

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

Sixty-sixth Legislative Day

Friday, March 18, 2011

1 The Speaker *Pro tempore* called the House to order at 9:00 a.m.  
2  
3 Prayer by the Reverend Dr. Heidi Petersen, The Church of Inner Light,  
4 Boulder.  
5  
6 Pledge of Allegiance led by Lauren Sides, Jennifer Horst, Maggie Hester,  
7 Michelle Lozano from Girl Scout Troop 33, Westminster.  
8  
9 The roll was called with the following result:

10  
11 Present--64.  
12 Excused--Representative(s) Schafer--1.  
13

14 The Speaker declared a quorum present.  
15  
16

17 On motion of Representative Hamner, the reading of the journal of  
18 March 17, 2011, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.  
20  
21

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

22  
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

29 **HB11-1248** by Representative(s) Kerr J.; also Senator(s) Roberts--  
30 Concerning modifications to the composition of the board  
31 of trustees of the public employees' retirement association  
32 to ensure that the board has more diverse representation,  
33 and requiring a post-enactment review of the  
34 implementation of this act.  
35

36 Referred to the Committee on State, Veterans, and Military Affairs.  
37

38 **HB11-1166** by Representative(s) Murray; also Senator(s) Aguilar--  
39 Concerning the creation of a type 1 diabetes special  
40 license plate, and making an appropriation therefor.  
41

42 The question being "Shall the bill pass?".  
43 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  
2 bill was declared **passed**.

	YES	52	NO	12	EXCUSED	1	ABSENT	0
5 Acree	Y		Fischer	N	Liston	Y	Scott	Y
6 Balmer	Y		Gardner B.	Y	Looper	N	Solano	Y
7 Barker	Y		Gardner D.	Y	Massey	Y	Sonnenberg	N
8 Baumgardner	Y		Gerou	Y	McCann	Y	Soper	Y
9 Becker	Y		Hamner	Y	McKinley	Y	Stephens	Y
10 Beezley	Y		Holbert	N	Miklosi	Y	Summers	Y
11 Bradford	Y		Hullinghorst	N	Murray	Y	Swalm	Y
12 Brown	Y		Jones	Y	Nikkel	Y	Swerdfeger	Y
13 Casso	Y		Joshi	Y	Pabon	Y	Szabo	Y
14 Conti	Y		Kagan	Y	Pace	Y	Todd	Y
15 Coram	N		Kefalas	Y	Peniston	Y	Tyler	Y
16 Court	Y		Kerr A.	Y	Priola	N	Vaad	Y
17 DelGrosso	N		Kerr J.	Y	Ramirez	Y	Vigil	Y
18 Duran	Y		Labuda	Y	Riesberg	N	Waller	N
19 Ferrandino	N		Lee	Y	Ryden	Y	Williams A.	Y
20 Fields	Y		Levy	N	Schafer S.	E	Wilson	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Labuda, Stephens, Todd, Tyler.

23  
24 **SB11-019** by Senator(s) King K.; also Representative(s) Stephens--  
25 Concerning payment of the costs of health insurance  
26 coverage to employees of small employers.

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	63	NO	1	EXCUSED	1	ABSENT	0
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	Y
37 Baumgardner	Y		Gerou	Y	McCann	Y	Soper	Y
38 Becker	Y		Hamner	Y	McKinley	Y	Stephens	Y
39 Beezley	Y		Holbert	Y	Miklosi	Y	Summers	Y
40 Bradford	Y		Hullinghorst	Y	Murray	Y	Swalm	Y
41 Brown	Y		Jones	Y	Nikkel	Y	Swerdfeger	Y
42 Casso	Y		Joshi	Y	Pabon	Y	Szabo	Y
43 Conti	Y		Kagan	N	Pace	Y	Todd	Y
44 Coram	Y		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.	E	Wilson	Y
50							Speaker	Y

51 Co-sponsor(s) added: Representative(s) Acree, Barker, Beezley, Brown,  
52 DelGrosso, Duran, Fields, Gardner B., Gerou, Joshi, Kerr J., Labuda, Lee,  
53 Liston, Looper, Massey, Murray, Nikkel, Pabon, Pace, Peniston, Priola,  
54 Ramirez, Summers, Swalm, Todd, Vaad, Waller.

55  
56

1 **HB11-1267** by Representative(s) McCann; also Senator(s) Mitchell--  
 2 Concerning an expansion of the circumstances in which a  
 3 court may order further restrictions as conditions of a  
 4 protection order against a defendant.

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**.

	YES	61	NO	3	EXCUSED	1	ABSENT	0
12	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
13	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
14	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
15	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
16	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
17	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
18	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
19	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
20	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
21	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
22	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
23	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
24	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
25	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
26	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
27	Fields	Y	Levy	N	Schafer S.	E	Wilson	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Brown, Labuda, Todd.

30  
 31  
 32 **SB11-016** by Senator(s) Grantham; also Representative(s) Barker--  
 33 Concerning increases in the amounts allocated to certain  
 34 family members during the administration of a decedent's  
 35 estate.

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**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
43	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
44	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
45	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
46	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
47	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
48	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
49	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
50	Brown	Y	Jones	Y	Nikkel	Y	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	Y	Vaad	Y
55	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
56	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y

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

4 Co-sponsor(s) added: Representative(s) Brown, Conti, Gardner B., Labuda,  
5 Priola, Todd, Wilson.

6  
7 **HB11-1211** by Representative(s) Pace; also Senator(s) Tochtrop,  
8 Carroll--Concerning restrictions on travel-related  
9 expenditures by state-chartered entities on behalf of  
10 persons affiliated with such entities.

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

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

35 Co-sponsor(s) added: Representative(s) Acree, Barker, Beezley, Bradford,  
36 Brown, Casso, Conti, Coram, Court, DelGrosso, Duran, Ferrandino, Fields,  
37 Fischer, Gardner B., Gardner D., Hamner, Holbert, Hullinghorst, Jones, Joshi,  
38 Kefalas, Kerr A., Kerr J., Labuda, Lee, Liston, Massey, McCann, McKinley,  
39 Miklosi, Murray, Nikkel, Pabon, Peniston, Priola, Ramirez, Riesberg, Ryden,  
40 Scott, Solano, Soper, Stephens, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad,  
41 Vigil, Waller, Williams A., Wilson, Speaker.

42  
43 **SB11-024** by Senator(s) King K.; also Representative(s) Looper--  
44 Concerning free state parks admission for veterans, and, in  
45 connection therewith, establishing free admission on a  
46 specified day each year for veterans and free state parks  
47 admission for members of the United States armed  
48 services wounded warrior programs who have sustained  
49 severe combat-related injuries while serving in post-  
50 September 11, 2001, overseas contingency operations.

51  
52 The question being "Shall the bill pass?".  
53 A roll call vote was taken. As shown by the following recorded vote, a  
54 majority of those elected to the House voted in the affirmative and the bill  
55 was declared **passed**.

	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	Y
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.	E	Wilson	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Acree, Balmer, Barker, Becker, Casso,  
 20 Conti, Coram, DelGrosso, Duran, Fields, Fischer, Gardner B., Gerou, Hamner,  
 21 Holbert, Hullinghorst, Kefalas, Kerr A., Kerr J., Labuda, Miklosi, Murray,  
 22 Nikkel, Pabon, Pace, Priola, Ramirez, Scott, Solano, Sonnenberg, Soper,  
 23 Stephens, Summers, Swalm, Szabo, Todd, Vaad, Vigil, Waller, Williams A.,  
 24 Wilson, Speaker.

25  
 26 **SB11-031** by Senator(s) Cadman; also Representative(s) Looper--  
 27 Concerning motor vehicles valued as collector's items for  
 28 historical reasons.

