

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

Thirty-eighth Legislative Day

Friday, February 18, 2011

1 Prayer by Representative Peniston.

2

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

4

5 Pledge of Allegiance led by Jeremiah and Nathaniel Bechtold, Boy Scout  
6 Troop 176 from Jefferson Academy, Westminster.

7

8 The roll was called with the following result:

9

10 Present--61.

11 Excused--Representative(s) McCann, Scott, Sonnenberg,  
12 Summers--4.

13

14 The Speaker declared a quorum present.

15

16

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

20

21

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

22

23

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

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

27

28 **HB11-1156** be referred favorably to the Committee on Appropriations.

29

30

31

32

33 **APPROPRIATIONS**

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

36

37 **HB11-1003** be referred to the Committee of the Whole with favorable  
38 recommendation.

39

40

41 **HB11-1042** be referred to the Committee of the Whole with favorable  
42 recommendation.

43

1 **HB11-1071** 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 5, after line 14 insert:  
6

7 **"SECTION 2. Appropriation.** (1) In addition to any other  
8 appropriation, there is hereby appropriated, out of any moneys in the  
9 roundup river ranch fund created in section 3-22-3903 (1), Colorado  
10 Revised Statutes, not otherwise appropriated, to the department of  
11 revenue, for allocation to the information technology division, for the  
12 fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six  
13 hundred dollars (\$29,600) cash funds, or so much thereof as may be  
14 necessary, for the implementation of this act.  
15

16 (2) In addition to any other appropriation, there is hereby  
17 appropriated to the governor - lieutenant governor - state planning and  
18 budgeting, for allocation to the office of information technology, for the  
19 fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six  
20 hundred dollars (\$29,600), or so much thereof as may be necessary, for  
21 the programming services to the department of revenue related to the  
22 implementation of this act. Said sum shall be from reappropriated funds  
23 received from the department of revenue out of the appropriation made  
24 in subsection (1) of this section."  
25

26 Renumber succeeding section accordingly.  
27

28 Page 1, line 103, strike "FORMS." and substitute "FORMS, AND MAKING  
29 AN APPROPRIATION THEREFOR."  
30

31  
32  
33 **HB11-1082** be amended as follows, and as so amended, be referred to  
34 the Committee of the Whole with favorable  
35 recommendation:  
36

37 Amend printed bill, page 3, after line 15 insert:  
38

39 **"SECTION 2. Adjustments to the FY 2011-12 long bill.** (1)  
40 For the implementation of this act, the cash funds appropriation made in  
41 the annual general appropriation act for the fiscal year beginning July 1,  
42 2011 to the department of public health and environment, air pollution  
43 control division, is decreased by one hundred fifty-nine thousand two  
44 hundred sixty-one dollars (\$159,261) and 2.8 FTE. Said sum shall be  
45 from the department of public health and environment sub-account of the  
46 automobile inspection and readjustment account of the highway users tax  
47 fund created in Section 42-3-304 (18) (c), Colorado Revised Statutes.  
48

49 (2) For the implementation of this act, the cash funds  
50 appropriation made in the annual general appropriation act for the fiscal  
51 year beginning July 1, 2011 to the department of revenue, division of  
52 motor vehicles, is decreased by one hundred sixteen thousand four  
53 hundred three dollars (\$116,403) and 2.0 FTE. Said sum shall be from  
54 the department of revenue sub-account of the automobile inspection and  
55 readjustment account of the highway users tax fund created in Section  
56 42-3-304 (18) (c), Colorado Revised Statutes."

1 Renumber succeeding sections accordingly.

2

3 Page 1, line 106, strike "**PROGRAM.**" and substitute "**PROGRAM, AND IN**  
4 **CONNECTION THEREWITH, ADJUSTING APPROPRIATIONS IN THE FISCAL**  
5 **YEAR 2011-12 LONG BILL.**".

6

7

8

9 **HB11-1084** be amended as follows, and as so amended, be referred to  
10 the Committee of the Whole with favorable  
11 recommendation:

12

13 Amend printed bill page 5, after line 18 insert:

14

15 **"SECTION 3. Appropriation.** (1) In addition to any other  
16 appropriation, there is hereby appropriated, out of any moneys in the  
17 Colorado state titling and registration account of the highway users tax  
18 fund created in section 42-1-211 (2) Colorado Revised Statutes, not  
19 otherwise appropriated, to the department of revenue, for allocation to the  
20 information technology division, for the fiscal year beginning July 1,  
21 2010, the sum of two thousand five hundred ninety dollars (\$2,590) cash  
22 funds, or so much thereof as may be necessary, for the implementation of  
23 this act.

24

25 (2) In addition to any other appropriation, there is hereby  
26 appropriated to the governor - lieutenant governor - state planning and  
27 budgeting, for allocation to the office of information technology, for the  
28 fiscal year beginning July 1, 2010, the sum of two thousand five hundred  
29 ninety dollars (\$2,590), or so much thereof as may be necessary, for  
30 programming services to the department of revenue related to the  
31 implementation of this act. Said sum shall be from reappropriated funds  
32 received from the department of revenue out of the appropriation made  
33 in subsection (1) of this section."

34

35 Renumber succeeding accordingly.

36

37 Page 1, line 102 strike "**VEHICLE.**" and substitute "**VEHICLE, AND**  
38 **MAKING AN APPROPRIATION THEREFOR.**".

39

40

41

42 **HB11-1090** be postponed indefinitely.

43

44

45 **HB11-1095** be amended as follows, and as so amended, be referred to  
46 the Committee of the Whole with favorable  
47 recommendation:

48

49 Amend printed bill, page 2, after line 14 insert:

50

51 **"SECTION 2. Appropriation.** In addition to any other  
52 appropriation, there is hereby appropriated, out of any moneys in the  
53 department of state cash fund created in section 24-21-104 (3) (b),  
54 Colorado Revised Statutes, not otherwise appropriated, to the department  
55 of state, for allocation to the administration division, for the fiscal year  
56 beginning July 1, 2011, the sum of three hundred sixty thousand nine

1 hundred fifty-six dollars (\$360,956) cash funds and 1.0 FTE, or so much  
2 thereof as may be necessary, for the implementation of this act."

3

4 Renumber succeeding section accordingly.

5

6 Page 1, line 103, strike "**SYSTEM.**" and substitute "**SYSTEM, AND MAKING**  
7 **AN APPROPRIATION THEREFOR.**"

8

9

10

11 **HB11-1097** be amended as follows, and as so amended, be referred to  
12 the Committee of the Whole with favorable  
13 recommendation:

14

15 Amend printed bill, page 4, after line 20 insert:

16

17 **"SECTION 2. Appropriation.** (1) In addition to any other  
18 appropriation, there is hereby appropriated, out of any moneys in the  
19 goodwill industries fund created in section 39-22-3903 (1), Colorado  
20 Revised Statutes, not otherwise appropriated, to the department of  
21 revenue, for allocation to the information technology division, for the  
22 fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six  
23 hundred dollars (\$29,600) cash funds, or so much thereof as may be  
24 necessary, for the implementation of this act.

25

26 (2) In addition to any other appropriation, there is hereby  
27 appropriated to the governor - lieutenant governor - state planning and  
28 budgeting, for allocation to the office of information technology, for the  
29 fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six  
30 hundred dollars (\$29,600), or so much thereof as may be necessary, for  
31 programming services to the department of revenue related to the  
32 implementation of this act. Said sum shall be from reappropriated funds  
33 received from the department of revenue out of the appropriation made  
34 in subsection (1) of this section."

