

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

Fifty-fifth Legislative Day

Monday, March 7, 2011

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

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Morgan VandeRiet, Taylor Lowry, Meclit
6 Biliard, Kalkidan Bulbula, Troop 1207 from Highland Academy,
7 Denver.

8

9 The roll was called with the following result:

10

11 Present--64.

12 Excused--Representative(s) Bradford--1.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Gardner D., the reading of the journal of
18 March 4, 2011, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22

23 On motion of Representative Stephens, **SB11-061, 106, 086, 104, 103,**
24 **029, 101, HB11-1138, 1216, 1234, SB11-020, 123,** were made Special
25 Orders on Monday, March 7, 2011, at 10:15 a.m.

26

27

28 The hour of 10:15 a.m., having arrived, on motion of Representative
29 Brown, the House resolved itself into Committee of the Whole for
30 consideration of Special Orders and he was called to the Chair to act as
31 Chairman.

32

33

34

SPECIAL ORDERS--SECOND READING OF BILLS

35

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

40

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

43

- 1 **SB11-061** by Senator(s) Spence; also Representative(s) Ferrandino--
2 Concerning the process for appeals under the "Exceptional
3 Children's Education Act".
4
5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7
8 **SB11-106** by Senator(s) Spence, Bacon, Heath, Hudak, Johnston,
9 King K.; also Representative(s) Ferrandino--Concerning
10 the repeal of the science and technology education center
11 grants advisory board.
12
13 Ordered revised and placed on the Calendar for Third Reading and Final
14 Passage.
15
16 **SB11-086** by Senator(s) Foster, King K., Nicholson; also
17 Representative(s) Murray--Concerning periods governing
18 the appeal by taxpayers in tax disputes with local
19 governments in connection with the imposition of sales or
20 use tax by such governments.
21
22 Ordered revised and placed on the Calendar for Third Reading and Final
23 Passage.
24
25 **SB11-104** by Senator(s) Roberts, Nicholson; also Representative(s)
26 Holbert--Concerning the repeal of the community
27 accountability program advisory board.
28
29 Ordered revised and placed on the Calendar for Third Reading and Final
30 Passage.
31
32 **SB11-103** by Senator(s) Lundberg and Foster, Carroll, Newell,
33 Roberts, White; also Representative(s) Scott--Concerning
34 the repeal of the benefit design advisory committee.
35
36 Ordered revised and placed on the Calendar for Third Reading and Final
37 Passage.
38
39 **SB11-029** by Senator(s) Hudak; also Representative(s) Summers--
40 Concerning certain annual reports of the state board of
41 land commissioners.
42
43 Ordered revised and placed on the Calendar for Third Reading and Final
44 Passage.
45
46 **SB11-101** by Senator(s) Spence, Bacon, Heath, Johnston, King K.;
47 also Representative(s) Swalm--Concerning the
48 continuation of the fixed tuition and fee rate program.
49
50 Ordered revised and placed on the Calendar for Third Reading and Final
51 Passage.
52
53 **HB11-1216** by Representative(s) Riesberg and Gerou, Baumgardner,
54 Court, Ferrandino, Kefalas, Looper, Miklosi, Pabon,
55 Soper, McCann; also Senator(s) Aguilar, Bacon, King S.,
56 Newell, Tochtrop, Williams S.--Concerning the funding

1 of programs that help persons with disabilities obtain
2 benefits by the sale of uniquely valuable registration
3 numbers for vehicles.
4

5 Amendment No. 1, Transportation Report, dated February 17, 2011, and
6 placed in member's bill file; Report also printed in House Journal,
7 February 18, pages 351-352.
8

9 Amendment No. 2, Appropriations Report, dated March 4, 2011, and
10 placed in member's bill file; Report also printed in House Journal,
11 March 4, page 553.
12

13 As amended, ordered engrossed and placed on the Calendar for Third
14 Reading and Final Passage.
15

16 HB11-1234 by Representative(s) Vaad; also Senator(s) Spence and
17 Williams S.--Concerning the creation of a taxicab license
18 plate for motor vehicles authorized to provide taxicab
19 services.
20

21 Amendment No. 1, Transportation Report, dated February 16, 2011, and
22 placed in member's bill file; Report also printed in House Journal,
23 February 17 page 323.
24

