DURING WHICH THE TOTAL
12 EXCEEDED TWO THOUSAND FIVE HUNDRED DOLLARS.

13
14 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
15 CONTRARY, ON MARCH 31, 2015, ANY SURCHARGE MONEYS COLLECTED
16 AND HELD BY THE PUBLIC TRUSTEE SHALL BE TRANSMITTED TO THE STATE
17 TREASURER, WHO SHALL CREDIT THEM TO THE FORECLOSURE PREVENTION
18 COUNSELING FUND CREATED IN SECTION 24-32-722, C.R.S.

19
20 **38-38-1004. Waiver of surcharge - division to establish**
21 **procedures.** (1) (a) A HOLDER OR ATTORNEY FOR A HOLDER MAY OBTAIN
22 A WAIVER OF THE SURCHARGE IN ACCORDANCE WITH THIS SECTION.

23
24 (b) THE DIVISION SHALL PROVIDE THE HOLDER OR ATTORNEY FOR
25 THE HOLDER REQUESTING WAIVER WITH DOCUMENTATION VERIFYING
26 ELIGIBILITY FOR WAIVER IF THE DIVISION DETERMINES THAT THE HOLDER,
27 FOR ITSELF OR AS SUCCESSOR, TRUSTEE, OR NOMINEE, HAS FILED FEWER
28 THAN TWENTY NOTICES OF ELECTION AND DEMAND IN COLORADO DURING
29 THE PRIOR CALENDAR YEAR ON PROPERTIES FOR WHICH A POSTING OF A
30 NOTICE UNDER SECTION 38-38-802 IS REQUIRED.

31
32 (c) THE DIVISION SHALL ESTABLISH POLICIES AND PROCEDURES
33 REGARDING PROCESSING REQUESTS, DETERMINING ELIGIBILITY, AND
34 ISSUING DOCUMENTATION FOR WAIVER UNDER THIS SECTION.

35
36 (d) A WAIVER ISSUED BY THE DIVISION IS VALID FOR
37 FORECLOSURES FILED IN THE STATE FOR THE CALENDAR YEAR IN WHICH IT
38 IS ISSUED.

39
40 (2) A PUBLIC TRUSTEE SHALL NOT COLLECT THE SURCHARGE OR
41 THE ASSOCIATED FEE DESCRIBED UNDER SECTION 38-37-104 (1) (b) (I.5)
42 IF THE HOLDER OR ATTORNEY FOR THE HOLDER SUBMITS DOCUMENTATION,
43 ISSUED BY THE DIVISION UNDER THIS SECTION, VERIFYING THAT THE
44 HOLDER OR ATTORNEY FOR THE HOLDER QUALIFIES FOR WAIVER UNDER
45 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION.

46
47 **38-38-1005. Repeal of part.** THIS PART 10 IS REPEALED,
48 EFFECTIVE MARCH 31, 2015.

49
50 **SECTION 7. Applicability.** This act shall apply to foreclosures
51 for which notices of election and demand are recorded or rerecorded on
52 or after the effective date of this act.

53
54 **SECTION 8. Safety clause.** The general assembly hereby finds,
55 determines, and declares that this act is necessary for the immediate
56 preservation of the public peace, health, and safety."."

1 **HB11-1221** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 3, strike line 27.
6

7 Page 4, strike lines 1 through 14.
8

9 Renumber succeeding sections accordingly.
10

11 Page 5, line 10, after the period add "THE STATE TREASURER SHALL
12 TRANSFER THE PENALTIES COLLECTED PURSUANT TO THIS SUBSECTION (2)
13 TO THE GENERAL FUND."
14

15
16

17 **HB11-1238** be postponed indefinitely.
18
19
20
21

22 **JUDICIARY**

23 After consideration on the merits, the Committee recommends the
24 following:
25

26 **HB11-1088** be amended as follows, and as so amended, be referred to
27 the Committee of the Whole with favorable
28 recommendation:
29

30 Amend printed bill, page 2, line 9, strike "~~is probable cause~~ ARE
31 REASONABLE" and substitute "is probable cause".
32