35

36 Renumber succeeding section accordingly.

37

38 Page 1, line 103, strike "**FORMS.**" and substitute "**FORMS, AND MAKING**  
39 **AN APPROPRIATION THEREFOR.**"

40

41

42

43 **HB11-1101** be amended as follows, and as so amended, be referred to  
44 the Committee of the Whole with favorable  
45 recommendation:

46

47 Amend printed bill, page 4, after line 2 insert:

48

49 **"SECTION 4. Adjustments to the 2011 long bill.** For the  
50 implementation of this act, the cash funds appropriations made in the  
51 annual general appropriation act for the fiscal year beginning July 1,  
52 2011, to the department of public health and environment, health facilities  
53 and emergency medical services division, licensure, for health facilities  
54 general licensure program, are decreased by twenty-four thousand five  
55 hundred eighty-one dollars (\$24,581) and 0.4 FTE. Said sum shall be  
56 from the health facilities general licensure cash fund created in section

1 25-3-103.1 (1), C.R.S."

2

3 Renumber succeeding section accordingly.

4

5 Page 1, line 103, strike "CENTER." and substitute "CENTER, AND MAKING  
6 AN APPROPRIATION IN CONNECTION THEREWITH."

7

8

9

10 **HB11-1155** be amended as follows, and as so amended, be referred to  
11 the Committee of the Whole with favorable  
12 recommendation:

13

14 Amend printed bill, page 4, after line 7 insert:

15

16 "SECTION 4. The appropriation to the department of higher  
17 education for the fiscal year beginning July 1, 2010, as enacted in Part VI  
18 of section 2 of chapter 453, Session Laws of Colorado 2010 (HB  
19 10-1376), as amended by section 1 of Senate Bill 11-140, is amended to  
20 read:

21

Section 2. **Appropriation.**

22

23

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
<b>PART VI</b>							
<b>DEPARTMENT OF HIGHER EDUCATION</b>							
1							
2							
3							
4	<b>(2) COLORADO COMMISSION ON HIGHER EDUCATION</b>						
5	<b>(A) Administration</b>						
6	Administration	2,789,293			207,245 <sup>a</sup>	2,205,990 <sup>b</sup>	376,058
7		2,751,926				2,168,623 <sup>b</sup>	
8						(27.5 FTE)	(3.6 FTE)
9						(27.0 FTE)	
10							
11	<sup>a</sup> Of this amount, \$175,745 shall be from statewide indirect cost recoveries from CollegeInvest and College Assist and \$31,500 shall be from						
12	private college and university fees paid pursuant to Section 23-2-104.5, C.R.S.						
13	<sup>b</sup> Of this amount, <del>\$2,100,810</del> \$2,063,443 shall be from statewide indirect cost recoveries and \$105,180 shall be from the Department of						
14	Education for assistance in aligning public education with postsecondary and workforce readiness standards.						
15							
16	<b>(3) COLORADO COMMISSION ON HIGHER EDUCATION FINANCIAL AID</b>						
17	<b>(C) Special Purpose</b>						
18	Required Federal Match	3,026,350	1,726,350				1,300,000
19	Veterans'/Law Enforcement/ POW Tuition Assistance	364,922	364,922				
20	National Guard Tuition Assistance Fund <sup>14</sup>	800,000	800,000				
21							
22							

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Native American Students/Fort						
2	Lewis College	10,430,371	<del>10,139,220</del>			291,151*	
3			10,101,853			328,518 <sup>a</sup>	
4	Nursing Teacher Loan						
5	Forgiveness Pilot	161,600	161,600				
6	GEAR - UP	<u>600,000</u>					600,000
7		<u>15,383,243</u>					
8							

9 <sup>a</sup> This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

APPROPRIATION FROM

---

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1       **SECTION 5. Adjustments to the FY 2011-12 long bill.** (1) For the implementation of this act, appropriations made in the annual  
 2 general appropriation act for the fiscal year beginning July 1, 2011, shall be adjusted as follows:  
 3

4       (a) The reappropriated funds appropriation from statewide indirect cost recoveries, to the department of higher education, Colorado  
 5 commission on higher education division, for administration, is decreased by seventy-six thousand four hundred and forty-six dollars  
 6 (\$76,446) and 1.0 FTE.  
 7

8       (b) The general fund appropriation to the department of higher education, Colorado commission on higher education financial aid  
 9 division, special purpose, for native american students/Fort Lewis college students, is decreased by seventy-six thousand four hundred and  
 10 forty-six dollars (\$76,446).  
 11

12       (c) The reappropriated funds appropriation from statewide indirect cost recoveries to the department of higher education, Colorado  
 13 commission on higher education financial aid division, special purpose, for native american students/Fort Lewis college students, is increased  
 14 by seventy-six thousand four hundred and forty-six dollars (\$76,446).".  
 15

16 Renumber succeeding section accordingly.

17 Page 1, line 103, strike "GOVERNMENT." and substitute "GOVERNMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."  
 18  
 19  
 20



1 **ECONOMIC & BUSINESS DEVELOPMENT**

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

4  
5 **HB11-1178** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend printed bill, page 2, line 2, strike "(4), (5), and (12)," and  
10 substitute "(1), (2), (4), (4.5), (4.7), (5), (7), (8), (9), (11) (b), (12), (14),  
11 (16), (17), and (19),".

12  
13 Page 2, after line 7 insert:

14  
15 "(1) "Alternative container" means a nonmetal receptacle or  
16 enclosure, without ornamentation or a fixed interior lining, that is  
17 designed for the encasement of ~~dead human bodies~~ HUMAN REMAINS and  
18 is made of fiberboard, pressed wood, composition materials, or other  
19 similar materials.

20  
21 (2) "Casket" means a rigid container that is designed for the  
22 encasement of ~~dead human bodies~~ HUMAN REMAINS and is ornamented  
23 and lined with fabric."

24  
25 Page 2, line 8, strike "dead" and substitute "~~dead~~".

26  
27 Page 2, line 9, strike "human body" and substitute "~~human body~~ HUMAN  
28 REMAINS".

29  
30 Page 2, line 13, strike "DEAD HUMAN BODIES" and substitute "HUMAN  
31 REMAINS".

32  
33 Page 2, after line 13 insert:

34  
35 "(4.5) "Cremation container" means a container in which the ~~dead~~  
36 ~~human body~~ is HUMAN REMAINS ARE transported to the crematory and  
37 intended to be placed in the cremation chamber.

38  
39 (4.7) "Cremationist" means a person who cremates or prepares for  
40 cremation a ~~dead human body~~ HUMAN REMAINS."

41  
42 Page 2, line 16, strike "WHERE dead human bodies" and substitute "~~dead~~  
43 ~~human bodies~~ WHERE HUMAN REMAINS".

44  
45 Page 3, line 1, strike "DEAD".

46  
47 Page 3, after line 1 insert:

48  
49 "(7) "Embalm" or "embalming" means the disinfection and  
50 temporary preservation of ~~dead human bodies~~ HUMAN REMAINS by  
51 chemically treating the body to reduce the presence and growth of  
52 organisms, to retard organic decomposition, or to attempt restoration of  
53 the physical appearance.

54  
55 (8) "Embalmer" means any person who embalms, or prepares for  
56 embalming, a ~~dead human body~~ HUMAN REMAINS for compensation.

1 (9) "Final disposition" means the disposition of ~~a dead human~~  
2 ~~body~~ HUMAN REMAINS by entombment, burial, cremation, or removal  
3 from the state.

4  
5 (11) "Funeral director" means a person who, for compensation:

6  
7 (b) Prepares ~~dead human bodies~~ HUMAN REMAINS for final  
8 disposition by means other than embalming."

9  
10 Page 3, line 3, strike "a dead" and substitute "~~a dead~~".

11  
12 Page 3, line 4, strike "human body" and substitute "~~human body~~ HUMAN  
13 REMAINS".