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

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

53 Co-sponsor(s) added: Representative(s) Barker, Labuda, Lee, Soper, Todd,  
 54 Vigil, Williams A.

55  
 56

1 **SB11-100** by Senator(s) Hudak and King K.; also Representative(s)  
 2 Murray--Concerning continuation of the council of higher  
 3 education representatives.  
 4

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

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

28 Co-sponsor(s) added: Representative(s) Conti, Fields, Fischer, Hamner,  
 29 Holbert, Labuda, Massey, Priola, Stephens, Summers, Todd, Wilson.  
 30  
 31

32 **HB11-1106** by Representative(s) Gardner B., Waller, Barker,  
 33 DelGrosso, Liston, Nikkel, Sonnenberg, Stephens; also  
 34 Senator(s) Roberts--Concerning the recovery of actual  
 35 damages in personal injury cases.  
 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

	YES	37	NO	27	EXCUSED	1	ABSENT	0
43	Acree	Y	Fischer	N	Liston	Y	Scott	Y
44	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
45	Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
46	Baumgardner	Y	Gerou	Y	McCann	N	Soper	Y
47	Becker	Y	Hamner	N	McKinley	Y	Stephens	Y
48	Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y
49	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
50	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
51	Casso	Y	Joshi	Y	Pabon	N	Szabo	Y
52	Conti	Y	Kagan	N	Pace	N	Todd	N
53	Coram	Y	Kefalas	N	Peniston	N	Tyler	N
54	Court	N	Kerr A.	N	Priola	Y	Vaad	Y
55	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
56	Duran	N	Labuda	N	Riesberg	Y	Waller	Y



1	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
2	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
3	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
4	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
5	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
6	Fields	Y	Levy	Y	Schafer S.	E	Wilson	Y
7							Speaker	Y

8 Co-sponsor(s) added: Representative(s) Joshi.

9  
10 **HB11-1069** by Representative(s) Massey and Fields; also Senator(s)  
11 Aguilar--Concerning measures to increase physical  
12 activity in public schools.

13  
14 (Amended as printed in Senate Journal, March 11, page 430.)

15  
16 Laid over until March 21, retaining place on Calendar.

17  
18 **HB11-1118** by Representative(s) Kerr J., Acree, Gardner D., Miklosi;  
19 also Senator(s) Carroll, Tochtrop--Concerning  
20 authorization for the state auditor to conduct a  
21 performance audit of a public highway authority.

22  
23 (Amended as printed in Senate Journal, March 11, page 433.)

24  
25 Representative Kerr J. moved that the House **concur** in Senate  
26 amendments. The motion was declared **passed** by the following roll call  
27 vote:

28	YES	58	NO	6	EXCUSED	1	ABSENT	0
29	Acree	Y	Fischer	N	Liston	Y	Scott	Y
30	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
31	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
32	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
33	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
34	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
35	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
36	Brown	N	Jones	N	Nikkel	Y	Swerdfeger	Y
37	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
38	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
39	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	N
40	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
41	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
42	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
43	Ferrandino	Y	Lee	Y	Ryden	N	Williams A.	Y
44	Fields	N	Levy	Y	Schafer S.	E	Wilson	Y
45							Speaker	Y

46  
47  
48 The question being, "Shall the bill, as amended, pass?"

49 A roll call vote was taken. As shown by the following recorded vote, a  
50 majority of those elected to the House voted in the affirmative, and the  
51 bill, as amended, was declared **repassed**.

52	YES	60	NO	4	EXCUSED	1	ABSENT	0
53	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
54	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
55	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y



1	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
2	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
3	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
4	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
5	Brown	N	Jones	Y	Nikkel	Y	Swerdfeger	Y
6	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
7	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
8	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
9	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
10	DelGrosso	Y	Kerr J.	Y	Ramirez	N	Vigil	Y
11	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
12	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
13	Fields	Y	Levy	Y	Schafer S.	E	Wilson	Y
14							Speaker	Y

15 Co-sponsor(s) added: Representative(s) Fischer, Pace.

16  
17  
18  
19 **MESSAGE(S) FROM THE SENATE**

20  
21 The Senate has adopted and transmits herewith: SJR11-027.

22  
23  
24  
25 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

26  
27 On motion of Representative Stephens, the rules were suspended and the  
28 following resolution was given immediate consideration.

29  
30 **SJR11-027** by Senator(s) Shaffer B. and Kopp; also Representative(s)  
31 McNulty and Pace--Concerning continued support by the  
32 Colorado General Assembly for a strong relationship  
33 between the United States and Israel.

34  
35 (Printed and placed in member's file).

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

39  
40 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,  
41 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,  
42 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D.,  
43 Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A.,  
44 Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley,  
45 Miklosi, Murray, Nikkel, Pabon, Peniston, Priola, Ramirez, Riesberg, Ryden,  
46 Scott, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger,  
47 Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson.

48  
49  
50  
51  
52 **MESSAGE(S) FROM THE SENATE**

53  
54 The Senate has adopted and transmits herewith: SJR11-025.

55  
56

1 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

2

3 On motion of Representative Stephens, the rules were suspended and the  
4 following resolution was given immediate consideration.

5

6 **SJR11-025** by Senator(s) Spence; also Representative(s) Williams A.--  
7 Concerning the need to support women small business  
8 owners, and, in connection therewith, promoting economic  
9 development in Colorado.

10

11 (Printed and placed in member's file).

12

13 On motion of Representative Williams A., the resolution was **adopted** by  
14 **viva voce** vote.

15

16 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,  
17 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,  
18 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D.,  
19 Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A.,  
20 Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley,  
21 Miklosi, Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Riesberg,  
22 Ryden, Scott, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm,  
23 Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller, Wilson, Speaker.

24

25

26

27 On motion of Representative Coram, the House resolved itself into  
28 Committee of the Whole for consideration of General Orders, and he was  
29 called to the Chair to act as Chairman.

30

31

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

33

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

38

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

41

42 **HB11-1146** by Representative(s) Massey; also Senator(s) Steadman--  
43 Concerning a requirement that a residence be integral to an  
44 agricultural operation in determining whether two acres or  
45 less associated with the residence satisfies the definition of  
46 agricultural land for property tax purposes.

47

48 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,  
49 dated February 21, 2011, and placed in member's bill file; Report also  
50 printed in House Journal, February 22, page 394.

51

52 Amendment No. 2, by Representative(s) Massey.

53

54 Amend printed bill, page 4, after line 11 insert:

55 "SECTION 2. Part 1 of article 5 of title 39, Colorado Revised  
56 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2 **39-5-133. 2011 modification of statutory definition of**  
3 **"agricultural land" - TABOR election - adjustment of district mill**  
4 **levy.** (1) (a) THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION  
5 (1) SHALL ONLY APPLY TO A DISTRICT, AS DEFINED IN SECTION 20 (2) (b)  
6 OF ARTICLE X OF THE STATE CONSTITUTION, THAT HAS NOT OBTAINED  
7 VOTER APPROVAL TO:

8  
9 (I) RETAIN AND SPEND REVENUES IN EXCESS OF THE FISCAL YEAR  
10 SPENDING AND PROPERTY TAX REVENUE LIMITS IMPOSED ON THE DISTRICT  
11 BY SECTION 20 (7) (b) AND (c) OF ARTICLE X OF THE STATE CONSTITUTION  
12 SUFFICIENT TO ALLOW THE RETENTION OF ALL ADDITIONAL PROPERTY TAX  
13 REVENUES; AND

14  
15 (II) THE DISTRICT HAS ADDITIONALLY DETERMINED, ON THE BASIS  
16 OF THE BEST AVAILABLE INFORMATION, THAT IMPLEMENTATION OF THE  
17 MODIFICATION OF THE DEFINITION OF "AGRICULTURAL LAND" REQUIRED  
18 BY SAID HOUSE BILL 11-1146 WILL CAUSE A NET PROPERTY TAX REVENUE  
19 GAIN TO THE DISTRICT SUFFICIENT TO CAUSE THE DISTRICT TO EXCEED  
20 SUCH LIMITS.

21  
22 (b) IN THE CASE OF A DISTRICT THAT MEETS THE REQUIREMENTS  
23 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE DISTRICT SHALL  
24 PLACE BEFORE THE VOTERS OF THE DISTRICT AT ANY ELECTION AT WHICH  
25 SUCH BALLOT ISSUE MAY BE PLACED ON THE BALLOT THE QUESTION OF  
26 WHETHER THE DISTRICT MAY RETAIN AND SPEND REVENUES IN EXCESS OF  
27 THE LIMITS IMPOSED ON THE DISTRICT BY SECTION 20 (7) (b) AND (c) OF  
28 ARTICLE X OF THE STATE CONSTITUTION SUFFICIENT TO ALLOW THE  
29 RETENTION OF THE NET PROPERTY TAX REVENUE GAIN TO THE DISTRICT  
30 RESULTING FROM THE IMPLEMENTATION OF THE MODIFICATION OF THE  
31 DEFINITION OF "AGRICULTURAL LAND" REQUIRED BY HOUSE BILL 11-1146,  
32 ENACTED IN 2011.

