

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

One hundred-eighth Legislative Day

Friday, April 29, 2011

1 Prayer by Rabbi Joe Black, Temple Emanuel, Denver.

2

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

4

5 Pledge of Allegiance led by Hien Le from Grandview High School,
6 Aurora.

7

8 The roll was called with the following result:

9

10 Present--62.

11 Excused--Representative(s) Bradford, Kerr A., Liston--3.

12 Present after roll call--Representative(s) Kerr A.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Ramirez, the reading of the journal of
18 April 28, 2011, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22

23

APPOINTMENT

24

25 The Speaker announced the temporary appointment of Representative
26 Sonnenberg to replace Representative Liston to the Committee on State,
27 Veterans, & Military Affairs (temporary appointment for the State,
28 Veterans, & Military Affairs meeting on Friday, April 29, 2011).

29

30

31

32

CONSIDERATION OF RESOLUTION(S)

33

34

35 HJR11-1020 by Representative(s) Gardner B., Acree, Barker, Duran,
36 Kagan, Lee, Levy, McCann, McNulty, Pabon, Waller;
37 also Senator(s) Carroll, Heath, Johnston, Mitchell,
38 Roberts, Scheffel, Shaffer B., Steadman--Concerning the
39 recognition of Law Day in Colorado.

40

41 (Printed and placed in members' file)

42

43

1 On motion of Representative Gardner B., the resolution was read at
2 length and **adopted** by **viva voce** vote.

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

11
12 **HJR11-1018** by Representative(s) Massey, Acree, Joshi, McKinley,
13 Riesberg, Sonnenberg, Soper, Wilson; also Senator(s)
14 Boyd, Nicholson, White--Concerning recognition of rural
15 health care providers in Colorado, and, in connection
16 therewith, declaring April 29, 2011, "Rural Health Day".

17
18 (Printed and placed in members' file)

19
20 On motion of Representative Massey, the resolution was read at length
21 and **adopted** by **viva voce** vote.

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

31
32
33
34 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

35
36 **SB11-219** by Senator(s) Hodge, Steadman, Lambert; also
37 Representative(s) Ferrandino, Becker, Gerou--Concerning
38 moneys appropriated in the 2011-12 fiscal year for health
39 clinics, and making an appropriation therefor.

40
41 (Conference committee report printed in House Journal, April 26,
42 pages 1137-1138.)

43
44 On motion of Representative Ferrandino, the Conference Committee
45 Report was **adopted** by the following roll call vote:

46
47

	YES	63	NO	0	EXCUSED	2	ABSENT	0
48	Acree	Y	Fischer	Y	Liston	E	Scott	Y
49	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
50	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
51	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
52	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
53	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
54	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
55	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
56	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y

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

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

15	YES	57	NO	6	EXCUSED	2	ABSENT	0
16	Acree	Y	Fischer	N	Liston	E	Scott	Y
17	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
18	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
19	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
20	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
21	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
22	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
23	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
24	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
25	Conti	Y	Kagan	Y	Pace	N	Todd	Y
26	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
27	Court	Y	Kerr A.	N	Priola	Y	Vaad	Y
28	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
29	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
30	Ferrandino	Y	Lee	N	Ryden	N	Williams A.	Y
31	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
32							Speaker	Y

33 Co-sponsor(s) added: Representative(s) Hamner, Labuda, Peniston, Stephens,
34 Todd, Speaker.

38 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

39
40 **HB11-1076** by Representative(s) Riesberg; also Senator(s) Roberts--
41 Concerning time payment fees in judicial matters.

42
43 (Amended as printed in Senate Journal, April 20, page 808.)

44
45 Representative Riesberg moved that the House **concur** in Senate
46 amendments. The motion was declared **passed** by the following roll call
47 vote:

49	YES	63	NO	0	EXCUSED	2	ABSENT	0
50	Acree	Y	Fischer	Y	Liston	E	Scott	Y
51	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
52	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
53	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
54	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
55	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
56	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y

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

11

12 The question being, "Shall the bill, as amended, pass?".

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

16

17	YES	58	NO	5	EXCUSED	2	ABSENT	0
18	Acree	Y	Fischer	Y	Liston	E	Scott	N
19	Balmer	N	Gardner B.	Y	Looper	Y	Solano	N
20	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
21	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
22	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
23	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
24	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
25	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
26	Casso	Y	Joshi	N	Pabon	Y	Szabo	Y
27	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
28	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
29	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
30	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
31	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
32	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
33	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
34							Speaker	Y

35 Co-sponsor(s) added: Representative(s) Fields, Gerou.

36

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

40

41 (Amended as printed in Senate Journal, April 28.)