14  
15 Page 3, line 9, strike "a dead human body" and substitute "~~a dead human~~  
16 ~~body~~ HUMAN REMAINS".

17  
18 Page 3, after line 13 insert:

19  
20 "(14) "Funeral services" means:

21  
22 (a) Preparation of ~~dead human bodies~~ HUMAN REMAINS for final  
23 disposition; except that this paragraph (a) does not apply to cremation;

24  
25 (b) Arrangement, supervision, or conduct of the funeral ceremony  
26 or the final disposition of ~~dead human bodies~~ HUMAN REMAINS; or

27  
28 (c) Transportation of ~~dead human bodies~~ HUMAN REMAINS to or  
29 from a funeral establishment.

30  
31 (14.2) "HUMAN REMAINS" MEANS THE PHYSICAL REMAINS OF A  
32 DEAD HUMAN.

33  
34 (16) "Mortuary science practitioner" means a person who, for  
35 compensation, does the following or offers to do the following:

36  
37 (a) Embalms or cremates ~~dead human bodies~~ HUMAN REMAINS;

38  
39 (b) Arranges, directs, or supervises funerals, memorial services,  
40 or graveside services; or

41  
42 (c) Prepares ~~dead human bodies~~ HUMAN REMAINS for final  
43 disposition.

44  
45 (17) "Next of kin" means a family member or members of the  
46 deceased who, under Colorado law, have legal authority over the  
47 disposition of ~~a dead human body~~ HUMAN REMAINS."

48  
49 Page 3, after line 17 insert:

50  
51 "(19) "Preparation of the body" means embalming, washing,  
52 disinfecting, shaving, dressing, restoring, casketing, positioning, caring  
53 for the hair of or applying cosmetics to ~~a dead human body~~ HUMAN  
54 REMAINS."

55  
56 Page 3, line 18, strike "(1)," and substitute "(1) and (2)," and strike "is"

1 and substitute "are".

2

3 Page 3, line 25, strike "THE DEAD HUMAN" and substitute "HUMAN  
4 REMAINS."

5

6 Page 3, line 26, strike "BODY."

7

8 Page 4, after line 5 insert:

9

10 "(2) A funeral establishment shall retain all documents and  
11 records concerning the final disposition of ~~a dead human body~~ HUMAN  
12 REMAINS for at least seven years after ~~such~~ THE disposition."

13

14 Page 4, line 6, strike "(1) (j)," and substitute "(1) (a), (1) (c), the  
15 introductory portion to 12-54-104 (1) (g) and 12-54-104 (1) (j) and (1)  
16 (l)," and strike "is" and substitute "are".

17

18 Page 4, after line 8 insert:

19

20 "(a) To disinfect or preserve or to make final disposition of ~~a dead~~  
21 ~~human body~~ HUMAN REMAINS with knowledge sufficient to arouse a  
22 reasonable suspicion of a crime in connection with the cause of death of  
23 the deceased until the permission of the coroner, deputy coroner, or  
24 district attorney, if there is no coroner, has been first obtained;

25

26 (c) For any public officer or employee or any other person having  
27 a professional relationship with the decedent to approve or cause the final  
28 disposition of ~~a dead human body~~ HUMAN REMAINS in violation of this  
29 article;

30

31 (g) To transport or otherwise transfer by common carrier ~~a dead~~  
32 ~~human body~~ HUMAN REMAINS unless:"

33

34 Page 4, line 9, strike "a dead human body" and substitute "~~a dead human~~  
35 ~~body~~ HUMAN REMAINS".

36

37 Page 4, after line 11 insert:

38

39 "(l) To embalm or cremate ~~a dead human body~~ HUMAN REMAINS  
40 without obtaining permission from the person with the right of final  
41 disposition unless otherwise required by section 12-54-105;

42

43 **SECTION 4.** 12-54-105, Colorado Revised Statutes, is amended  
44 to read:

45

46 **12-54-105. Embalming or refrigeration of bodies required.** ~~All~~  
47 ~~dead human bodies kept~~ THE CUSTODIAN SHALL NOT KEEP THE HUMAN  
48 REMAINS more than twenty-four hours after death before final disposition  
49 BUT shall ~~be embalmed or shall be properly refrigerated~~ EMBALM OR  
50 PROPERTY REFRIGERATE THE BODY AFTER TWENTY-FOUR HOURS."

51

52 Renumber succeeding sections accordingly.

53

54 Page 4, line 12, strike "(5) (a)," and substitute "(2) and (5) (a)," and strike  
55 "is" and substitute "are".

56

1 Page 4, strike line 14 and substitute:

2  
3 **"12-54-108. Exceptions - safe harbor.** (2) (a) This part 1 shall  
4 not apply to, nor in any way interfere with, any custom or rite of any  
5 religious sect in the burial of its dead, and the members and followers of  
6 ~~such~~ THE religious sect may continue to PROVIDE MEMORIAL SERVICES  
7 FOR, care for, prepare, and bury the bodies of deceased members of ~~such~~  
8 THE religious sect, free from any term or condition, or any provision of  
9 this part 1, and are not subject to this part 1, so long as the ~~dead human~~  
10 ~~body is~~ HUMAN REMAINS ARE refrigerated, frozen, embalmed, interred, or  
11 cremated within seven days after death.

12  
13 (b) If a ~~dead human body is~~ HUMAN REMAINS ARE refrigerated or  
14 embalmed pursuant to paragraph (a) of this subsection (2), the body ~~shall~~  
15 MUST be interred, frozen, or cremated within thirty days after death unless  
16 the coroner authorizes otherwise in writing. The coroner shall not permit  
17 an exception to this paragraph (b) unless the applicant can demonstrate  
18 a legitimate delay caused by unforeseen uncontrollable circumstances or  
19 by a criminal investigation.

20  
21 (c) Notwithstanding the provisions of this subsection (2), upon the  
22 receipt of evidence that the ~~dead human body~~ HUMAN REMAINS likely  
23 contained a serious contagious disease, the state department of public  
24 health and environment, the state board of health, or a local department  
25 of health may issue an order overruling this subsection (2).

26  
27 (5) (a) (I) A FUNERAL".

28  
29 Page 5, after line 16 insert:

30  
31 **"SECTION 6.** 12-54-110 (2) (a) (IV) (A), (2) (a) (IV) (B), (2) (a)  
32 (IV) (C), and (5), Colorado Revised Statutes, are amended to read:

33  
34 **12-54-110. Registration required.** (2) (a) Each funeral  
35 establishment shall register with the director using forms as determined  
36 by the director. The registration shall include, without limitation, the  
37 following:

38  
39 (IV) A list of each of the following services provided at each  
40 funeral establishment location:

41  
42 (A) Refrigerating or holding ~~dead human bodies~~ HUMAN REMAINS;

43  
44 (B) Embalming ~~dead human bodies~~ HUMAN REMAINS;

45  
46 (C) Transporting ~~dead human bodies~~ HUMAN REMAINS to or from  
47 the funeral establishment or the place of final disposition; and

48  
49 (5) This section shall not require the registration of a nonprofit  
50 organization that only provides education or support to an individual who  
51 intends to provide for final disposition of a ~~dead human body~~ HUMAN  
52 REMAINS.".

53  
54 Renummer succeeding sections accordingly.

55  
56 Page 5, strike lines 17 and 18 and substitute:

1           **"SECTION 7.** The introductory portion to 12-54-111 (1) and  
2 12-54-111 (1) (b) and (3) (b), Colorado Revised Statutes, are amended to  
3 read:".

4  
5 Page 6, after line 3 insert:

6  
7           "(3) A person shall not advertise, represent, or hold oneself out as  
8 or use the title of an embalmer unless the applicant:

9  
10           (b) Has embalmed at least fifty ~~dead human bodies~~ HUMAN  
11 REMAINS.