33  
34 (c) IF A MAJORITY OF THE VOTERS OF THE DISTRICT FAIL TO  
35 APPROVE THE BALLOT ISSUE SPECIFIED IN PARAGRAPH (b) OF THIS  
36 SUBSECTION (1), OR IF NO BALLOT ISSUE HAS BEEN SUBMITTED TO THE  
37 VOTERS, THE DISTRICT SHALL ADJUST THE NUMBER OF MILLS LEVIED BY  
38 THE DISTRICT TO ELIMINATE ANY NET PROPERTY TAX REVENUE GAIN TO  
39 THE DISTRICT RESULTING FROM THE MODIFICATION OF THE DEFINITION OF  
40 "AGRICULTURAL LAND" REQUIRED BY HOUSE BILL 11-1146, ENACTED IN  
41 2011.

42  
43 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
44 PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO ANY  
45 DISTRICT, REGARDLESS OF WHETHER OR NOT IT SATISFIES THE  
46 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2), THAT HAS  
47 DETERMINED, ON THE BASIS OF THE BEST AVAILABLE INFORMATION, THAT  
48 IMPLEMENTATION OF THE MODIFICATION OF THE DEFINITION OF  
49 "AGRICULTURAL LAND" REQUIRED BY HOUSE BILL 11-1146, ENACTED IN  
50 2011, WILL NOT CAUSE A NET PROPERTY TAX REVENUE GAIN TO THE  
51 DISTRICT."

52  
53 Renumber succeeding sections accordingly.

54  
55 As amended, ordered engrossed and placed on the Calendar for Third  
56 Reading and Final Passage.

1 **SB11-083** by Senator(s) Roberts; also Representative(s) Barker--  
2 Concerning provisions relating to the Colorado probate  
3 code.  
4

5 Amendment No. 1, Judiciary Report, dated March 10, 2011, and placed  
6 in member's bill file; Report also printed in House Journal, March 11,  
7 pages 626-627.  
8

9 Amendment No. 2, by Representative(s) Gardner B.  
10

11 Amend the House Judiciary Committee Report, dated March 10, 2011,  
12 page 2, line 8, strike "dollars;". and substitute "dollars;".  
13

14 Page 2 of the report, after line 8, insert:  
15

16 "SECTION 12. 15-14-420 (5), Colorado Revised Statutes, is  
17 amended to read:  
18

19 **15-14-420. Reports - appointment of monitor - monitoring -**  
20 **records.** (5) A conservator shall keep records of the administration of  
21 the estate and make them available for examination on reasonable request  
22 of an interested person WITHIN THIRTY DAYS UNLESS THE COURT  
23 OTHERWISE DIRECTS.  
24

25 **SECTION 13.** 15-16-303, Colorado Revised Statutes, is amended  
26 BY THE ADDITION OF A NEW SUBSECTION to read:  
27

28 **15-16-303. Duty to inform and account to beneficiaries.** (5)  
29 NOT MORE THAN THIRTY DAYS AFTER RECEIVING A REQUEST PURSUANT TO  
30 THIS SECTION, THE TRUSTEE SHALL COMPLY WITH THE REQUEST OR  
31 RESPOND IN WRITING AS TO WHY ADDITIONAL TIME IS NEEDED TO RESPOND  
32 OR WHY THE REQUESTED INFORMATION WILL NOT BE PROVIDED.  
33

34 **SECTION 14.** 15-14-734 (2) (f), (2) (g), and (2) (h), Colorado  
35 Revised Statutes, are amended to read:  
36

37 **15-14-734. Estates, trusts, and other beneficial interests.**  
38 (2) Unless the power of attorney otherwise provides, language in a power  
39 of attorney granting general authority with respect to estates, trusts, and  
40 other beneficial interests authorizes the agent to:  
41

42 (f) Conserve, invest, disburse, or use anything received for an  
43 authorized purpose; AND  
44

45 (g) Transfer an interest of the principal in real property, stocks and  
46 bonds, accounts with financial institutions or securities intermediaries,  
47 insurance, annuities, and other property to the trustee of a revocable trust  
48 created by the principal as settlor. ~~and~~  
49

50 ~~(h) Reject, renounce, disclaim, release, or consent to a reduction~~  
51 ~~in or modification of a share in or payment from an estate, trust, or other~~  
52 ~~beneficial interest."~~  
53

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

1 **SB11-087** by Senator(s) Boyd; also Representative(s) Fields and  
 2 Beezley--Concerning authority for the public utilities  
 3 commission to create an exemption from tiered electricity  
 4 rate plans based on a customer's medical condition.

5  
 6 Ordered revised and placed on the Calendar for Third Reading and Final  
 7 Passage.

8  
 9 **SB11-039** by Senator(s) Tochtrop; also Representative(s) Massey--  
 10 Concerning the consequences of default in payments due  
 11 for storage of personal property in a self-storage facility.

12  
 13 Amendment No. 1, Judiciary Report, dated March 15, 2011, and placed  
 14 in member's bill file; Report also printed in House Journal, March 16,  
 15 pages 653-654.

16  
 17 Amendment No. 2, by Representative(s) Massey.

18  
 19 Amend reengrossed bill, page 4, strike lines 15 through 27.

20  
 21 Page 5, strike line 1 and substitute:

22  
 23 ~~"(d) Any notice made pursuant to this section shall be presumed~~  
 24 ~~delivered when it is deposited with the United States postal service and~~  
 25 ~~properly addressed with postage prepaid. IF THE OWNER SENDS NOTICE OF~~  
 26 ~~A PENDING SALE OF PROPERTY TO THE OCCUPANT'S LAST-KNOWN E-MAIL~~  
 27 ~~ADDRESS AND DOES NOT RECEIVE A RESPONSE, RETURN RECEIPT, OR~~  
 28 ~~DELIVERY CONFIRMATION FROM THE SAME E-MAIL ADDRESS, THE OWNER~~  
 29 ~~MUST SEND NOTICE OF THE SALE TO THE OCCUPANT BY VERIFIED MAIL TO~~  
 30 ~~THE OCCUPANT'S LAST-KNOWN POSTAL ADDRESS BEFORE PROCEEDING~~  
 31 ~~WITH THE SALE."~~

32  
 33 As amended, ordered revised and placed on the Calendar for Third  
 34 Reading and Final Passage.

35  
 36  
 37  
 38 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

39  
 40 Passed Second Reading: **HB11-1146 amended, SB11-083 amended,**  
 41 **087, 039 amended.**

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

47  
 48

	YES	64	NO	0	EXCUSED	1	ABSENT	0
49	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
50	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
51	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
52	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
53	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
54	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
55	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
56	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y

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

10  
11  
12 House in recess. House reconvened.  
13  
14

15  
16 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

17  
18 **APPROPRIATIONS**

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

21  
22 **HB11-1005** be amended as follows, and as so amended, be referred to  
23 the Committee of the Whole with favorable  
24 recommendation:  
25

26 Amend printed bill, page 5, after line 2 insert:

27  
28 **"SECTION 6. Appropriation.** In addition to any other  
29 appropriation, there is hereby appropriated, out of any moneys in the  
30 general fund not otherwise appropriated, to the department of revenue, for  
31 allocation to the taxpayer business group, for allocation to the taxpayer  
32 service division, for the fiscal year beginning July 1, 2010, the sum of  
33 five thousand seven hundred eighty dollars (\$5,780), or so much thereof  
34 as may be necessary, for the implementation of this act."  
35

36 Renumber succeeding section accordingly.  
37

38 Page 1, line 104 strike "**PRODUCTION.**" and substitute "**PRODUCTION, AND**  
39 **MAKING AN APPROPRIATION THEREFOR.**".  
40  
41  
42

43 **HB11-1145** be amended as follows, and as so amended, be referred to  
44 the Committee of the Whole with favorable  
45 recommendation:  
46

47 Amend the Education Committee Report, dated March 2, 2011, page 1,  
48 line 5, strike "1 and substitute:" and substitute "1."  
49

50 Page 1 of the report, strike lines 6 through 21.  
51

52 Strike pages 2 and 3 of the report and substitute:  
53

54 "Page 9 of the bill, strike lines 10 through 12 and substitute:  
55

56 **"SECTION 6. Appropriation.** (1) In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the child  
2 care licensing cash fund created in section 26-6-105 (4), Colorado  
3 Revised Statutes, not otherwise appropriated, to the department of human  
4 services, for allocation to the division of child care, for the fiscal year  
5 beginning July 1, 2011, the sum of nineteen thousand three hundred  
6 eleven dollars (\$19,311) cash funds and 0.4 FTE, or so much thereof as  
7 may be necessary, for the implementation of this act.