42

43 Representative Todd moved that the House **concur** in Senate
44 amendments. The motion was declared **passed** by the following roll call
45 vote:

46

47	YES	63	NO	0	EXCUSED	2	ABSENT	0
48	Acree	Y	Fischer	Y	Liston	E	Scott	Y
49	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
50	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
51	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
52	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
53	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
54	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
55	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
56	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y

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

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

15	YES	63	NO	0	EXCUSED	2	ABSENT	0
16	Acree	Y	Fischer	Y	Liston	E	Scott	Y
17	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
18	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
19	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
20	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
21	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
22	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
23	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
24	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
25	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
26	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
27	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
28	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
29	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
30	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
31	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
32							Speaker	Y

33 Co-sponsor(s) added: Representative(s) Ferrandino, Priola.

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

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

44 **HB11-1285** by Representative(s) Stephens and Ferrandino, Becker,
 45 Holbert, Kerr J., Massey, Scott, Summers; also Senator(s)
 46 Boyd, Foster, Hodge, Jahn, Nicholson, Roberts--
 47 Concerning the authority to implement a stakeholder
 48 process for the management of long-term care services
 49 under the "Colorado Medical Assistance Act".

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	52	NO	11	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Fischer	N	Liston	E	Scott	Y
3	Balmer	N	Gardner B.	Y	Looper	Y	Solano	Y
4	Barker	N	Gardner D.	Y	Massey	Y	Sonnenberg	N
5	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
6	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
7	Beezley	N	Holbert	Y	Miklosi	Y	Summers	Y
8	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
9	Brown	N	Jones	Y	Nikkel	Y	Swerdfeger	Y
10	Casso	Y	Joshi	N	Pabon	Y	Szabo	Y
11	Conti	Y	Kagan	Y	Pace	N	Todd	Y
12	Coram	Y	Kefalas	N	Peniston	Y	Tyler	Y
13	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
14	DelGrosso	N	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) Court, DelGrosso, Gerou, Labuda,
20 Vigil.

23 MESSAGE(S) FROM THE SENATE

24
25
26 The Senate has adopted and transmits herewith: SJR11-023, as amended
27 in General Orders, April 29, 2011.

31 INTRODUCTION AND CONSIDERATION OF RESOLUTION

32
33 On motion of Representative Stephens, the rules were suspended and the
34 following resolution was given immediate consideration.

35
36 **SJR11-023** by Senator(s) Bacon, Shaffer B.; also Representative(s)
37 Murray and Levy--Concerning the declaration of May 1
38 through May 7, 2011, as "Holocaust Awareness Week".

39
40 (Printed and placed in member's file).

41
42 On motion of Representative Murray, the resolution was read at length
43 and **adopted** by **viva voce** vote.

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

53
54
55 House in recess. House reconvened.
56

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

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

HB11-1010 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 4, after line 3 insert:

"SECTION 3. Appropriation - adjustments in 2011 long bill.

For the implementation of this act, the general fund appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by one thousand six hundred sixty-four dollars (\$1,664)."

Renumber succeeding section accordingly.

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

HB11-1045 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Strike the Finance Committee Report, dated February 9, 2011, and substitute:

"Amend printed bill, page 3, line 5, strike "11-____," and substitute "11-1045,".

Page 3, strike lines 7 through 9 and substitute "innovation investment tax credit program and create the framework for future".

Page 4, line 17, strike "OR 2011".

Page 5, line 1, strike "OR 2011".

Page 7, strike lines 3 through 6 and substitute:

"(4) (a) (I) The total amount of Colorado innovation investment tax credits allowed for the 2010 tax year shall not exceed seven hundred fifty thousand dollars."

Page 7, line 23, strike "~~in the 2010 tax year~~" and substitute "in the 2010 tax year".