12  
13           **SECTION 8.** 12-54-112 (1) (c), (1) (e), (2), and (3), Colorado  
14 Revised Statutes, are amended to read:

15  
16           **12-54-112. Standards of practice - embalming - transporting.**

17 (1) A funeral establishment that performs embalming shall:

18  
19           (c) Employ reasonable care to minimize the risk of transmitting  
20 communicable diseases from ~~dead human bodies~~ HUMAN REMAINS;

21  
22           (e) Transport ~~dead human bodies~~ HUMAN REMAINS in a safe and  
23 sanitary manner.

24  
25           (2) A funeral establishment that transports ~~dead human bodies~~  
26 HUMAN REMAINS shall:

27  
28           (a) Use a motor vehicle that is appropriate for the transportation  
29 of a ~~dead human body~~ HUMAN REMAINS; and

30  
31           (b) Transport ~~dead human bodies~~ HUMAN REMAINS in a safe and  
32 sanitary manner.

33  
34           (3) A funeral establishment shall remove any implanted device in  
35 a ~~dead human body~~ HUMAN REMAINS before transporting the body to a  
36 crematory.

37  
38           **SECTION 9.** 12-54-301 (1) (b), (1) (f), (1) (g), (1) (i), and (1) (j),  
39 Colorado Revised Statutes, are amended to read:

40  
41           **12-54-301. Unlawful acts.** (1) It is unlawful for a cremationist:

42  
43           (b) To approve or cause the final disposition of a ~~dead human~~  
44 ~~body~~ HUMAN REMAINS in violation of this article;

45  
46           (f) To refuse to properly and promptly release a ~~dead human body~~  
47 HUMAN REMAINS to the custody of the person who has the legal right to  
48 effect ~~such~~ THE release, whether or not any costs have been paid, unless  
49 there is a good faith dispute over who controls the right of final  
50 disposition;

51  
52           (g) To cremate a ~~dead human body~~ HUMAN REMAINS without  
53 obtaining permission from the person with the right of final disposition;

54  
55           (i) To cremate a ~~dead human body~~ HUMAN REMAINS in a facility  
56 unless the facility is registered pursuant to section 12-54-303;

1 (j) To refuse to accept a ~~dead human body~~ HUMAN REMAINS that  
2 is ARE not in a casket or to require a ~~dead human body~~ HUMAN REMAINS  
3 to be placed in a casket at any time;"

4  
5 Renumber succeeding sections accordingly.

6  
7 Page 6, line 4, strike "(2) (a)," and substitute "(2) (a) and (3)," and strike  
8 "is" and substitute "are".

9  
10 Page 7, after line 4 insert:

11  
12 "(3) (a) This part 3 shall not apply to, nor interfere with, any  
13 custom or rite of a religious sect in the final disposition of its dead, and  
14 the members and followers of ~~such~~ THE religious sect may continue to  
15 PROVIDE MEMORIAL SERVICES FOR, care for, prepare, and cremate the  
16 bodies of deceased members of the religious sect if the ~~dead human body~~  
17 is HUMAN REMAINS ARE refrigerated, frozen, or cremated within seven  
18 days after death.

19  
20 (b) If a ~~dead human body~~ is HUMAN REMAINS ARE refrigerated  
21 pursuant to paragraph (a) of this subsection (3), the body ~~shall~~ MUST be  
22 cremated within thirty days after death unless the coroner authorizes  
23 otherwise in writing. The coroner shall not permit an exception to this  
24 paragraph (b) unless the applicant can demonstrate a legitimate delay  
25 caused by unforeseen, uncontrollable circumstances or by a criminal  
26 investigation.

27  
28 **SECTION 11.** 12-54-303 (2) (a) (IV) (A), (2) (a) (IV) (B), (2) (a)  
29 (IV) (D), and (5), Colorado Revised Statutes, are amended to read:

30  
31 **12-54-303. Registration required.** (2) (a) Each crematory shall  
32 register with the director using forms as determined by the director. The  
33 registration shall include, without limitation, the following:

34  
35 (IV) A list of each of the following services provided at each  
36 crematory location:

37  
38 (A) Refrigerating or holding ~~dead human bodies~~ HUMAN REMAINS;

39  
40 (B) Transporting ~~dead human bodies~~ HUMAN REMAINS to or from  
41 the crematory or the place of final disposition;

42  
43 (D) Cremating ~~dead human bodies~~ HUMAN REMAINS.

44  
45 (5) This section shall not require the registration of a nonprofit  
46 organization that only provides education or support to an individual who  
47 intends to provide for final disposition of a ~~dead human body~~ HUMAN  
48 REMAINS.

49  
50 **SECTION 12.** 12-54-304, Colorado Revised Statutes, is amended  
51 to read:

52  
53 **12-54-304. Title protection.** A person shall not advertise,  
54 represent, or hold oneself out as or use the title of a cremationist unless  
55 the applicant has at least five hundred hours practicing or interning as a  
56 cremationist and has cremated at least fifty ~~dead human bodies~~ HUMAN

1 REMAINS."

2

3 Renumber succeeding sections accordingly.

4

5 Page 7, strike lines 5 through 13 and substitute:

6

7 **"SECTION 13.** 12-54-307 (1) (b), (1) (d), the introductory  
8 portion to 12-54-307 (2) (a), 12-54-307 (2) (a) (III), (2) (a) (V), (2) (a)  
9 (VII), (2) (a) (IX), (3) (a), (3) (b), the introductory portion to 12-54-307  
10 (3) (c), 12-54-307 (3) (c) (I), (3) (c) (II), (4), (5) (a), and (7) (a), Colorado  
11 Revised Statutes, are amended, and the said 12-54-307 (3) (c) is further  
12 amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

13

14 **12-54-307. Standards of practice - cremating.** (1) A crematory  
15 shall:

16

17 (b) Employ reasonable care to minimize the risk of transmitting  
18 communicable diseases from ~~dead human bodies~~ HUMAN REMAINS;

19

20 (d) Transport ~~dead human bodies~~ HUMAN REMAINS in a safe and  
21 sanitary manner.

22

23 (2) (a) A crematory shall not cremate a ~~dead human body~~ HUMAN  
24 REMAINS unless the crematory has obtained a statement containing the  
25 following from a funeral establishment, funeral director, mortuary science  
26 practitioner, or the person with the right of final disposition:

27

28 (III) Authorization to cremate the ~~dead human body~~ HUMAN  
29 REMAINS;

30

31 (V) A statement that the ~~dead human body does~~ HUMAN REMAINS  
32 DO not contain an implanted device;

33

34 (VII) A list of items delivered to the crematory along with the  
35 ~~dead human body~~ HUMAN REMAINS;"

36

37 Page 7, after line 14 insert:

38

39 "(3) (a) The ~~dead human body~~ CREMATORY shall ~~be held~~ HOLD  
40 HUMAN REMAINS in a cremation container and shall not ~~be removed~~  
41 REMOVE THE REMAINS.

42

43 (b) The ~~dead human body~~ CREMATORY shall ~~be cremated~~  
44 CREMATE THE HUMAN REMAINS in a cremation container."