33 Page 2, strike line 10 and substitute "to find that the defendant is likely
34 illegally present in".
35

36 Page 3, line 18, strike "WHEN" and substitute "IF".
37

38 Page 3, line 21, strike "THERE ARE REASONABLE GROUNDS TO BELIEVE".
39

40 Page 3, line 22, strike "IS" and substitute "MAY BE".
41

42 Page 4, strike lines 6 through 18.
43

44 Renumber succeeding section accordingly.
45
46
47

48 **HB11-1138** be amended as follows, and as so amended, be referred to
49 the Committee on Appropriations with favorable
50 recommendation:
51

52 Amend printed bill, page 4, line 13, after "ESTABLISHES" insert
53 "EVIDENCE-BASED".
54

55 Page 4, line 17, strike "SO THAT SUCH OFFENDERS WILL STOP" and
56 substitute "TO PREVENT OFFENDERS FROM REOFFENDING AND ENHANCE

- 1 THE PROTECTION OF VICTIMS AND POTENTIAL VICTIMS."
2
3 Page 4, strike line 18.
4
5 Page 4, line 19, strike "VICTIMS WILL BE ENHANCED."
6
7 Page 4, line 22, strike "(1)," and substitute "(1) and (2) (a) (IV)," and
8 strike "is" and substitute "are".
9
10 Page 5, line 3, strike "IS".
11
12 Page 5, strike line 4 and substitute "HAS BEEN CONVICTED, AS".
13
14 Page 5, strike lines 10 through 12 and substitute "A JUVENILE WHO HAS
15 BEEN ADJUDICATED AS A JUVENILE OR WHO RECEIVES A DEFERRED
16 ADJUDICATION ON OR AFTER JULY 1, 2002, FOR AN OFFENSE THAT WOULD
17 CONSTITUTE A SEX OFFENSE, AS DEFINED IN SUBSECTION (3) OF THIS
18 SECTION, IF COMMITTED AS AN ADULT, OR A JUVENILE WHO HAS
19 COMMITTED ANY OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH
20 INVOLVES A SEX OFFENSE.
21
22 (2) (a) "Sex offender" means any person who is:
23
24 (IV) ~~Adjudicated as a juvenile or who receives a deferred~~
25 ~~adjudication on or after July 1, 2002, for an offense that would constitute~~
26 ~~a sex offense if committed by an adult or for any offense, the underlying~~
27 ~~factual basis of which involves a sex offense~~ A JUVENILE WHO HAS
28 COMMITTED A SEXUAL OFFENSE."
29
30 Page 8, line 24, strike "THE KNOWLEDGE" and substitute "EXISTING
31 RESEARCH DEMONSTRATING" and strike "REPETITIVE." and substitute
32 "REPETITIVE, AND THAT".
33
34 Page 8, line 25, strike "THERE" and substitute "THERE".
35
36 Page 8, line 27, strike "HOWEVER," and substitute "BECAUSE".
37
38 Page 9, strike lines 3 and 4 and substitute "MANAGEMENT, AND
39 MONITORING, THE BOARD SHALL DEVELOP A PROCEDURE FOR".
40
41 Page 9, line 5, strike "IDENTIFYING" and substitute "IDENTIFYING, ON A
42 CASE-BY-CASE BASIS,".
43
44 Page 9, line 27, after "OPTIONS" insert "SHALL BE DETERMINED BY A
45 CURRENT RISK ASSESSMENT AND EVALUATION AND".
46
47 Page 11, strike line 11 and substitute "WHO SUFFERS FROM PSYCHOPATHY
48 OR A".
49
50 Page 11, line 13, strike "FOR PURPOSES OF".
51
52 Page 11, strike lines 14 through 18.
53
54 Page 11, line 19, strike "PERSONS."
55
56 Page 12, line 6, strike "ARTICLE" and substitute "ARTICLE, THE EFFECTIVE

1 USE OF COGNITIVE BEHAVIORAL THERAPY TO PREVENT REOFFENSE, THE
2 USE OF POLYGRAPHS IN TREATMENT,".

3
4 Page 14, line 23, strike "COMMUNITY." and substitute "COMMUNITY AND
5 THAT CERTAIN JUVENILES MAY HAVE THE CAPACITY TO CHANGE THEIR
6 BEHAVIOR WITH APPROPRIATE INTERVENTION AND TREATMENT.".

