

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

Twenty-third Legislative Day

Thursday, February 3, 2011

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.

2

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

4

5 Pledge of Allegiance led by James Sandoval, from MSLA Charter
6 School, Denver; also Devon Morahan, Adam Rang, Olivia Roper,
7 Adelaide Kennedy, from Blessed Sacrament, Denver.

8

9 The roll was called with the following result:

10

11 Present--65.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Brown, the reading of the journal of
17 February 2, 2011, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

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

23

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

27

28 **HB11-1044** by Representative(s) Holbert; also Senator(s) Renfroe--
29 Concerning the procedure for the review of a proposal to
30 regulate an unregulated profession or occupation.

31

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

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

36

	YES	61	NO	4	EXCUSED	0	ABSENT	0
38	Acree	Y	Fischer	N	Liston	Y	Scott	Y
39	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
40	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
41	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
42	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
43	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y

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

12 Co-sponsor(s) added: Representative(s) Priola, Stephens.

13
14 **HB11-1050** by Representative(s) Soper; and Senator(s) Tochtrop--
15 Concerning boiler inspection regulation by the division of
16 oil and public safety.

17
18 The question being "Shall the bill pass?".

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

22	YES	57	NO	8	EXCUSED	0	ABSENT	0
24	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
25	Balmer	N	Gardner B.	N	Looper	Y	Solano	Y
26	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
27	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
28	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
29	Beezley	N	Holbert	Y	Miklosi	Y	Summers	Y
30	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
31	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
32	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
33	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
34	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
35	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
36	DelGrosso	N	Kerr J.	Y	Ramirez	N	Vigil	Y
37	Duran	Y	Labuda	Y	Riesberg	Y	Waller	N
38	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
39	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
40							Speaker	Y

41 Co-sponsor(s) added: Representative(s) Casso, Fields, Fischer, Labuda, Lee,
42 Pace, Todd, Tyler, Vigil, Wilson.

43
44
45 **HB11-1102** by Representative(s) Summers; also Senator(s) Newell--
46 Concerning portability of fingerprint-based criminal
47 history records checks for employees of separately
48 licensed child care facilities owned by a single parent
49 entity.

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

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

55

	YES	65	NO	0	EXCUSED	0	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.	Y	Wilson	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Casso, Court, Kerr A., Kerr J., Labuda,
20 Massey, Nikkel, Priola, Ramirez, Schafer S., Solano, Stephens, Swalm, Todd,
21 Tyler, Williams A., Wilson.

22
23 **HB11-1028** by Representative(s) Liston, Bradford, Levy, Massey,
24 McCann, Murray, Peniston, Schafer S., Todd; also
25 Senator(s) Johnston and Newell--Concerning the voluntary
26 contribution designation benefitting the Alzheimer's
27 Association fund that appears on the state individual
28 income tax return forms, and, in connection therewith,
29 extending the period for the contribution designation.

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

	YES	65	NO	0	EXCUSED	0	ABSENT	0
37	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
38	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
39	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
40	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
41	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
42	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
43	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
44	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
45	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
46	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
47	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
48	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
49	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
50	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
51	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
52	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
53							Speaker	Y

54 Co-sponsor(s) added: Representative(s) Barker, Conti, Coram, Duran, Fields,
55 Fischer, Jones, Kefalas, Kerr J., Labuda, Miklosi, Nikkel, Pabon, Pace, Priola,
56 Riesberg, Ryden, Scott, Solano, Stephens, Swerdfeger, Wilson.

1 **HB11-1037** by Representative(s) Ryden and Fields; also Senator(s)
 2 Carroll--Concerning the voluntary contribution
 3 designation benefitting the military family relief fund that
 4 appears on the state individual income tax return forms,
 5 and, in connection therewith, extending the period for the
 6 contribution designation.

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

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

31 Co-sponsor(s) added: Representative(s) Barker, Casso, Conti, Court, Duran,
 32 Fischer, Gardner B., Gerou, Holbert, Kagan, Kefalas, Kerr J., Labuda, Lee,
 33 Looper, Massey, Miklosi, Nikkel, Pabon, Pace, Priola, Ramirez, Schafer S.,
 34 Scott, Solano, Stephens, Summers, Swerdfeger, Todd, Vigil, Waller,
 35 Williams A., Wilson, Speaker.