45

46 Page 7, line 15, strike "(3)".

47

48 Page 7, after line 16 insert:

49

50 "(II) Be able to be closed in order to provide a complete covering  
51 for the ~~dead human body~~ HUMAN REMAINS;"

52

53 Page 7, after line 18 insert:

54

55 "(4) A crematory shall not cremate ~~more than one dead human~~  
56 ~~body~~ THE HUMAN REMAINS OF MORE THAN ONE PERSON within the same

1 cremation chamber or otherwise commingle the cremains of multiple  
 2 ~~dead human bodies~~ HUMAN REMAINS unless the next of kin has signed a  
 3 written authorization. No crematory ~~shall be held~~ IS civilly liable for  
 4 commingling the cremains of ~~dead human bodies~~ HUMAN REMAINS if the  
 5 next of kin has signed ~~such~~ THE written authorization.  
 6

7 (5) (a) A crematory shall use a tag to identify a ~~dead human body~~  
 8 HUMAN REMAINS and cremains. The tag ~~shall~~ MUST be verified, removed,  
 9 and placed near the cremation chamber control panel prior to cremation.  
 10 The tag ~~shall~~ MUST remain next to the cremation chamber until the  
 11 cremation is complete.  
 12

13 (7) (a) A crematory shall not cremate a ~~dead human body~~ HUMAN  
 14 REMAINS containing an implanted device. If the funeral establishment  
 15 that had control of the ~~dead human body~~ HUMAN REMAINS failed to ensure  
 16 that a device was removed, the funeral establishment ~~shall be~~ IS  
 17 responsible for removing the device.  
 18

19 **SECTION 14.** 12-54-401 (1) (b), Colorado Revised Statutes, is  
 20 amended to read:  
 21

22 **12-54-401. Powers and duties of the director - rules.** (1) The  
 23 director may deny, suspend, refuse to renew, issue a letter of admonition  
 24 or confidential letter of concern to, revoke, place on probation, or limit  
 25 the scope of practice of the registration of a funeral establishment or  
 26 crematory under this article that has:  
 27

28 (b) Had a registration issued by Colorado, or an equivalent  
 29 license, registration, or certification issued by another state, to practice  
 30 mortuary science or to embalm or cremate a ~~dead human body~~ HUMAN  
 31 REMAINS revoked; or".  
 32

33 Renumber succeeding section accordingly.  
 34

35 Page 1, line 101, strike "DEAD".  
 36

37 Page 1, line 102, strike "HUMAN BODIES" and substitute "HUMAN  
 38 REMAINS".  
 39

40  
 41  
 42 **HB11-1206** be amended as follows, and as so amended, be referred to  
 43 the Committee of the Whole with favorable  
 44 recommendation:  
 45

46 Amend printed bill, page 3, line 24, after "(10)" insert "(A)".  
 47

48 Page 3, line 26, strike "concessions. ~~but does not include:~~" and substitute  
 49 "concessions, but does not include:".  
 50

51 Page 3, strike line 27 and substitute "(A) (i) Legal services provided in  
 52 an attorney-client relationship by".  
 53

54 Page 4, strike lines 1 through 4 and substitute:  
 55

56 "an attorney licensed ~~or otherwise authorized~~ to practice law in this state,



1 WHO HAS ENTERED INTO A WRITTEN CONTRACT FOR LEGAL SERVICES WITH  
2 AN INDIVIDUAL IN WHICH ALL OF THE LEGAL AND DEBT-MANAGEMENT  
3 SERVICES ARE BEING PERFORMED BY THE ATTORNEY AND PERSONS  
4 DIRECTLY EMPLOYED AND SUPERVISED BY THE ATTORNEY; OR  
5

6 ~~(B)~~ (ii) Accounting services provided in an accountant-client  
7 relationship by a certified public accountant ~~licensed~~ CERTIFIED OR  
8 AUTHORIZED BY THE STATE BOARD OF ACCOUNTANCY to provide  
9 accounting services in this state ~~or~~ WHO HAS ENTERED INTO A CONTRACT  
10 FOR ACCOUNTING SERVICES WITH AN INDIVIDUAL IN WHICH ALL OF THE  
11 ACCOUNTING AND DEBT-MANAGEMENT SERVICES ARE BEING PERFORMED  
12 BY THE CERTIFIED PUBLIC ACCOUNTANT AND PERSONS DIRECTLY  
13 EMPLOYED AND SUPERVISED BY THE CERTIFIED PUBLIC ACCOUNTANT."  
14

15 Page 4, after line 11 insert:

16  
17 "(B) THE EXEMPTIONS IN SUBPARAGRAPH (A) OF THIS PARAGRAPH  
18 (10) DO NOT APPLY TO ANY PERSON WHO DIRECTLY OR INDIRECTLY  
19 PROVIDES ANY DEBT MANAGEMENT SERVICES TO A LICENSED ATTORNEY  
20 OR CERTIFIED PUBLIC ACCOUNTANT IF THAT PERSON IS NOT AN EMPLOYEE  
21 OF THE LICENSED ATTORNEY OR CERTIFIED PUBLIC ACCOUNTANT."  
22

23 Page 5, strike lines 20 through 27.

24  
25 Page 6, strike lines 1 through 18.

26  
27 Renumber succeeding sections accordingly.  
28  
29  
30

31 **HB11-1220** be amended as follows, and as so amended, be referred to  
32 the Committee of the Whole with favorable  
33 recommendation:  
34

35 Amend printed bill, page 5, line 12, strike "FIVE".  
36

37 Page 6, line 7, strike "AWAITING FUNDING".  
38

39 Page 6, line 15, strike "TO BE COMPLETED." and substitute "BY THE LOCAL  
40 GOVERNMENT."  
41

42 Page 6, line 21, strike "EXCEPT".  
43

44 Page 6, line 22, strike "FOR" and substitute "BEYOND".  
45

46 Page 7, line 3, strike "RETAIL" and substitute "COMMERCIAL".  
47

48 Page 10, after line 8 insert:  
49

50 **"24-46-404. Conditional approval.** A LOCAL GOVERNMENT MAY  
51 APPLY TO THE COMMISSION FOR CONDITIONAL APPROVAL OF A  
52 TRANSPORTATION PROJECT THAT HAS NOT YET BEEN INCLUDED IN A  
53 TRANSPORTATION IMPROVEMENT PROGRAM OR IN THE STATEWIDE  
54 TRANSPORTATION IMPROVEMENT PROGRAM. THE APPROVAL SHALL BE  
55 CONDITIONED UPON THE PROJECT BEING INCLUDED IN THE PROGRAMS  
56 WITHIN FOUR YEARS FROM THE CONDITIONAL APPROVAL DATE. THE

1 COMMISSION MAY NOT REVOKE A CONDITIONAL APPROVAL, BUT FAILURE  
2 OF A TRANSPORTATION PROJECT TO BE INCLUDED IN THE PROGRAMS  
3 WITHIN FOUR YEARS SHALL DEEM THE APPLICATION DENIED WITHOUT  
4 FURTHER COMMISSION ACTION AND NO STATE SALES TAX REVENUE SHALL  
5 BE DEDICATED TO THE LOCAL GOVERNMENT UNDER THIS PART 4."

6

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

8

9 Page 11, line 22, after "DEPARTMENT." add "THE DEPARTMENT MAY ALSO  
10 REQUIRE ANY BUSINESS LOCATED WITHIN THE ZONE THAT COLLECTS SALES  
11 TAX TO FILE SALES TAX FORMS ELECTRONICALLY IF:

12

13 (a) THE AMOUNT OF INFORMATION THAT THE BUSINESS IS  
14 REQUIRED TO INCLUDE ON THE SALES TAX FORMS EXCEEDS THE SPACE  
15 AVAILABLE ON THE HARD COPY SALES TAX FORMS;

16

17 (b) INCREASING THE AMOUNT OF SPACE AVAILABLE ON THE HARD  
18 COPY SALES TAX FORMS WOULD BE ADMINISTRATIVELY BURDENSOME OR  
19 EXPENSIVE TO THE DEPARTMENT OF REVENUE; AND

20

21 (c) MANDATORY ELECTRONIC FILING WOULD NOT IMPOSE A  
22 SIGNIFICANT ADMINISTRATIVE BURDEN OR EXPENSE ON THE BUSINESS."