Page 10, after line 14 insert:

"SECTION 4. Appropriation. In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the
2 Colorado innovation investment tax credit cash fund created in section
3 24-48.5-112 (6) (a), Colorado Revised Statutes, not otherwise
4 appropriated, to the governor-lieutenant governor-state planning and
5 budgeting, for allocation to the economic development programs division,
6 for the fiscal year beginning July 1, 2011, the sum of thirty-five thousand
7 three hundred ninety-eight dollars (\$35,398) cash funds and 0.5 FTE, or
8 so much thereof as may be necessary, for the implementation of this act."

9
10 Renumber succeeding section accordingly.

11
12 Page 1, line 102, strike "**CREDIT.**" and substitute "**CREDIT, AND MAKING**
13 **AN APPROPRIATION IN CONNECTION THEREWITH.**".

14
15
16
17 **HB11-1091** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20
21 Amend the Finance Committee Report, dated February 16, 2011, page
22 4, after line 27 insert:

23
24 "**SECTION 2. No appropriation.** The general assembly has
25 determined that this act can be implemented within existing
26 appropriations, and therefore no separate appropriation of state moneys
27 is necessary to carry out the purposes of this act."

28
29 Renumber succeeding section accordingly.

30
31
32
33 **HB11-1263** 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, line 25, strike "2010." and substitute "2011."

38
39 Page 4, line 6, strike "2010," and substitute "2011," and strike "2021."
40 and substitute "2022."

41
42 Page 4, line 15, strike "2011," and substitute "2012," and strike "2021,"
43 and substitute "2022,".

44
45
46
47 **HB11-1273** be referred to the Committee of the Whole with favorable
48 recommendation.

49
50
51 **HB11-1295** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54
55 Amend printed bill, page 3, after line 24, insert:

56

1 **"SECTION 5. Appropriation.** (1) In addition to any other
 2 appropriation, there is hereby appropriated, out of any moneys in the
 3 Colorado multiple sclerosis fund created in section 39-22-3203 (1),
 4 Colorado Revised Statutes, not otherwise appropriated, to the department
 5 of revenue, for allocation to the information technology division, for the
 6 fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six
 7 hundred dollars (\$29,600) cash funds, or so much thereof as may be
 8 necessary, for the implementation of this act.

9
 10 (2) In addition to any other appropriation, there is hereby
 11 appropriated to the governor - lieutenant governor - state planning and
 12 budgeting, for allocation to the office of information technology, for the
 13 fiscal year beginning July 1, 2011, sum of twenty-nine thousand six
 14 hundred dollars (\$29,600), or so much thereof as may be necessary, for
 15 the provision of programming services to the department of revenue
 16 related to the implementation of this act. Said sum shall be from
 17 reappropriated funds received from the department of revenue out of the
 18 appropriation made in subsection (1) of this section."

19
 20 Renumber succeeding section accordingly.

21
 22 Page 1, line 107, strike "**FORM.**" and substitute "**FORM, AND MAKING AN**
 23 **APPROPRIATION THEREFORE.**"

24
 25
 26
 27 **HB11-1298** be referred to the Committee of the Whole with favorable
 28 recommendation.

29
 30
 31 **HB11-1300** 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 3, after line 1 insert:

36
 37 **"SECTION 1.** 39-22-522 (2.5), Colorado Revised Statutes, is
 38 amended to read:

39
 40 **39-22-522. Credit against tax - conservation easements.**
 41 (2.5) Notwithstanding any other provision of this section, for income tax
 42 years commencing during the 2011, 2012, and 2013 calendar years, a
 43 taxpayer conveying a conservation easement in 2011, 2012, or 2013 and
 44 claiming a credit pursuant to this section shall, in addition to any other
 45 requirements of this section, submit a claim for the credit to the division
 46 of real estate in the department of regulatory agencies. The division shall
 47 issue a certificate for the claims received in the order submitted. After
 48 certificates have been issued for credits that exceed an aggregate of
 49 ~~twenty-six~~ TWENTY-TWO million dollars for all taxpayers for income tax
 50 years commencing in each of the 2011 AND 2012 ~~and 2013~~ calendar years
 51 AND THIRTY-FOUR MILLION DOLLARS FOR EACH INCOME TAX YEAR
 52 COMMENCING IN THE 2013 CALENDAR YEAR, any claims that exceed the
 53 amount allowed for a specified calendar year shall be placed on a wait list
 54 in the order submitted and a certificate shall be issued for use of the credit
 55 in 2012 or 2013. The division shall not issue credit certificates that
 56 exceed ~~twenty-six~~ TWENTY-TWO million dollars for each income tax year