36
 37 **HB11-1016** by Representative(s) Summers; also Senator(s) Boyd--
 38 Concerning prohibitions against furnishing tobacco
 39 products to minors.

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

	YES	59	NO	6	EXCUSED	0	ABSENT	0
47	Acree	Y	Fischer	Y	Liston	N	Scott	Y
48	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
49	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
50	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
51	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
52	Beezley	N	Holbert	Y	Miklosi	Y	Summers	Y
53	Bradford	Y	Hullinghorst	Y	Murray	N	Swalm	N
54	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
55	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
56	Conti	Y	Kagan	Y	Pace	Y	Todd	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.	Y	Wilson	Y
7							Speaker	Y

8 Co-sponsor(s) added: Representative(s) Court, Fields, Kerr J., Labuda, Massey,
9 Schafer S., Solano, Todd.

ADHERENCE ON HJR11-1007

15 **HJR11-1007** by Representative(s) DelGrosso; also Senator(s) Johnston-
16 -Concerning the certification by the general assembly of
17 its estimate of state general fund revenues and allowable
18 state general fund appropriations for the 2011-12 fiscal
19 year.

21 (Amended as printed in Senate Journal, January 31, pages 78-79.)

23 Representative DelGrosso moved that the House **adhere** to its position on
24 **HJR11-1007** and that the Conference Committee be discharged. The
25 motion was declared **passed** by the following roll call vote:

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

CONSIDERATION OF RESOLUTION(S)

50 **HJR11-1008** by Representative(s) Sonnenberg; also Senator(s)
51 Schwartz--Concerning approval of water project revolving
52 fund eligibility lists administered by the Colorado water
53 resources and power development authority.

55 (Printed and placed in members' file)

56

1 On motion of Representative Sonnenberg, the resolution was **adopted** by
2 **viva voce** vote.

3
4 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
5 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
6 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D.,
7 Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A.,
8 Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley,
9 Miklosi, Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Riesberg,
10 Ryden, Schafer S., Scott, Solano, Soper, Stephens, Summers, Swalm,
11 Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson,
12 Speaker.

13
14
15
16 On motion of Representative Balmer, the House resolved itself into
17 Committee of the Whole for consideration of General Orders, and he was
18 called to the Chair to act as Chairman.

19
20
21 **GENERAL ORDERS--SECOND READING OF BILLS**

22
23 The Committee of the Whole having risen, the Chairman reported the
24 titles of the following bills had been read (reading at length had been
25 dispensed with by unanimous consent), the bills considered and action
26 taken thereon as follows:

27
28 (Amendments to the committee amendment are to the printed committee
29 report which was printed and placed in the members' bill file.)

30
31 **HB11-1051** by Representative(s) Swerdfeger, Waller; also Senator
32 King S.--Concerning clarification that a DNA sample
33 expungement is never available for a felony conviction.

34
35 Ordered engrossed and placed on the Calendar for Third Reading and
36 Final Passage.

37
38 **HB11-1080** by Representative(s) Todd; also Senator(s) King S.--
39 Concerning the address confidentiality program.

40
41 Rereferred to the Committee on State, Veterans, & Military Affairs.

42
43 **HB11-1089** by Representative(s) Conti, Kerr J., Acree, Balmer,
44 Baumgardner, Becker, Beezley, DelGrosso, Holbert,
45 Looper, Massey, Ramirez, Scott, Swerdfeger; also
46 Senator(s) King K., Spence, Harvey, King S., Lundberg--
47 Concerning the authority of the state charter school
48 institute to act as a local education agency for charter
49 schools that apply for grant programs.

50
51 Amendment No. 1, Education Report, dated January 31, 2011, and placed
52 in member's bill file; Report also printed in House Journal, February 1,
53 page 129.