25 Amendment No. 2, Appropriations Report, dated March 4, 2011, and
26 placed in member's bill file; Report also printed in House Journal,
27 March 4, pages 553-554.
28

29 As amended, ordered engrossed and placed on the Calendar for Third
30 Reading and Final Passage.
31

32 HB11-1138 by Representative(s) Gardner B., Barker, Casso, Waller;
33 also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--
34 Concerning the sex offender management board.
35

36 Amendment No. 1, Judiciary Report, dated February 22, 2011, and
37 placed in member's bill file; Report also printed in House Journal,
38 February 23, pages 414-416.
39

40 Amendment No. 2, Appropriations Report, dated March 4, 2011, and
41 placed in member's bill file; Report also printed in House Journal,
42 March 4, page 552.
43

44 Amendment No. 3, by Representative(s) Gardner B.
45

46 Amend printed bill, page 14, after line 14 insert:
47

48 "(h) **Data collection from treatment providers.** IF SUFFICIENT
49 MONEYS BECOME AVAILABLE , THE BOARD MAY REQUEST THAT PERSONS
50 PROVIDING SEX OFFENDER SPECIFIC EVALUATION, TREATMENT, AND
51 POLYGRAPH SERVICES PURSUANT TO THIS ARTICLE SUBMIT TO THE BOARD
52 DATA AND INFORMATION NECESSARY TO THE EVALUATION OF THE
53 EFFECTIVENESS OF MANDATED TREATMENT AND SERVICES."
54

55 Reletter succeeding paragraphs accordingly.
56

1 Page 15, line 12, strike "(i)" and substitute "(j)".

2

3 Page 15, line 23, strike "(i)" and substitute "(j)".

4

5 Page 16, line 10, strike "(i)" and substitute "(j)".

6

7 As amended, ordered engrossed and placed on the Calendar for Third
8 Reading and Final Passage.

9

10 **SB11-020** by Senator(s) Morse; also Representative(s) Stephens--
11 Concerning the authorization of certain employees of the
12 department of law as peace officers.

13

14 Ordered revised and placed on the Calendar for Third Reading and Final
15 Passage.

16

17 **SB11-123** by Senator(s) Foster; also Representative(s) Summers--
18 Concerning technical changes to child support procedures.

19

20 Ordered revised and placed on the Calendar for Third Reading and Final
21 Passage.

22

23

24

25

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

26

27 Passed Second Reading: **SB11-061, 106, 086, 104, 103, 029, 101,**
28 **HB11-1216 amended, 1234 amended, 1138 amended, SB11-020, 123.**

29

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

34

35

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

53

54

55

56

REPORT(S) OF COMMITTEE(S) OF REFERENCE**ECONOMIC & BUSINESS DEVELOPMENT**

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

HB11-1020 be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation:

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

"SECTION 1. Article 22 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

38-22-102.5. Legislative declaration - creation of committee to study notice requirements at construction sites - duties of committee - repeal. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(I) CURRENT LAW ALLOWS, BUT DOES NOT REQUIRE, A PERSON WHO PERFORMS LABOR OR FURNISHES LABORERS, MATERIALS, OR OTHER SERVICES TO GIVE NOTICE TO THE OWNER, REPUTED OWNER, SUPERINTENDENT OF CONSTRUCTION, AGENT, OR ARCHITECT RESPONSIBLE FOR A CONSTRUCTION PROJECT, OR TO THE FINANCING INSTITUTION OR OTHER PERSON DISBURSING CONSTRUCTION FUNDS, A WRITTEN NOTICE THAT THE PERSON HAS PERFORMED LABOR OR FURNISHED LABORERS OR MATERIALS;

(II) CURRENTLY THERE ARE SUBCONTRACTORS WHO PERFORM LABOR OR FURNISH LABORERS, MATERIALS, OR OTHER SERVICES WITHOUT THE KNOWLEDGE OF THE PRINCIPAL CONTRACTOR OR OWNER OF THE PROPERTY WHERE THE WORK IS BEING PERFORMED OR THE SERVICES ARE PROVIDED;

(III) CURRENT LAW RESULTS IN SOME SUBCONTRACTORS NOT GETTING PAID FOR WORK PERFORMED OR SERVICES PROVIDED AND THEY ARE FORCED TO FILE LIENS FOR NONPAYMENT; AND

(IV) CURRENT LAW ALSO RESULTS IN OWNERS AND PRINCIPAL CONTRACTORS PAYING TWICE FOR LABOR AND SERVICES AND, IN SOME CASES, REQUIRES THEM TO GO THROUGH THE PROCESS OF HAVING LIENS REMOVED FROM THEIR TITLE.