23

24 Page 13, strike line 2.

25

26 Page 13, line 3, strike "TRANSPORTATION" and substitute "FOR ANY"

27

28 Page 13, line 4, after "4" insert "THAT WILL BE CONSTRUCTED BY THE  
29 DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT SHALL BEGIN THE  
30 DESIGN AND CONSTRUCTION OF THE PROJECT".

31

32 Page 15, strike lines 24 through 26 and substitute:

33

34 **"SECTION 3. Act subject to petition - effective date.** This act  
35 shall take effect at 12:01 a.m. on the day following the expiration of the  
36 ninety-day period after final adjournment of the general assembly (August  
37 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
38 referendum petition is filed pursuant to section 1 (3) of article V of the  
39 state constitution against this act or an item, section, or part of this act  
40 within such period, then the act, item, section, or part shall not take effect  
41 unless approved by the people at the general election to be held in  
42 November 2012 and shall take effect on the date of the official  
43 declaration of the vote thereon by the governor."

44

45

46

47

#### 48 **FINANCE**

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

51

52 **HB11-1014** be amended as follows, and as so amended, be referred to  
53 the Committee on Appropriations with favorable  
54 recommendation:

55

56 Amend printed bill, page 2, after line 1 insert:

1           **"SECTION 1. Legislative declaration.** The general assembly  
2 hereby finds and declares that while the fiscal note prepared by legislative  
3 council staff for HB11-1014, enacted in 2011, indicates the bill will result  
4 in general fund revenue losses to the state, that particular revenue loss  
5 will be offset by equivalent general fund expenditures when the general  
6 assembly considers and enacts an annual budget for state government.".

7  
8 Renumber succeeding sections accordingly.

9  
10 Page 3, before line 1 insert:

11  
12           **"SECTION 3. Applicability.** This act shall apply to income tax  
13 years commencing on or after January 1, 2012.".

14  
15 Renumber succeeding section accordingly.

16  
17  
18  
19 **HB11-1091** be amended as follows, and as so amended, be referred to  
20 the Committee on Appropriations with favorable  
21 recommendation:

22  
23 Amend printed bill, strike everything below the enacting clause and  
24 substitute:

25  
26           **"SECTION 1.** 39-26-717, Colorado Revised Statutes, is amended  
27 to read:

28  
29           **39-26-717. Drugs and medical and therapeutic devices -**  
30 **definitions.** (1) The following shall be exempt from taxation under the  
31 provisions of part 1 of this article:

32  
33           (a) All sales of drugs dispensed in accordance with a prescription;

34  
35           (b) All sales of insulin in all its forms dispensed pursuant to the  
36 direction of a licensed physician;

37  
38           (c) All sales of glucose useable for treatment of insulin reactions;

39  
40           (d) All sales of urine- and blood-testing kits and materials;

41  
42           (e) All sales of insulin measuring and injecting devices, including  
43 hypodermic syringes and needles;

44  
45           (f) All sales of prosthetic devices;

46  
47           (g) (I) ALL SALES OF OXYGEN DELIVERY EQUIPMENT AND  
48 DISPOSABLE MEDICAL SUPPLIES RELATED TO OXYGEN DELIVERY DISPENSED  
49 PURSUANT TO A PRESCRIPTION.

50  
51           (II) FOR PURPOSES OF THIS PARAGRAPH (g), "PRESCRIPTION"  
52 MEANS ANY ORDER IN WRITING, DATED AND SIGNED BY A LICENSED  
53 PHYSICIAN, PHYSICIAN'S ASSISTANT, OR ADVANCED PRACTICE NURSE WITH  
54 PRESCRIPTIVE AUTHORITY, OR GIVEN ORALLY BY SUCH A PERSON AND  
55 IMMEDIATELY REDUCED TO WRITING BY THE PHARMACIST, ASSISTANT  
56 PHARMACIST, OR PHARMACY INTERN, OR BY A REPRESENTATIVE OF A

1 BUSINESS LICENSED TO SELL ITEMS DESCRIBED IN SUBPARAGRAPH (I) OF  
2 THIS PARAGRAPH (g) SO LONG AS SUCH ORDER IS ALSO FOLLOWED BY AN  
3 ELECTRONIC SUBMISSION OF THE ORDER TO THE BUSINESS, SPECIFYING THE  
4 NAME AND ADDRESS OF THE PERSON FOR WHOM AN ITEM DESCRIBED IN  
5 SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) IS ORDERED AND DIRECTIONS,  
6 IF ANY, TO BE INCLUDED WITH SUCH ITEM.

7  
8 (h) (I) ALL SALES OF MEDICAL, FEEDING, AND DISPOSABLE  
9 SUPPLIES, INCLUDING ANY RELATED ACCESSORIES, FOR INCONTINENCE,  
10 INFUSION, ENTERAL NUTRITION, OSTOMY, UROLOGY, DIABETIC CARE, AND  
11 WOUND CARE DISPENSED PURSUANT TO A PRESCRIPTION.

12  
13 (II) FOR PURPOSES OF THIS PARAGRAPH (h), "PRESCRIPTION"  
14 MEANS ANY ORDER IN WRITING, DATED AND SIGNED BY A LICENSED  
15 PHYSICIAN, PHYSICIAN'S ASSISTANT, OR ADVANCED PRACTICE NURSE WITH  
16 PRESCRIPTIVE AUTHORITY, OR GIVEN ORALLY BY SUCH A PERSON AND  
17 IMMEDIATELY REDUCED TO WRITING BY THE PHARMACIST, ASSISTANT  
18 PHARMACIST, OR PHARMACY INTERN, OR BY A REPRESENTATIVE OF A  
19 BUSINESS LICENSED TO SELL ITEMS DESCRIBED IN SUBPARAGRAPH (I) OF  
20 THIS PARAGRAPH (h) SO LONG AS SUCH ORDER IS ALSO FOLLOWED BY AN  
21 ELECTRONIC SUBMISSION OF THE ORDER TO THE BUSINESS, SPECIFYING THE  
22 NAME AND ADDRESS OF THE PERSON FOR WHOM AN ITEM DESCRIBED IN  
23 SUBPARAGRAPH (I) OF THIS PARAGRAPH (h) IS ORDERED AND DIRECTIONS,  
24 IF ANY, TO BE INCLUDED WITH SUCH ITEM.

25  
26 (i) (I) ALL SALES OF EQUIPMENT AND RELATED ACCESSORIES FOR  
27 SLEEP THERAPY, INHALATION THERAPY, AND ELECTROTHERAPY DISPENSED  
28 PURSUANT TO A PRESCRIPTION.

29  
30 (II) FOR PURPOSES OF THIS PARAGRAPH (i), "PRESCRIPTION" MEANS  
31 ANY ORDER IN WRITING, DATED AND SIGNED BY A LICENSED PHYSICIAN,  
32 PHYSICIAN'S ASSISTANT, OR ADVANCED PRACTICE NURSE WITH  
33 PRESCRIPTIVE AUTHORITY, OR GIVEN ORALLY BY SUCH A PERSON AND  
34 IMMEDIATELY REDUCED TO WRITING BY THE PHARMACIST, ASSISTANT  
35 PHARMACIST, OR PHARMACY INTERN, OR BY A REPRESENTATIVE OF A  
36 BUSINESS LICENSED TO SELL ITEMS DESCRIBED IN SUBPARAGRAPH (I) OF  
37 THIS PARAGRAPH (i) SO LONG AS SUCH ORDER IS ALSO FOLLOWED BY AN  
38 ELECTRONIC SUBMISSION OF THE ORDER TO THE BUSINESS, SPECIFYING THE  
39 NAME AND ADDRESS OF THE PERSON FOR WHOM AN ITEM DESCRIBED IN  
40 SUBPARAGRAPH (I) OF THIS PARAGRAPH (i) IS ORDERED AND DIRECTIONS,  
41 IF ANY, TO BE INCLUDED WITH SUCH ITEM.