1 commencing in the 2011 AND 2012 ~~and 2013~~ calendar years AND
2 THIRTY-FOUR MILLION DOLLARS FOR EACH INCOME TAX YEAR
3 COMMENCING IN THE 2013 CALENDAR YEAR. No claim for a credit shall
4 be allowed for any income tax year commencing during the 2011, 2012,
5 or 2013 calendar years unless a certificate has been issued by the division.
6 The right to claim the credit shall be vested in the taxpayer at the time a
7 credit certificate is issued. The division may promulgate rules in
8 accordance with article 4 of title 24, C.R.S., for the issuance of
9 certificates in accordance with this subsection (2.5)."

10

11 Renumber succeeding sections accordingly.

12

13 Page 21, before line 12 insert:

14

15 **"SECTION 4. Appropriation.** In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 general fund not otherwise appropriated, to the department of revenue, for
18 allocation to the central department operations division, for the fiscal year
19 beginning July 1, 2010, the sum of three thousand three hundred fifty-four
20 dollars (\$3,354), or so much thereof as may be necessary, for the
21 implementation of this act.

22

23 **SECTION 5. Appropriation.** (1) In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys in the
25 general fund not otherwise appropriated, to the judicial department, courts
26 administration, centrally administered programs, for courthouse capital/
27 infrastructure maintenance, for the fiscal year beginning July 1, 2011, the
28 sum of sixty-two thousand five hundred twenty-nine dollars (\$62,529), or
29 so much thereof as may be necessary, for the implementation of this act.

30

31 (2) In addition to any other appropriation, there is hereby
32 appropriated, out of any moneys in the general fund not otherwise
33 appropriated, to the judicial department, trial courts, trial court programs,
34 for personal services and operating expenditures, for the fiscal year
35 beginning July 1, 2011, the sum of five hundred ninety thousand four
36 hundred seventy-one dollars (\$590,471) and 6.0 FTE, or so much thereof
37 as may be necessary, for the implementation of this act.

38

39 (3) In addition to any other appropriation, there is hereby
40 appropriated, out of any moneys in the conservation easement holder
41 certification fund created in section 12-61-720 (3), Colorado Revised
42 Statutes, not otherwise appropriated, to the department of regulatory
43 agencies, for the fiscal year beginning July 1, 2011, the sum of twelve
44 thousand one hundred twelve dollars (\$12,112) cash funds, or so much
45 thereof as may be necessary, for the implementation of this act. Of this
46 sum, two thousand three hundred fifty-two dollars (\$2,352) shall be
47 allocated to the executive director's office and administrative services
48 division for legal services and nine thousand seven hundred sixty dollars
49 (\$9,760) shall be allocated to the division of real estate.

50

51 (4) In addition to any other appropriation, there is hereby
52 appropriated to the department of law, for the fiscal year beginning July
53 1, 2011, sum of two thousand three hundred fifty-two dollars (\$2,352), or
54 so much thereof as may be necessary, for the provision of legal services
55 to the department of regulatory agencies related to the implementation of
56 this act. Said sum shall be from reappropriated funds received from the

1 department of regulatory agencies out of the appropriation made in
2 subsection (3) of this section.

3

4 (5) In addition to any other appropriation, there is hereby
5 appropriated, out of any moneys in the general fund not otherwise
6 appropriated, to the department of revenue, for the fiscal year beginning
7 July 1, 2011, the sum of two million seven hundred forty-three thousand
8 two hundred twelve dollars (\$2,743,212) and 3.6 FTE or so much thereof
9 as may be necessary, for the implementation of this act.

10

11 (6) In addition to any other appropriation, there is hereby
12 appropriated to the department of law, for the fiscal year beginning July
13 1, 2011, sum of one million three hundred forty-nine thousand five
14 hundred eighty-one dollars (\$1,349,581) and 9.1 FTE, or so much thereof
15 as may be necessary, for the provision of legal services to the department
16 of revenue related to the implementation of this act. Said sum shall be
17 from reappropriated funds received from the department of revenue out
18 of the appropriation made in subsection (5) of this section."