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

1 **HB11-1113** by Representative(s) Holbert; also Senator(s) Foster--
 2 Concerning the provision of information pertaining to
 3 impact fees imposed by local governments.
 4

5 Amendment No. 1, Local Government Report, dated January 31, 2011,
 6 and placed in member's bill file; Report also printed in House Journal,
 7 February 1, page 129.
 8

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

12
 13
 14 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**
 15

16 Representative A. Kerr moved to amend the Report of the Committee of
 17 the Whole to reverse the action taken by the Committee in not adopting
 18 the following A. Kerr amendment, to HB11-1089, to show that said
 19 amendment passed, and that **HB11-1089**, as amended, passed.
 20

21 Amend printed bill, page 2, line 2, strike "(a)," and substitute "(a) and
 22 (3.5) (b),".
 23

24 Page 2, line 3, strike "is" and substitute "are".
 25

26 Page 2, after line 16 insert:
 27

28 "(b) In acting as a local education agency and fiscal agent
 29 pursuant to this subsection (3.5), the institute shall:
 30

31 (I) Treat district charter schools and institute charter schools
 32 equally; AND
 33

34 (II) ASSUME FULL FINANCIAL AND LEGAL RESPONSIBILITY IF A
 35 DISTRICT OR INSTITUTE CHARTER SCHOOL THAT RECEIVES A GRANT FAILS
 36 TO COMPLY WITH OR OTHERWISE MEET THE OBLIGATIONS AND
 37 REQUIREMENTS IMPOSED BY THE TERMS OF THE GRANT. THE AUTHORIZING
 38 SCHOOL DISTRICT FOR A DISTRICT CHARTER SCHOOL THAT APPLIES FOR
 39 AND RECEIVES A GRANT PURSUANT TO THIS SECTION SHALL NOT BE
 40 FISCALLY OR LEGALLY RESPONSIBLE FOR THE CHARTER SCHOOL WITH
 41 REGARD TO ANY OBLIGATION OR REQUIREMENT IMPOSED BY THE TERMS OF
 42 THE GRANT."
 43

44 The amendment was declared **lost** by the following roll call vote:
 45

	YES	32	NO	33	EXCUSED	0	ABSENT	0
47	Acree	N	Fischer	Y	Liston	N	Scott	N
48	Balmer	N	Gardner B.	N	Looper	N	Solano	Y
49	Barker	N	Gardner D.	Y	Massey	N	Sonnenberg	N
50	Baumgardner	N	Gerou	N	McCann	Y	Soper	Y
51	Becker	N	Hamner	Y	McKinley	Y	Stephens	N
52	Beezley	N	Holbert	N	Miklosi	Y	Summers	N
53	Bradford	N	Hullinghorst	Y	Murray	N	Swalm	N
54	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	N
55	Casso	Y	Joshi	N	Pabon	Y	Szabo	N
56	Conti	N	Kagan	Y	Pace	Y	Todd	Y

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB11-1051, 1089 amended, 1113 amended.**

Rereferred to Committee indicated: **HB11-1080--State, Veterans, & Military Affairs.**

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

	YES	65	NO	0	EXCUSED	0	ABSENT	0
24	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
25	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
26	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
27	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
28	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
29	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
30	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
31	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
32	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
33	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
34	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
35	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
36	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
37	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
38	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
39	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
40							Speaker	Y

REPORT(S) OF COMMITTEE(S) OF REFERENCE

EDUCATION

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

HB11-1053 be amended as follows, and as so amended, be referred to the Committee on Judiciary with favorable recommendation:

Amend printed bill, strike everything below the enacting clause and substitute the following:

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

3
4 (a) The best practice for addressing truancy is a graduated
5 approach that includes early intervention; and

6
7 (b) Certain school districts and courts have worked cooperatively
8 to design a continuum of approaches that have demonstrated success in
9 reducing truant behavior.

10
11 (2) The general assembly further finds that the detention and
12 incarceration of minors who have committed no offense other than
13 truancy from school:

14
15 (a) Confines within the state juvenile justice system minors who
16 have committed no criminal offenses and who may be physically and
17 emotionally unprepared for the stress of this system; and

18
19 (b) Contributes to the case loads of the courts.

20
21 (3) The general assembly further finds that the power of the court
22 to sanction minors for contempt, including sanctions of detention and
23 incarceration, is an inherent power of the court that may not be abrogated
24 by the legislature pursuant to article III of the state constitution.

25
26 (4) Now, therefore, the general assembly hereby:

27
28 (a) Encourages courts to consider detention and incarceration as
29 a last resort approach for addressing the problem of truancy;

30
31 (b) Encourages school districts to:

32
33 (I) Consider the initiation of judicial proceedings as a last resort
34 approach for addressing the problem of truancy; and

35
36 (II) Explore options for addressing truancy that employ best
37 practices and research-based strategies to minimize the need for court
38 action and the risk of detention orders against a child or parent.