7
8 Page 16, strike lines 23 through 27.

9
10 Renumber succeeding subsections accordingly.

11
12 Page 17, strike lines 1 through 16.

13
14 Page 17, line 22, strike "2020." and substitute "2015.".

15
16 Page 18, line 3, strike "BEEN ADJUDICATED FOR" and substitute
17 "COMMITTED".

18
19 Page 27, line 16, strike "(51.5)," and substitute "(46)."

20
21 Page 27, strike lines 20 through 23 and substitute "(46) The following
22 agencies, functions, or both shall terminate on July 1, 2015:

23
24 (o) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN SECTION
25 16-11.7-103, C.R.S.".

26
27
28
29 **HB11-1190** be postponed indefinitely.

30
31
32 **HB11-1195** be amended as follows, and as so amended, be referred to
33 the Committee on Finance with favorable
34 recommendation:

35
36 Amend printed bill, page 4, line 26, strike "AGENCY;" and substitute
37 "AGENCY, AS DEFINED IN SECTION 12-14-103;".

38
39 Page 5, after line 6 insert:

40
41 "(V) A CONSUMER REPORTING AGENCY, AS DEFINED IN SECTION
42 12-14-103;

43
44 (VI) A CERTIFIED PUBLIC ACCOUNTANT CERTIFIED OR AUTHORIZED
45 TO PROVIDE ACCOUNTING SERVICES IN THE STATE PURSUANT TO ARTICLE
46 2 OF THIS TITLE AND ANY EMPLOYEE OR AFFILIATE OF AN ACCOUNTING
47 FIRM REGISTERED PURSUANT TO SECTION 12-2-117;

48
49 (VII) AN INVESTIGATOR EMPLOYED BY A PUBLIC OR
50 GOVERNMENTAL AGENCY;".

51
52 Renumber succeeding subparagraphs accordingly.

53
54 Page 6, line 14, after "MISDEMEANOR;" add "HAS NOT BEEN CONVICTED
55 OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
56 BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR,

1 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.,
2 STALKING, AS DEFINED IN SECTION 18-3-602, C.R.S.; AND HAS NOT BEEN
3 CONVICTED OF VIOLATION OF A PROTECTION ORDER, AS DEFINED IN
4 SECTION 18-6-803.5, C.R.S.;".

5

6 Strike page 8.

7

8 Page 9, strike lines 1 through 7.

9

10 Renumber succeeding C.R.S. sections accordingly.

11

12

13

14 **HB11-1200** be referred favorably to the Committee on Appropriations.

15

16

17 **HB11-1232** be postponed indefinitely.

18

19

20 **HB11-1258** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:

23

24 Amend printed bill, page 2, line 9, strike "30-10-606.5." and substitute
25 "30-10-606.5 OR UPON THE REQUEST OF THE DISTRICT ATTORNEY."

26

27 Page 3, line 4, strike "EACH OF THE" and substitute "ACCORDANCE WITH
28 THE CIRCUMSTANCES IN THE MOST RECENT VERSION OF THE "FORENSIC
29 AUTOPSY PERFORMANCE STANDARDS" ADOPTED BY THE NATIONAL
30 ASSOCIATION OF MEDICAL EXAMINERS AND WHEN THE DEATH IS THE
31 RESULT OF AN AUTOMOBILE ACCIDENT AND A HOSPITAL PHYSICIAN HAS
32 NOT DOCUMENTED THE EXTENT OF THE INJURIES."

33

34 Page 3, strike lines 5 through 27.

35

36 Page 4, strike line 1.

37

38

39

40

41

PRINTING REPORT

42

43 The Chief Clerk reports the following bill has been correctly printed:
44 **HB11-1266.**

45

46

47

48

LAY OVER OF CALENDAR ITEM(S)

49

50 On motion of Representative Stephens, the following item(s) on the
51 Calendar (was)were laid over until February 24, retaining place on
52 Calendar:

53

54

55

56

1 On motion of Representative Stephens, the House adjourned until
2 9:00 a.m., February 24, 2011.

3

4

5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:
FRANK McNULTY,
Speaker