19

20 Renumber succeeding section accordingly.

21

22 Page 1, line 106, strike "COURT." and substitute "COURT, AND MAKING
23 AND APPROPRIATION THEREFOR."

24

25

26

27 **HB11-1302** be amended as follows, and as so amended, be referred to
28 the Committee of the Whole with favorable
29 recommendation:

30

31 Amend printed bill, page 4, line 22, strike "the sum of five".

32

33 Page 4, line 23, strike "hundred thousand dollars (\$500,000)," and
34 substitute "the sum of three hundred sixty thousand dollars (\$360,000),".

35

36

37

38 **SB11-088** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41

42 Amend reengrossed bill, page 22, line 2, strike "two thousand dollars
43 (\$2,000) cash funds," and substitute "one thousand seven hundred fifty
44 dollars (\$1,750) cash funds,".

45

46 Page 22, line 10, strike "four thousand eight hundred forty-two dollars
47 (\$4,842) cash funds," and substitute "four thousand one hundred nine
48 dollars (\$4,109) cash funds,".

49

50 Page 22, line 14, strike "four thousand eight hundred forty-two dollars"
51 and substitute "four thousand one hundred nine dollars (\$4,109),".

52

53 Page 22, line 15, strike "(\$4,842),".

54

55

56

1 **SB11-091** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB11-102** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend reengrossed bill, page 7, line 18, before "programming" insert
10 "provision of".
11

12
13
14 **SB11-191** be referred to the Committee of the Whole with favorable
15 recommendation.
16

17
18 **SB11-197** be referred to the Committee of the Whole with favorable
19 recommendation.
20

21
22
23
24 **ECONOMIC & BUSINESS DEVELOPMENT**

25 After consideration on the merits, the Committee recommends the
26 following:
27

28 **HB11-1306** be referred to the Committee of the Whole with favorable
29 recommendation.
30

31
32 **HB11-1311** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:
35

36 Amend printed bill, page 3, strike lines 7 through 16 and substitute:
37

38 **"SECTION 2. Safety clause.** The general assembly hereby finds,
39 determines, and declares that this act is necessary for the immediate
40 preservation of the public peace, health, and safety."
41

42
43
44 **SB11-060** be referred to the Committee of the Whole with favorable
45 recommendation.
46

47
48 **SB11-199** be referred to the Committee of the Whole with favorable
49 recommendation.
50

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1 **HEALTH & ENVIRONMENT**

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

4
5 **SB11-105** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend reengrossed bill, page 3, line 13, strike "children and" and
10 substitute "children, and".

11
12 Page 3, line 14, strike "services." and substitute "services, AND ANY
13 STRATEGIES AND RESOURCES THAT ARE AVAILABLE OR THAT ARE
14 NECESSARY TO ASSIST MORE PERSONS IN STAYING IN THEIR HOMES
15 THROUGH THE USE OF IN-HOME SUPPORT SERVICES."

16
17
18
19 **SB11-192** be amended as follows, and as so amended, be referred to
20 the Committee on Appropriations with favorable
21 recommendation:

22
23 Amend reengrossed bill, page 5, strike lines 3 through 8 and substitute:

24
25 "(1.5) EACH PRESCRIBER AND EACH DISPENSING PHARMACY SHALL
26 DISCLOSE TO A PATIENT RECEIVING A CONTROLLED SUBSTANCE THAT HIS
27 OR HER IDENTIFYING PRESCRIPTION INFORMATION WILL BE ENTERED INTO
28 THE PROGRAM DATABASE AND MAY BE ACCESSED FOR LIMITED PURPOSES
29 BY SPECIFIED INDIVIDUALS."

30
31
32
33
34 **JUDICIARY**

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

37
38 **HB11-1303** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41
42 Amend printed bill, page 40, strike line 2 and substitute, "forth in ~~parts 2,~~
43 ~~3, and 11 of article 1 of title 25~~ ARTICLES 80, 81, AND 82 OF TITLE 27,
44 C.R.S., and applicable".

45
46 Page 68, line 12, strike "subsection (2)" and substitute "subsections (2)
47 and (3)".

48
49
50
51 **SB11-085** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54
55 Amend reengrossed bill, page 3, strike line 1 and substitute:

56

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

3
4 (a) Human trafficking is the recruitment and transportation of
5 persons within or across national boundaries by means of force, fraud, or
6 deception for the purpose of exploiting them economically;

7
8 (b) As a modern-day form of slavery, the trafficking of human
9 beings is a particularly despicable crime that exacts a terrible toll upon
10 those persons who are its victims;

11
12 (c) The victims of human trafficking include men and women but
13 are most frequently women, young adults, teenagers, and children; and

14
15 (d) Human trafficking is the fastest growing criminal industry in
16 the world, exceeded in scale only by narcotics trafficking.