39
40 **SECTION 2.** 22-33-108 (5) and (7) (a), Colorado Revised
41 Statutes, are amended to read:

42
43 **22-33-108. Judicial proceedings.** (5) AS A LAST-RESORT
44 APPROACH FOR ADDRESSING THE PROBLEM OF TRUANCY, TO BE USED ONLY
45 AFTER A SCHOOL DISTRICT HAS ATTEMPTED OTHER OPTIONS FOR
46 ADDRESSING TRUANCY THAT EMPLOY BEST PRACTICES AND RESEARCH-
47 BASED STRATEGIES TO MINIMIZE THE NEED FOR COURT ACTION AND THE
48 RISK OF DETENTION ORDERS AGAINST A CHILD OR PARENT, court
49 proceedings shall be initiated to compel compliance with the compulsory
50 attendance statute after the parent and the child have been given written
51 notice by the attendance officer of the school district or of the state that
52 proceedings will be initiated if the child does not comply with the
53 provisions of this article. The school district may combine the notice and
54 summons. If combined, the petition shall state the date on which
55 proceedings will be initiated, which date shall not be less than five days
56 from the date of the notice and summons. The notice shall state the

1 provisions of this article with which compliance is required and shall state
2 that the proceedings will not be brought if the child complies with that
3 provision before the filing of the proceeding.
4

5 (7) (a) If the child does not comply with the valid court order
6 issued against the child or against both the parent and the child, the court
7 may order that an investigation be conducted as provided in section
8 19-2-510 (2), C.R.S., and the court may order the child to show cause
9 why he or she should not be held in contempt of court. The court may
10 include as a sanction after a finding of contempt an appropriate treatment
11 plan that may include, but NEED not be limited to, community service to
12 be performed by the child, supervised activities, PARTICIPATION IN
13 SERVICES FOR AT-RISK STUDENTS, AS DESCRIBED BY SECTION 22-33-204,
14 and other activities having goals that shall ensure that the child has an
15 opportunity to obtain a quality education.
16

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety."
20
21
22

23 **HB11-1074** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:
26

27 Amend printed bill, page 2, strike lines 3 through 27 and substitute:
28

29 **"23-41-104.7. Funding.** (1) Beginning in the 2011-12 fiscal
30 year, and for each fiscal year thereafter through the 2020-21 fiscal year,
31 ~~the general assembly shall annually appropriate to the Colorado school of~~
32 ~~mines an amount of funding in lieu of any funding the institution may~~
33 ~~have otherwise received through fee-for-service contracts negotiated by~~
34 ~~the institution with the Colorado commission on higher education~~
35 ~~pursuant to section 23-5-130. The amount of the appropriation shall be~~
36 ~~determined annually through the budget process~~ COLORADO SCHOOL OF
37 MINES SHALL USE A PORTION OF ITS FEE-FOR-SERVICE FUNDING
38 NEGOTIATED PURSUANT TO SECTION 23-5-130 TO PROVIDE MERIT-BASED
39 SCHOLARSHIPS, NEED-BASED FINANCIAL AID, AND GRADUATE
40 FELLOWSHIPS TO ASSIST STUDENTS WITH IN-STATE CLASSIFICATION TO
41 ATTEND THE INSTITUTION, AND SHALL INCREASE SAID PORTION TO ENSURE
42 THAT, NO LATER THAN THE 2020-21 FISCAL YEAR AND FOR EACH FISCAL
43 YEAR THEREAFTER, ALL SAID FUNDING SHALL BE USED FOR SAID PURPOSES,
44 EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF SUBSECTION (2) OF
45 THIS SECTION.
46

47 (2) (a) ~~Except as otherwise provided in paragraph (b) of this~~
48 ~~subsection (2), the Colorado school of mines shall use a portion of the~~
49 ~~moneys appropriated pursuant to this section to provide merit-based~~
50 ~~scholarships, need-based financial aid, and graduate fellowships to assist~~
51 ~~students with in-state classification to attend the institution and shall~~
52 ~~increase said portion to ensure that, no later than the 2020-21 fiscal year~~
53 ~~and for each fiscal year thereafter, the moneys appropriated pursuant to~~
54 ~~this section are used solely for said purposes.~~
55