(b) THEREFORE, THE GENERAL ASSEMBLY CONCLUDES THAT IN ORDER TO SOLVE THE PROBLEMS CREATED BY THE LACK OF NOTICE AT CONSTRUCTION SITES, IT IS NECESSARY TO CREATE A COMMITTEE TO STUDY THE ISSUES AND SUGGEST LEGISLATIVE OR OTHER SOLUTIONS TO THE GENERAL ASSEMBLY.

(2) (a) THERE IS HEREBY CREATED THE COLORADO CONSTRUCTION NOTICE AND LIEN REVIEW COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", TO CONSIDER AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING THE ISSUES OUTLINED IN SUBSECTION (1) OF THIS SECTION. THE COMMITTEE MEMBERS WILL BE APPOINTED AS FOLLOWS:

- 1 (I) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;
2
3 (II) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
4 REPRESENTATIVES;
5
6 (III) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
7 SENATE;
8
9 (IV) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
10 HOUSE OF REPRESENTATIVES; AND
11
12 (V) THREE MEMBERS APPOINTED BY THE GOVERNOR.
13
14 (b) THE PERSONS MAKING THE APPOINTMENTS SHALL ENSURE THAT
15 REPRESENTATIVES FROM THE FOLLOWING INDUSTRIES AND OCCUPATIONS
16 ARE APPOINTED TO THE COMMITTEE:
17
18 (I) GENERAL CONTRACTORS;
19
20 (II) SUBCONTRACTORS;
21
22 (III) TITLE COMPANIES;
23
24 (IV) THE CONSTRUCTION EQUIPMENT INDUSTRY;
25
26 (V) COMMERCIAL DEVELOPERS;
27
28 (VI) HOMEBUILDERS;
29
30 (VII) PERSONS FAMILIAR WITH THE COLORADO LIEN LAWS; AND
31
32 (VIII) MATERIAL SUPPLIERS.
33
34 (c) THE APPOINTING AUTHORITIES SHALL APPOINT THE MEMBERS
35 OF THE COMMITTEE AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF
36 THIS SECTION, BUT NO LATER THAN JULY 1, 2011.
37
38 (d) COMMITTEE MEMBERS SHALL ELECT A CHAIR TO THE
39 COMMITTEE AT THE FIRST MEETING OF THE COMMITTEE. COMMITTEE
40 MEMBERS SHALL SERVE WITHOUT COMPENSATION. THE LEGISLATIVE
41 COUNCIL STAFF AND OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL NOT
42 PROVIDE STAFF SUPPORT TO ASSIST IN THE ACTIVITIES OF THE COMMITTEE.
43
44 (3) THE COMMITTEE SHALL STUDY AND MAKE RECOMMENDATIONS
45 ON, BUT NEED NOT LIMIT ITS CONSIDERATION TO, THE FOLLOWING:
46
47 (a) A TIMELY AND AFFORDABLE PROCESS TO IDENTIFY ALL
48 SUBCONTRACTORS PROVIDING LABOR, MATERIALS, AND SERVICES AT A
49 JOBSITE;
50
51 (b) A WAY TO ENSURE THAT ALL SUBCONTRACTORS ARE PAID FOR
52 LABOR, MATERIALS, AND SERVICES PROVIDED AT A JOBSITE;
53
54 (c) A PROCESS TO ELIMINATE DOUBLE PAYMENTS BY PRINCIPAL
55 CONTRACTORS AND OWNERS FOR LABOR, MATERIALS, AND SERVICES
56 PROVIDED; AND

1 (d) THE CONSTRUCTION REGULATIONS AND ASSOCIATED LIEN
2 LAWS IN THE STATE OF UTAH AND THEIR RELEVANCE TO THE ISSUES IN
3 COLORADO.