17
18 (2) The general assembly further finds that human trafficking is
19 frequently intertwined with prostitution, as many victims of human
20 trafficking are recruited, harbored, transported, obtained, and exploited
21 for the purpose of performing commercial sex acts.

22
23 (3) The general assembly further finds that although any person
24 can become a victim of human trafficking, illegal aliens are highly
25 vulnerable to being trafficked due to a combination of factors, including
26 a lack of legal status and protections, limited language skills, limited
27 employment options, poverty and immigration-related debts, and social
28 isolation.

29
30 (4) Now, therefore, the general assembly hereby declares that
31 legislative action is required to address the scourge of human trafficking
32 and prostitution in the state of Colorado, which action should include:

33
34 (a) Authorizing one or more municipal courts to create and
35 administer a program for certain persons who are charged with certain
36 prostitution-related offenses, with the purpose of reducing recidivism; and

37
38 (b) Significantly increasing the fines associated with certain
39 statutory prostitution-related offenses.

40
41 **SECTION 2.** Article 10 of title 13, Colorado Revised Statutes,
42 is".

43
44 Renumber succeeding sections accordingly.

45
46 Page 3, strike line 5 and substitute "OR COUNTY COURT, OR MULTIPLE
47 MUNICIPAL OR COUNTY COURTS, MAY CREATE AND ADMINISTER".

48
49 Page 3, line 6, strike "FOR PERSONS" and substitute "FOR CERTAIN
50 PERSONS".

51
52 Page 3, line 7, strike "PANDERING,".

53
54 Page 3, line 8, strike "AS DESCRIBED IN SECTION 18-7-203, C.R.S.,".

55
56 Page 3, strike lines 10 and 11 and substitute "MUNICIPAL CODE OR

- 1 ORDINANCE."
2
3 Page 3, line 12, after "MUNICIPAL" insert "OR COUNTY".
4
5 Page 3, line 13, after "MUNICIPAL" insert "OR COUNTY".
6
7 Page 3, strike line 16 and substitute "WHO EITHER:".
8
9 Page 3, line 17, after "(I)" insert "(A)".
10
11 Page 3, line 20, after the second "C.R.S.," insert "IN SECTION 18-7-201.7,
12 18-7-203, 18-7-205.7, OR 18-7-206, C.R.S.,".
13
14 Page 3, line 21, strike "2,".
15
16 Page 3, line 24, strike "(II)" and substitute "(B)".
17
18 Page 3, strike line 26 and substitute:
19 "SECTION; OR
20
21 (II) (A) HAS AT LEAST ONE PRIOR CONVICTION FOR ANY OFFENSE
22 DESCRIBED IN SECTION 18-7-201, 18-7-202, 18-7-204, 18-7-205, 18-7-207,
23 OR 18-7-208, C.R.S.; OR FOR ANY OFFENSE COMMITTED IN ANOTHER STATE
24 THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED IN THIS STATE;
25 AND
26
27 (B) HAS BEEN SENTENCED BY A COURT TO COMPLETE THE
28 PROGRAM AS PART OF THE PENALTY IMPOSED FOR A SUBSEQUENT
29 CONVICTION FOR SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION
30 18-7-202, C.R.S., PATRONIZING A PROSTITUTE, AS DESCRIBED IN SECTION
31 18-7-205, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR
32 ORDINANCE."
33
34 Page 3, line 27, strike "REQUIRE" and substitute "PERMIT THE COURT OR
35 COURTS TO REQUIRE".
36
37 Page 4, line 1, strike "MUNICIPAL".
38
39 Page 4, line 5, strike "MUNICIPAL".
40
41 Page 4, line 11, strike "MUNICIPAL COURT IS" and substitute "COURT OR
42 COURTS ARE".
43
44 Page 4, line 20, strike "AGREEMENT," and substitute "AGREEMENT AS
45 DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2)
46 OF THIS SECTION,".
47
48 Page 5, line 1, strike "PROGRAM;" and substitute "PROGRAM AND MAY BE
49 REQUIRED TO PAY AN ADMINISTRATION FEE, AS DESCRIBED IN PARAGRAPH
50 (b) OF SUBSECTION (2) OF THIS SECTION;".
51
52 Page 5, line 6, after "TRIAL;" add "AND".
53
54 Page 5, line 12, strike "DOLLARS" and substitute "DOLLARS, OR THE
55 MAXIMUM AMOUNT AVAILABLE TO A MUNICIPAL OR COUNTY COURT, IN
56 THE DISCRETION OF THE COURT,".