42  
43 (j) All sales of ~~wheelchairs and hospital beds~~ DURABLE MEDICAL  
44 EQUIPMENT AND MOBILITY ENHANCING EQUIPMENT;

45  
46 (k) All sales of drugs or materials when furnished by a doctor as  
47 part of professional services provided to a patient; and

48  
49 (l) All sales of corrective eyeglasses, contact lenses, or hearing  
50 aids.

51  
52 ~~(b) When sold in accordance with a written recommendation from~~  
53 ~~a licensed doctor, all sales of therapeutic devices, appliances, or related~~  
54 ~~accessories, with a retail value of more than one hundred dollars, that are~~  
55 ~~sold to correct or treat a human physical disability or surgically created~~  
56 ~~abnormality; and~~

- 1           ~~(c) All sales of therapeutic devices, appliances, or related~~  
2 ~~accessories, with a retail value of one hundred dollars or less, that are sold~~  
3 ~~to correct or treat a human physical disability or surgically created~~  
4 ~~abnormality.~~  
5
- 6           (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
7 REQUIRES:  
8
- 9           (a) (I) "DURABLE MEDICAL EQUIPMENT" MEANS EQUIPMENT,  
10 INCLUDING REPAIR AND REPLACEMENT PARTS FOR SUCH EQUIPMENT,  
11 DISPENSED PURSUANT TO A PRESCRIPTION, THAT:  
12
- 13           (A) CAN WITHSTAND REPEATED USE;  
14
- 15           (B) IS PRIMARILY AND CUSTOMARILY USED TO SERVE A MEDICAL  
16 PURPOSE;  
17
- 18           (C) IS GENERALLY NOT USEFUL TO A PERSON IN THE ABSENCE OF  
19 ILLNESS OR INJURY; AND  
20
- 21           (D) IS NOT WORN IN OR ON THE BODY.  
22
- 23           (II) "DURABLE MEDICAL EQUIPMENT" INCLUDES, BUT IS NOT  
24 LIMITED TO, HOSPITAL BEDS, INTRAVENOUS POLES AND PUMPS, TRAPEZE  
25 BARS, TOILETING AIDS, BATH AND SHOWER AIDS, STANDING AIDS,  
26 ADAPTIVE CAR SEATS, COMMUNICATION DEVICES, AND ANY RELATED  
27 ACCESSORIES FOR SUCH ITEMS.  
28
- 29           (III) FOR PURPOSES OF THIS PARAGRAPH (a), "PRESCRIPTION"  
30 MEANS ANY ORDER IN WRITING, DATED AND SIGNED BY A LICENSED  
31 PHYSICIAN, PHYSICIAN'S ASSISTANT, OR ADVANCED PRACTICE NURSE WITH  
32 PRESCRIPTIVE AUTHORITY, OR GIVEN ORALLY BY SUCH A PERSON AND  
33 IMMEDIATELY REDUCED TO WRITING BY THE PHARMACIST, ASSISTANT  
34 PHARMACIST, OR PHARMACY INTERN, OR BY A REPRESENTATIVE OF A  
35 BUSINESS LICENSED TO SELL ITEMS OF DURABLE MEDICAL EQUIPMENT SO  
36 LONG AS SUCH ORDER IS ALSO FOLLOWED BY AN ELECTRONIC SUBMISSION  
37 OF THE ORDER TO THE BUSINESS, SPECIFYING THE NAME AND ADDRESS OF  
38 THE PERSON FOR WHOM AN ITEM OF DURABLE MEDICAL EQUIPMENT IS  
39 ORDERED AND DIRECTIONS, IF ANY, TO BE INCLUDED WITH THE  
40 EQUIPMENT.  
41
- 42           (b) (I) "MOBILITY ENHANCING EQUIPMENT" MEANS EQUIPMENT,  
43 INCLUDING REPAIR AND REPLACEMENT PARTS FOR SUCH EQUIPMENT,  
44 DISPENSED PURSUANT TO A PRESCRIPTION, THAT:  
45
- 46           (A) IS PRIMARILY AND CUSTOMARILY USED TO PROVIDE OR  
47 INCREASE THE ABILITY TO MOVE FROM ONE PLACE TO ANOTHER;  
48
- 49           (B) IS APPROPRIATE FOR USE IN A HOME, IN A PERSON'S  
50 COMMUNITY, OR IN A MOTOR VEHICLE;  
51
- 52           (C) IS NOT GENERALLY USED BY PERSONS WITH NORMAL MOBILITY;  
53 AND  
54
- 55           (D) DOES NOT INCLUDE ANY MOTOR VEHICLE OR EQUIPMENT ON  
56 A MOTOR VEHICLE NORMALLY PROVIDED BY A MOTOR VEHICLE

1 MANUFACTURER.

2

3 (II) "MOBILITY ENHANCING EQUIPMENT" INCLUDES, BUT IS NOT  
4 LIMITED TO, WHEELCHAIRS AND WHEELCHAIR COMPONENTS OR  
5 ACCESSORIES, WALKING AIDS SUCH AS CRUTCHES, CANES, OR WALKERS,  
6 GRAB BARS, TRAPEZE BARS, LIFT CHAIRS, PATIENT LIFTS, MOTORIZED  
7 CARTS, SCOOTERS, CONTROLS THAT ARE INSTALLED ON MOTOR VEHICLES,  
8 AND ANY RELATED ACCESSORIES FOR SUCH ITEMS.

9

10 (III) FOR PURPOSES OF THIS PARAGRAPH (b), "PRESCRIPTION"  
11 MEANS ANY ORDER IN WRITING, DATED AND SIGNED BY A LICENSED  
12 PHYSICIAN, PHYSICIAN'S ASSISTANT, OR ADVANCED PRACTICE NURSE WITH  
13 PRESCRIPTIVE AUTHORITY, OR GIVEN ORALLY BY SUCH A PERSON AND  
14 IMMEDIATELY REDUCED TO WRITING BY THE PHARMACIST, ASSISTANT  
15 PHARMACIST, OR PHARMACY INTERN, OR BY A REPRESENTATIVE OF A  
16 BUSINESS LICENSED TO SELL ITEMS OF MOBILITY ENHANCING EQUIPMENT  
17 SO LONG AS SUCH ORDER IS ALSO FOLLOWED BY AN ELECTRONIC  
18 SUBMISSION OF THE ORDER TO THE BUSINESS, SPECIFYING THE NAME AND  
19 ADDRESS OF THE PERSON FOR WHOM AN ITEM OF MOBILITY ENHANCING  
20 EQUIPMENT IS ORDERED AND DIRECTIONS, IF ANY, TO BE INCLUDED WITH  
21 THE EQUIPMENT.

22

23 **SECTION 2. Act subject to petition - effective date -**  
24 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
25 following the expiration of the ninety-day period after final adjournment  
26 of the general assembly (August 10, 2011, if adjournment sine die is on  
27 May 11, 2011); except that, if a referendum petition is filed pursuant to  
28 section 1 (3) of article V of the state constitution against this act or an  
29 item, section, or part of this act within such period, then the act, item,  
30 section, or part shall not take effect unless approved by the people at the  
31 general election to be held in November 2012 and shall take effect on the  
32 date of the official declaration of the vote thereon by the governor.

33

34 (2) The provisions of this act shall apply to purchases of medical  
35 equipment on or after the applicable effective date of this act."