4
5 (4) THE COMMITTEE SHALL MEET AT THE STATE CAPITOL BUILDING
6 DURING THE INTERIM AFTER THE CONCLUSION OF THE FIRST REGULAR
7 SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY. THE COMMITTEE
8 SHALL MEET AT LEAST SIX TIMES, WITH THE FIRST MEETING OCCURRING NO
9 LATER THAN AUGUST 1, 2011, COMMITTEE MEETINGS SHALL BE OPEN TO
10 THE PUBLIC, AND THE COMMITTEE SHALL SOLICIT THE TESTIMONY OF
11 MEMBERS OF THE PUBLIC. THE COMMITTEE SHALL FOLLOW THE NOTICE
12 REQUIREMENTS FOR MEETINGS THAT A STATE PUBLIC BODY IS REQUIRED
13 TO FOLLOW PURSUANT TO SECTION 24-6-402 (2) (c), C.R.S. THE
14 COMMITTEE SHALL CONTACT THE LEGISLATIVE COUNCIL STAFF REGARDING
15 THE TIME, PLACE, AND AGENDA FOR EACH MEETING AND THE LEGISLATIVE
16 COUNCIL STAFF SHALL POST THE INFORMATION ON ITS WEB SITE.

17
18 (5) THE COMMITTEE SHALL REPORT ITS FINDINGS AND ANY
19 RECOMMENDED LEGISLATION IN WRITING TO THE BUSINESS, LABOR, AND
20 TECHNOLOGY COMMITTEE OF THE SENATE AND THE ECONOMIC AND
21 BUSINESS DEVELOPMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES
22 PRIOR TO THE COMMENCEMENT OF THE SECOND REGULAR SESSION OF THE
23 SIXTY-EIGHTH GENERAL ASSEMBLY.

24
25 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

26
27 **SECTION 2. Safety clause.** The general assembly hereby finds,
28 determines, and declares that this act is necessary for the immediate
29 preservation of the public peace, health, and safety."

30
31
32
33 **SB11-010** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:

36
37 Amend reengrossed bill, page 3, before line 1 insert:

38
39 "SECTION 2. 8-75-101 (10) and (11) (a), Colorado Revised
40 Statutes, are amended to read:

41
42 **8-75-101. Definitions.** As used in this part 1, unless the context
43 otherwise requires:

44
45 (10) There is an "off" indicator for a week if, for the period
46 consisting of such week and the immediately preceding twelve weeks,
47 either: ~~sub-subparagraph (A) or (B) of subparagraph (I) of paragraph (a)~~
48 ~~of subsection (11) of this section was not satisfied, and subparagraph (II)~~
49 ~~of paragraph (a) of subsection (11) of this section was not satisfied.~~

50
51 (a) ~~SUB-SUBPARAGRAPH (A) OR (C) OF SUBPARAGRAPH (I) OF~~
52 ~~PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION WAS NOT SATISFIED,~~
53 ~~AND SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS~~
54 ~~SECTION WAS NOT SATISFIED; OR~~

55
56 (b) ~~SUB-SUBPARAGRAPH (B) OR (C) OF SUBPARAGRAPH (I) OF~~

1 PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION WAS NOT SATISFIED,
2 AND SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS
3 SECTION WAS NOT SATISFIED.

4
5 (11) (a) There is an "on" indicator for a week if the rate of insured
6 unemployment under articles 70 to 82 of this title for the period
7 consisting of such week and the immediately preceding twelve weeks:

8
9 (I) (A) Equaled or exceeded one hundred twenty percent of the
10 average of such rates for the corresponding thirteen-week period ending
11 in each of the preceding two calendar years; ~~and~~ OR

12
13 (B) EQUALED OR EXCEEDED ONE HUNDRED TWENTY PERCENT OF
14 THE AVERAGE OF SUCH RATES FOR THE CORRESPONDING THIRTEEN-WEEK
15 PERIOD ENDING IN EACH OF THE PRECEDING THREE CALENDAR YEARS WITH
16 RESPECT TO WEEKS BEGINNING ON OR AFTER DECEMBER 17, 2010, AND
17 ENDING DECEMBER 31, 2011, OR WHILE PUB.L. 111-312 AND ANY
18 AMENDMENTS THERETO ARE IN EFFECT; AND

19
20 ~~(B)~~ (C) Equaled or exceeded five percent; or

21
22 (II) Equaled or exceeded six percent.