1 Page 5, after line 13 insert:

2 "(c) IF THE PROSECUTING ATTORNEY OFFERS ENROLLMENT IN THE
3 PROGRAM TO AN OFFENDER PURSUANT TO SUBPARAGRAPH (II) OF
4 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AND THE OFFENDER
5 FAILS TO COMPLETE THE PROGRAM, THE OFFENDER SHALL BE REQUIRED TO
6 PAY A FINE OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS
7 AND NOT MORE THAN FIVE THOUSAND DOLLARS, OR THE MAXIMUM
8 AMOUNT AVAILABLE TO THE MUNICIPAL OR COUNTY COURT, IN THE
9 DISCRETION OF THE COURT, IN ADDITION TO ANY OTHER SENTENCE
10 IMPOSED BY THE COURT."

11

12 Page 5, line 14, strike "COURT OR MULTIPLE MUNICIPAL" and substitute
13 "OR COUNTY COURT OR MULTIPLE MUNICIPAL OR COUNTY".

14

15 Page 5, line 16, strike "MUNICIPAL".

16

17 Page 5, line 19, strike "MUNICIPAL".

18

19 Page 6, line 6, strike "SHALL" and substitute "MAY".

20

21 Page 6, strike line 7 and substitute "MORE THAN FIVE THOUSAND".

22

23 Page 7, strike lines 11 through 17 and substitute "is a class 1 petty
24 offense; except that patronizing a prostitute is a class 1 misdemeanor. if
25 the violation is committed subsequent to two prior convictions of a
26 violation of this section, of a violation of a comparable offense in any
27 other state, or of a violation of a comparable municipal offense. A
28 PERSON WHO IS CONVICTED OF PATRONIZING A PROSTITUTE SHALL BE
29 REQUIRED TO PAY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS IN
30 ADDITION TO".

31

32 Page 9, line 17, after "TO" insert "PARAGRAPH (c) OF THIS SUBSECTION (5)
33 AND PURSUANT TO".

34

35 Page 9, after line 18 insert:

36

37 "(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
38 THE DIVISION SHALL NOT BE REQUIRED TO IMPLEMENT THE PROVISIONS OF
39 THIS SECTION UNTIL SUFFICIENT MONEYS HAVE BEEN TRANSFERRED OR
40 APPROPRIATED TO THE FUND.

41

42 (c) (I) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR
43 PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE
44 SOURCES TO IMPLEMENT THIS ARTICLE; EXCEPT THAT THE DIVISION SHALL
45 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
46 CONDITIONS THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS
47 ARTICLE OR ANY OTHER LAW OF THE STATE. THE DIVISION SHALL
48 TRANSFER ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS,
49 GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
50 THE SAME TO THE CASH FUND.

51

52 (II) NOTHING IN THIS PARAGRAPH (c) SHALL BE INTERPRETED TO
53 REQUIRE THE DIVISION TO SOLICIT MONEYS FOR THE PURPOSES OF THIS
54 ARTICLE."

55

56 Reletter succeeding paragraphs accordingly.

1 **SB11-107** be postponed indefinitely.

2

3

4 **SB11-201** be referred to the Committee of the Whole with favorable
5 recommendation.

6

7

8

9

PRINTING REPORT

10

11 The Chief Clerk reports the following bills have been correctly printed:
12 **HB11-1312, 1313, 1314.**

13

14

15

16

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

17

18 The Speaker has signed: **HB11-1100, 1274, 1283, 1289, 1291.**

19

20

21

DELIVERY OF BILLS TO GOVERNOR

22

23

24 The Chief Clerk of the House of Representatives reports the following
25 bills have been delivered to the Office of the Governor: **HB11-1145,**
26 **1196** at 11:15 a.m. on April 29, 2011.

