

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

Eighty-third Legislative Day

Monday, April 4, 2011

- 1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.
2
3 The Speaker called the House to order at 10:00 a.m.
4
5 Pledge of Allegiance led by Jacob and Zachary Frieder from Superior
6 Elementary, Highlands Ranch.
7
8 The roll was called with the following result:
9
10 Present--62.
11 Excused--Representative(s) Bradford, Brown, McKinley--3.
12 Present after Roll Call--Representative(s) Brown.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Joshi, the reading of the journal of
18 March 31, 2011, was declared dispensed with and approved as corrected
19 by the Chief Clerk.
20
21

CONSIDERATION OF MEMORIAL

22
23
24
25 **HM11-1002** by Representative(s) Soper--Memorializing former
26 Representative John Davoren.
27

28 Representative Soper moved that the Memorial be adopted.
29

30 The Speaker ordered the memorial read at length.
31
32

33 Pursuant to House Rule 26(f) the House stood in recess to allow the
34 following former members to speak on behalf of the honorable John
35 Davoren:
36 Former Representatives Molly Markert, Ann Ragsdale, JoAnn Groff, and
37 Alice Nichol.
38
39

House reconvened.
40
41
42

43 The memorial was **adopted** by the following roll call vote:

	YES	62	NO	0	EXCUSED	3	ABSENT	0
1								
2								
3	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
4	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
5	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
6	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
7	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
8	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
9	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
10	Brown	E	Jones	Y	Nikkel	Y	Swerdfeger	Y
11	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
12	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
13	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
14	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
15	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
16	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
17	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
18	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
19							Speaker	Y

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

28
 29 Representative Soper introduced members of the family that were present.

33 INTRODUCTION AND CONSIDERATION OF RESOLUTION

34
 35 On motion of Representative Stephens, the rules were suspended and the
 36 following resolution was given immediate consideration.

37
 38 **HJR11-1013** by Representative(s) Ramirez, Beezley, Peniston, Soper;
 39 also Senator(s) Steadman and Hudak and Mitchell--
 40 Concerning the 100th anniversary of the City of
 41 Westminster.

42
 43 (Printed and placed in member's file).

44
 45 On motion of Representative Ramirez, the resolution was read at length
 46 and **adopted** by **viva voce** vote.

47
 48 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
 49 Barker, Baumgardner, Becker, Brown, Casso, Conti, Coram, Court, DelGrosso,
 50 Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D., Gerou, Hamner,
 51 Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda,
 52 Lee, Levy, Liston, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Pabon,
 53 Pace, Priola, Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg, Stephens,
 54 Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller,
 55 Williams A., Wilson, Speaker.

56

1 House in recess. House reconvened.
2
3

4
5 **APPOINTMENTS TO CONFERENCE COMMITTEE**
6

7 Pursuant to a request from the Senate, the Speaker appointed House
8 conferees to the First Conference Committees as follows:
9

10 **SB11-165**--Representatives Gardner B., Chairman, Kerr A., and
11 DelGrosso.
12

13
14
15 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**
16

17 **APPROPRIATIONS**

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

21 **HB11-1024** 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, page 7, after line 14, insert:
26

27 **"SECTION 6. Appropriation.** (1) In addition to any other
28 appropriation, there is hereby appropriated, out of any moneys in the
29 licensing services cash fund created in section 42-2-114.5 (1), Colorado
30 Revised Statutes, not otherwise appropriated, to the department of
31 revenue, for allocation to the information technology division, for the
32 fiscal year beginning July 1, 2011, the sum of one hundred seven
33 thousand one hundred fifty-two dollars (\$107,152) cash funds, or so much
34 thereof as may be necessary, for the implementation of this act.
35

36 (2) In addition to any other appropriation, there is hereby
37 appropriated to the governor - lieutenant governor - state planning and
38 budgeting, for allocation to the office of information technology, for the
39 fiscal year beginning July 1, 2011, the sum of one hundred seven
40 thousand one hundred fifty-two dollars (\$107,152), or so much thereof as
41 may be necessary, for the provision of programming services to the
42 department of revenue related to the implementation of this act. Said sum
43 shall be from reappropriated funds received from the department of
44 revenue out of the appropriation made in subsection (1) of this section.
45