23
24 **SECTION 3.** 8-75-108 (1), Colorado Revised Statutes, is
25 amended to read:

26
27 **8-75-108. Total unemployment rate extended benefits.**

28 (1) With respect to weeks of unemployment beginning on or after March
29 22, 2009, and ending ~~on December 5, 2009,~~ or four weeks before the last
30 week for which federal sharing is authorized by section 2005 (a) of Pub.
31 L. 111-5 and any amendments thereto, whichever is later:

32
33 (a) There is an "on" indicator for a week of TUR extended
34 benefits, in the amount determined pursuant to sections 8-75-104 and
35 8-75-105, if ~~all of the following applies~~ SUBPARAGRAPHS (I) AND (II) OF
36 THIS PARAGRAPH (a) APPLY OR IF SUBPARAGRAPHS (I) AND (III) OF THIS
37 PARAGRAPH (a) APPLY:

38
39 (I) The seasonally adjusted TUR, as determined by the United
40 States secretary of labor, for the most recent three months for which data
41 for all states is published, equals or exceeds six and one-half percent; ~~and~~

42
43 (II) The average TUR in the state equals or exceeds one hundred
44 ten percent of the TUR for either or both of the corresponding
45 three-month periods in the two preceding calendar years;

46
47 (III) WITH RESPECT TO WEEKS BEGINNING ON OR AFTER DECEMBER
48 17, 2010, AND ENDING DECEMBER 31, 2011, OR WHILE PUB.L. 111-312
49 AND ANY AMENDMENTS THERETO ARE IN EFFECT, THE AVERAGE TUR IN
50 THE STATE EQUALS OR EXCEEDS ONE HUNDRED TEN PERCENT OF THE TUR
51 FOR ALL OR ANY OF THE CORRESPONDING THREE-MONTH PERIODS IN THE
52 THREE PRECEDING CALENDAR YEARS;

53
54 (b) There is an "off" indicator for weeks of TUR extended
55 benefits if any of the following applies:

56

1 (I) The TUR falls below six and one-half percent; or

2

3 (II) The requirements described in subparagraph (II) OR (III) of
4 paragraph (a) of this subsection (1) are not satisfied."

5

6 Renumber succeeding section accordingly.

7

8

9

10

11 **FINANCE**

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

14

15 **HB11-1048** be amended as follows, and as so amended, be referred to
16 the Committee on Appropriations with favorable
17 recommendation:

18

19 Amend printed bill, page 3, strike lines 20 through 22 and substitute
20 "TAXPAYER BY A PRIVATE SCHOOL CERTIFYING THAT A QUALIFIED CHILD
21 HAS COMPLETED THE FULL ACADEMIC YEAR IN THE PRIVATE SCHOOL AND
22 THAT THE TAXPAYER IS ENTITLED TO AN".

23

24 Page 3, line 27, strike "ENROLLED IN" and substitute "THAT HAS
25 ATTENDED".

26

27 Page 4, line 1, strike the second "SCHOOL" and substitute "FULL
28 ACADEMIC".

29

30 Page 4, strike lines 5 through 7 and substitute "QUALIFIED CHILD SO LONG
31 AS HE OR SHE FULLY COMPLETES EACH ACADEMIC YEAR IN A PRIVATE
32 SCHOOL IN THE STATE THROUGH THE TWELFTH GRADE."

33

34 Page 4, strike lines 16 through 27.

35

36 Strike page 5 and substitute:

37

38 "(2) (a) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
39 JANUARY 1, 2012, THERE SHALL BE ALLOWED A PRIVATE SCHOOL TUITION
40 INCOME TAX CREDIT AGAINST THE INCOME TAX IMPOSED IN THIS ARTICLE
41 IN AN AMOUNT AND MANNER AS SPECIFIED IN THIS SECTION. THE CREDIT
42 SHALL BE ALLOWED TO ANY TAXPAYER TO WHOM A CREDIT CERTIFICATE
43 HAS BEEN ISSUED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH
44 (a). THE CREDIT CERTIFICATE SHALL BE INCLUDED WITH THE RETURN
45 FILED FOR THE TAX YEAR.