8  
9 (2) In addition to any other appropriation, there is hereby  
10 appropriated, to the department of public safety, for allocation to the  
11 Colorado bureau of investigation, for the fiscal year beginning July 1,  
12 2011, from the Colorado bureau of investigation identification unit fund  
13 created in section 24-33.5-426, Colorado Revised Statutes, the sum of one  
14 hundred seventy-two thousand five hundred dollars (\$172,500) cash  
15 funds, or so much thereof as may be necessary, for fingerprint and name  
16 check processing fees collected by the department for transmittal to the  
17 federal bureau of investigation.

18  
19 **SECTION 7. Act subject to petition - effective date.** This act  
20 shall take effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part shall not take effect  
26 unless approved by the people at the general election to be held in  
27 November 2012 and shall take effect on the date of the official  
28 declaration of the vote thereon by the governor."

29  
30 Page 1 of the bill, line 102, strike "FACILITIES."and substitute  
31 "FACILITIES, AND MAKING AN APPROPRIATION THEREFOR."."

32  
33  
34  
35 **HB11-1199** be referred to the Committee of the Whole with favorable  
36 recommendation.

37  
38  
39 **HB11-1201** be amended as follows, and as so amended, be referred to  
40 the Committee of the Whole with favorable  
41 recommendation:

42  
43 Amend printed bill, page 3, line 19, strike "**fund.**" and substitute "**fund -  
44 repeal.**".

45  
46 Page 3, line 19, after "(1)", insert "(a)".

47  
48 Page 4, strike lines 8 through 12 and substitute "cash fund, which fund is  
49 hereby created AND REFERRED TO IN THIS SUBSECTION (1) AS THE "CASH  
50 FUND". The general assembly shall make annual appropriations from the  
51 ~~educator licensure~~ cash fund for expenditures of the state board of  
52 education and of the department of ~~education~~ incurred".

53  
54 Page 4, line 14, strike "educator licensure" and substitute "educator  
55 licensure".

56

1 Page 4, after line 16, insert:

2  
3       "(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF  
4 THIS SUBSECTION (1) TO THE CONTRARY, FOR THE 2011-12, 2012-13, AND  
5 2013-14 FISCAL YEARS, THE MONEYS IN THE CASH FUND ARE  
6 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO OFFSET THE  
7 DIRECT AND INDIRECT COSTS INCURRED BY THE STATE BOARD OF  
8 EDUCATION AND THE DEPARTMENT IN ADMINISTERING THIS ARTICLE. IN  
9 EACH OF SAID FISCAL YEARS, THE GENERAL APPROPRIATIONS BILL SHALL,  
10 FOR INFORMATIONAL PURPOSES, REFLECT THE ESTIMATED AMOUNT OF  
11 EXPENDITURES, INCLUDING ANY FUNDING FOR PERSONNEL, FROM THE  
12 CASH FUND.

13  
14       (II) DURING EACH OF THE 2012, 2013, AND 2014 REGULAR  
15 LEGISLATIVE SESSIONS, THE DEPARTMENT SHALL REPORT TO THE  
16 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
17 SENATE, OR ANY SUCCESSOR COMMITTEES, AND THE JOINT BUDGET  
18 COMMITTEE OF THE GENERAL ASSEMBLY CONCERNING EXPENDITURES  
19 FROM THE CASH FUND AND THE DEPARTMENT'S PROGRESS IN MEETING THE  
20 GOAL OF REDUCING TO SIX WEEKS OR LESS THE PROCESSING TIME FOR  
21 ISSUING OR RENEWING AN EDUCATOR LICENSE.

22  
23       (III) FOR STATE FISCAL YEARS 2011-12, 2012-13, AND 2013-14,  
24 ANY PERSONS HIRED TO ASSIST THE DEPARTMENT IN REDUCING THE  
25 PROCESSING TIME FOR ISSUING OR RENEWING AN EDUCATOR LICENSE  
26 SHALL BE INDEPENDENT CONTRACTORS WITH THE DEPARTMENT, AND THE  
27 CONTRACTS FOR SERVICES SHALL NOT EXTEND BEYOND JUNE 30, 2014.

28  
29       (IV) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2014.

30  
31       **SECTION 3.** 24-50-503, Colorado Revised Statutes, is amended  
32 BY THE ADDITION OF A NEW SUBSECTION to read:

33  
34       **24-50-503. Personal services contracts implicating state**  
35 **personnel system - no separation of existing classified employees -**  
36 **repeal.** (3) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
37 THE CONTRARY, ANY PERSONAL SERVICES CONTRACTS ENTERED INTO BY  
38 THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-112 (1)  
39 (b), C.R.S., SHALL BE VALID AND SHALL NOT BE SUBJECT TO APPROVAL  
40 PURSUANT TO THIS SECTION.

41  
42       (b) THIS SUBSECTION (3) IS REPEALED EFFECTIVE JULY 1, 2014."

43  
44 Renumber succeeding sections accordingly.

45  
46  
47  
48 **HB11-1237** be amended as follows, and as so amended, be referred to  
49 the Committee of the Whole with favorable  
50 recommendation:

51  
52 Amend printed bill, page 2, line 20, after "APPROPRIATED" insert  
53 "BEGINNING IN FISCAL YEAR 2011-12 AND ENDING IN FISCAL YEAR 2014-15  
54 AND ANNUALLY APPROPRIATED THEREAFTER,".

55  
56 Page 2, after line 26, insert



1           **"SECTION 2. Appropriation.** In addition to any other  
2 appropriation, there is hereby appropriated, out of any moneys in the  
3 chargeable quarters and billeting cash fund created in section 28-3-109,  
4 Colorado Revised Statutes, not otherwise appropriated, to the department  
5 of military and veterans affairs, for allocation to the executive director  
6 and army national guard division, for the fiscal year beginning July 1,  
7 2011, the sum of one hundred twenty thousand dollars (\$120,000) cash  
8 funds, or so much thereof as may be necessary, for the implementation of  
9 this act."

10

11 Renumber succeeding section accordingly.

12

13 Page 1, line 102, strike "FUND." and substitute "FUND, AND MAKING AN  
14 APPROPRIATION THEREFOR."

15

16

17

18 **HB11-1241** be amended as follows, and as so amended, be referred to  
19 the Committee of the Whole with favorable  
20 recommendation:

21

22 Amend printed bill, page 5, after line 3 insert:

23

24           **"SECTION 2. Appropriation.** In addition to any other  
25 appropriation, there is hereby appropriated, out of any moneys in the  
26 general fund not otherwise appropriated, to the department of education,  
27 for allocation to assistance to public schools, public school finance for  
28 the state share of districts' total program funding, for the fiscal year  
29 beginning July 1, 2011 , the sum of eight hundred and forty-five dollars  
30 (\$845), or so much thereof as may be necessary, for the implementation  
31 of this act."

32

33 Renumber succeeding section accordingly.

34

35 Page 1, line 105, strike "PURPOSES." and substitute "PURPOSES, AND  
36 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

37

38

39

40 **HB11-1249** be postponed indefinitely.

41

42

43 **HB11-1254** be amended as follows, and as so amended, be referred to  
44 the Committee of the Whole with favorable  
45 recommendation:

46

47 Amend the House Education Committee Report, dated March 9, 2011,  
48 page 5, line 28, strike "APPROPRIATED" and substitute "ANNUALLY  
49 EXPENDED".