36

37

38

39 **HB11-1158** be amended as follows, and as so amended, be referred to  
40 the Committee on Appropriations with favorable  
41 recommendation:

42

43 Amend printed bill, page 2, line 4, strike "(a)".

44

45 Page 2, line 6, strike "2011," and substitute "2020,".

46

47 Page 2, strike lines 12 through 20.

48

49 Page 2, line 21, strike "~~subsection (1)~~" and substitute "subsection (1)".

50

51 Page 2, line 22, strike "SUBSECTION (1) (a)".

52

53 Page 3, strike lines 1 through 4 and substitute "SPRUCE BEETLES."

54

55 Page 3, line 25, strike "~~salvaged trees killed or~~" and substitute "salvaged  
56 trees killed or".

1 Page 3, strike line 26 and substitute "infested in Colorado by mountain  
2 pine beetles OR SPRUCE BEETLES".  
3

4 Page 4, line 17, strike "~~salvaged~~" and substitute "salvaged".  
5

6 Page 4, strike line 18 and substitute "killed or infested in Colorado by  
7 mountain".  
8

9 Page 4, line 19, strike "~~pine beetles~~" and substitute "pine beetles OR  
10 SPRUCE BEETLES".  
11

12 Page 4, strike line 27.  
13

14 Page 5, strike lines 1 through 3 and substitute "storage, and use on or after  
15 July 1, 2011, of wood from salvaged trees killed or infested in Colorado  
16 by spruce beetles."  
17

18  
19  
20 **HB11-1260** be referred to the Committee of the Whole with favorable  
21 recommendation.  
22  
23  
24  
25

26 **JUDICIARY**

27 After consideration on the merits, the Committee recommends the  
28 following:  
29

30 **HB11-1066** be postponed indefinitely.  
31  
32

33 **HB11-1203** be referred to the Committee of the Whole with favorable  
34 recommendation.  
35  
36  
37  
38

39 **STATE, VETERANS, & MILITARY AFFAIRS**

40 After consideration on the merits, the Committee recommends the  
41 following:  
42

43 **HB11-1127** be postponed indefinitely.  
44  
45

46 **HB11-1134** be referred to the Committee of the Whole with favorable  
47 recommendation.  
48  
49

50 **HB11-1214** be postponed indefinitely.  
51  
52

53 **HB11-1226** be referred to the Committee of the Whole with favorable  
54 recommendation.  
55  
56

1 **TRANSPORTATION**

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

4  
5 **HB11-1189** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend printed bill, page 2, strike lines 11 and 12.

10  
11 Reletter succeeding sub-subparagraphs accordingly.

12  
13 Page 3, line 5, after the period insert "WHEN DETERMINING WHETHER TO  
14 GRANT RELIEF PURSUANT TO THIS SUBPARAGRAPH (II), THE COURT SHALL  
15 CONSIDER WHETHER THE DEFENDANT HAS VOLUNTARILY ENROLLED IN  
16 AND IS PARTICIPATING IN AN APPROPRIATE SUBSTANCE ABUSE TREATMENT  
17 PROGRAM.".

18  
19  
20  
21 **HB11-1192** be amended as follows, and as so amended, be referred to  
22 the Committee of the Whole with favorable  
23 recommendation:

24  
25 Amend printed bill, strike everything below the enacting clause and  
26 substitute:

27  
28 "SECTION 1. 42-4-505 (3), Colorado Revised Statutes, is  
29 amended to read:

30  
31 **42-4-505. Longer vehicle combinations - rules.** (3) (a) The  
32 long combinations ~~shall be~~ ARE limited to interstate highway 25, interstate  
33 highway 76, interstate highway 70 west of its intersection with state  
34 highway 13 in Garfield county, interstate highway 70 east of its  
35 intersection with U.S. 40 and state highway 26, the circumferential  
36 highways designated I-225 and I-270, and state highway 133 in Delta  
37 county from mile marker 8.9 to mile marker 9.7. The department of  
38 transportation shall promulgate rules ~~and regulations~~ to provide carriers  
39 with reasonable ingress to and egress from such designated highway  
40 segments.

41  
42 (b) UPON ACTION BY THE CONGRESS OF THE UNITED STATES TO  
43 LIFT THE FREEZE IMPOSED BY THE FEDERAL "INTERMODAL SURFACE  
44 TRANSPORTATION EFFICIENCY ACT OF 1991", PUB.L. 102-240, AS  
45 AMENDED, CONCERNING THE USE OF LONGER VEHICLE COMBINATIONS,  
46 EITHER BY THE TOTAL FREEZE BEING LIFTED BY CONGRESS OR BY THE  
47 APPROVAL OF PILOT PROJECTS TO EXPAND THE USE OF LONGER VEHICLE  
48 COMBINATIONS BY THE STATES, THE DEPARTMENT OF TRANSPORTATION  
49 SHALL UNDERTAKE A PROCESS TO EVALUATE BOTH INTERSTATE AND  
50 STATE HIGHWAYS FOR POSSIBLE AUTHORIZATION BY THE DEPARTMENT OF  
51 ADDITIONAL HIGHWAY SEGMENTS FOR INCLUSION BY THE GENERAL  
52 ASSEMBLY IN PARAGRAPH (a) OF THIS SUBSECTION (3). DURING THE  
53 REVIEW PROCESS, THE DEPARTMENT SHALL SOLICIT INPUT FROM ALL  
54 RELEVANT STAKEHOLDERS AND SHALL WORK WITHIN EXISTING  
55 STATUTORY AND REGULATORY GUIDELINES. THE DEPARTMENT SHALL  
56 COMMENCE THE REVIEW PROCESS WITHIN NINETY DAYS AFTER ACTION BY



1 CONGRESS THAT WOULD ALLOW EXPANSION OF THE LONGER VEHICLE  
2 COMBINATION ROUTE NETWORK IN COLORADO.

3  
4 **SECTION 2. Act subject to petition - effective date.** This act  
5 shall take effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly (August  
7 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
8 referendum petition is filed pursuant to section 1 (3) of article V of the  
9 state constitution against this act or an item, section, or part of this act  
10 within such period, then the act, item, section, or part shall not take effect  
11 unless approved by the people at the general election to be held in  
12 November 2012 and shall take effect on the date of the official  
13 declaration of the vote thereon by the governor."

14  
15  
16

17 **HB11-1210** be amended as follows, and as so amended, be referred to  
18 the Committee of the Whole with favorable  
19 recommendation:

20

21 Amend printed bill, page 2, line 7, strike "FEBRUARY 15, 2012," and  
22 substitute "DECEMBER 20, 2011,".

23

24 Page 2, line 10, strike "2017," and substitute "2014,".

25

26 Page 3, line 2, strike "CAPACITY EXPANSION" and substitute  
27 "OPERATIONAL AND SAFETY IMPROVEMENT".

28

29

30

31 **HB11-1216** be amended as follows, and as so amended, be referred to  
32 the Committee on Appropriations with favorable  
33 recommendation:

34

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

36

37 "(6) THE COMMITTEE HAS THE FOLLOWING DUTIES AND POWERS:

38

39 (a) TO SUE AND BE SUED AND OTHERWISE ASSERT OR DEFEND THE  
40 COMMITTEE'S LEGAL INTERESTS;

41

42 (b) TO PREPARE AND SIGN CONTRACTS WITH THE ASSISTANCE OF  
43 A LAWYER;

44

45 (c) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
46 OR INCIDENTAL TO, OR IMPLIED FROM, THE SPECIFIC POWERS GRANTED IN  
47 THIS PART 11; AND

48

49 (d) TO FIX THE TIME AND PLACE AT WHICH MEETINGS MAY BE  
50 HELD."

51

52 Page 7, line 25, strike "C.R.S." and substitute "C.R.S., TO FUND THE  
53 IMPLEMENTATION OF PART 4 OF ARTICLE 1 OF TITLE 42, C.R.S.".

54

55 Page 10, strike lines 6 and 7 and substitute:

56