46

47 (II) (A) FOR EACH ACADEMIC YEAR COMMENCING ON OR AFTER
48 JANUARY 1, 2012, A PRIVATE SCHOOL SHALL ISSUE A CREDIT CERTIFICATE
49 TO ANY TAXPAYER THAT ENROLLS A DEPENDENT QUALIFIED CHILD IN THE
50 PRIVATE SCHOOL OR THAT AWARDS A SCHOLARSHIP TO A QUALIFIED CHILD
51 FOR ENROLLMENT IN THE PRIVATE SCHOOL. ONLY ONE CREDIT
52 CERTIFICATE SHALL BE ISSUED FOR EACH QUALIFIED CHILD. A PRIVATE
53 SCHOOL SHALL ISSUE A CREDIT CERTIFICATE PURSUANT TO THIS SECTION
54 UPON APPLICATION FOR A CREDIT CERTIFICATE BY A TAXPAYER. IN THE
55 EVENT MORE THAN ONE TAXPAYER APPLIES FOR A CREDIT CERTIFICATE,
56 THE PRIVATE SCHOOL SHALL DETERMINE TO WHOM THE CREDIT

1 CERTIFICATE IS ISSUED ON THE BASIS OF THE GREATEST CONTRIBUTION
2 TOWARD A QUALIFIED CHILD'S ENROLLMENT AT THE PRIVATE SCHOOL. A
3 CREDIT CERTIFICATE SHALL ONLY BE ISSUED TO A TAXPAYER AFTER THE
4 QUALIFIED CHILD COMPLETES THE FULL ACADEMIC YEAR.

5
6 (B) A TAXPAYER THAT ENROLLS A DEPENDENT QUALIFIED CHILD
7 IN A PRIVATE SCHOOL OR THAT AWARDS A SCHOLARSHIP TO A QUALIFIED
8 CHILD FOR ENROLLMENT IN A PRIVATE SCHOOL DURING THE 2011-12
9 ACADEMIC YEAR, OR ANY ACADEMIC YEAR THEREAFTER, SHALL BE FIRST
10 ELIGIBLE FOR THE INCOME TAX CREDIT SPECIFIED IN THIS SECTION FOR THE
11 INCOME TAX YEAR THAT INCLUDES THE MOST RECENTLY COMPLETED
12 PUBLIC SCHOOL ACADEMIC YEAR. THE TAXPAYER SHALL BE ELIGIBLE FOR
13 THE INCOME TAX CREDIT FOR ANY INCOME TAX YEAR THEREAFTER
14 PROVIDED THE CHILD REMAINS QUALIFIED AS SPECIFIED IN SUBPARAGRAPH
15 (II) OF PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION.

16
17 (b) (I) (A) FOR ANY QUALIFIED CHILD THAT COMPLETES A FULL
18 ACADEMIC YEAR IN A PRIVATE SCHOOL ON A FULL-TIME BASIS, THE
19 AMOUNT OF THE CREDIT AUTHORIZED IN THIS SECTION FOR A TAXPAYER
20 THAT ENROLLED A DEPENDENT QUALIFIED CHILD IN PRIVATE SCHOOL
21 SHALL EQUAL THE TOTAL OF FIFTY PERCENT OF THE PREVIOUS YEAR'S
22 STATE AVERAGE PER PUPIL REVENUE MINUS TWO HUNDRED FIFTY
23 DOLLARS. FOR ANY QUALIFIED CHILD THAT COMPLETES A FULL ACADEMIC
24 YEAR IN A PRIVATE SCHOOL ON A FULL-TIME BASIS, THE AMOUNT OF THE
25 CREDIT AUTHORIZED IN THIS SECTION FOR A TAXPAYER THAT AWARDED A
26 SCHOLARSHIP TO A QUALIFIED CHILD FOR ENROLLMENT IN A PRIVATE
27 SCHOOL SHALL EQUAL THE TOTAL OF THE SCHOLARSHIP AWARDED TO THE
28 QUALIFIED CHILD OR FIFTY PERCENT OF THE PREVIOUS YEAR'S STATE
29 AVERAGE PER PUPIL REVENUE, WHICHEVER IS LESS, MINUS TWO HUNDRED
30 FIFTY DOLLARS.