50

51

52

53 **HB11-1261** be amended as follows, and as so amended, be referred to  
54 the Committee of the Whole with favorable  
55 recommendation:

56

1 Amend printed bill, page 6, before line 5, insert:

2  
3       **"SECTION 8. Appropriation.** (1) In addition to any other  
4 appropriation, there is hereby appropriated, out of any moneys in the  
5 licensing services cash fund created in section 42-2-114.5 (1), Colorado  
6 Revised Statutes, not otherwise appropriated, to the department of  
7 revenue, for allocation to the information technology division, for the  
8 fiscal year beginning July 1, 2011, the sum of twenty-two thousand two  
9 hundred dollars (\$22,200) cash funds, or so much thereof as may be  
10 necessary, for the implementation of this act.

11  
12       (2) In addition to any other appropriation, there is hereby  
13 appropriated to the governor - lieutenant governor - state planning and  
14 budgeting, for allocation to the office of information technology, for the  
15 fiscal year beginning July 1, 2011, the sum of twenty-two thousand two  
16 hundred dollars (\$22,200), or so much thereof as may be necessary, for  
17 the programming services to be provided to the department of revenue  
18 related to the implementation of this act. Said sum shall be from  
19 reappropriated funds received from the department of revenue out of the  
20 appropriation made in subsection (1) of this section."

21  
22 Renumber succeeding section accordingly.

23  
24 Page 1, line 103, strike "SE." and substitute "SE, AND MAKING AN  
25 APPROPRIATION IN CONNECTION THEREWITH."

26

27

28

29 **SB11-008** be referred to the Committee of the Whole with favorable  
30 recommendation.

31

32

33

34

35 **HEALTH & ENVIRONMENT**

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

38

39 **SB11-094** be amended as follows, and as so amended, be referred to  
40 the Committee on Appropriations with favorable  
41 recommendation:

42

43 Amend reengrossed bill, page 3, line 17, strike "OPTOMETRIC  
44 EXAMINERS," and substitute "OPTOMETRY,".

45

46 Page 5, line 12, after "(a)," insert "(1) (b), (1) (c)," and after "(e)," insert  
47 "(1) (k),".

48

49 Page 5, after line 20 insert:

50

51       "(b) Publishing or circulating, directly or indirectly, any  
52 fraudulent, false, deceitful, or misleading claims or statements relating to  
53 ~~optometric~~ OPTOMETRY services or ophthalmic materials or devices;

54

55       (c) Employing or offering compensation or merchandise of value  
56 to any salesman, runner, patient, or other person as an inducement to

1 secure his OR HER services or assistance in the solicitation of patronage  
2 for the performing, rendering, supplying, or selling of ~~optometric~~  
3 OPTOMETRY services or ophthalmic materials or devices;"

4  
5 Page 5, after line 23 insert:

6  
7 "(k) An act or omission constituting grossly negligent ~~optometric~~  
8 OPTOMETRY practice or two or more acts or omissions ~~which~~ THAT fail to  
9 meet generally accepted standards of ~~optometric~~ OPTOMETRY practice;"

10  
11 Page 8, line 14, after "(a)," insert "(1) (b), (1) (d), (2) (e), (2.1), (2.3), (4)  
12 (a), (7) (a), (8) (a), (8) (c) (III), and (9)" and strike "is" and substitute  
13 "are".

14  
15 Page 8, line 18, strike "or certificates" and substitute "~~or certificates~~".

16  
17 Page 8, line 22, strike "or certificate" and substitute "~~or certificate~~".

18  
19 Page 9, after line 9 insert:

20  
21 "(b) Upon its own motion or upon a signed complaint, an  
22 investigation may be made if there is reasonable cause to believe that an  
23 optometrist licensed ~~or certified, or both~~ by the board has committed an  
24 act of unprofessional conduct pursuant to section 12-40-118 or, while  
25 under probation, has violated the terms of ~~said~~ THE probation.

26  
27 (d) The board may revoke, suspend, deny, issue, reissue, or  
28 reinstate licenses ~~and certificates~~ granted pursuant to this article or under  
29 the previous laws of this state, and the board may take such other  
30 intermediate action as may be deemed necessary under the circumstances  
31 of each case pursuant to this section.

32  
33 (2) (e) The action of the board in refusing to grant or renew,  
34 revoking, or suspending a license, ~~or certificate~~, issuing a letter of  
35 admonition, or placing a licensee on probation or under supervision  
36 pursuant to subsection (1) of this section may be reviewed by the court of  
37 appeals by appropriate proceedings under section 24-4-106 (11), C.R.S.

38  
39 (2.1) When a complaint or investigation discloses an instance of  
40 conduct that does not warrant formal action by the board and, in the  
41 opinion of the board, the complaint should be dismissed, but the board  
42 has noticed indications of possible errant conduct by the licensee ~~or~~  
43 ~~certificate holder~~ that could lead to serious consequences if not corrected,  
44 a confidential letter of concern may be issued and sent to the licensee. ~~or~~  
45 ~~certificate holder~~.

46  
47 (2.3) No person whose license ~~or certification, or both~~, is revoked  
48 by the board may reapply for a new license under the provisions of this  
49 article for at least two years after any such revocation.

50  
51 (4) (a) The board, on its own motion or upon application, at any  
52 time after the refusal to grant a license, ~~or certificate~~, the imposition of  
53 any discipline, or the ordering of probation, as provided in this section,  
54 may reconsider its prior action and grant, reinstate, or restore such  
55 license, ~~or certificate~~ or terminate probation, or reduce the severity of its  
56 prior disciplinary action. The taking of any such further action, or the

1 holding of a hearing with respect thereto, ~~shall rest~~ RESTS in the sole  
2 discretion of the board.

3  
4 (7) (a) If it appears to the board, based upon credible evidence as  
5 presented in a written complaint by any person, that a licensee ~~or~~  
6 ~~certificate holder~~ is acting in a manner that is an imminent threat to the  
7 health and safety of the public, or a person is acting or has acted without  
8 the required license, ~~or certificate~~, the board may issue an order to cease  
9 and desist such activity. The order shall set forth the statutes and rules  
10 alleged to have been violated, the facts alleged to have constituted the  
11 violation, and the requirement that all unlawful acts or unlicensed ~~or~~  
12 ~~uncertified~~ practices immediately cease.

13  
14 (8) (a) If it appears to the board, based upon credible evidence as  
15 presented in a written complaint by any person, that a person has violated  
16 any other portion of this article, then, in addition to any specific powers  
17 granted pursuant to this article, the board may issue to such person an  
18 order to show cause as to why the board should not issue a final order  
19 directing such person to cease and desist from the unlawful act or  
20 unlicensed ~~or uncertified~~ practice.

21  
22 (c) (III) If the board reasonably finds that the person against  
23 whom the order to show cause was issued is acting or has acted without  
24 the required license ~~or certificate~~, or has or is about to engage in acts or  
25 practices constituting violations of this article, a final cease-and-desist  
26 order may be issued, directing such person to cease and desist from  
27 further unlawful acts or unlicensed ~~or uncertified~~ practices.

28  
29 (9) If it appears to the board, based upon credible evidence  
30 presented to the board, that a person has engaged in or is about to engage  
31 in any unlicensed ~~or uncertified~~ act or practice, any act or practice  
32 constituting a violation of this article, any rule promulgated pursuant to  
33 this article, any order issued pursuant to this article, or any act or practice  
34 constituting grounds for administrative sanction pursuant to this article,  
35 the board may enter into a stipulation with such person."

36  
37 Page 10, line 7, strike "**optometric examiners**" and substitute  
38 "**optometry**".

39  
40 Page 10, line 8, strike "optometric examiners," and substitute "**optometric**  
41 **examiners OPTOMETRY**".

42  
43 Page 10, line 16, strike "shall" and substitute "~~shall~~ MUST".

44  
45 Page 10, line 19, strike "shall" and substitute "~~shall~~ MUST".

46  
47 Page 13, line 24, after "(3)" insert "A THERAPEUTIC OPTOMETRIST IS AN  
48 OPTOMETRIST LICENSED PURSUANT TO THIS ARTICLE WHO MEETS THE  
49 REQUIREMENTS OF SECTION 12-40-109.5 (1.5) AND (3)."