56 (b) BEGINNING IN 2020-21 AND in any fiscal year THEREAFTER in

1 which the average discounted tuition rate for a student UNDERGRADUATE
 2 STUDENTS with in-state classification who is enrolled at the Colorado
 3 school of mines is greater than thirty percent, the institution may use any
 4 amount of the appropriation FEE-FOR-SERVICE FUNDING that is not used
 5 to maintain the average discounted tuition rate at thirty percent for other
 6 operational purposes. As used in this paragraph (b), "average discounted
 7 tuition rate" means the total of the amount of MERIT-BASED AND
 8 NEED-BASED scholarships financial aid, and graduate fellowships GRANTS
 9 awarded FROM INSTITUTION FUNDS to UNDERGRADUATE students WITH
 10 IN-STATE CLASSIFICATION enrolled in the institution divided by the total
 11 tuition revenue FROM UNDERGRADUATE STUDENTS WITH IN-STATE
 12 CLASSIFICATION.

13
 14 (3) ~~In any fiscal year in which the Colorado school of mines~~
 15 ~~receives an appropriation pursuant to this section, the institution shall not~~
 16 ~~be eligible to receive funding pursuant to a fee-for-service contract~~
 17 ~~negotiated pursuant to section 23-5-130."~~

18
 19 Strike page 3.

20
 21 Renumber succeeding section accordingly.

22
 23 Page 4, strike line 1.

24
 25
 26
 27
 28 **FINANCE**

29 After consideration on the merits, the Committee recommends the
 30 following:

31
 32 **HB11-1071** be referred favorably to the Committee on Appropriations.

33
 34
 35 **HB11-1097** be referred favorably to the Committee on Appropriations.

36
 37
 38 **HB11-1114** be postponed indefinitely.

39
 40
 41
 42
 43 **JUDICIARY**

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

46
 47 **HB11-1061** be postponed indefinitely.

48
 49
 50 **HB11-1128** be referred to the Committee of the Whole with favorable
 51 recommendation.

52
 53
 54 **HB11-1130** be amended as follows, and as so amended, be referred to
 55 the Committee on Appropriations with favorable
 56 recommendation:

- 1 Amend printed bill, page 4, strike lines 16 through 23.
2
3 Page 5, strike line 26.
4
5 Page 5, line 27, strike everything before "person" and substitute:
6
7 "(5) A".
8
9 Page 6, line 7, strike "~~(a)~~ (I)" and substitute "(a)".
10
11 Page 6, line 9, strike "~~(b)~~ (II)" and substitute "(b)".
12
13 Page 6, strike lines 11 through 18.
14
15 Page 8, line 17, strike "CONSIDER POSSIBLE" and substitute "CONSIDER:
16 POSSIBLE".
17
18 Page 8, line 20, strike "MATERIALS." and substitute "MATERIALS;
19 RECOMMENDATIONS REGARDING WHEN AND HOW A COMMODITY METALS
20 PURCHASER SHOULD BE REQUIRED TO APPRISE LOCAL LAW ENFORCEMENT
21 AUTHORITIES IF A PURCHASED COMMODITY METAL IS A POTENTIAL MATCH
22 OF A COMMODITY METAL REPORTED STOLEN IN THE SCRAP THEFT ALERT
23 SYSTEM; AND THE CREATION AND ATTRIBUTES OF A CIVIL PENALTY
24 PROCESS FOR EGREGIOUS AND REPEAT VIOLATORS OF THE
25 RECORD-KEEPING REQUIREMENTS OF THIS SECTION."
26
27 Page 8, strike lines 22 through 24 and substitute "FORCE SHALL REPORT
28 ANNUALLY TO THE JUDICIARY COMMITTEES OF THE HOUSE OF
29 REPRESENTATIVES AND THE SENATE OR ANY".
30
31 Page 9, line 3, strike "2021." and substitute "2016".
32
33 Page 9, strike lines 25 through 27.
34
35 Page 10, strike lines 1 through 15.
36
37 Renumber succeeding sections accordingly.
38
39 Page 10, line 16, strike "(3)," and substitute "(3) (cc)".
40
41 Page 10, line 17, strike "PARAGRAPH" and substitute
42 "SUBPARAGRAPH".
43
44 Page 10, strike line 21 and substitute:
45
46 "(cc) July 1, 2016:".
47
48 Page 10, line 22, strike "(I)" and substitute "(III)".
49
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51
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55