31
32 (B) FOR ANY QUALIFIED CHILD THAT COMPLETES A FULL
33 ACADEMIC YEAR IN A PRIVATE SCHOOL ON A HALF-TIME BASIS, THE
34 AMOUNT OF THE CREDIT AUTHORIZED IN THIS SECTION FOR A TAXPAYER
35 THAT ENROLLED A DEPENDENT QUALIFIED CHILD IN PRIVATE SCHOOL
36 SHALL EQUAL THE TOTAL OF TWENTY-FIVE PERCENT OF THE PREVIOUS
37 YEAR'S STATE AVERAGE PER PUPIL REVENUE MINUS TWO HUNDRED FIFTY
38 DOLLARS. FOR ANY QUALIFIED CHILD THAT COMPLETES A FULL ACADEMIC
39 YEAR IN A PRIVATE SCHOOL ON A HALF-TIME BASIS, THE AMOUNT OF THE
40 CREDIT AUTHORIZED IN THIS SECTION FOR A TAXPAYER THAT AWARDED A
41 SCHOLARSHIP TO A QUALIFIED CHILD FOR ENROLLMENT IN A PRIVATE
42 SCHOOL SHALL EQUAL THE TOTAL OF THE SCHOLARSHIP AWARDED TO THE
43 QUALIFIED CHILD OR TWENTY-FIVE PERCENT OF THE PREVIOUS YEAR'S
44 STATE AVERAGE PER PUPIL REVENUE, WHICHEVER IS LESS, MINUS TWO
45 HUNDRED FIFTY DOLLARS."

46
47 Page 6, strike lines 1 through 5.

48
49 Page 6, strike lines 10 through 12 and substitute:

50
51 "(3) (a) ANY PUBLIC SCHOOL DISTRICT THAT LOSES A QUALIFIED
52 CHILD FOR WHICH AN INCOME TAX CREDIT IS CLAIMED PURSUANT TO THIS
53 SECTION SHALL RECEIVE A FIVE HUNDRED DOLLAR GRANT PER QUALIFIED
54 CHILD FOR EVERY ACADEMIC YEAR THE QUALIFIED CHILD REMAINS
55 ENROLLED IN PRIVATE SCHOOL THROUGH TWELFTH GRADE.

56

1 (b) THE DEPARTMENT SHALL NOTIFY THE JOINT BUDGET
2 COMMITTEE ON MAY 1, 2013, AND EACH MAY 1 THEREAFTER, OF THE
3 NUMBER OF TAXPAYERS THAT SUBMITTED CREDIT CERTIFICATES TO CLAIM
4 THE CREDIT SPECIFIED IN THIS SECTION FOR THE PREVIOUS INCOME TAX
5 YEAR. ON MAY 5, 2013, AND EACH MAY 5 THEREAFTER, THE GENERAL
6 ASSEMBLY SHALL THEN APPROPRIATE FIVE HUNDRED DOLLARS FROM THE
7 GENERAL FUND FOR EACH TAXPAYER THAT CLAIMED THE CREDIT TO THE
8 DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO SCHOOL DISTRICTS AS
9 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3)."

10

11 Renumber succeeding subsections accordingly.

12

13 Page 8, line 10, strike "ENROLLED" and substitute "WHO COMPLETED A
14 FULL ACADEMIC YEAR".

15

16 Page 8, line 11, strike "SCHOOL YEAR" and substitute "ACADEMIC YEAR
17 EITHER ON A FULL-TIME OR HALF-TIME BASIS".

18

19 Page 8, strike lines 22 through 24 and substitute "QUALIFIED CHILD WHO
20 COMPLETED A FULL ACADEMIC YEAR IN A PUBLIC SCHOOL IN THE STATE ON
21 A FULL-TIME BASIS PRIOR TO BEING HOME-SCHOOLED."

22

23 Page 9, strike lines 2 and 3 and substitute "WHO COMPLETED A FULL
24 ACADEMIC YEAR IN A PUBLIC SCHOOL IN THE STATE ON A HALF-TIME BASIS
25 PRIOR TO".