50  
51 Page 13, line 26, strike everything after "unless".

52  
53 Page 13, strike line 27 and substitute "~~certified as a therapeutic~~  
54 ~~optometrist pursuant to section 12-40-109.5 (1.5) and (3)~~ HE OR SHE IS A  
55 THERAPEUTIC OPTOMETRIST."

56

1 Page 14, after line 24 insert:

2

3 **"SECTION 11.** 12-40-103 (1) (a) and (1) (b), Colorado Revised  
4 Statutes, are amended to read:

5

6 **12-40-103. Proprietor defined.** (1) The term "proprietor", as  
7 used in this article, includes any person, group, association, or corporation  
8 not licensed under this article who:

9

10 (a) For financial gain employs optometrists in the operation of an  
11 ~~optometric~~ OPTOMETRY office;

12

13 (b) Places, directly or indirectly, in possession of an optometrist  
14 such ~~optometric~~ materials or equipment as may be necessary for the  
15 operation of an ~~optometric~~ OPTOMETRIST'S office on the basis of any fee  
16 splitting, income division, profit sharing, or similar agreement or on any  
17 basis ~~which~~ THAT has the effect of any such agreement, but the term  
18 "proprietor" does not include the bona fide seller of ~~optometric~~  
19 OPTOMETRY equipment or material secured by chattel mortgage,  
20 conditional sales contract, or other title retention agreements or the bona  
21 fide leasing of such equipment by the manufacturer or by his OR HER  
22 franchised dealer; or

23

24 **SECTION 12.** The introductory portion to 12-40-105 (1) and 12-  
25 40-105 (1) (d), Colorado Revised Statutes, are amended to read:

26

27 **12-40-105. Persons excluded from operation of this article.**

28 (1) This article ~~shall~~ DOES not apply to:

29

30 (d) Persons serving a post-doctorate residency or ~~optometric~~ AN  
31 OPTOMETRY student internship under the supervision of an optometrist  
32 licensed in Colorado as part of a curriculum from an accredited college  
33 of optometry.

34

35 **SECTION 13.** 12-40-107 (1) (a), (1) (b), and (1) (l), Colorado  
36 Revised Statutes, are amended to read:

37

38 **12-40-107. Powers and duties of the board - rules.** (1) In  
39 addition to all other powers and duties conferred upon the board by this  
40 article, the board has the following powers and duties:

41

42 (a) ~~To provide for examinations at least once each year to~~  
43 ~~ascertain the qualifications and fitness of applicants for licenses to~~  
44 ~~practice optometry. The board may accept~~ DETERMINE ACCEPTABILITY OF  
45 scores from tests administered by any approved or accredited national  
46 testing organization.

47

48 (b) ~~To prescribe rules and regulations for conducting and~~  
49 ~~administering examinations of applicants for licensing as optometrists and~~  
50 ~~to carry out effectively the provisions of this article. In prescribing such~~  
51 ~~rules and regulations~~ The board shall set the passing score of any such  
52 examination at a minimum acceptable level of competence for the  
53 practice of optometry.

54

55 (k) To establish programs of education ~~and certification~~ for  
56 optometrists wishing to enter new, proven, and generally accepted areas

1 of lawful practice involving techniques for which they have not received  
2 appropriate education;".

3  
4 (1) To prepare and distribute to consumers as is reasonably  
5 necessary written communication providing information concerning the  
6 board and ~~optometric~~ THE regulation OF OPTOMETRY in Colorado;".

7  
8 Renumber succeeding sections accordingly.

9  
10 Page 14, line 26, after "12-40-108" insert" (1)(b) and"

11  
12 Page 14, line 26, after "12-40-108" insert "(1) (b) and".

13  
14 Page 15, after line 6 insert:

15  
16 "(b) The applicant has graduated with the degree of doctor of  
17 optometry from a school or college of optometry accredited by a regional  
18 or professional accreditation organization ~~which~~ THAT is recognized or  
19 approved by the council on postsecondary accreditation or the United  
20 States commissioner of education. The board ~~shall have~~ HAS the  
21 authority, upon its investigation and approval of the standards thereof, to  
22 approve any other ~~optometric~~ college OF OPTOMETRY.".

23  
24 Page 15, line 21, strike everything after "she" and substitute "~~becomes~~  
25 ~~certified as a therapeutic optometrist pursuant to~~ MEETS THE  
26 REQUIREMENTS OF".

27  
28 Page 16, line 5, strike "of the board" and substitute "~~of the board~~".

29  
30 Page 16, line 6, strike "evidenced by a certificate" and substitute  
31 "~~evidenced by a certificate~~".

32  
33 Page 16, line 8, strike "certificate" and substitute "~~certificate~~".

34  
35 Page 16, line 9, strike everything after "by the".

36  
37 Page 16, strike lines 10 through 12 and substitute "board. ~~except that the~~  
38 ~~board shall provide an optometrist who is certified as a therapeutic~~  
39 ~~optometrist pursuant to section 12-40-109.5 (1.5) with a distinctive~~  
40 ~~certificate indicating such certification. Such certificate shall be~~  
41 ~~displayed by~~ The".

42  
43 Page 16, line 13, after "optometrist" insert "SHALL DISPLAY HIS OR HER  
44 LICENSE".

45  
46 Page 16, line 14, strike "a certified therapeutic" and substitute "~~a certified~~  
47 ~~therapeutic~~ AN".

48  
49 Page 16, strike lines 17 and 18 and substitute "C.R.S. ~~Such fee shall not~~  
50 ~~be required for any renewal certificate obtained pursuant to the provisions~~  
51 ~~of section 12-40-113.~~".

52  
53 Page 16, line 19, strike "12-40-109.5 (1) and (1.5)" and substitute "12-40-  
54 109.5,".

55  
56 Page 16, line 20, strike "are" and substitute "is".

1 Page 16, line 21, strike everything after "**12-40-109.5.**" and substitute  
2 "**Use of prescription and nonprescription drugs.**"

3  
4 Page 16, line 26, strike everything after "has".

5  
6 Page 16, line 27, strike everything before "complied" and substitute  
7 "~~obtained a certificate from the board certifying that the optometrist has~~".

8  
9 Page 17, line 16, strike everything after "has".

10  
11 Page 17, line 17, strike everything before "complied" and substitute  
12 "~~obtained a certificate from the board certifying that the optometrist has~~".

13  
14 Page 18, after line 1 insert:

15  
16 "(2) ~~Prior to such certification,~~ The optometrist shall successfully  
17 complete a course in cardiopulmonary resuscitation within twenty-four  
18 months ~~preceding the application for certification~~ BEFORE USING  
19 PRESCRIPTION OR NONPRESCRIPTION DRUGS and shall pass a written and  
20 clinical examination approved by the board.

21  
22 (3) In addition to the requirements of section 12-40-108.5, ~~any~~  
23 ~~optometrist who holds a~~ EACH therapeutic optometrist certificate ~~on or~~  
24 ~~before July 1, 1996, and any new applicant for a license~~ shall meet all  
25 requirements prescribed by the board before commencing treatment of  
26 glaucoma or anterior uveitis. ~~The board shall suspend, as provided in~~  
27 ~~section 12-40-119, the therapeutic optometrist certificate of any~~  
28 ~~optometrist who fails to meet the requirements of this section on or before~~  
29 ~~March 31, 1999. Such suspension shall be terminated when the~~  
30 ~~optometrist has fulfilled the requirements of this section~~

31  
32 **SECTION 19.** 12-40-111 (1), Colorado Revised Statutes, is  
33 amended to read:

34  
35 **12-40-111. Disposition of fees - reports - publications.** (1) All  
36 ~~examination and other~~ fees prescribed in this article shall be determined  
37 and collected pursuant to section 24-34-105, C.R.S."

38  
39 Renumber succeeding sections accordingly.