1 **LOCAL GOVERNMENT**

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

4
5 **HB11-1031** 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 9, line 6, strike "STATE." and substitute "STATE;
10 EXCEPT THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS
11 SECTION, A CREATIVE DISTRICT CREATED PURSUANT TO THIS SECTION
12 SHALL NOT BE ELIGIBLE TO RECEIVE ANY FORM OF FINANCIAL INCENTIVE
13 THAT IS DERIVED FROM MONEYS ALLOCATED TO THE LOCAL GOVERNMENT
14 LIMITED GAMING IMPACT FUND CREATED IN SECTION 12-47.1-1601 (1) (a),
15 C.R.S.".

16
17 Page 9, after line 6 insert:

18
19 "(6) THE CREATION OF A DISTRICT UNDER THIS SECTION MAY NOT
20 BE USED TO PROHIBIT ANY PARTICULAR BUSINESS WITHIN THE BOUNDARIES
21 OF THE DISTRICT OR TO IMPOSE A BURDEN ON THE OPERATION OF ANY
22 PARTICULAR BUSINESS WITHIN THE BOUNDARIES OF THE DISTRICT.".

23
24
25
26 **HB11-1042** be amended as follows, and as so amended, be referred to
27 the Committee on Appropriations with favorable
28 recommendation:
29

30 Amend printed bill, page 2, strike line 3 and substitute "amended, and the
31 said 39-1-102 is further amended BY THE ADDITION OF A NEW
32 SUBSECTION, to read:".

33
34 Page 2, after line 5 insert:

35
36 "(8.4) "NATURAL DISASTER" MEANS FIRE, FLOOD, TORNADO,
37 ACTION OF THE ELEMENTS, ACT OF WAR OR TERROR, OR SIMILAR CAUSE
38 THAT IS BEYOND THE CONTROL OF THE PARTY HOLDING TITLE TO THE
39 PROPERTY DESTROYED.".

40
41 Page 2, line 11, after "improvements." insert "THE TERM INCLUDES LAND
42 UPON WHICH RESIDENTIAL IMPROVEMENTS WERE DESTROYED BY NATURAL
43 DISASTER AFTER THE DATE OF THE LAST ASSESSMENT AS ESTABLISHED IN
44 SECTION 39-1-104 (10.2)."

45
46 Page 2, line 19, after "RELOCATED" insert "AS A RESULT OF A NATURAL
47 DISASTER".

48
49 Page 2, line 20, strike "RELOCATION," and substitute "RELOCATION DUE TO
50 SUCH NATURAL DISASTER,".

51
52 Page 3, line 15, after "RELOCATION" insert "AS A RESULT OF A NATURAL
53 DISASTER".

54
55 Page 3, line 19, after "RELOCATION" insert "AS A RESULT OF A NATURAL
56 DISASTER".

1 **HB11-1087** be referred to the Committee of the Whole with favorable
 2 recommendation.
 3
 4
 5
 6

7 **TRANSPORTATION**

8 After consideration on the merits, the Committee recommends the
 9 following:

10
 11 **HB11-1046** be postponed indefinitely.
 12
 13

14 **HB11-1054** be referred to the Committee of the Whole with favorable
 15 recommendation.
 16
 17

18 **HB11-1075** be postponed indefinitely.
 19
 20

21 **HB11-1092** be referred to the Committee of the Whole with favorable
 22 recommendation.
 23
 24

25
 26 **PRINTING REPORT**

27
 28 The Chief Clerk reports the following bills have been correctly printed:
 29 **HB11-1164, 1165, 1166, 1167, 1168.**
 30
 31

32
 33 **INTRODUCTION OF BILLS**
 34 **First Reading**

35
 36 The following bills were read by title and referred to the committees
 37 indicated:
 38

39 **HB11-1169** by Representative(s) Levy, Court, Fischer, Gardner B.,
 40 Labuda, Lee, Looper, McCann, Peniston, Ryden, Waller,
 41 Wilson; also Senator(s) Heath--Concerning information-
 42 sharing at Colorado state institutions of higher education.
 43 Committee on Education
 44

45 **HB11-1170** by Representative(s) Baumgardner--Concerning the
 46 extension of the availability of the income tax credit
 47 related to alternative fuel refueling facilities.
 48 Committee on Agriculture, Livestock, & Natural Resources
 49

50 **HB11-1171** by Representative(s) Ferrandino, Becker, Gerou; also
 51 Senator(s) Steadman, Hodge, Lambert--Concerning a
 52 committee to study dedicated sources of revenue in the
 53 state constitution related to health care.
 54 Committee on Health and Environment
 55 Committee on Legislative Council
 56

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INTRODUCTION OF RESOLUTION

The following resolution was read by title and laid over one day under the rules:

HJR11-1009 by Representative(s) Holbert, Beezley; also Senator(s) Harvey and Grantham--Concerning the recognition of February 6, 2011, as "Ronald Reagan Day" in Colorado.

House in recess. House reconvened.

REPORT(S) OF COMMITTEE(S) OF REFERENCE

STATE, VETERANS, & MILITARY AFFAIRS

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

HB11-1003 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 9, strike "OR".

Page 3, strike lines 13 and 14 and substitute:

"(VIII) A valid medicare or medicaid card issued by the United States health care financing administration THAT HAS BEEN ISSUED TO AN ELIGIBLE ELECTOR WHO IS A RESIDENT OF A STATE-LICENSED FACILITY; OR".

Page 3, strike lines 22 through 24 and substitute:

"SECTION 3. Act subject to petition - effective date - applicability. (1) This act shall take effect September 1, 2011; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to elections conducted on or after the applicable effective date of this act."

HB11-1072 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 8, strike lines 21 through 23.

1 Page 8, line 24, strike "(II)" and substitute "(b) (I)".

2

3 Renumber succeeding subparagraph accordingly.

4

5

6

7 **HB11-1090** be amended as follows, and as so amended, be referred to
8 the Committee on Appropriations with favorable
9 recommendation:

10

11 Amend printed bill, page 2, line 11, strike "____," and substitute "1090,".

12

13 Page 3, strike lines 4 through 12 and substitute:

14

15 **"elections.** (3.5) FOR ANY ODD- OR EVEN-NUMBERED YEAR ELECTION
16 BEGINNING WITH THE GENERAL ELECTION HELD IN 2012 IN WHICH A STATE
17 BALLOT ISSUE OR STATE BALLOT QUESTION IS ON THE BALLOT OF A
18 PARTICULAR COUNTY, THE STATE SHALL REIMBURSE SUCH COUNTY AT A
19 RATE OF TWO CENTS PER BALLOT ISSUE OR BALLOT QUESTION FOR EACH
20 ACTIVE REGISTERED ELECTOR AS OF THE TIME OF THE ELECTION."

21

22 Page 5, line 13, strike "BULLET;" and substitute "BULLET, WHICH SHALL BE
23 SET AT THE BEGINNING OF THE LEFT MARGIN;".

24

25 Page 5, strike lines 14 and 15 and substitute:

26

27 "(III) AFTER EACH BULLET THERE SHALL BE A HARD LEFT INDENT
28 THAT IS THREE CHARACTERS FROM THE LEFT MARGIN;".

29

30 Page 5, line 20, after "LEAST" insert "ONE-HALF OF".

31

32

33

34 **HB11-1095** be referred favorably to the Committee on Appropriations.

35

36

37 **HB11-1099** be postponed indefinitely.

38

39

40

41 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

42

43 The Speaker has signed: **SJR11-006 and 008.**

44

45

46

47

48

49

50 The following bills were read by title and referred to the committees
51 indicated:

52

53 **HB11-1172** by Representative(s) Wilson--Concerning protection of
54 water quality, and, in connection therewith, requiring the
55 Colorado oil and gas conservation commission and the
56 department of public health and environment to review the

- 1 federal environmental protection agency's study regarding
2 hydraulic fracturing fluids and requiring the Colorado oil
3 and gas conservation commission to report to the general
4 assembly regarding complaints arising from oil and gas
5 operations.
6 Committee on Agriculture, Livestock, & Natural Resources
7
8 **HB11-1173** by Representative(s) Riesberg; also Senator(s) Jahn--
9 Concerning the regulation of naturopathic doctors.
10 Committee on Health and Environment
11 Committee on Economic and Business Development
12
13 **HB11-1174** by Representative(s) Vaad--Concerning the filing of a
14 certificate of destruction by a person on whose land a
15 manufactured home is situated when a governmental entity
16 has deemed the manufactured home in violation of local
17 codes.
18 Committee on Local Government
19
20 **HB11-1175** by Representative(s) Balmer; also Senator(s) Morse--
21 Concerning requirements for health care practitioners to
22 identify to patients the type of professional license held by
23 the practitioner, and, in connection therewith, enacting the
24 "Health Care Professional Transparency Act".
25 Committee on Health and Environment
26 Committee on Economic and Business Development
27
28 **HB11-1176** by Representative(s) Ramirez--Concerning an exemption
29 of crude oil from designated routes set by the state patrol
30 for the transportation of hazardous substances by motor
31 vehicle.
32 Committee on Transportation
33
34 **HB11-1177** by Representative(s) Sonnenberg and Jones; also
35 Senator(s) Schwartz and White--Concerning an extension
36 of the ability to make voluntary contributions via income
37 tax to the Colorado healthy rivers fund.
38 Committee on Finance
39
40 **HB11-1178** by Representative(s) Loper; also Senator(s) Williams S.--
41 Concerning the regulation of persons who dispose of dead
42 human bodies in the ordinary course of lawful business.
43 Committee on Economic and Business Development
44
45 **HB11-1179** by Representative(s) Gerou--Concerning on-site
46 wastewater treatment systems.
47 Committee on Health and Environment
48
49 **HB11-1180** by Representative(s) Levy--Concerning using
50 individualized assessments to aid judges in imposing
51 criminal sentences that reduce the likelihood of criminal
52 offenders committing additional criminal acts.
53 Committee on Judiciary
54
55

- 1 **HB11-1181** by Representative(s) Kefalas--Concerning the department
2 of human services child fatality review team.
3 Committee on Health and Environment
4
- 5 **HB11-1182** by Representative(s) Ferrandino, Becker, Gerou; also
6 Senator(s) Hodge, Steadman, Lambert--Concerning the
7 adjustment of specified vehicle fees credited to special
8 purpose accounts within the highway users tax fund.
9 Committee on Transportation
10
- 11 **HB11-1183** by Representative(s) Bradford--Concerning a requirement
12 that a death certificate indicate whether the decedent was
13 pregnant within the twelve months preceding death.
14 Committee on Health and Environment
15
- 16 **HB11-1184** by Representative(s) McCann, Duran, Todd, Hamner,
17 Massey, Murray, Pabon, Peniston, Schafer S., Solano,
18 Summers; also Senator(s) King K.--Concerning creation
19 of a committee to consider funding for the institutions of
20 higher education in the state.
21 Committee on Education
22
- 23 **HB11-1185** by Representative(s) Ramirez; also Senator(s) Mitchell--
24 Concerning the imposition of a time limit within which a
25 lienholder must provide the certificate of title to a motor
26 vehicle with evidence of release of a lien that has been
27 satisfied.
28 Committee on Economic and Business Development
29
- 30 **HB11-1186** by Representative(s) Ryden, Kerr A., McCann, Vigil; also
31 Senator(s) Guzman--Concerning reimbursement by health
32 insurance carriers for acupuncture services.
33 Committee on Health and Environment
34
- 35 **HB11-1187** by Representative(s) Sonnenberg; also Senator(s) Brophy--
36 Concerning personnel employed to operate the public
37 golfing club at Northeastern junior college.
38 Committee on Finance
39
- 40 **HB11-1188** by Representative(s) Liston; also Senator(s) Newell--
41 Concerning franchise agreements for a dealer to sell
42 vehicles.
43 Committee on Economic and Business Development
44
- 45 **SB11-020** by Senator(s) Morse; also Representative(s) Stephens--
46 Concerning the authorization of certain employees of the
47 department of law as peace officers.
48 Committee on Judiciary
49
- 50 **SB11-028** by Senator(s) Schwartz; also Representative(s) Coram--
51 Concerning the number of judges in certain judicial
52 districts.
53 Committee on Judiciary
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LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Kerr J., the following item(s) on the Calendar (was)were laid over until February 4, retaining place on Calendar:

Consideration of General Orders--**HB11-1007, 1030, 1058.**

On motion of Representative Kerr J., the House adjourned until 9:00 a.m., February 4, 2011.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