26

27 Page 9, strike lines 5 through 12 and substitute:

28

29 "(b) A TAXPAYER WHO HOME-SCHOOLS A QUALIFIED CHILD DURING
30 THE 2011-12 ACADEMIC YEAR, OR ANY ACADEMIC YEAR THEREAFTER,
31 SHALL BE FIRST ELIGIBLE FOR THE INCOME TAX CREDIT SPECIFIED IN THIS
32 SECTION FOR THE INCOME TAX YEAR THAT INCLUDES THE MOST RECENTLY
33 COMPLETED PUBLIC SCHOOL ACADEMIC YEAR. THE TAXPAYER SHALL BE
34 ELIGIBLE FOR THE INCOME TAX CREDIT FOR ANY INCOME TAX YEAR
35 THEREAFTER PROVIDED THE CHILD REMAINS QUALIFIED AS SPECIFIED IN
36 SUBPARAGRAPH (II) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS
37 SECTION."

38

39

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41

42 **JUDICIARY**

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

45

46 **HB11-1106** 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 3, strike lines 11 through 21 and substitute:

51

52 "(3) IN ANY ACTION BY ANY PERSON OR ANY LEGAL
53 REPRESENTATIVE TO RECOVER DAMAGES RESULTING FROM DEATH OR
54 INJURY TO A PERSON, THE DAMAGES THAT MAY BE RECOVERED BY A
55 CLAIMANT FOR ANY REASONABLE AND NECESSARY HEALTH CARE
56 SERVICES OR TREATMENT RECEIVED SHALL INCLUDE ONLY:

1 (a) AMOUNTS ACTUALLY PAID BY OR ON BEHALF OF THE INJURED
2 PERSON TO THE HEALTH CARE SERVICE PROVIDERS WHO RENDERED
3 REASONABLE AND NECESSARY CARE, TREATMENT, OR SERVICES; AND
4

5 (b) UNPAID CHARGES FOR REASONABLE AND NECESSARY HEALTH
6 CARE SERVICES OR TREATMENT STILL OWING AND PAYABLE TO THE
7 HEALTH CARE SERVICE PROVIDER; AND
8

9 (c) AMOUNTS FOR REASONABLE AND NECESSARY FUTURE HEALTH
10 CARE SERVICES OR TREATMENT.
11

12 (4) IF PAYMENT FOR REASONABLE AND NECESSARY HEALTH CARE
13 SERVICES OR TREATMENT HAS BEEN MADE BY AN ENTITY OTHER THAN A
14 PAYER OF BENEFITS, AS DEFINED IN SECTION 10-1-135 (2) (c) (I), C.R.S.,
15 THEN THE ENTITY THAT MADE PAYMENT TO THE HEALTH CARE SERVICE
16 PROVIDER SHALL BE ENTITLED TO RECOVER A REASONABLE AMOUNT FOR
17 ANY NECESSARY TREATMENT OR SERVICES PROVIDED TO THE CLAIMANT.".
18

21 PRINTING REPORT

22
23 The Chief Clerk reports the following bills have been correctly printed:
24 **HB11-1274, 1275, 1276, 1277.**
25

28 SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

29
30 The Speaker has signed: **SJR11-019, 020 and 021.**
31

34 MESSAGE(S) FROM THE SENATE

35
36 The Senate has adopted and transmits herewith: SJR11-022.
37

40 INTRODUCTION OF RESOLUTION

41
42 The following resolution was read by title and laid over one day under the
43 rules:
44

45 **SJR11-022** by Senator(s) Morse; also Representative(s) Stephens--
46 Concerning modifications to the Joint Rules of the Senate
47 and the House of Representatives.
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LAY OVER OF CALENDAR ITEM(S)

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On motion of Representative Stephens, the following item(s) on the Calendar (was)were laid over until March 8, retaining place on Calendar:

- Consideration of Third Reading--**HB11-1055, 1065, 1180.**
- Consideration of General Orders--**HB11-1160, 1119, 1168, 1116, 1249, 1123.**
- Consideration of Resolution(s)--**SJR11-007.**

On motion of Representative Stephens, the House adjourned until 9:00 a.m., March 8, 2011.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