40  
41 Page 18, after line 17 insert:

42  
43 **"SECTION 22.** 12-40-115, Colorado Revised Statutes, is  
44 amended to read:

45  
46 **12-40-115. Licenses to be displayed.** Every practitioner of  
47 optometry ~~within the meaning of this article~~ shall post and keep  
48 conspicuously displayed his OR HER license ~~certificate~~ in the office  
49 wherein he OR SHE practices. If an optometrist practices at several  
50 locations in the state, ~~he~~ THE OPTOMETRIST shall display his OR HER  
51 license number and name in a manner that can be easily recognized by his  
52 OR HER patients. ~~Any~~ EACH association of persons who engage in the  
53 practice of optometry under the name of a partnership, association, or any  
54 other title shall cause to be displayed and kept in a conspicuous place at  
55 the entrance of its place of business the name of each person engaged or  
56 employed in said partnership or association in the practice of optometry."

1 Renumber succeeding sections accordingly.

2

3 Page 19, after line 4 insert:

4

5 **"SECTION 24.** 12-40-120, Colorado Revised Statutes, is  
6 amended to read:

7

8 **12-40-120. Use of forged or invalid certificate.** It is unlawful  
9 for any person to use or attempt to use as his OR HER own a diploma of an  
10 ~~optometric~~ OPTOMETRY school or college, or a license of another person,  
11 or a forged diploma or license, or any forged or false identification.

12

13 **SECTION 25.** 12-40-121, Colorado Revised Statutes, is amended  
14 to read:

15

16 **12-40-121. Sale or forgery of degree or license.** (1) It is  
17 unlawful:

18

19 (a) To sell or offer to sell a diploma conferring an ~~optometric~~  
20 OPTOMETRY degree or a license granted pursuant to this article or prior  
21 ~~optometric~~ OPTOMETRY practice laws; ~~or~~

22

23 (b) To procure ~~such~~ A diploma or license with intent that it ~~shall~~  
24 be used as evidence of the right to practice optometry by a person other  
25 than the one upon whom it was conferred or to whom such license was  
26 granted; ~~or~~

27

28 (c) With fraudulent intent to alter such diploma or license or to  
29 use or attempt to use it when it is so altered.

30

31 **SECTION 26.** 12-40-122, Colorado Revised Statutes, is amended  
32 to read:

33

34 **12-40-122. Corporate practice prohibited - exceptions.** The  
35 practice of optometry in a corporate capacity is prohibited, but this  
36 prohibition ~~shall~~ DOES not apply to a professional corporation formed  
37 pursuant to this article or to ~~optometric~~ AN OPTOMETRY practice carried  
38 on by a nonprofit organization operating to assist indigent persons.

39

40 **SECTION 27.** 12-40-126 (2) and (3), Colorado Revised Statutes,  
41 are amended to read:

42

43 **12-40-126. Financial responsibility.** (2) The board may, by rule,  
44 establish lesser financial responsibility standards than those required in  
45 subsection (1) of this section for classes of license holders who render  
46 limited or occasional ~~optometric~~ OPTOMETRY services because of  
47 administrative or other nonclinical duties or partial or complete retirement  
48 or for other reasons that render the limits provided in paragraph (a) of  
49 subsection (1) of this section unreasonable or unattainable. However,  
50 nothing in this section ~~shall preclude~~ PRECLUDES or otherwise ~~prohibit~~  
51 PROHIBITS a licensed optometrist from rendering appropriate patient care  
52 on an occasional basis when the circumstances surrounding the need for  
53 such care so warrant.

54

55 (3) Each optometrist, as a condition of receiving and maintaining  
56 an active license to provide ~~optometric~~ OPTOMETRY services in this state,



1 shall furnish the board evidence of compliance with subsection (1) of this  
2 section. No license shall be issued or renewed unless such evidence of  
3 compliance has been furnished."

4

5 Renumber succeeding sections accordingly.

6

7 Page 19, after line 14 insert:

8

9 "SECTION 29. 10-1-125, Colorado Revised Statutes, is amended  
10 to read:

11

12 **10-1-125. Reporting of malpractice claims against**  
13 **optometrists.** (1) Each insurance company licensed to do business in  
14 this state and engaged in the writing of malpractice insurance for  
15 optometrists shall send to the ~~Colorado~~ state board of ~~optometric~~  
16 ~~examiners~~ OPTOMETRY, in the form prescribed by the commissioner,  
17 information relating to each malpractice claim against a licensed  
18 optometrist that is settled or in which judgment is rendered against the  
19 insured.

20

21 (2) Such information shall include any information deemed  
22 necessary by the ~~Colorado~~ state board of ~~optometric-examiners~~  
23 OPTOMETRY to conduct a further investigation and hearing.

24

25 **SECTION 30.** The introductory portion to 13-4-102 (2) and 13-4-  
26 102 (2) (i), Colorado Revised Statutes, is amended to read:

27

28 **13-4-102. Jurisdiction.** (2) The court of appeals ~~shall have~~ HAS  
29 initial jurisdiction to:

30

31 (i) Review actions of the state board of ~~optometric-examiners~~  
32 OPTOMETRY in refusing to grant or renew, revoking, or suspending a  
33 license, issuing a letter of admonition, or placing a licensee on probation  
34 or under supervision, as provided by section 12-40-119 (2) (e), C.R.S.;

35

36 **SECTION 31.** 18-18-103, Colorado Revised Statutes, is amended  
37 to read:

38

39 **18-18-103. Special definition - board.** As used in parts 1 and 2  
40 of this article, "board" means the state board of pharmacy. As used in  
41 parts 3, 4, 5, and 6 of this article, "board" means the respective licensing  
42 board responsible for licensing and registering practitioners or other  
43 persons who are subject to registration pursuant to part 3 of this article.  
44 For physicians the respective board is the Colorado medical board, for  
45 podiatrists the respective board is the Colorado podiatry board, for  
46 dentists the respective board is the state board of dental examiners, for  
47 optometrists the respective board is the state board of ~~optometric~~  
48 ~~examiners~~ OPTOMETRY, for pharmacists and pharmacies the respective  
49 board is the state board of pharmacy, for veterinarians the respective  
50 board is the state board of veterinary medicine, and for manufacturers,  
51 distributors, and humane societies the respective board is the state board  
52 of pharmacy.

53

54 **SECTION 32.** 18-18-302 (1), Colorado Revised Statutes, is  
55 amended to read:

56

1           **18-18-302. Registration requirements.** (1) Every person who  
 2 manufactures, distributes, or dispenses any controlled substance within  
 3 this state, or who proposes to engage in the manufacture, distribution, or  
 4 dispensing of any controlled substance within this state, shall obtain  
 5 annually or biannually, if applicable, a registration, issued by the  
 6 respective licensing board or the department in accordance with rules  
 7 adopted by such board or by the department. For purposes of this section  
 8 and this article, "registration" or "registered" means the licensing of  
 9 manufacturers, pharmacists, pharmacies, and humane societies located in  
 10 this state, and distributors located in or doing business in this state, by the  
 11 state board of pharmacy as set forth in parts 1 and 3 of article 22 of title  
 12 12, C.R.S., the licensing of physicians by the Colorado medical board, as  
 13 set forth in article 36 of title 12, C.R.S., the licensing of podiatrists by the  
 14 Colorado podiatry board, as set forth in article 32 of title 12, C.R.S., the  
 15 licensing of dentists by the state board of dental examiners, as set forth in  
 16 article 35 of title 12, C.R.S., the licensing of optometrists by the state  
 17 board of ~~optometric examiners~~ OPTOMETRY, as set forth in article 40 of  
 18 title 12, C.R.S., the licensing of veterinarians by the state board of  
 19 veterinary medicine, as set forth in article 64 of title 12, C.R.S., and the  
 20 licensing of researchers and addiction programs by the department of  
 21 human services, as set forth in part 3 of article 22 of title 12, C.R.S.

22  
 23           **SECTION 33.** 24-1-122 (3) (p), Colorado Revised Statutes, is  
 24 amended to read:

25  
 26           **24-1-122. Department of regulatory agencies - creation.**  
 27 (3) The following boards and agencies are transferred by a **type 1**  
 28 transfer to the department of regulatory agencies and allocated to the  
 29 division of registrations:

30  
 31           (p) State board of ~~optometric examiners~~ OPTOMETRY, created by  
 32 article 40 of title 12, C.R.S.;"

33  
 34 Renumber succeeding sections accordingly.