46 (3) In addition to any other appropriation, there is hereby
47 appropriated, out of any moneys in the licensing services cash fund
48 created in section 42-2-114.5 (1), Colorado Revised Statutes, not
49 otherwise appropriated, to the department of revenue, for allocation to the
50 division of motor vehicles, driver and vehicle services, for the fiscal year
51 beginning July 1, 2011, the sum of one hundred thousand dollars
52 (\$100,000) cash funds, or so much thereof as may be necessary, for the
53 implementation of this act."
54

55 Renumber succeeding section accordingly.
56

1 Page 1, line 102, strike "ROADWAYS." and substitute "ROADWAYS, AND
2 MAKING AN APPROPRIATION THEREFOR."

3

4

5

6 **HB11-1043** be amended as follows, and as so amended, be referred to
7 the Committee of the Whole with favorable
8 recommendation:
9

10 Amend the Judiciary Committee Report, dated February 10, 2011, page
11 12, strike lines 4 and 5 and substitute "is amended to read:".

12

13 Page 12, strike lines 12 through 26 and substitute:

14

15 "(c) "In good standing", with respect to a physician's license,
16 means:

17

18 (II) The physician holds a valid ~~unrestricted and unconditioned~~
19 license to practice medicine in Colorado THAT DOES NOT CONTAIN A
20 RESTRICTION OR CONDITION THAT PROHIBITS THE RECOMMENDATION OF
21 MEDICAL MARIJUANA OR FOR A LICENSE ISSUED PRIOR TO JULY 1, 2011, A
22 VALID, UNRESTRICTED AND UNCONDITIONED LICENSE; and".

23

24 Page 12, strike lines 28 and 29 and substitute "amended to read:".

25

26 Page 12, strike lines 36 through 41 and substitute:

27

28 "(a) The physician shall have a valid ~~unrestricted~~ AND ACTIVE
29 license to practice medicine, which license is in good standing."

30

31 Page 13, strike lines 1 through 4.

32

33 Page 13, line 28, strike "and (6) (a)," and substitute "(6) (a), and (6) (b)
34 (I),".

35

36 Page 13, line 37, strike "two FOUR" and substitute "two".

37

38 Page 14, line 5, strike "FOUR" and substitute "TWO".

39

40 Page 14, after line 5, insert:

41

42 "(b) (I) One half of the moneys described in paragraph (a) of this
43 subsection (6) shall be appropriated to the department of human services
44 ~~to be used to provide integrated behavioral health services for juveniles
45 and adults with substance use disorders and mental health treatment needs
46 who are involved with, or at risk of involvement with, the criminal justice
47 system. The moneys described in paragraph (a) of this subsection (6)
48 shall be appropriated to the department of human services to be used to
49 provide integrated behavioral health services for juveniles and adults with
50 substance use disorders or with substance use disorders and mental health
51 treatment needs who are involved with, or at risk of involvement with, the
52 criminal justice system. The department shall ensure that appropriations
53 in this line item are distributed through the department's designated
54 managed service organizations and community mental health centers.
55 The appropriations shall be based on, including but not limited to
56 substance use and mental health prevalence data that is developed~~

1 ~~working collaboratively with the managed services organizations and~~
2 ~~community mental health centers~~ TO BE USED FOR THE CIRCLE PROGRAM
3 THAT PROVIDES INTENSIVE INPATIENT TREATMENT FOR ADULTS WHO
4 SUFFER FROM CO-OCCURRING DISORDERS AT THE COLORADO MENTAL
5 HEALTH INSTITUTE AT PUEBLO.".

6
7 Page 14, line 7, strike "THE FOLLOWING NEW SUBSECTIONS" and
8 substitute "A NEW SUBSECTION".

9
10 Page 14, strike lines 10 through 19.

11
12 Page 14, line 20, strike "(20)" and substitute "(19)".

13
14 Page 15, after line 40 insert:

15
16 **"SECTION 26. Appropriation - adjustments in 2011 long bill.**
17 For the implementation of this act, appropriations made in the annual
18 general appropriation act for the fiscal year beginning July 1, 2011, shall
19 be adjusted as follows:

20
21 (1) The general fund appropriation to the department of human
22 services, division of mental health and alcohol and drug abuse services,
23 for mental health institutes, for mental health institute - Pueblo, is
24 increased by one million dollars (\$1,000,000) and 14.5 FTE, for the
25 Circle Program.

26
27 (2) The general fund appropriation to the department of human
28 services, division of mental health and alcohol and drug abuse services,
29 for co-occurring behavioral health services, for behavioral health services
30 for juveniles and adults at risk or involved in the criminal justice system,
31 is decreased by one million dollars (\$1,000,000).".

32
33 Renumber succeeding sections accordingly.

34
35 Page 16 of the report, after line 4 insert:

36
37 "Page 1 of the printed bill, line 101, strike "MARIJUANA." and substitute
38 "MARIJUANA, AND MAKING AN APPROPRIATION THEREFOR."."

39
40
41
42 **HB11-1141** be referred to the Committee of the Whole with favorable
43 recommendation.

44
45
46 **HB11-1157** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49
50 Amend printed bill, page 2, after line 16 insert:

51
52 **"SECTION 2. Appropriation.** (1) In addition to any other
53 appropriation, there is hereby appropriated, out of any moneys in the
54 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
55 Colorado Revised Statutes, not otherwise appropriated, to the department
56 of revenue, for allocation to the taxpayer service division, for the fiscal

1 year beginning July 1, 2011, the sum of six thousand dollars (\$6,000), or
2 so much thereof as may be necessary, for the implementation of this act.

3
4 (2) In addition to any other appropriation, there is hereby
5 appropriated, out of any moneys in the Colorado state titling and
6 registration account of the highway users tax fund created in section 42-1-
7 211 (2), Colorado Revised Statutes, not otherwise appropriated, to the
8 department of revenue, for allocation to the information technology
9 division, for the fiscal year beginning July 1, 2011, the sum of five
10 hundred ninety-two dollars (\$592) cash funds, or so much thereof as may
11 be necessary, for the implementation of this act.

12
13 (3) In addition to any other appropriation, there is hereby
14 appropriated to the governor - lieutenant governor - state planning and
15 budgeting, for allocation to the office of information technology, for the
16 fiscal year beginning July 1, 2011, the sum of five hundred ninety-two
17 dollars (\$592), or so much thereof as may be necessary, for the
18 programming services to be provided to the department of revenue related
19 to the implementation of this act. Said sum shall be from reappropriated
20 funds received from the department of revenue out of the appropriation
21 made in subsection (2) of this section."

22
23 Renumber succeeding section accordingly.

24
25 Page 1, line 104 strike "AREA." and substitute "AREA, AND MAKING AN
26 APPROPRIATION THEREFOR."

27
28
29
30 **HB11-1196** be referred to the Committee of the Whole with favorable
31 recommendation.

32
33
34 **HB11-1252** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:

37
38 Amend printed bill, page 5, after line 19, insert:

39
40 **"SECTION 2. Appropriation.** (1) In addition to any other
41 appropriation, there is hereby appropriated, out of any moneys in the
42 department of state cash fund created in section 24-21-104 (3) (b),
43 Colorado Revised Statutes, not otherwise appropriated, to the department
44 of state, for the fiscal year beginning July 1, 2011, the sum of twelve
45 thousand sixty dollars (\$12,060) cash funds, or so much thereof as may
46 be necessary, for the implementation of this act.

47
48 (2) In addition to any other appropriation, there is hereby
49 appropriated, out of any moneys in the vital statistics records cash fund
50 created in section 25-2-121 (2) (b) (I), Colorado Revised Statutes, not
51 otherwise appropriated, to the department of public health and
52 environment, for allocation to the center for health and environmental
53 information, for the fiscal year beginning July 1, 2011, the sum of
54 nineteen thousand four hundred twenty-five dollars (\$19,425) cash funds,
55 or so much thereof as may be necessary, for the implementation of this
56 act."

1 Renumber succeeding sections accordingly.

2

3 Page 1, line 105, strike "**STATES.**" and substitute "**STATES, AND MAKING**
4 **AN APPROPRIATION THEREFOR.**".

5

6

7

8 **HB11-1274** be referred to the Committee of the Whole with favorable
9 recommendation.

10

11

12 **HB11-1283** be referred to the Committee of the Whole with favorable
13 recommendation.

14

15

16 **SB11-003** be postponed indefinitely.

17

18

19 **SB11-037** be referred to the Committee of the Whole with favorable
20 recommendation.

21

22

23 **SB11-094** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:

26

27 Amend the Health and Environment Committee Report, dated March 17,
28 2011, page 4, line 34, after "(b)," insert "(1) (k),".

29

30 Page 5, line 16, strike "education;". and substitute "education;".

31

32

33

34

35 **ECONOMIC & BUSINESS DEVELOPMENT**

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

38

39 **HB11-1288** be referred favorably to the Committee on Appropriations.

40

41

42

43

44 **HEALTH & ENVIRONMENT**

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

47

48 **SB11-088** be amended as follows, and as so amended, be referred to
49 the Committee on Judiciary with favorable
50 recommendation:

51

52 Amend reengrossed bill, page 9, line 8, strike "(13)" and substitute "(12)
53 (f), (13),".

54

55 Page 11, after line 10 insert:

56

1 (f) Any perinatal deaths, INCLUDING THE CAUSE OF DEATH AND
2 A DESCRIPTION OF THE CIRCUMSTANCES; and".

3

4 Page 12, line 18, after the semicolon add "AND".

5

6 Page 12, line 20, strike "NEWBORNS; AND" and substitute "NEWBORNS.".

7

8 Page 12, strike lines 21 and 22.

9

10 Page 13, strike lines 6 through 8.

11

12 Renumber succeeding subsections accordingly.

13

14 Page 13, strike lines 21 through 26.

15

16 Page 14, line 6, strike "SECTION." and substitute "SECTION, INCLUDING A
17 REQUIREMENT THAT, TO ADMINISTER INTRAVENOUS FLUIDS, THE
18 REGISTRANT COMPLETE AN INTRAVENOUS THERAPY COURSE OR PROGRAM
19 APPROVED BY THE DIRECTOR.".

20

21

22

23 **SB11-169** be referred favorably to the Committee on Appropriations.

24

25

26

27

28 **JUDICIARY**

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

31

32 **SB11-172** be postponed indefinitely.

33

34

35

36 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

37

38 The Speaker has signed: **HB11-1013, 1124, 1130, 1155, 1174, 1192,**
39 **1206; SB11-198.**

40

41

42

43

44 **DELIVERY OF BILLS TO GOVERNOR**

45

46 The Chief Clerk of the House of Representatives reports the following
47 bills have been delivered to the Office of the Governor: **HB11-1155,**
48 **1174** at 10:40 a.m. on April 4, 2011.

49

50

51

52

53 **MESSAGE(S) FROM THE SENATE**

54

55 The Senate has passed on Third Reading and returns herewith:
56 **HB11-1164.**

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes:
3
4 SB11-179 amended as printed in Senate Journal, April 1, 2011,
5 page 619,
6 SB11-107 amended as printed in Senate Journal, April 1, 2011,
7 pages 620-621.
8 HB11-1126 amended as printed in Senate Journal, April 1, 2011,
9 page 624,
10 HB11-1185 amended as printed in Senate Journal, April 1, 2011,
11 page 620.
12

13
14 The Senate has adopted and returns herewith: HJR11-1013.
15

16
17
18
19 **MESSAGE(S) FROM THE REVISOR**
20

21 We herewith transmit:
22 Without comment, as amended, HB11-1126 and 1185.
23 Without comment, as amended, SB11-107 and 179.
24

25
26
27
28 **MESSAGE(S) FROM THE GOVERNOR**
29

30 I certify I received the following on the 4th day of April, 2011, at
31 11:50 a.m. The original is on file in the records of the House of
32 Representatives of the General Assembly.
33

34 Marilyn Eddins,
35 Chief Clerk of the House
36

37 March 30, 2011
38

39 To the Honorable House of Representatives
40 Sixty-eighth General Assembly
41 First Regular Session
42 State Capitol
43 Denver, CO 80203
44

45 Ladies and Gentlemen:
46

47 I have the honor to inform you that I have approved and filed with the
48 Secretary of State the following Acts:
49

50 **HB11-1151** CONCERNING CRUELTY TO SERVICE ANIMALS
51

52 Approved March 30, 2011 at 4:24 p.m.
53

54 **HB11- 1210** CONCERNING A REQUIREMENT THAT THE DEPARTMENT
55 OF TRANSPORTATION RECOMMEND TO THE GENERAL
56 ASSEMBLY ACTIONS THAT CAN BE TAKEN IN THE SHORT-

1 TERM TO IMPROVE MOBILITY IN THE INTERSTATE 70
2 MOUNTAIN CORRIDOR

3
4 Approved March 30, 2011 at 4:26 p.m.

5
6 Sincerely,
7 (signed)
8 John W. Hickenlooper
9 Governor

10 _____

11
12 March 31, 2011

13
14 To the Honorable House of Representatives
15 Sixty-eighth General Assembly
16 First Regular Session
17 State Capitol
18 Denver, CO 80203

19
20 Ladies and Gentlemen:

21
22 I have the honor to inform you that I have approved and filed with the
23 Secretary of State the following Acts:

24
25 **HB11-1079** CONCERNING METHODS TO REDUCE THE NUMBER OF
26 HOMELESS YOUTH

27
28 Approved March 31, 2011 at 9:28 a.m.

29
30 **HB11- 1118** CONCERNING AUTHORIZATION FOR THE STATE AUDITOR
31 TO CONDUCT A PERFORMANCE AUDIT OF A PUBLIC
32 HIGHWAY AUTHORITY

33
34 Approved March 31, 2011 at 9:29 a.m.

35
36 **HB11-1183** CONCERNING A REQUIREMENT THAT A DEATH
37 CERTIFICATE INDICATE WHETHER THE DECEDENT WAS
38 PREGNANT WITHIN THE TWELVE MONTHS PRECEDING
39 DEATH.

40
41 Approved March 31, 2011 at 9:29 a.m.

42
43 Sincerely,
44 (signed)
45 John W. Hickenlooper
46 Governor

47 _____

48 **INTRODUCTION OF BILLS**
49 **First Reading**

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

52
53 **SB11-070** by Senator(s) Hudak, Bacon, Williams S.; also
54 Representative(s) Ramirez--Concerning providing
55 postsecondary opportunities to students with special needs.
56 Committee on Education

1 **SB11-085** by Senator(s) Shaffer B.; also Representative(s) McCann--
2 Concerning increasing the enforcement of prohibitions
3 against certain prostitution-related offenses, and, in
4 connection therewith, authorizing the creation of a
5 program for certain first-time offenders of such offenses.

6 Committee on Judiciary
7

8 **SB11-128** by Senator(s) Newell, Bacon, Foster, Guzman, Hudak,
9 Jahn, Johnston, Nicholson, Schwartz, Shaffer B.,
10 Steadman, Williams S.; also Representative(s) McCann
11 and Summers, Acree, Court, Duran, Lee, Pabon, Ryden--
12 Concerning requiring a carrier that participates in the
13 individual health insurance market in Colorado to issue
14 child-only plans on a guaranteed-issue basis, and making
15 an appropriation in connection therewith.

16 Committee on Health and Environment
17

18
19
20 **LAY OVER OF CALENDAR ITEM(S)**
21

22 On motion of Representative Gerou, the following item(s) on the
23 Calendar (was)were laid over until April 5, retaining place on Calendar:
24

25 Consideration of General Orders--**HB11-1005, 1284, 1282, SB11-063.**
26 Consideration of Conference Committee Report(s)--**HB11-1069.**
27 Consideration of Senate Amendment(s)--**HB11-1097, 1169, 1209, 1181.**
28

29
30 On motion of Representative Gerou, the House adjourned until 9:00 a.m.,
31 April 5, 2011.
32

33 Approved:
34 FRANK McNULTY,
35 Speaker

36 Attest:
37 MARILYN EDDINS,
38 Chief Clerk