27

28

29

MESSAGE(S) FROM THE SENATE

30

31 The Senate has adopted and transmits herewith: SJR11- 053, as amended
32 in General Orders, April 29, 2011.

33

34

35 The Senate has passed on Third Reading and transmitted to the Revisor
36 of Statutes:

37

38 SB11-234 amended as printed in Senate Journal, April 28, 2011,
39 page 923 and

40 SB11-205 amended as printed in Senate Journal, April 28, 2011,
41 page 924.

42 HB11-1138 amended as printed in Senate Journal, April 28, 2011,
43 page 924,

44 HB11-1219 amended as printed in Senate Journal, April 28, 2011,
45 pages 924-925,

46 HB11-1163 amended as printed in Senate Journal, April 28, 2011,
47 page 925,

48 HB11-1115 amended as printed in Senate Journal, April 28, 2011,
49 page 925 and

50 HB11-1211 amended as printed in Senate Journal, April 28, 2011,
51 page 925.

52

53

54 The Senate has postponed indefinitely HB11-1120. The bills are returned
55 herewith.

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MESSAGE(S) FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB11-1115, 1138, 1163, 1211, and 1219.
Without comment, as amended, SB11-205 and 234.

House in recess. House reconvened.

**INTRODUCTION OF BILLS
First Reading**

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

HB11-1315 by Representative(s) Gardner B.; also Senator(s) Carroll--
Concerning a modification of statutory provisions governing the political party affiliation of members of the independent ethics commission to specify that no more than two members of the commission shall be affiliated with the same political party.
Committee on Judiciary

HB11-1316 by Representative(s) Priola, Duran; also Senator(s) Johnston--Concerning the creation of certain sports special license plates for Kroenke sports charities.
Committee on Transportation

SB11-051 by Senator(s) Giron; also Representative(s) Swerdfeger--
Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.
Committee on Finance

SB11-125 by Senator(s) White, Guzman, Jahn, Tochtrop; also Representative(s) Sonnenberg, Pace--Concerning medicaid nursing facility provider fees, and, in connection therewith, increasing the cap on the medicaid nursing facility provider fee, changing the priority of uses for supplemental payments from the medicaid nursing facility cash fund, and making an appropriation.
Committee on Health and Environment

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and laid over one day under the rules:

HJR11-1021 by Representative(s) Ryden, Todd, Brown, Court, Duran, Hamner, Jones, Joshi, Labuda, Lee, McCann, McNulty, Murray, Pabon, Peniston, Vigil, Williams A., Wilson; also Senator(s) Shaffer B., Boyd, Cadman, Carroll, Foster,

- 1 Grantham, Mitchell, Spence, Tochtrop, Williams S.--
- 2 Concerning recognition and remembrance of military
- 3 veterans in Colorado who served in the Vietnam war.
- 4
- 5 **HJR11-1022** by Representative(s) Fields, Todd, Priola, Acree, Balmer,
- 6 Barker, Beezley, Bradford, Brown, Casso, Conti, Court,
- 7 Duran, Ferrandino, Fischer, Gardner B., Gardner D.,
- 8 Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan,
- 9 Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy, Looper,
- 10 Massey, McCann, McKinley, McNulty, Miklosi, Murray,
- 11 Pabon, Pace, Peniston, Ramirez, Riesberg, Ryden, Schafer
- 12 S., Solano, Soper, Swerdfeger, Szabo, Vigil, Williams A.,
- 13 Wilson--Concerning recognition of Military Family
- 14 Month.
- 15
- 16 **SJR11-053** by Senator(s) Boyd; also Representative(s) Riesberg--
- 17 Concerning the declaration of April 30, 2011, as
- 18 "Colorado Meningitis Awareness Day".
- 19

20

21

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

23

24 On motion of Representative Stephens, the following item(s) on the

25 Calendar (was)were laid over until May 2, retaining place on Calendar:

26

- 27 Consideration of Special Orders--**HB11-1149 amended.**
- 28 Consideration of Third Reading--**SB11-189, 180.**
- 29 Consideration of General Orders--**HB11-1212, SB11-076, HB11-1294,**
- 30 **1223, SB11-045, HB11-1264, SB11-206, 195, 193.**
- 31 Consideration of Resolution(s)--**SJR11-009, HJR11-1019.**
- 32

33

34

35 On motion of Representative Waller, the House adjourned until

36 10:00 a.m., May 2, 2011.

37

38 Approved:

39 FRANK McNULTY,

40 Speaker

41 Attest:

42 MARILYN EDDINS,

43 Chief Clerk