35  
 36 Page 1, line 102, after "**THEREWITH,**" insert "**CHANGING THE NAME OF**  
 37  
 38 **THE BOARD,**".

39  
 40  
 41  
 42  
 43 **JUDICIARY**

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

46  
 47 **HB11-1256** be postponed indefinitely.

48  
 49  
 50 **HB11-1268** be amended as follows, and as so amended, be referred to  
 51 the Committee of the Whole with favorable  
 52 recommendation:

53  
 54 Amend printed bill, page 4, strike lines 3 through 6 and substitute:

55  
 56           **"SECTION 2.** 42-4-1307 (1) (b), (3) (a) (I), (3) (a) (II), (4) (a) (I),

1 (4) (a) (II), (5) (a) (II), (6) (a) (II), (7) (b) (II), and (11), Colorado Revised  
2 Statutes, are amended to read:

3

4 **42-4-1307. Penalties for traffic offenses involving alcohol and**  
5 **drugs - repeal.** (1) **Legislative declaration.** The general assembly  
6 hereby finds and declares that, for the purposes of sentencing as described  
7 in section 18-1-102.5, C.R.S., each sentence for a conviction of a  
8 violation of section 42-4-1301 shall include:

9

10 (b) FOR A SECOND OR SUBSEQUENT OFFENDER, a period of  
11 probation. THE IMPOSITION OF A PERIOD OF PROBATION UPON THE  
12 CONVICTION OF A FIRST-TIME OFFENDER SHALL BE SUBJECT TO THE  
13 COURT'S DISCRETION AS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (3)  
14 AND PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION. The purpose of  
15 probation is to help the offender change his or her behavior to reduce the  
16 risk of future violations of section 42-4-1301. If a court imposes  
17 imprisonment as a penalty for a violation of a condition of his or her  
18 probation, the penalty shall constitute a separate period of imprisonment  
19 that the offender shall serve in addition to the imprisonment component  
20 of his or her original sentence.

21

22 (3) **First offenses - DUI, DUI per se, and habitual".**

23

24 Page 4, after line 18 insert:

25

26 "(II) A fine of at least six hundred dollars but no more than one  
27 thousand dollars, AND THE COURT SHALL HAVE DISCRETION TO SUSPEND  
28 THE FINE; and".

29

30 Page 5, after line 3 insert:

31

32 "(II) A fine of at least two hundred dollars but no more than five  
33 hundred dollars, AND THE COURT SHALL HAVE DISCRETION TO SUSPEND  
34 THE FINE; and

35

36 (5) **Second offenses.** (a) Except as otherwise provided in  
37 subsection (6) of this section, a person who is convicted of DUI, DUI per  
38 se, DWAI, or habitual user who, at the time of sentencing, has a prior  
39 conviction of DUI, DUI per se, DWAI, habitual user, vehicular homicide  
40 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault pursuant to  
41 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked  
42 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or  
43 driving while the person's driver's license was under restraint pursuant to  
44 section 42-2-138 (1) (d), shall be punished by:

45

46 (II) A fine of at least six hundred dollars but no more than one  
47 thousand five hundred dollars, AND THE COURT SHALL HAVE DISCRETION  
48 TO SUSPEND THE FINE;

49

50 (6) **Third and subsequent offenses.** (a) A person who is  
51 convicted of DUI, DUI per se, DWAI, or habitual user who, at the time  
52 of sentencing, has two or more prior convictions of DUI, DUI per se,  
53 DWAI, habitual user, vehicular homicide pursuant to section 18-3-106 (1)  
54 (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b), C.R.S.,  
55 aggravated driving with a revoked license pursuant to section 42-2-206  
56 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's driver's

1 license was under restraint pursuant to section 42-2-138 (1) (d) shall be  
2 punished by:

3  
4 (II) A fine of at least six hundred dollars but no more than one  
5 thousand five hundred dollars, AND THE COURT SHALL HAVE DISCRETION  
6 TO SUSPEND THE FINE;".

---

7  
8  
9  
10 **PRINTING REPORT**

11  
12 The Chief Clerk reports the following bills have been correctly printed:  
13 **HB11-1284, 1285, 1286.**

---

14  
15  
16  
17 **MESSAGE(S) FROM THE SENATE**

18  
19 The Senate has voted not to concur in House Amendments to SB11-007,  
20 and requests that a Conference Committee be appointed. The President  
21 appointed Senators Grantham, Chair, Morse, and Carroll as members of  
22 the First Conference Committee on part of the Senate. The Senate has  
23 granted permission to the First Conference Committee to go beyond the  
24 scope of the differences between the two houses. The bill is transmitted  
25 herewith.

---

26  
27  
28  
29 **MESSAGE(S) FROM THE GOVERNOR**

30  
31 I certify I received the following on the 17th day of March, 2011, at  
32 2:35 p.m. The original is on file in the records of the House of  
33 Representatives of the General Assembly.

34  
35  
36 Marilyn Eddins,  
Chief Clerk of the House

37 March 17, 2011

38  
39 To the Honorable House of Representatives  
40 Sixty-eighth General Assembly  
41 First Regular Session  
42 State Capitol  
43 Denver, CO 80203

44  
45 Ladies and Gentlemen:

46  
47 I have the honor to inform you that I have approved and filed with the  
48 Secretary of State the following Acts:

49  
50 **HB11-1036** CONCERNING THE CREATION OF AN EMERGENCY ALERT  
51 SYSTEM TO NOTIFY THE PUBLIC IMMEDIATELY OF THE  
52 IMMINENT DANGER POSED BY A SUSPECT WHO HAS  
53 KILLED OR SERIOUSLY INJURED A PEACE OFFICER

54  
55 Approved March 17, 2011 at 1:12 p.m.  
56

1 **HB11-1035** CONCERNING AN INFORMATIVE STATEMENT TO BE  
 2 INCLUDED IN THE BALLOT INFORMATION BOOKLET  
 3 PRECEDING EACH MEASURE THAT IS TO APPEAR ON THE  
 4 BALLOT

5  
 6 Approved March 17, 2011 at 1:17 p.m.

7  
 8 **HB11-1017** CONCERNING THE MANNER IN WHICH A MEMBER OF AN  
 9 ADVISORY COMMITTEE OF THE BOARD OF DIRECTORS OF  
 10 THE AURARIA HIGHER EDUCATION CENTER IS REPLACED

11  
 12 Approved March 17, 2011 at 1:19 p.m.

13  
 14 **HB11-1027** CONCERNING THE CREATION OF THE DEPARTMENT OF  
 15 DEFENSE QUALITY CHILD CARE STANDARDS PILOT  
 16 PROGRAM

17  
 18 Approved March 17, 2011 at 1:29 p.m.

19  
 20 **HB11-1019** CONCERNING THE WAIVER OF COPAYMENTS AND  
 21 DEDUCTIBLES BY SCHOOL-BASED CENTERS

22  
 23 Approved March 17, 2011 at 1:25 p.m

24  
 25 Sincerely,  
 26 (signed)  
 27 John W. Hickenlooper  
 28 Governor

29  
 30  
 31  
 32  
 33 **INTRODUCTION OF BILLS**  
 34 **First Reading**

35  
 36 The following bills read by title and referred to the committees indicated:

37  
 38 **HB11-1287** by Representative(s) Levy and Nikkel; also Senator(s)  
 39 Newell--Concerning the opportunity for community  
 40 supervision for a juvenile who is convicted as an adult  
 41 after the juvenile has served a specified period of time.  
 42 Committee on Judiciary

43  
 44 **SB11-124** by Senator(s) Hodge, Lambert, Steadman; also  
 45 Representative(s) Gerou, Ferrandino--Concerning the  
 46 transfer of unspent county TANF reserves to a county, and  
 47 making an appropriation in connection therewith.  
 48 Committee on Finance

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**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Sonnenberg, the following item(s) on the Calendar (was)were laid over until March 21, retaining place on Calendar:

- Consideration of General Orders--**HB11-1140, 1116, SB11-120.**
  - Consideration of Senate Amendment(s)--**HB11-1079, 1083, 1151.**
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On motion of Representative Sonnenberg, the House adjourned until 10:00 a.m., March 21, 2011.

Approved:  
FRANK McNULTY,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk