

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

Forty-fifth Legislative Day

Friday, February 25, 2011

1 Prayer by Pastor Steven Vaughan, Covenant Love Fellowship, Aurora.
 2
 3 The Speaker called the House to order at 9:00 a.m.
 4
 5 Pledge of Allegiance led by Matt Behrens from Louisville Middle School,
 6 Josh Behrens and Lauren Lee from Monarch High School, Louisville.
 7
 8 The roll was called with the following result:
 9
 10 Present--64.
 11 Excused--Representative(s) McKinley--1.

12
 13 The Speaker declared a quorum present.
 14
 15

16 On motion of Representative Duran, the reading of the journal of
 17 February 24, 2011, was declared dispensed with and approved as
 18 corrected by the Chief Clerk.
 19
 20

THIRD READING OF BILL(S)--FINAL PASSAGE

21
 22
 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 **HB11-1183** by Representative(s) Bradford; also Senator(s) Spence--
 29 Concerning a requirement that a death certificate indicate
 30 whether the decedent was pregnant within the twelve
 31 months preceding death.
 32

33 The question being "Shall the bill pass?".
 34 A roll call vote was taken. As shown by the following recorded vote, a
 35 majority of those elected to the House voted in the affirmative and the
 36 bill was declared **passed**.
 37

	YES	51	NO	13	EXCUSED	1	ABSENT	0
39	Acree	Y	Fischer	N	Liston	Y	Scott	Y
40	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
41	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
42	Baumgardner	Y	Gerou	Y	McCann	N	Soper	Y
43	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y

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

13 Co-sponsor(s) added: Representative(s) Kerr J., Murray, Nikkel, Stephens,
14 Summers.

15
16 **SCR11-001** by Senator(s) Shaffer B. and Spence, Kopp, Brophy,
17 Heath, Jahn, King S., Morse, Roberts, Schwartz,
18 Steadman, Tochtrop, White; also Representative(s) Murray
19 and Court, McNulty, Acree, Barker, Baumgardner,
20 Becker, Brown, Casso, Conti, Coram, Duran, Ferrandino,
21 Fields, Fischer, Gardner D., Hamner, Hullinghorst, Kagan,
22 Kefalas, Kerr A., Labuda, Lee, Levy, Liston, Massey,
23 McCann, McKinley, Miklosi, Pace, Peniston, Priola,
24 Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg,
25 Soper, Summers, Swerdfeger, Todd, Tyler, Vigil,
26 Williams A., Wilson--Submitting to the registered electors
27 of the state of Colorado an amendment to the Colorado
28 constitution concerning ballot measures, and, in
29 connection therewith, increasing the number of votes
30 needed to pass a constitutional amendment from a majority
31 to at least sixty percent of the votes cast; allowing a
32 constitutional amendment passed prior to 2013 to be
33 repealed by a majority of the votes cast; adding a
34 requirement that a minimum number of petition signatures
35 for a citizen-initiated constitutional amendment be
36 gathered from voters who reside in each Colorado
37 congressional district; and increasing the requirement from
38 a majority to a sixty percent vote of the state legislature to
39 change, repeal, or supersede a citizen-initiated statutory
40 law for three years after it becomes effective.

41
42 As shown by the following roll call vote, a majority of all members
43 elected to the House voted in the affirmative, and Representative Murray
44 was given permission to offer a Third Reading amendment:

46	YES	64	NO	0	EXCUSED	1	ABSENT	0
47	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
48	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
49	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
50	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
51	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
52	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
53	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
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
9 **Third Reading amendment No. 1**, by Representatives Murray and
10 Court.

11
12 Amend revised concurrent resolution, page 4, line 11, before "SIXTY"
13 insert "AT LEAST".

14
15 Page 6, line 12, before "a" insert "at least".

16
17 Page 1, line 113, after "TO" insert "AT LEAST".

18
19 The amendment was declared **passed** by the following roll call vote:

21	YES	64	NO	0	EXCUSED	1	ABSENT	0
22	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
23	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
24	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
25	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
26	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
27	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
28	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
29	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
30	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
31	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
32	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
33	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
34	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
35	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
36	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
37	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
38							Speaker	Y

39
40 The question being, "Shall the concurrent resolution, as amended, pass?".
41 A roll call vote was taken. As shown by the following recorded vote, a
42 constitutional two-thirds of those elected to the House voted in the
43 affirmative, and the concurrent resolution, as amended, was declared
44 **passed**.

45	YES	52	NO	12	EXCUSED	1	ABSENT	0
46	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
47	Balmer	N	Gardner B.	Y	Looper	N	Solano	Y
48	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
49	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
50	Becker	Y	Hamner	Y	McKinley	E	Stephens	N
51	Beezley	N	Holbert	N	Miklosi	Y	Summers	Y
52	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
53	Brown	Y	Jones	Y	Nikkel	N	Swerdfeger	Y
54	Casso	Y	Joshi	N	Pabon	N	Szabo	N
55	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
56	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y

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

7 Co-sponsor(s) added: Representative(s) Gardner B., Swalm.

8
9 **HB11-1164** by Representative(s) Priola and Fields, Ryden, Schafer S.,
10 Summers, Todd, Balmer, Beezley, Gerou, Kerr A., Levy,
11 Liston, Peniston, Solano, Williams A.; also Senator(s)
12 Boyd--Concerning the designation of the presiding officer
13 of the university of Colorado hospital authority's board of
14 directors.

15
16 The question being "Shall the bill pass?".

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

21	YES	64	NO	0	EXCUSED	1	ABSENT	0
22	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
23	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
24	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
25	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
26	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
27	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
28	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
29	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
30	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
31	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
32	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
33	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
34	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
35	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
36	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
37	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Acree, Hullinghorst, Pabon.

40
41 **HB11-1124** by Representative(s) Williams A.; also Senator(s) Carroll--
42 Concerning conflicts of interest of members of the
43 executive board of a unit owners' association.

44
45 The question being "Shall the bill pass?".

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

50	YES	55	NO	9	EXCUSED	1	ABSENT	0
51	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
52	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
53	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
54	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
55	Becker	N	Hamner	Y	McKinley	E	Stephens	Y
56	Beezley	N	Holbert	N	Miklosi	Y	Summers	Y

1	Bradford	Y	Hullinghorst	Y	Murray	N	Swalm	Y
2	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
3	Casso	Y	Joshi	N	Pabon	Y	Szabo	Y
4	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
5	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
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	Y	Schafer S.	Y	Wilson	Y
11							Speaker	Y

12 Co-sponsor(s) added: Representative(s) Duran, Fields, Hullinghorst, Pace,
13 Ryden, Todd.

CHANGE IN SPONSORSHIP

18 The Speaker announced the following change in sponsorship:
19 HB11-1221--Senator Spence to replace Senator White as prime sponsor.

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

25 **HB11-1221** by Representative(s) Fields, Hullinghorst, Solano, Pabon,
26 Lee, Levy, Ryden, Labuda, Duran, Schafer S.,
27 Williams A.; also Senator(s) Spence, Guzman, Giron,
28 Roberts--Concerning legal remedies for consumer credit
29 laws enforced by the administrator of the "Uniform
30 Consumer Credit Code".

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 bill
35 was declared **passed**.

37	YES	39	NO	25	EXCUSED	1	ABSENT	0
38	Acree	N	Fischer	Y	Liston	N	Scott	Y
39	Balmer	N	Gardner B.	Y	Looper	N	Solano	Y
40	Barker	N	Gardner D.	Y	Massey	Y	Sonnenberg	N
41	Baumgardner	N	Gerou	Y	McCann	Y	Soper	Y
42	Becker	N	Hamner	Y	McKinley	E	Stephens	N
43	Beezley	N	Holbert	N	Miklosi	Y	Summers	N
44	Bradford	N	Hullinghorst	Y	Murray	N	Swalm	N
45	Brown	Y	Jones	Y	Nikkel	N	Swerdfeger	Y
46	Casso	Y	Joshi	N	Pabon	Y	Szabo	Y
47	Conti	N	Kagan	Y	Pace	Y	Todd	Y
48	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
49	Court	N	Kerr A.	Y	Priola	N	Vaad	Y
50	DelGrosso	N	Kerr J.	N	Ramirez	N	Vigil	Y
51	Duran	Y	Labuda	Y	Riesberg	Y	Waller	N
52	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
53	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Pace, Tyler.

56

1 **HB11-1174** by Representative(s) Vaad; also Senator(s) Renfroe--
 2 Concerning the filing of a certificate of destruction by a
 3 person on whose land a manufactured home is situated
 4 when a governmental entity has deemed the manufactured
 5 home in violation of local codes.
 6

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

	YES	64	NO	0	EXCUSED	1	ABSENT	0
13	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
14	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
15	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
16	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
17	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
18	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
19	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
20	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
21	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
22	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
23	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
24	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
25	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
26	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
27	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
28	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
29							Speaker	Y

30 Co-sponsor(s) added: Representative(s) Bradford, Casso.
 31

32 **HB11-1088** by Representative(s) Barker, Brown, Gardner B., Holbert;
 33 also Senator(s) Lambert--Concerning bond circumstances
 34 for defendants who may be in the country illegally.
 35

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

	YES	36	NO	28	EXCUSED	1	ABSENT	0
42	Acree	Y	Fischer	N	Liston	Y	Scott	Y
43	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
44	Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
45	Baumgardner	Y	Gerou	Y	McCann	N	Soper	Y
46	Becker	Y	Hamner	N	McKinley	E	Stephens	Y
47	Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y
48	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
49	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
50	Casso	N	Joshi	Y	Pabon	N	Szabo	Y
51	Conti	Y	Kagan	N	Pace	N	Todd	N
52	Coram	Y	Kefalas	N	Peniston	N	Tyler	N
53	Court	N	Kerr A.	Y	Priola	Y	Vaad	Y
54	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
55	Duran	N	Labuda	N	Riesberg	N	Waller	Y
56	Ferrandino	N	Lee	Y	Ryden	N	Williams A.	N

1	Fields	N	Levy	N	Schafer S.	N	Wilson	N
2							Speaker	Y

3 Co-sponsor(s) added: Representative(s) Acree, Kerr J., Liston, Murray, Nikkel,
4 Ramirez, Scott, Stephens, Summers, Swalm, Speaker.

5
6 **HB11-1258** by Representative(s) Baumgardner, Casso, Court, Lee,
7 Liston, Miklosi, Ryden, Schafer S.; also Senator(s)
8 Newell, Foster, King S.--Concerning forensic autopsies.

9
10 The question being "Shall the bill 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 bill
13 was declared **passed**.

14	YES	45	NO	19	EXCUSED	1	ABSENT	0
16	Acree	N	Fischer	Y	Liston	Y	Scott	Y
17	Balmer	N	Gardner B.	Y	Looper	N	Solano	N
18	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
19	Baumgardner	Y	Gerou	N	McCann	Y	Soper	Y
20	Becker	N	Hamner	Y	McKinley	E	Stephens	Y
21	Beezley	N	Holbert	Y	Miklosi	Y	Summers	Y
22	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
23	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
24	Casso	Y	Joshi	N	Pabon	Y	Szabo	N
25	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
26	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
27	Court	Y	Kerr A.	Y	Priola	N	Vaad	Y
28	DelGrosso	Y	Kerr J.	Y	Ramirez	N	Vigil	N
29	Duran	Y	Labuda	Y	Riesberg	N	Waller	Y
30	Ferrandino	Y	Lee	Y	Ryden	N	Williams A.	Y
31	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
32							Speaker	N

33 Co-sponsor(s) added: Representative(s) Fields, Fischer, Labuda, Wilson.

34
35
36
37 On motion of Representative Stephens, **HB11-1218, 1262, 1209** were
38 added to the Special Orders Calendar on Friday, February 25, 2011.

39
40
41 On motion of Representative Swalm, the House resolved itself into
42 Committee of the Whole for consideration of Special Orders and he was
43 called to the Chair to act as Chairman.

44
45
46 **SPECIAL ORDERS--SECOND READING OF BILLS**

47
48 The Committee of the Whole having risen, the Chairman reported the
49 titles of the following bills had been read (reading at length had been
50 dispensed with by unanimous consent), the bills considered and action
51 taken thereon as follows:

52
53 (Amendments to the committee amendment are to the printed committee
54 report which was printed and placed in the members' bill file.)

1 **HB11-1206** by Representative(s) Gardner B.; also Senator(s) Bacon--
2 Concerning the "Uniform Debt-Management Services
3 Act".
4

5 Amendment No. 1, Economic & Business Development Report, dated
6 February 17, 2011, and placed in member's bill file; Report also printed
7 in House Journal, February 18, pages 342-343.
8

9 Amendment No. 2, by Representative(s) Gardner B.
10

11 Amend the Economic and Business Development Committee Report,
12 dated February 17, 2011, page 1, line 7, strike "state," and substitute
13 "state; OR".
14

15 Page 1, strike lines 8 through 11.
16

17 Page 1, line 15, strike everything after "this" and substitute "state. or".
18

19 Page 1, strike lines 16 through 19.
20

21 Page 2, line 4, strike "TO" and substitute "ON BEHALF OF".
22

23 As amended, ordered engrossed and placed on the Calendar for Third
24 Reading and Final Passage.
25

26 **HB11-1262** by Representative(s) Becker and Levy, Baumgardner,
27 Bradford, Court, Ferrandino, Fischer, Gardner D.,
28 Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A.,
29 Labuda, Lee, Looper, Peniston, Solano, Sonnenberg,
30 Tyler, Waller, Wilson; also Senator(s) Johnston and
31 Brophy, Cadman, Giron, Grantham, Guzman, Harvey,
32 King S., Lambert, Mitchell, Nicholson, Renfroe, Scheffel,
33 Schwartz, Jahn--Concerning procedures to ensure
34 transparency in the process of bidding by electric utilities
35 for the acquisition of new generation facilities.
36

37 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
38 dated February 23, 2011, and placed in member's bill file; Report also
39 printed in House Journal, February 24, page 420.
40

41 As amended, ordered engrossed and placed on the Calendar for Third
42 Reading and Final Passage.
43

44 **HB11-1218** by Representative(s) Baumgardner; also Senator(s) White-
45 -Concerning a county power to create a federal mineral
46 lease district for purposes of receiving moneys distributed
47 by the department of local affairs from the local
48 government mineral impact fund.
49

50 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
51 dated February 23, 2011, and placed in member's bill file; Report also
52 printed in House Journal, February 24, page 419.
53

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

1 **HB11-1209** by Representative(s) Jones, Looper, Massey; also
 2 Senator(s) Heath--Concerning the creation of a small
 3 business navigator by the small business assistance center
 4 under the office of economic development.
 5

6 Amendment No. 1, Economic & Business Development Report, dated
 7 February 22, 2011, and placed in member's bill file; Report also printed
 8 in House Journal, February 24, pages 436-437.
 9

10 As amended, declared **lost** on Second Reading.
 11 (For change in action, see Amendments to Report, page 449.)
 12

13
 14
 15 **AMENDMENT(S) TO THE COMMITTEE**
 16 **OF THE WHOLE REPORT**
 17

18 Representative Jones moved to amend the Report of the Committee of the
 19 Whole to reverse the action taken by the Committee in not adopting
 20 HB11-1209, to show that **HB11-1209**, as amended, passed.
 21

22 The amendment was declared **passed** by the following roll call vote:
 23

	YES	35	NO	28	EXCUSED	1	ABSENT	1
25	Acree	N	Fischer	Y	Liston	N	Scott	N
26	Balmer	N	Gardner B.	N	Looper	Y	Solano	Y
27	Barker	N	Gardner D.	Y	Massey	Y	Sonnenberg	-
28	Baumgardner	N	Gerou	N	McCann	Y	Soper	Y
29	Becker	N	Hamner	Y	McKinley	E	Stephens	N
30	Beezley	N	Holbert	N	Miklosi	Y	Summers	N
31	Bradford	N	Hullinghorst	Y	Murray	N	Swalm	Y
32	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	N
33	Casso	Y	Joshi	N	Pabon	Y	Szabo	N
34	Conti	N	Kagan	Y	Pace	Y	Todd	Y
35	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
36	Court	Y	Kerr A.	Y	Priola	N	Vaad	N
37	DelGrosso	N	Kerr J.	N	Ramirez	Y	Vigil	Y
38	Duran	Y	Labuda	Y	Riesberg	Y	Waller	N
39	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
40	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
41							Speaker	N

42
 43
 44
 45
 46 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
 47

48 Passed Second Reading: **HB11-1206 amended, 1262 amended, 1218**
 49 **amended, 1209 amended.**
 50

51 The Chairman moved the adoption of the Committee of the Whole
 52 Report. As shown by the following roll call vote, a majority of those
 53 elected to the House voted in the affirmative, and the Report was
 54 **adopted.**
 55

	YES	64	NO	0	EXCUSED	1	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	E	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

House in recess. House reconvened.

REPORT(S) OF COMMITTEE(S) OF REFERENCE

APPROPRIATIONS

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

HB11-1013 be referred to the Committee of the Whole with favorable recommendation.

HB11-1026 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend the Economic and Business Development Committee Report dated February 10, 2011, page 5, after line 16 insert:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of public health and environment, for allocation to the water quality control division, for the fiscal year beginning July 1, 2011, the sum of ninety-nine thousand four hundred thirty-six dollars (\$99,436) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, forty-nine thousand four hundred thirty-six dollars (\$49,436) and 0.6 FTE shall be from cash funds from the water quality control fund created in section 25-8-502 (1) (c), C.R.S. and fifty thousand dollars (\$50,000) shall be from cash funds from the water quality improvement fund created in section 25-8-608 (1.5), C.R.S."

Renumber succeeding section accordingly.

1 Page 1 of the bill, line 102, strike "ADMINISTRATORS." and substitute
2 "ADMINISTRATORS, AND MAKING AN APPROPRIATION THEREFOR."
3

4

5

6

6 **HB11-1055** be referred to the Committee of the Whole with favorable
7 recommendation.
8

9

10

10 **HB11-1100** be amended as follows, and as so amended, be referred to
11 the Committee of the Whole with favorable
12 recommendation:
13

14

14 Amend printed bill, page 2, after line 14 insert:
15

16

16 **"SECTION 2. Appropriation.** (1) In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
19 Colorado Revised Statutes, not otherwise appropriated, to the department
20 of regulatory agencies, for allocation to the division of registrations, for
21 personal services, for the fiscal year beginning July 1, 2011, the sum of
22 fifty-nine thousand nine hundred four dollars (\$59,904) cash funds, or so
23 much thereof as may be necessary, for the implementation of this act.
24

25

25 (2) In addition to any other appropriation, there is hereby
26 appropriated, out of any moneys in the division of registrations cash fund
27 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
28 otherwise appropriated, to the department of regulatory agencies, for
29 allocation to the executive director's office and administrative services,
30 for legal services, for the fiscal year beginning July 1, 2011, the sum of
31 thirty-four thousand four hundred eighty-four dollars (\$34,484) cash
32 funds, or so much thereof as may be necessary, for the implementation of
33 this act.
34

35

35 (3) In addition to any other appropriation, there is hereby
36 appropriated to the department of law, for the fiscal year beginning July
37 1, 2011, the sum of thirty-four thousand four hundred eighty-four dollars
38 (\$34,484) and 0.4 FTE, or so much thereof as may be necessary, for the
39 provision of legal services to the department of regulatory agencies
40 related to the implementation of this act. Said sum shall be from
41 reappropriated funds received from the department of regulatory agencies
42 out of the appropriation made in subsection (2) of this section."
43

44

44 Renumber succeeding section accordingly.
45

46

46 Page 1, line 103, strike "CERTIFICATION." and substitute
47 "CERTIFICATION, AND MAKING AN APPROPRIATION THEREFOR."
48

49

50

51

51 **HB11-1119** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:
54

55

55 Amend the Health and Environment Committee Report, dated February
56 8, 2011, page 5, after line 3 insert:

1 **"SECTION 7. Appropriation.** In addition to any other
2 appropriation, there is hereby appropriated, out of any moneys in the
3 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
4 Colorado Revised Statutes, not otherwise appropriated, to the department
5 of regulatory agencies, for allocation to the division of registrations, for
6 operating expenses, for the fiscal year beginning July 1, 2011, the sum of
7 one thousand ninety-three dollars (\$1,093) cash funds, or so much thereof
8 as may be necessary, for the implementation of this act."
9

10 Renumber succeeding sections accordingly.

11
12 Page 5 of the report, after line 8 insert:

13
14 "Page 1 of the printed bill, line 103, strike "**PROFESSIONALS.**" and
15 substitute "**PROFESSIONALS, AND MAKING AN APPROPRIATION**
16 **THEREFOR.**".
17

18
19
20 **HB11-1120** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:
23

24 Amend the Economic and Business Development Committee Report
25 dated February 8, 2011, page 3, after line 11 insert:

26 **"SECTION 3. Appropriation - adjustments to the 2011 long**
27 **bill.** (1) For the implementation of this act, the appropriation to the
28 department of public safety, office of preparedness, security, and fire
29 safety, for personal services, is reduced by forty-six thousand one hundred
30 seventy-five dollars (\$46,175) and 1.0 FTE from the fire suppression cash
31 fund created in section 24-33.5-1207.6, Colorado Revised Statutes.
32

33 (2) For the implementation of this act, the appropriation to the
34 department of public safety, office of preparedness, security, and fire
35 safety, for operating expenses, is reduced by twenty-nine thousand five
36 hundred twenty dollars (\$29,520) from the fire suppression cash fund
37 created in section 24-33.5-1207.6, Colorado Revised Statutes."
38

39 Renumber succeeding section accordingly.

40
41 Amend printed bill, page 1, line 102, strike "**SYSTEMS.**" and substitute
42 "**SYSTEMS, AND MAKING AN APPROPRIATION THEREFOR.**".
43

44
45
46 **HB11-1130** be referred to the Committee of the Whole with favorable
47 recommendation.
48

49
50 **HB11-1156** be referred to the Committee of the Whole with favorable
51 recommendation.
52

53
54 **HB11-1182** be amended as follows, and as so amended, be referred to
55 the Committee of the Whole with favorable
56 recommendation:

1 Amend printed bill, page 3, strike lines 1 through 11 and substitute:

2

3 **"taxes - fee schedule.** (14) (a) IN ADDITION TO ANY OTHER FEE REQUIRED
4 BY THIS SECTION, ON AND AFTER JULY 1, 2011, EACH AUTHORIZED AGENT
5 SHALL COLLECT A FEE OF:

6

7 (I) FIFTY CENTS PER PAID REGISTRATION OF ANY MOTOR VEHICLE
8 THAT IS NOT EXEMPT FROM THE MOTOR INSURANCE IDENTIFICATION FEE
9 PURSUANT TO SECTION 42-3-304 (1) (b); OR

10

11 (II) TEN CENTS PER PAID REGISTRATION OF ANY MOTOR VEHICLE
12 THAT IS EXEMPT FROM THE MOTOR INSURANCE IDENTIFICATION FEE
13 PURSUANT TO SECTION 42-3-304 (1) (b).

14

15 (b) THE FEE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION
16 (14) SHALL APPLY TO EVERY REGISTRATION OF A MOTOR VEHICLE THAT IS
17 DESIGNED PRIMARILY TO BE OPERATED OR DRAWN ON ANY HIGHWAY IN
18 THE STATE AND SHALL BE IN ADDITION TO THE ANNUAL REGISTRATION FEE
19 FOR THE VEHICLE; EXCEPT THAT THE FEE SHALL NOT APPLY TO A VEHICLE
20 THAT IS EXEMPT FROM PAYMENT OF THE REGISTRATION FEES IMPOSED BY
21 THIS ARTICLE. THE FEE SHALL BE CREDITED TO THE COLORADO STATE
22 TITLING AND REGISTRATION ACCOUNT IN THE HIGHWAY USERS TAX FUND
23 CREATED IN SECTION 42-1-211 (2)."

24

25 Page 3, after line 11 insert:

26

27 **"SECTION 3. Appropriation.** (1) In addition to any other
28 appropriation, there is hereby appropriated, out of any moneys in the
29 general fund not otherwise appropriated, to the department of revenue, for
30 allocation to the information technology division, for the fiscal year
31 beginning July 1, 2010, the sum of five thousand four hundred eighty
32 dollars (\$5,480), or so much thereof as may be necessary, for the
33 implementation of this act.

34

35 (2) In addition to any other appropriation, there is hereby
36 appropriated to the governor - lieutenant governor - state planning and
37 budgeting, for allocation to the office of information technology, for the
38 fiscal year beginning July 1, 2010, the sum of one thousand four hundred
39 eighty dollars (\$1,480), or so much thereof as may be necessary, for
40 programming services to be provided to the department of revenue related
41 to the implementation of this act. Said sum shall be from reappropriated
42 funds received from the department of revenue out of the appropriation
43 made in subsection (1) of this section.

44

45 (3) In addition to any other appropriation, there is hereby
46 appropriated, out of any moneys in the Colorado state titling and
47 registration account of the highway users tax fund created in Section 42-
48 1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the
49 department of revenue, for allocation to the information technology
50 division, for the fiscal year beginning July 1, 2010, the sum of one
51 thousand seven hundred seventy-six dollars (\$1,776) cash funds, or so
52 much thereof as may be necessary, for the implementation of this act.

53

54 (4) In addition to any other appropriation, there is hereby
55 appropriated to the governor - lieutenant governor - state planning and
56 budgeting, for allocation to the office of information technology, for the

1 fiscal year beginning July 1, 2010, the sum of one thousand seven
2 hundred seventy-six dollars (\$1,776), or so much thereof as may be
3 necessary, for programming services to be provided to the department of
4 revenue related to the implementation of this act. Said sum shall be from
5 reappropriated funds received from the department of revenue out of the
6 appropriation made in subsection (3) of this section."

7
8 Renumber succeeding section accordingly.

9
10 Page 1, line 103 strike "FUND." and substitute "FUND, AND MAKING AN
11 APPROPRIATION THEREFOR."

12

13

14

15

16 **ECONOMIC & BUSINESS DEVELOPMENT**

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

19

20 **HB11-1129** be postponed indefinitely.

21

22

23 **HB11-1142** be postponed indefinitely.

24

25

26 **HB11-1147** be postponed indefinitely.

27

28

29 **HB11-1197** be postponed indefinitely.

30

31

32 **HB11-1207** 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 2, strike lines 5 through 12 and substitute:

37 "24-48.5-311.5. **Film, television, and media - funding for**
38 **performance-based incentive.** ON AND AFTER JULY 1, 2011, ALL MOVIE
39 TICKET VENDORS MAY COLLECT ANY GIFTS, GRANTS, OR DONATIONS MADE
40 BY A PERSON TO FUND PERFORMANCE-BASED INCENTIVES FOR FILM
41 PRODUCTION IN COLORADO AS SPECIFIED IN SECTION 24-48.5-311. THE
42 MOVIE TICKET VENDOR SHALL COLLECT ANY GIFTS, GRANTS, AND
43 DONATIONS RECEIVED UNTIL THE TOTAL AMOUNT COLLECTED EQUALS A
44 MINIMUM OF ONE HUNDRED DOLLARS AND SHALL THEN TRANSMIT THE
45 TOTAL AMOUNT COLLECTED TO THE STATE TREASURER AS FREQUENTLY AS
46 NEEDED, BUT NO LESS THAN ONCE A YEAR. THE STATE TREASURER SHALL
47 CREDIT THE MONEY RECEIVED PURSUANT TO THIS SECTION TO THE".

48

49 Page 2, strike line 22.

50

51 Page 3, strike lines 1 through 15.

52

53 Renumber succeeding section accordingly.

54

55

56 **HB11-1233** be postponed indefinitely.

1 **FINANCE**

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

4
5 **HB11-1065** 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, strike everything below the enacting clause and
10 substitute:

11
12 "SECTION 1. Article 45 of title 1, Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW SECTION to read:

14
15 **1-45-117.7. Public service advertising - prohibited**
16 **expenditures - penalties - definitions.** (1) AS USED IN THIS SECTION,
17 UNLESS THE CONTEXT OTHERWISE REQUIRES:

18
19 (a) "ADVERTISEMENT" MEANS ALL REPRESENTATIONS
20 DISSEMINATED IN ANY MANNER OR BY ANY MEANS THAT ARE
21 SPECIFICALLY DESIGNED TO REACH A LARGE AUDIENCE FOR THE PURPOSE
22 OF INDUCING, OR WHICH ARE LIKELY TO INDUCE, THE PURCHASE OF ANY
23 GOOD OR SERVICE. "ADVERTISEMENT" INCLUDES AN ADVERTISEMENT
24 PLACED BY THE STATE LOTTERY DIVISION PURSUANT TO PART 2 OF
25 ARTICLE 35 OF TITLE 24, C.R.S., A BILLBOARD, A BUS BENCH
26 ADVERTISEMENT, OR ANY SIMILAR TYPE OF PUBLIC COMMUNICATION.

27
28 (b) "ELECTED STATE OFFICIAL" OR "OFFICIAL" MEANS THE
29 GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE
30 TREASURER, ATTORNEY GENERAL, OR A MEMBER OF THE GENERAL
31 ASSEMBLY.

32
33 (c) "SOCIAL MEDIA" MEANS ANY ON-LINE TECHNOLOGY TOOL THAT
34 ENABLES PEOPLE TO COMMUNICATE EASILY BY MEANS OF THE INTERNET
35 TO SHARE INFORMATION AND RESOURCES. "SOCIAL MEDIA" WEB SITES ARE
36 DISTINGUISHED BY A HIGH DEGREE OF CONTENT THAT IS USER GENERATED,
37 A HIGH DEGREE OF PARTICIPATION OR INTERACTION BETWEEN OR AMONG
38 USERS, AND EASY INTEGRATION WITH OTHER WEB SITES. "SOCIAL MEDIA"
39 INCLUDES TEXT, AUDIO, VIDEO, IMAGES, PODCASTS, AND OTHER FORMS OF
40 MULTIMEDIA CONTENT.

41
42 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2),
43 NO STATE MONEYS MAY BE USED IN WHOLE OR IN PART FOR THE PAYMENT
44 OF THE COST OF ANY ADVERTISEMENT CONTAINING THE PROPER NAME OR
45 VISUAL OR AUDIO LIKENESS OF ANY PERSON WHO IS CURRENTLY SERVING
46 AS AN ELECTED STATE OFFICIAL; EXCEPT THAT THIS PARAGRAPH (a) SHALL
47 NOT APPLY TO ANY ADVERTISEMENT THAT IS REQUIRED BY LAW IN ORDER
48 FOR THE OFFICIAL TO UNDERTAKE HIS OR HER OFFICIAL DUTIES OR
49 FUNCTIONS, INCLUDING A LEGAL NOTICE IN WHICH THE NAME OF THE
50 OFFICIAL IS REQUIRED TO APPEAR.

51
52 (b) THE PROHIBITION SPECIFIED IN PARAGRAPH (a) OF THIS
53 SUBSECTION (2) SHALL NOT APPLY TO THE FOLLOWING FORMS OF PUBLIC
54 COMMUNICATION:

55
56 (I) ANY COMMUNICATION THAT IS DISSEMINATED OR DISTRIBUTED

1 BY MEANS OF A WEB SITE OWNED, OPERATED, OR MAINTAINED BY THE
2 STATE;

3
4 (II) AN EMAIL COMMUNICATION DISSEMINATED BY AN ELECTED
5 STATE OFFICIAL;

6
7 (III) A TOWN HALL OR OTHER INFORMAL TYPE OF MEETING THAT
8 DRAWS PEOPLE IN A GIVEN GEOGRAPHIC AREA TOGETHER WITH AN
9 ELECTED STATE OFFICIAL TO DISCUSS PUBLIC BUSINESS, ANY
10 ADVERTISEMENT OR SIMILAR FORM OF COMMUNICATION DESIGNED TO
11 SOLICIT ATTENDANCE AT SUCH AN EVENT, AND ANY COMMUNICATION
12 SENT BY A PERSON EMPLOYED BY THE OFFICIAL INTENDED TO SOLICIT
13 ATTENDANCE AT SUCH AN EVENT;

14
15 (IV) ANY FORM OF MAILING DISTRIBUTED BY THE UNITED STATES
16 POSTAL SERVICE; AND

17
18 (V) ANY INTERACTION BY AN ELECTED STATE OFFICIAL ON A
19 SOCIAL MEDIA WEB SITE.

20
21 (3) ANY PERSON ALLEGING A VIOLATION OF SUBSECTION (2) OF
22 THIS SECTION MAY FILE A WRITTEN COMPLAINT PURSUANT TO SECTION
23 1-45-111.5 (1.5) (a). ANY PERSON WHO COMMITS A WILLFUL AND
24 INTENTIONAL VIOLATION OF THIS SECTION SHALL BE SUBJECT TO AND
25 PERSONALLY LIABLE FOR A CIVIL PENALTY EITHER OF AN AMOUNT THAT
26 IS AT LEAST DOUBLE AND UP TO FIVE TIMES THE TOTAL AMOUNT OF STATE
27 MONEYS EXPENDED IN VIOLATION OF THIS SECTION OR OF TWENTY
28 THOUSAND DOLLARS FOR EACH SUCH VIOLATION, WHICHEVER IS GREATER.
29 NO OFFICIAL ENGAGED IN A SUPERVISORY CAPACITY WITH RESPECT TO
30 ANOTHER PERSON MAY BE SUBJECT TO THE CIVIL PENALTY AS A RESULT OF
31 A VIOLATION CAUSED BY SUCH OTHER PERSON UNLESS THE OFFICIAL KNEW
32 OR SHOULD HAVE KNOWN IN THE EXERCISE OF REASONABLE DILIGENCE
33 THAT THE PERSON WAS COMMITTING A VIOLATION OF THIS SECTION.

34
35 **SECTION 2. Effective date.** This act shall take effect July 1,
36 2011.

37
38 **SECTION 3. 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 **HB11-1076** be amended as follows, and as so amended, be referred to
45 the Committee on Appropriations with favorable
46 recommendation:

47
48 Amend printed bill, page 2, line 14, strike "case; EXCEPT THAT, IF" and
49 substitute "case."

50
51 Page 2, strike lines 15 through 17.

52
53 Page 2, line 18, strike "FINANCIAL OBLIGATION IN THE CASE."

54
55
56

1 **HB11-1162** be referred favorably to the Committee on Appropriations.

2

3

4

5

6 **HEALTH & ENVIRONMENT**

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

9

10 **HB11-1193** be amended as follows, and as so amended, be referred to
11 the Committee of the Whole with favorable
12 recommendation:

13

14 Amend printed bill, page 2, line 17, strike "MANAGEMENT" and substitute
15 "TECHNICAL ASSISTANCE" and after "FOR" insert "THE FAMILY ADVOCACY
16 MENTAL HEALTH JUVENILE JUSTICE".

17

18 Page 3, line 4, after "~~demonstration~~" insert "FAMILY ADVOCACY MENTAL
19 HEALTH JUVENILE JUSTICE".

20

21 Page 3, line 17, before "PROGRAMS" insert "FAMILY ADVOCACY MENTAL
22 HEALTH JUVENILE JUSTICE".

23

24 Page 4, line 2, strike "MANAGEMENT" and substitute "TECHNICAL
25 ASSISTANCE".

26

27 Page 4, line 3, after "ADVOCACY" insert "MENTAL HEALTH JUVENILE
28 JUSTICE".

29

30 Page 4, line 15, after "THE" insert "FAMILY ADVOCACY MENTAL HEALTH
31 JUVENILE JUSTICE".

32

33

34

35 **HB11-1217** be amended as follows, and as so amended, be referred to
36 the Committee on Appropriations with favorable
37 recommendation:

38

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

41

42 "SECTION 1. 25-20.5-703 (1) (a) (III), (1) (c), and (3), Colorado
43 Revised Statutes, are amended to read:

44

45 **25-20.5-703. Colorado health service corps - program -**
46 **creation - conditions.** (1) (a) (III) In consideration for receiving
47 repayment of all or part of his or her education loan, the health care
48 professional shall agree to provide primary health services in federally
49 designated health professional shortage areas in Colorado, OR, IN THE
50 CASE OF A HEALTH CARE PROVIDER WHO BECOMES ELIGIBLE TO
51 PARTICIPATE IN THE LOAN REPAYMENT PROGRAM AS DESCRIBED IN
52 SUB-SUBPARAGRAPH (A.5) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),
53 THE HEALTH CARE PROVIDER SHALL AGREE TO PROVIDE PRIMARY OR
54 NONPRIMARY HEALTH SERVICES, AS APPLICABLE, IN FEDERALLY
55 DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS IN COLORADO.

56

1 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
2 THIS PARAGRAPH (c), health care professionals practicing in nonprimary
3 care specialties shall ARE not be eligible for loan repayments through the
4 Colorado health service corps.

5
6 (II) NONPRIMARY CARE SPECIALISTS OR OTHER HEALTH CARE
7 PROVIDERS, INCLUDING REGISTERED OCCUPATIONAL THERAPISTS AND
8 LICENSED PROFESSIONAL NURSES OR PHYSICAL THERAPISTS, ARE ELIGIBLE
9 FOR LOAN REPAYMENTS THROUGH THE COLORADO HEALTH SERVICE CORPS
10 IF THE FEDERAL GOVERNMENT AUTHORIZES THEIR PARTICIPATION IN THE
11 NATIONAL HEALTH SERVICE CORPS PROGRAM AND AUTHORIZES FEDERAL
12 MATCHING FUNDS FOR THOSE PROVIDERS TO RECEIVE LOAN REPAYMENTS
13 THROUGH THE COLORADO HEALTH SERVICE CORPS.

14
15 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
16 THIS SUBSECTION (3), a health care professional participating in the
17 Colorado health service corps shall not practice with a for-profit private
18 group or solo practice or at a proprietary hospital or clinic.

19
20 (b) A HEALTH CARE PROVIDER PRACTICING WITH A FOR-PROFIT
21 PRIVATE GROUP OR SOLO PRACTICE OR AT A PROPRIETARY HOSPITAL OR
22 CLINIC MAY PARTICIPATE IN THE COLORADO HEALTH SERVICE CORPS IF
23 THE FEDERAL GOVERNMENT AUTHORIZES THE PARTICIPATION OF SUCH
24 PROVIDERS IN THE NATIONAL HEALTH SERVICE CORPS PROGRAM AND
25 AUTHORIZES FEDERAL MATCHING FUNDS FOR THOSE PROVIDERS TO
26 RECEIVE LOAN REPAYMENTS THROUGH THE COLORADO HEALTH SERVICE
27 CORPS.

28
29 **SECTION 2.** 25-20.5-703 (1) (a) (I), Colorado Revised Statutes,
30 is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH
31 to read:

32
33 **25-20.5-703. Colorado health service corps - program -**
34 **creation - conditions.** (1) (a) (I) (A.5) ON OR AFTER THE EFFECTIVE
35 DATE OF THIS SUB-SUBPARAGRAPH (A.5), IF THE FEDERAL GOVERNMENT
36 EXPANDS ELIGIBILITY FOR THE NATIONAL HEALTH SERVICE CORPS
37 PROGRAM TO HEALTH CARE PROVIDERS OTHER THAN THOSE DEFINED AS
38 HEALTH CARE PROFESSIONALS, THOSE PROVIDING NONPRIMARY HEALTH
39 CARE SERVICES, OR THOSE PRACTICING WITH A FOR-PROFIT PRIVATE GROUP
40 OR SOLO PRACTICE OR AT A PROPRIETARY HOSPITAL OR CLINIC, AND THE
41 FEDERAL GOVERNMENT AUTHORIZES FEDERAL MATCHING FUNDS FOR
42 THOSE PROVIDERS APPLYING TO PARTICIPATE IN THE COLORADO HEALTH
43 SERVICE CORPS, THE PRIMARY CARE OFFICE MAY PROVIDE LOAN
44 REPAYMENTS FOR THOSE HEALTH CARE PROVIDERS THROUGH THE
45 COLORADO HEALTH SERVICE CORPS, SUBJECT TO AVAILABLE
46 APPROPRIATIONS.

47
48 **SECTION 3.** 25.5-4-401 (5) and (6), Colorado Revised Statutes,
49 are amended, and the said 25.5-4-401 is further amended BY THE
50 ADDITION OF A NEW SUBSECTION, to read:

51
52 **25.5-4-401. Providers - payments - rules - legislative**
53 **declaration.** (4.5) (a) THE GENERAL ASSEMBLY HEREBY FINDS,
54 DETERMINES, AND DECLARES THAT ACCESS TO HEALTH CARE SERVICES
55 WILL BE IMPROVED AND COSTS OF HEALTH CARE WILL BE RESTRAINED IF
56 PROVIDERS ARE ALLOWED TO DELIVER AND RECEIVE REIMBURSEMENT FOR

1 MEDICAL CARE, SERVICES, OR GOODS PROVIDED TO RECIPIENTS OF THE
2 MEDICAID PROGRAM IN NONTRADITIONAL LOCATIONS, SUCH AS THE HOME
3 OF THE RECIPIENT OR THROUGH TELEMEDICINE IN ACCORDANCE WITH
4 SECTION 25.5-5-320.

5
6 (b) THE STATE DEPARTMENT SHALL PROVIDE PAYMENT TO
7 PROVIDERS WHO DELIVER MEDICAL CARE, SERVICES, OR GOODS TO
8 RECIPIENTS OF THE MEDICAID PROGRAM, REGARDLESS OF THE LOCATION
9 OF THE DELIVERY OF CARE, SERVICES, OR GOODS, AS LONG AS THE
10 MEDICAL CARE, SERVICES, OR GOODS ARE THE TYPE FOR WHICH
11 COMPENSATION IS AUTHORIZED UNDER TITLE XIX.

12
13 (c) PROVIDERS ARE ENCOURAGED TO DELIVER MEDICAL CARE,
14 SERVICES, AND GOODS TO RECIPIENTS IN NONTRADITIONAL SETTINGS OR
15 LOCATIONS AS APPROPRIATE TO FACILITATE ACCESS TO CARE BY
16 RECIPIENTS, PARTICULARLY FOR THOSE RECIPIENTS WHO RESIDE IN
17 FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS, AS
18 DEFINED IN SECTION 25-20.5-702, C.R.S.

19
20 (5) The state board may promulgate rules to provide for the
21 implementation and administration of subsections (3), ~~and~~ (4), AND (4.5)
22 of this section.

23
24 (6) The state department shall make good faith efforts to obtain
25 a waiver ~~or waivers from~~ OF any requirements of Title XIX ~~of the social~~
26 ~~security act which~~ THAT would prohibit the implementation of
27 ~~subsections~~ SUBSECTION (3), ~~and~~ (4), OR (4.5) of this section. ~~Such~~ THE
28 STATE DEPARTMENT SHALL OBTAIN THE NECESSARY waiver ~~or waivers~~
29 ~~shall be obtained~~ from the federal department of health and human
30 services or any successor agency. If ~~such waivers are not granted~~ THE
31 FEDERAL DEPARTMENT DOES NOT GRANT THE NECESSARY WAIVER, the
32 state department shall not act to implement or administer ~~subsections~~
33 SUBSECTION (3), ~~and~~ (4), OR (4.5) of this section to the extent that Title
34 XIX prohibits ~~it~~ IMPLEMENTATION OF ANY OF THOSE SUBSECTIONS.

35
36 **SECTION 4.** 24-10-103 (4) (b), Colorado Revised Statutes, is
37 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

38
39 **24-10-103. Definitions.** As used in this article, unless the context
40 otherwise requires:

41
42 (4) (b) "Public employee" includes any of the following:

43
44 (VIII) A HEALTH CARE PRACTITIONER WHO, PURSUANT TO A
45 CONTRACT WITH A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861
46 (aa) (2) OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x
47 (aa) (2), PROVIDES HEALTH CARE SERVICES TO PATIENTS SEEKING HEALTH
48 CARE SERVICES AT THE RURAL HEALTH CLINIC, WHICH PATIENTS SHALL
49 INCLUDE RECIPIENTS OF MEDICAL ASSISTANCE, AS DEFINED IN SECTION
50 25.5-4-103, C.R.S. FOR PURPOSES OF THIS SUBPARAGRAPH (VIII), THE
51 HEALTH CARE PRACTITIONER IS A "PUBLIC EMPLOYEE" ONLY WHEN HE OR
52 SHE PROVIDES HEALTH CARE SERVICES AT THE RURAL HEALTH CLINIC.

53
54 **SECTION 5. Act subject to petition - effective date.** This act
55 shall take effect at 12:01 a.m. on the day following the expiration of the
56 ninety-day period after final adjournment of the general assembly (August

1 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part shall not take effect
5 unless approved by the people at the general election to be held in
6 November 2012 and shall take effect on the date of the official
7 declaration of the vote thereon by the governor."

8
9

10

11 **HB11-1244** be postponed indefinitely.

12

13

14

15

16 **JUDICIARY**

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

19

20 **HB11-1032** be amended as follows, and as so amended, be referred to
21 the Committee on Appropriations with favorable
22 recommendation:

23

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

26

27 "SECTION 1. 16-7-202 (1), Colorado Revised Statutes, is
28 amended to read:

29

30 **16-7-202. Presence of defendant.** (1) If the offense charged is
31 a felony or a class 1 misdemeanor or if the maximum penalty for the
32 offense charged is more than one year's imprisonment, the defendant must
33 be personally present for arraignment; except that the court, for good
34 cause shown, may accept a plea of not guilty made by an attorney
35 representing the defendant without requiring the defendant to be
36 personally present. In all prosecutions for lesser offenses, the defendant
37 may appear by his OR HER attorney who may enter a plea on his OR HER
38 behalf. IF THE DEFENDANT APPEARS PERSONALLY FOR A CHARGE THAT IS
39 NOT IN TITLE 42, C.R.S., THE COURT MAY ADVISE THE DEFENDANT OF THE
40 POSSIBILITY THAT RESTORATIVE JUSTICE PRACTICES MAY BE PART OF A
41 SENTENCE, IF AVAILABLE IN THE JURISDICTION AND REQUESTED BY THE
42 VICTIM WHO HAS BEEN INFORMED ABOUT THE RESTORATIVE JUSTICE
43 PRACTICES PURSUANT TO SECTION 24-4.1-303 (11) (g), C.R.S.

44

45 **SECTION 2.** 17-28-101, Colorado Revised Statutes, is amended
46 to read:

47

48 **17-28-101. Legislative declaration.** (1) The general assembly
49 finds and declares that:

50

51 (a) The number of victims of crime increases daily;

52

53 (b) These victims suffer undue hardship by virtue of physical,
54 MENTAL, AND EMOTIONAL injury or loss of property;

55

56 (c) Persons found guilty of causing such suffering ~~should be~~ ARE

1 under a moral and legal obligation to make adequate restitution AND
2 RESTORATION to those injured by their conduct;

3
4 (d) Restitution AND RESTORATION provided by criminal offenders
5 to their victims may be ~~an instrument~~ INSTRUMENTS of rehabilitation for
6 offenders AND MAY CONTRIBUTE TO THE HEALING AND IMPROVED
7 EMOTIONAL WELL-BEING OF THEIR VICTIMS.

8
9 (2) The purpose of this article is to encourage the establishment
10 of programs to provide for restitution to AND RESTORATION OF victims of
11 crime by offenders who are sentenced, or who have been released on
12 parole, or who are being held in local correctional and detention facilities.
13 It is the intent of the general assembly that restitution be utilized wherever
14 feasible to restore losses to the victims of crime and to aid the offender
15 in reintegration as a productive member of society. IT IS ALSO THE
16 PURPOSE OF THIS ARTICLE TO PROMOTE ESTABLISHMENT OF
17 VICTIM-OFFENDER CONFERENCES IN THE INSTITUTIONS UNDER THE
18 CONTROL OF THE DEPARTMENT OF CORRECTIONS, USING RESTORATIVE
19 JUSTICE PRACTICES AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S.

20
21 **SECTION 3.** Article 28 of title 17, Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW SECTION to read:

23
24 **17-28-103. Victim-offender conferences - pilot program.** THE
25 DEPARTMENT IS AUTHORIZED TO ESTABLISH A PILOT PROGRAM, WHEN
26 FUNDS BECOME AVAILABLE, IN ITS CORRECTIONAL FACILITIES TO
27 FACILITATE VICTIM-INITIATED VICTIM-OFFENDER CONFERENCES WHEREBY
28 A VICTIM OF A CRIME MAY REQUEST A FACILITATED CONFERENCE WITH THE
29 OFFENDER WHO COMMITTED THE CRIME, IF THE OFFENDER IS IN THE
30 CUSTODY OF THE DEPARTMENT. AFTER SUCH A PILOT PROGRAM IS
31 ESTABLISHED, THE DEPARTMENT MAY ESTABLISH POLICIES AND
32 PROCEDURES FOR THE VICTIM-OFFENDER CONFERENCES USING
33 VOLUNTEERS TO FACILITATE THE CONFERENCES. THE VOLUNTEERS SHALL
34 COMPLETE THE DEPARTMENT'S VOLUNTEER AND FACILITY-SPECIFIC
35 TRAINING PROGRAMS AND COMPLETE HIGH-RISK VICTIM-OFFENDER
36 TRAINING AND VICTIM ADVOCACY TRAINING. THE DEPARTMENT SHALL
37 NOT COMPENSATE OR REIMBURSE A VOLUNTEER OR VICTIM FOR ANY
38 EXPENSES NOR OTHERWISE INCUR ANY ADDITIONAL EXPENSES TO
39 ESTABLISH OR OPERATE THE VICTIM-OFFENDER CONFERENCES PILOT
40 PROGRAM. IF A PILOT PROGRAM IS AVAILABLE, AND SUBSEQUENT TO THE
41 VICTIM'S OR THE VICTIM REPRESENTATIVE'S REQUEST, THE DEPARTMENT
42 SHALL ARRANGE SUCH A CONFERENCE ONLY AFTER DETERMINING THAT
43 THE CONFERENCE WOULD BE SAFE AND ONLY IF THE OFFENDER AGREES TO
44 PARTICIPATE. THE PURPOSES OF THE CONFERENCE SHALL BE TO ENABLE
45 THE VICTIM TO MEET THE OFFENDER, TO OBTAIN ANSWERS TO QUESTIONS
46 ONLY THE OFFENDER CAN ANSWER, TO ASSIST THE VICTIM IN HEALING
47 FROM THE IMPACT OF THE CRIME, AND TO PROMOTE A SENSE OF REMORSE
48 AND ACCEPTANCE OF RESPONSIBILITY BY THE OFFENDER THAT MAY
49 CONTRIBUTE TO HIS OR HER REHABILITATION.

50
51 **SECTION 4.** 18-1-102 (1), Colorado Revised Statutes, is
52 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

53
54 **18-1-102. Purpose of code, statutory construction.** (1) This
55 code shall be construed in such manner as to promote maximum
56 fulfillment of its general purposes, namely:

1 (e) To PROMOTE ACCEPTANCE OF RESPONSIBILITY AND
 2 ACCOUNTABILITY BY OFFENDERS AND TO PROVIDE RESTORATION AND
 3 HEALING FOR VICTIMS AND THE COMMUNITY WHILE ATTEMPTING TO
 4 REDUCE RECIDIVISM AND THE COSTS TO SOCIETY BY THE USE OF
 5 RESTORATIVE JUSTICE PRACTICES.

6
 7 **SECTION 5.** 18-1-102.5 (1) (c) and (1) (d), Colorado Revised
 8 Statutes, are amended, and the said 18-1-102.5 (1) is further amended BY
 9 THE ADDITION OF A NEW PARAGRAPH, to read:

10
 11 **18-1-102.5. Purposes of code with respect to sentencing.**

12 (1) The purposes of this code with respect to sentencing are:

13
 14 (c) To prevent crime and promote respect for the law by providing
 15 an effective deterrent to others likely to commit similar offenses; ~~and~~

16
 17 (d) To promote rehabilitation by encouraging correctional
 18 programs that elicit the voluntary cooperation and participation of
 19 convicted offenders; AND

20
 21 (e) To PROMOTE ACCEPTANCE OF RESPONSIBILITY AND
 22 ACCOUNTABILITY BY OFFENDERS AND TO PROVIDE RESTORATION AND
 23 HEALING FOR VICTIMS AND THE COMMUNITY WHILE ATTEMPTING TO
 24 REDUCE RECIDIVISM AND THE COSTS TO SOCIETY BY THE USE OF
 25 RESTORATIVE JUSTICE PRACTICES.

26
 27 **SECTION 6.** 18-1-901 (3), Colorado Revised Statutes, is
 28 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

29
 30 **18-1-901. Definitions.** (3) (o.5) "RESTORATIVE JUSTICE
 31 PRACTICES" MEANS PRACTICES THAT EMPHASIZE REPAIRING THE HARM
 32 CAUSED TO VICTIMS AND THE COMMUNITY BY OFFENSES. RESTORATIVE
 33 JUSTICE PRACTICES INCLUDE VICTIM INITIATED VICTIM-OFFENDER
 34 CONFERENCES, FAMILY GROUP CONFERENCES, CIRCLES, COMMUNITY
 35 CONFERENCES, AND OTHER SIMILAR VICTIM-CENTERED PRACTICES.
 36 RESTORATIVE JUSTICE PRACTICES ARE FACILITATED MEETINGS ATTENDED
 37 VOLUNTARILY BY THE VICTIM OR VICTIM'S REPRESENTATIVES, THE
 38 VICTIM'S SUPPORTERS, THE OFFENDER, AND THE OFFENDER'S SUPPORTERS
 39 AND MAY INCLUDE COMMUNITY MEMBERS. BY ENGAGING THE PARTIES TO
 40 THE OFFENSE IN VOLUNTARY DIALOGUE, RESTORATIVE JUSTICE PRACTICES
 41 PROVIDE AN OPPORTUNITY FOR THE OFFENDER TO ACCEPT RESPONSIBILITY
 42 FOR THE HARM CAUSED TO THE VICTIM AND COMMUNITY, PROMOTE VICTIM
 43 HEALING, AND ENABLE THE PARTICIPANTS TO AGREE ON CONSEQUENCES
 44 TO REPAIR THE HARM, TO THE EXTENT POSSIBLE, INCLUDING BUT NOT
 45 LIMITED TO APOLOGIES, COMMUNITY SERVICE, REPARATION,
 46 RESTORATION, AND COUNSELING. RESTORATIVE JUSTICE PRACTICES MAY
 47 BE IN USED IN ADDITION TO ANY OTHER CONDITIONS, CONSEQUENCES, OR
 48 SENTENCE IMPOSED BY THE COURT.

49
 50 **SECTION 7.** 18-1.3-104 (1) (b.5) (I), Colorado Revised Statutes,
 51 is amended to read:

52
 53 **18-1.3-104. Alternatives in imposition of sentence.** (1) Within
 54 the limitations of the applicable statute pertaining to sentencing and
 55 subject to the provisions of this title, the trial court has the following
 56 alternatives in entering judgment imposing a sentence:

1 (b.5) (I) Except as otherwise provided by subparagraph (II) of this
2 paragraph (b.5), any defendant who, in the determination of the court, is
3 a candidate for an alternative sentencing option and who would otherwise
4 be sentenced to imprisonment pursuant to paragraph (b) of this subsection
5 (1) may, as an alternative, be sentenced to a specialized restitution and
6 community service program pursuant to section 18-1.3-302, WHICH MAY
7 INCLUDE RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION
8 18-1-901 (3) (o.5), if such defendant is determined eligible and is
9 accepted into such program. TO BE ELIGIBLE FOR RESTORATIVE JUSTICE
10 PRACTICES, THE DEFENDANT SHALL NOT HAVE BEEN CONVICTED OF
11 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),
12 C.R.S., A CRIME IN WHICH THE UNDERLYING FACTUAL BASIS INVOLVES
13 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), STALKING AS
14 DEFINED IN SECTION 18-3-602, OR VIOLATION OF A PROTECTION ORDER AS
15 DEFINED IN SECTION 18-6-803.5. IF THE COURT ORDERS THE DEFENDANT
16 TO ATTEND A RESTORATIVE JUSTICE PRACTICES VICTIM-OFFENDER
17 CONFERENCE, THE FACILITATOR OF THE CONFERENCE SHALL PROVIDE HIS
18 OR HER SERVICES FOR A FEE OF NO MORE THAN ONE HUNDRED
19 TWENTY-FIVE DOLLARS, BASED ON A SLIDING SCALE. ANY STATEMENTS
20 MADE DURING THE CONFERENCE SHALL BE CONFIDENTIAL AND SHALL NOT
21 BE USED AS A BASIS FOR CHARGING OR PROSECUTING THE DEFENDANT
22 UNLESS THE DEFENDANT COMMITS A CHARGEABLE OFFENSE DURING THE
23 CONFERENCE.

24

25 **SECTION 8.** 18-1.3-204 (2) (a), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

27

28 **18-1.3-204. Conditions of probation.** (2) (a) When granting
29 probation, the court may, as a condition of probation, require that the
30 defendant:

31

32 (III.5) PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES, AS
33 DEFINED IN SECTION 18-1-901 (3) (o.5), IF AVAILABLE IN THE
34 JURISDICTION, REQUESTED BY THE VICTIM WHO HAS BEEN INFORMED
35 ABOUT RESTORATIVE JUSTICE PRACTICES PURSUANT TO SECTION
36 24-4.1-303 (11) (g), C.R.S., AND THE DEFENDANT IS DETERMINED
37 SUITABLE BY A DESIGNATED RESTORATIVE JUSTICE PRACTICES
38 FACILITATOR. TO BE ELIGIBLE FOR RESTORATIVE JUSTICE PRACTICES, THE
39 DEFENDANT SHALL NOT HAVE BEEN CONVICTED OF UNLAWFUL SEXUAL
40 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S., A CRIME IN
41 WHICH THE UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE,
42 AS DEFINED IN SECTION 18-6-800.3 (1), STALKING AS DEFINED IN SECTION
43 18-3-602, OR VIOLATION OF A PROTECTION ORDER AS DEFINED IN SECTION
44 18-6-803.5. ANY STATEMENTS MADE DURING A RESTORATIVE JUSTICE
45 CONFERENCE SHALL BE CONFIDENTIAL AND SHALL NOT BE USED AS A BASIS
46 FOR CHARGING OR PROSECUTING THE DEFENDANT UNLESS THE DEFENDANT
47 COMMITS A CHARGEABLE OFFENSE DURING THE CONFERENCE. FAILURE TO
48 COMPLETE THE REQUIREMENTS ARISING FROM A RESTORATIVE JUSTICE
49 CONFERENCE MAY BE CONSIDERED A VIOLATION OF PROBATION. NOTHING
50 IN THIS SUBPARAGRAPH (III.5) SHALL BE CONSTRUED TO REQUIRE A
51 VICTIM TO PARTICIPATE IN A RESTORATIVE JUSTICE VICTIM-OFFENDER
52 CONFERENCE.

53

54 **SECTION 9.** 19-1-103 (44), Colorado Revised Statutes, is
55 amended to read:

56

1 **19-1-103. Definitions.** As used in this title or in the specified
2 portion of this title, unless the context otherwise requires:

3
4 (44) "Diversion" means a decision made by a person with
5 authority or a delegate of that person that results in specific official action
6 of the legal system not being taken in regard to a specific juvenile or child
7 and in lieu thereof providing individually designed services by a specific
8 program. The goal of diversion is to prevent further involvement of the
9 juvenile or child in the formal legal system. Diversion of a juvenile or
10 child may take place either at the prefiling level as an alternative to the
11 filing of a petition pursuant to section 19-2-512 or at the postadjudication
12 level as an adjunct to probation services following an adjudicatory
13 hearing pursuant to section 19-3-505 or a disposition as a part of
14 sentencing pursuant to section 19-2-907. "Services", as used in this
15 subsection (44), includes but is not limited to diagnostic needs
16 assessment, restitution programs, community service, job training and
17 placement, specialized tutoring, constructive recreational activities,
18 general counseling and counseling during a crisis situation, and follow-up
19 activities. Services may include restorative justice practices ~~including,~~
20 ~~where practicable, victim-offender conferences~~ AS DEFINED IN SECTION
21 18-1-901 (3) (o.5), AS REQUESTED BY THE VICTIM, AFTER BEING INFORMED
22 ABOUT RESTORATIVE JUSTICE PRACTICES PURSUANT TO SECTION
23 24-4.1-303 (11) (g), C.R.S., AND AS DEEMED SUITABLE BY THE PROBATION
24 DEPARTMENT OR A DESIGNATED RESTORATIVE JUSTICE PRACTICES
25 FACILITATOR. SUCH PRACTICES MAY INCLUDE VICTIM-OFFENDER
26 CONFERENCES, IF REQUESTED BY THE VICTIM. RESTORATIVE JUSTICE
27 PRACTICES SHALL BE CONDUCTED BY FACILITATORS RECOMMENDED BY
28 THE DISTRICT ATTORNEY.

29
30 **SECTION 10.** 19-2-512, Colorado Revised Statutes, is amended
31 to read:

32
33 **19-2-512. Petition initiation.** (1) If the district attorney
34 determines that the interests of the juvenile or of the community require
35 that further action be taken, the district attorney may file a petition in
36 delinquency on the form specified in section 19-2-513, which shall be
37 accepted by the court. If the district attorney chooses to file a petition in
38 delinquency on any juvenile who receives a detention hearing under
39 section 19-2-508, he or she shall file said petition within seventy-two
40 hours after the detention hearing, excluding Saturdays, Sundays, and legal
41 holidays. Upon filing of such petition, the court, if practicable, shall send
42 notice of the pendency of such action to the natural parents of the juvenile
43 who is the subject of such petition.

44
45 (2) IF THE PETITION IS THE FIRST JUVENILE PETITION FILED AGAINST
46 THE JUVENILE IN ANY JURISDICTION AND IS INITIATED IN A JURISDICTION
47 THAT HAS RESTORATIVE JUSTICE PRACTICES AVAILABLE, THE DISTRICT
48 ATTORNEY OR HIS OR HER DESIGNEE MAY DETERMINE WHETHER A
49 JUVENILE IS SUITABLE FOR RESTORATIVE JUSTICE PRACTICES. IN MAKING
50 A DETERMINATION OF WHETHER THE JUVENILE IS SUITABLE FOR
51 RESTORATIVE JUSTICE PRACTICES, THE DISTRICT ATTORNEY SHALL FIRST
52 DETERMINE WHETHER THE VICTIM, HAVING BEEN INFORMED ABOUT
53 RESTORATIVE JUSTICE PRACTICES PURSUANT TO SECTION 24-4.1-303 (11)
54 (g), C.R.S., IS REQUESTING CONSIDERATION OF RESTORATIVE JUSTICE
55 PRACTICES AS AN ALTERNATIVE TO FORMAL PROSECUTION. UPON SUCH
56 REQUEST, THE DISTRICT ATTORNEY SHALL CONSIDER WHETHER THE

1 JUVENILE ACCEPTS RESPONSIBILITY FOR, EXPRESSES REMORSE FOR, AND
2 IS WILLING TO REPAIR THE HARM CAUSED BY HIS OR HER ACTIONS AND
3 WHETHER THE JUVENILE'S PARENT OR LEGAL GUARDIAN IS WILLING TO
4 SUPPORT THE JUVENILE IN THE PROCESS. IF REQUESTED BY THE VICTIM,
5 RESTORATIVE JUSTICE PRACTICES MAY BE UTILIZED AS PART OF THIS
6 PROCESS. THE DISTRICT ATTORNEY MAY OFFER DISMISSAL OF CHARGES AS
7 AN OPTION FOR THE SUCCESSFUL COMPLETION OF THESE AND ANY OTHER
8 CONDITIONS IMPOSED AND DESIGNED TO ADDRESS THE HARM DONE TO THE
9 VICTIM AND THE COMMUNITY BY THE OFFENDER, SUBJECT TO APPROVAL
10 BY THE COURT.

11

12 **SECTION 11.** 19-2-706 (1), Colorado Revised Statutes, is
13 amended to read:

14

15 **19-2-706. Advisement.** (1) At the first appearance before the
16 court after the filing of a petition, the juvenile and his or her parents,
17 guardian, or other legal custodian shall be advised by the court of their
18 constitutional and legal rights as set forth in rule 3 of the Colorado rules
19 of juvenile procedure. Such advisement ~~may~~ SHALL include the
20 possibility of restorative justice practices, including victim-offender
21 conferences if applicable. THE ADVISEMENT REGARDING RESTORATIVE
22 JUSTICE PRACTICES DOES NOT ESTABLISH ANY RIGHT TO RESTORATIVE
23 JUSTICE PRACTICES ON BEHALF OF THE JUVENILE, AND FAILURE TO
24 PROVIDE AN ADVISEMENT REGARDING RESTORATIVE JUSTICE PRACTICES
25 DOES NOT CONSTITUTE ANY LEGAL ERROR BY THE COURT.

26

27 **SECTION 12.** 19-2-708 (2), Colorado Revised Statutes, is
28 amended to read:

29

30 **19-2-708. Entry of plea.** (2) Upon the entry of a plea of guilty to
31 one or more of the allegations contained in the petition, the court shall
32 advise the juvenile in accordance with rule 3 of the Colorado rules of
33 juvenile procedure. Such advisement ~~may~~ SHALL include the possibility
34 of restorative justice practices, including victim-offender conferences if
35 applicable. THE ADVISEMENT REGARDING RESTORATIVE JUSTICE
36 PRACTICES DOES NOT ESTABLISH ANY RIGHT TO RESTORATIVE JUSTICE
37 PRACTICES ON BEHALF OF THE JUVENILE, AND FAILURE TO PROVIDE AN
38 ADVISEMENT REGARDING RESTORATIVE JUSTICE PRACTICES DOES NOT
39 CONSTITUTE ANY LEGAL ERROR BY THE COURT.

40

41 **SECTION 13.** 19-2-905, Colorado Revised Statutes, is amended
42 BY THE ADDITION OF A NEW SUBSECTION to read:

43

44 **19-2-905. Presentence investigation.** (4) PRIOR TO SENTENCING
45 A JUVENILE WHO WAS ADJUDICATED FOR AN OFFENSE THAT WOULD BE A
46 FELONY OR MISDEMEANOR NOT CONTAINED IN TITLE 42, C.R.S., IF
47 COMMITTED BY AN ADULT, THE COURT, AND UPON THE REQUEST OF THE
48 VICTIM, MAY ORDER THE JUVENILE TO PARTICIPATE IN AN ASSESSMENT TO
49 DETERMINE WHETHER THE JUVENILE WOULD BE SUITABLE FOR
50 PARTICIPATION IN RESTORATIVE JUSTICE PRACTICES THAT WOULD BE A
51 PART OF THE JUVENILE'S SENTENCE; EXCEPT THAT THE COURT MAY NOT
52 ORDER PARTICIPATION IN A RESTORATIVE JUSTICE PRACTICE IF THE
53 JUVENILE WAS ADJUDICATED A DELINQUENT FOR UNLAWFUL SEXUAL
54 BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S., A CRIME IN
55 WHICH THE UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE,
56 AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., STALKING AS DEFINED IN

1 SECTION 18-3-602, C.R.S., OR VIOLATION OF A PROTECTION ORDER AS
 2 DEFINED IN SECTION 18-6-803.5, C.R.S. IF THE COURT ORDERS A
 3 SUITABILITY ASSESSMENT, THE ASSESSOR SHALL PROVIDE THE SERVICES
 4 FOR A FEE OF NO MORE THAN FORTY DOLLARS BASED ON A SLIDING SCALE.
 5 IF THE JUVENILE PARTICIPATES IN A RESTORATIVE JUSTICE PRACTICES
 6 VICTIM-OFFENDER CONFERENCE, THE FACILITATOR SHALL PROVIDE THESE
 7 SERVICES FOR A FEE OF NO MORE THAN ONE HUNDRED TWENTY-FIVE
 8 DOLLARS BASED ON A SLIDING SCALE.

9
 10 **SECTION 14.** 19-2-907 (1) (I), Colorado Revised Statutes, is
 11 amended to read:

12
 13 **19-2-907. Sentencing schedule - options.** (1) Upon completion
 14 of the sentencing hearing, pursuant to section 19-2-906, the court shall
 15 enter a decree of sentence or commitment imposing any of the following
 16 sentences or combination of sentences, as appropriate:

17
 18 (1) Participation in an evaluation to determine whether the juvenile
 19 would be suitable for restorative justice practices, that would be a part of
 20 the juvenile's sentence; except that the court may not order participation
 21 in restorative justice practices if the juvenile was adjudicated a delinquent
 22 for unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S.,
 23 or a crime in which the underlying factual basis involves domestic
 24 violence as defined in section 18-6-800.3 (1), C.R.S., STALKING AS
 25 DEFINED IN SECTION 18-3-602, C.R.S., OR VIOLATION OF A PROTECTION
 26 ORDER AS DEFINED IN SECTION 18-6-803.5, C.R.S. IF THE COURT ORDERS
 27 PARTICIPATION IN RESTORATIVE JUSTICE PRACTICES, THE FACILITATOR
 28 SHALL PROVIDE THESE SERVICES FOR A FEE OF NO MORE THAN ONE
 29 HUNDRED TWENTY-FIVE DOLLARS BASED ON A SLIDING SCALE. NOTHING
 30 IN THIS PARAGRAPH (1) SHALL BE CONSTRUED TO REQUIRE A VICTIM TO
 31 PARTICIPATE IN A RESTORATIVE JUSTICE VICTIM-OFFENDER CONFERENCE.

32
 33 **SECTION 15.** 19-2-925 (2) (I), Colorado Revised Statutes, is
 34 amended to read:

35
 36 **19-2-925. Probation - terms - release - revocation.** (2) The
 37 court shall, as minimum conditions of probation, order that the juvenile:

38
 39 (1) May be evaluated to determine whether the juvenile would be
 40 suitable for restorative justice practices that would be a part of the
 41 juvenile's probation program; except that the court may not order
 42 participation in restorative justice practices if the juvenile was adjudicated
 43 a delinquent for unlawful sexual behavior as defined in section 16-22-102
 44 (9), C.R.S., or a crime in which the underlying factual basis involves
 45 domestic violence as defined in section 18-6-800.3 (1), C.R.S., STALKING
 46 AS DEFINED IN SECTION 18-3-602, C.R.S., OR VIOLATION OF A PROTECTION
 47 ORDER AS DEFINED IN SECTION 18-6-803.5, C.R.S.

48
 49 **SECTION 16.** Article 32 of title 22, Colorado Revised Statutes,
 50 is amended BY THE ADDITION OF A NEW SECTION to read:

51
 52 **22-32-142. Restorative justice practices - legislative**
 53 **declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

54
 55 (a) CONFLICTS AND OFFENSES ARISING DURING THE SCHOOL DAY
 56 INTERRUPT LEARNING, THREATEN SCHOOL SAFETY, AND OFTEN LEAD TO

1 SUSPENSIONS, EXPULSIONS, AND AN INCREASE IN THE LIKELIHOOD OF A
2 STUDENT DROPPING OUT OF SCHOOL;

3
4 (b) STUDENTS WHO DROP OUT OF HIGH SCHOOL FACE DIMINISHED
5 JOB OPPORTUNITIES, LOWER LIFETIME EARNINGS, AND INCREASED
6 UNEMPLOYMENT AND MORE OFTEN REQUIRE PUBLIC ASSISTANCE. THEY
7 ARE MORE LIKELY TO PARTICIPATE IN CRIMINAL ACTIVITY, RESULTING IN
8 HIGHER INCARCERATION RATES, AND THEY FACE MUCH GREATER
9 CHALLENGES TO BECOMING PRODUCTIVE, CONTRIBUTING MEMBERS OF
10 THEIR COMMUNITIES.

11
12 (c) SCHOOL CONFLICTS CAN RESULT IN OFFENSES THAT VIOLATE
13 SCHOOL RULES AND LOCAL LAWS AND DAMAGE RELATIONSHIPS AMONG
14 MEMBERS OF THE SCHOOL AND SURROUNDING COMMUNITY;

15
16 (d) RESTORATIVE JUSTICE, WHICH REQUIRES THE OFFENDER TO
17 ACCEPT RESPONSIBILITY AND ACCOUNTABILITY FOR HIS OR HER ACTIONS,
18 TEACHES CONFLICT RESOLUTION, REPAIRS THE HARM FROM THE OFFENSE,
19 REDUCES CLASSROOM DISRUPTIONS, SUSPENSIONS, EXPULSIONS, AND
20 CONSEQUENT DROPOUTS, PROMOTES SCHOOL SAFETY, AND ENABLES
21 VICTIMS, OFFENDERS, AND COMMUNITY MEMBERS TO REBUILD THE
22 COMMUNITY AND RESTORE RELATIONSHIPS; AND

23
24 (e) THE GENERAL ASSEMBLY HAS A VITAL INTEREST IN REDUCING
25 CLASSROOM DISRUPTIONS, SUSPENSIONS, EXPULSIONS, AND DROPOUT
26 RATES AND IN ASSISTING VICTIMS, REDUCING REFERRALS TO THE JUSTICE
27 SYSTEM, AND BUILDING SAFER, MORE COHESIVE SCHOOL COMMUNITIES TO
28 PROMOTE LEARNING.

29
30 (2) (a) THEREFORE, THE GENERAL ASSEMBLY SUPPORTS AND
31 ENCOURAGES THE USE OF RESTORATIVE JUSTICE AS A SCHOOL'S FIRST
32 CONSIDERATION TO REMEDIATE OFFENSES SUCH AS INTERPERSONAL
33 CONFLICTS, BULLYING, VERBAL AND PHYSICAL CONFLICTS, THEFT,
34 DAMAGE TO PROPERTY, CLASS DISRUPTION, HARASSMENT AND INTERNET
35 HARASSMENT, AND ATTENDANCE ISSUES.

36
37 (b) THE GENERAL ASSEMBLY ENCOURAGES EACH SCHOOL DISTRICT
38 TO IMPLEMENT TRAINING AND EDUCATION IN THE PRINCIPLES AND
39 PRACTICES OF RESTORATIVE JUSTICE TO ENSURE THAT CAPABLE
40 PERSONNEL AND RESOURCES ARE AVAILABLE TO SUCCESSFULLY
41 FACILITATE ALL STEPS OF THE RESTORATIVE JUSTICE PROCESS.

42
43 (3) FOR PURPOSES OF THIS SECTION, "RESTORATIVE JUSTICE"
44 MEANS PRACTICES THAT EMPHASIZE REPAIRING THE HARM TO THE VICTIM
45 AND THE SCHOOL COMMUNITY CAUSED BY A STUDENT'S MISCONDUCT.
46 RESTORATIVE JUSTICE PRACTICES MAY INCLUDE VICTIM-INITIATED
47 VICTIM-OFFENDER CONFERENCES ATTENDED VOLUNTARILY BY THE
48 VICTIM, A VICTIM ADVOCATE, THE OFFENDER, SCHOOL MEMBERS, AND
49 SUPPORTERS OF THE VICTIM AND THE OFFENDER, WHICH PROGRAM
50 PROVIDES AN OPPORTUNITY FOR THE OFFENDER TO ACCEPT
51 RESPONSIBILITY FOR THE HARM CAUSED TO THOSE AFFECTED BY THE ACT
52 AND TO PARTICIPATE IN SETTING CONSEQUENCES TO REPAIR THE HARM.
53 CONSEQUENCES RECOMMENDED BY THE PARTICIPANTS MAY INCLUDE, BUT
54 NEED NOT BE LIMITED TO, APOLOGIES, COMMUNITY SERVICE, RESTITUTION,
55 RESTORATION, AND COUNSELING. THE SELECTED CONSEQUENCES SHALL
56 BE INCORPORATED INTO AN AGREEMENT THAT SETS TIME LIMITS FOR

1 COMPLETION OF THE CONSEQUENCES AND IS SIGNED BY ALL PARTICIPANTS.

2

3 (4) EACH SCHOOL DISTRICT IS ENCOURAGED TO DEVELOP AND
4 UTILIZE RESTORATIVE JUSTICE PRACTICES THAT ARE PART OF THE
5 DISCIPLINARY PROGRAM OF EACH SCHOOL IN THE DISTRICT.

6

7 **SECTION 17.** Part 5 of article 30.5 of title 22, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
9 read:

10

11 **22-30.5-520. Restorative justice practices.** THE STATE CHARTER
12 SCHOOL INSTITUTE IS ENCOURAGED TO DEVELOP AND UTILIZE
13 RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION 22-32-142 (3),
14 THAT ARE PART OF THE DISCIPLINARY PROGRAM OF EACH INSTITUTE
15 CHARTER SCHOOL.

16

17 **SECTION 18.** 24-4.1-302.5 (1), Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19

20 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
21 preserve and protect a victim's rights to justice and due process, each
22 victim of a crime shall have the following rights:

23

24 (1.5) THE RIGHT TO BE INFORMED ABOUT THE POSSIBILITY OF
25 RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION 18-1-901 (3)
26 (o.5), C.R.S.

27

28 **SECTION 19.** 24-4.1-303 (11) (e) and (11) (f), Colorado Revised
29 Statutes, are amended, and the said 24-4.1-303 (11) is further amended
30 BY THE ADDITION OF A NEW PARAGRAPH, to read:

31

32 **24-4.1-303. Procedures for ensuring rights of victims of**
33 **crimes.** (11) The district attorney shall inform a victim of the following:

34

35 (e) The availability of benefits pursuant to this article and the
36 name, address, and telephone number of any person to contact to obtain
37 such benefits; and

38

39 (f) The availability of transportation to and from any court
40 proceeding for any victim, except as provided in section 24-4.1-302.5 (2);
41 AND

42

43 (g) THE AVAILABILITY OF RESTORATIVE JUSTICE PRACTICES, AS
44 DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S.

45

46 **SECTION 20. Act subject to petition - effective date.** This act
47 shall take effect at 12:01 a.m. on the day following the expiration of the
48 ninety-day period after final adjournment of the general assembly (August
49 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
50 referendum petition is filed pursuant to section 1 (3) of article V of the
51 state constitution against this act or an item, section, or part of this act
52 within such period, then the act, item, section, or part shall not take effect
53 unless approved by the people at the general election to be held in
54 November 2012 and shall take effect on the date of the official
55 declaration of the vote thereon by the governor."

56

1 **HB11-1092** be postponed indefinitely.

2

3

4 **HB11-1167** be referred to the Committee of the Whole with favorable
5 recommendation.

6

7

8 **HB11-1180** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11

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

14

15 "SECTION 1. 18-1-102.5 (1) (c) and (1) (d), Colorado Revised
16 Statutes, are amended, and the said 18-1-102.5 (1) is further amended BY
17 THE ADDITION OF A NEW PARAGRAPH, to read:

18

19 **18-1-102.5. Purposes of code with respect to sentencing.**

20 (1) The purposes of this code with respect to sentencing are:

21

22 (c) To prevent crime and promote respect for the law by providing
23 an effective deterrent to others likely to commit similar offenses; ~~and~~

24

25 (d) To promote rehabilitation by encouraging correctional
26 programs that elicit the voluntary cooperation and participation of
27 convicted offenders; AND

28

29 (e) TO SELECT A SENTENCE ALTERNATIVE, A SENTENCE LENGTH,
30 AND A LEVEL OF SUPERVISION THAT ADDRESSES THE OFFENDER'S
31 INDIVIDUAL CHARACTERISTICS AND REDUCES THE POTENTIAL THAT THE
32 OFFENDER WILL ENGAGE IN CRIMINAL CONDUCT AFTER COMPLETING HIS
33 OR HER SENTENCE.

34

35 **SECTION 2.** 16-11-102, Colorado Revised Statutes, is amended
36 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
37 read:

38

39 **16-11-102. Presentence or probation investigation.** (1.9) EACH
40 PRESENTENCE REPORT SHALL ALSO:

41

42 (a) INCLUDE THE RESULTS OF AN ACTUARIAL ASSESSMENT OF THE
43 OFFENDER'S CRIMINOLOGICAL RISKS AND NEEDS;

44

45 (b) PROVIDE AN ANALYSIS OF WHICH SENTENCING OPTION IS MOST
46 LIKELY TO REDUCE THE LIKELIHOOD OF THE OFFENDER COMMITTING
47 FUTURE CRIMINAL ACTS, BASED ON THE RESULTS OF THE RISK-NEEDS
48 ASSESSMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.9);

49

50 (c) PROVIDE SUFFICIENT DATA TO ALLOW THE COURT TO
51 DETERMINE:

52

53 (I) WHETHER THE OFFENDER IS A SUITABLE CANDIDATE FOR
54 TREATMENT, SUPERVISION, OR OTHER CONTAINMENT OPTIONS THAT DO
55 NOT ENTAIL INCARCERATION, OR FOR ANY COMBINATION OF SUCH
56 CONTAINMENT OPTIONS, WHICH DETERMINATION SHALL BE MADE BASED

1 UPON ANY SCREENING RESULTS; AND

2

3 (II) THE FORM AND APPROPRIATE CONDITIONS OF PROBATION TO
4 IMPOSE IF PROBATION IS AN APPROPRIATE COMPONENT OF THE OFFENDER'S
5 SENTENCE; AND

6

7 (d) DESCRIBE THE RATES OF RECIDIVISM AND PROJECTED COSTS,
8 IF KNOWN, THAT ARE ASSOCIATED WITH EACH SENTENCING OPTION THAT
9 IS AVAILABLE TO THE COURT.

10

11 (5.5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEFORE
12 SENTENCING AN OFFENDER TO A PERIOD OF INCARCERATION, THE COURT
13 SHALL REVIEW THE PURPOSES OF SENTENCING DESCRIBED IN SECTION
14 18-1-102.5, C.R.S., AND DETERMINE WHICH SENTENCING OPTION WILL
15 BEST ACHIEVE SUCH PURPOSES. THIS DETERMINATION NEED NOT BE
16 INCLUDED IN THE COURT RECORD. THIS DETERMINATION SHALL NOT BE
17 USED AS THE BASIS FOR CHALLENGING ANY SENTENCE ISSUED BY A COURT.

18

19 **SECTION 3. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part shall not take effect
26 unless approved by the people at the general election to be held in
27 November 2012 and shall take effect on the date of the official
28 declaration of the vote thereon by the governor."

29

30

31

32 **HB11-1205** 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 2, line 12, after "WHO" insert "IS AT LEAST
37 TWENTY-ONE YEARS OF AGE AND".

38

39 Page 3, line 8, after "PERSON" insert "IS AT LEAST TWENTY-ONE YEARS OF
40 AGE AND".

41

42

43

44 **HB11-1225** be postponed indefinitely.

45

46

47 **HB11-1239** be referred to the Committee of the Whole with favorable
48 recommendation.

49

50

51

52

53

54

55

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4
5 **HB11-1080** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Strike the House State, Veterans, and Military Affairs Committee Report,
10 dated January 27, 2011.

11
12 Amend printed bill, strike everything below the enacting clause and
13 substitute:

14
15 **"SECTION 1. Repeal.** Part 2 of article 21 of title 24, Colorado
16 Revised Statutes, is repealed.

17
18 **SECTION 2.** Article 30 of title 24, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW PART CONTAINING
20 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

21
22 **PART 21**
23 **ADDRESS CONFIDENTIALITY PROGRAM**

24
25 **24-30-2101. [Formerly 24-21-201] Short title.** This ~~part 2~~ PART
26 21 shall be known and may be cited as the "Address Confidentiality
27 Program Act".

28
29 **24-30-2102. [Formerly 24-21-202] Legislative declaration.**
30 (1) The general assembly hereby finds and declares that a person
31 attempting to escape from actual or threatened domestic violence, a
32 sexual offense, or stalking frequently moves to a new address in order to
33 prevent an assailant or potential assailant from finding him or her. This
34 new address, however, is only useful if an assailant or potential assailant
35 does not discover it. Therefore, in order to help victims of domestic
36 violence, a sexual offense, or stalking, it is the intent of the general
37 assembly to establish an address confidentiality program, whereby the
38 confidentiality of a victim's address may be maintained through, among
39 other things, the use of a substitute address for purposes of public records
40 and confidential mail forwarding.

41
42 (2) The general assembly further finds and declares that the
43 desired result of the "Address Confidentiality Program Act" for the
44 purpose of post-enactment review is to establish a substitute address for
45 a program participant that is used by state and local government agencies
46 whenever possible; to permit agencies to have access to the participant's
47 actual address when appropriate; to establish a mail forwarding system
48 for program participants; and to ensure that there is adequate funding to
49 pay the program costs for all persons who apply to the program.

50
51 **24-30-2103. [Formerly 24-21-203] Definitions.** As used in this
52 ~~part 2~~ PART 21, unless the context otherwise requires:

53
54 (1) "Actual address" means a residential, work, or school address
55 as specified on the individual's application to be a program participant
56 under this ~~part 2~~ PART 21, and includes the county and voting precinct

1 number.

2

3 (2) "Address confidentiality program" or "program" means the
4 program created under this ~~part 2~~ PART 21 in the ~~office of the secretary of~~
5 ~~state~~ DEPARTMENT to protect the confidentiality of the actual address of
6 a relocated victim of domestic violence, a sexual offense, or stalking.

7

8 (3) "Applicant" means an individual identified as such in an
9 application received by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS
10 OR HER DESIGNEE pursuant to ~~section 24-21-205~~ SECTION 24-30-2105.

11

12 ~~(4) (Deleted by amendment, L. 2008, p. 1815, § 2, effective June~~
13 ~~2, 2008.)~~

14

15 ~~(5)~~ (4) "Application assistant" means a person designated by the
16 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to assist
17 an applicant in the preparation of an application to participate in the
18 address confidentiality program.

19

20 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL
21 CREATED IN SECTION 24-1-128.

22

23 (6) "Domestic violence" means an act described in section
24 18-6-800.3 (1), C.R.S.

25

26 (7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
27 THE DEPARTMENT.

28

29 ~~(7)~~ (8) "Person" means any individual, corporation, limited
30 liability company, partnership, trust, estate, or other association or any
31 state, the United States, or any subdivision thereof.

32

33 ~~(8)~~ (9) "Program participant" or "participant" means an individual
34 accepted into the address confidentiality program in accordance with this
35 ~~part 2~~ PART 21.

36

37 ~~(9)~~ (10) "Public record" means all documents, papers, letters,
38 maps, books, photographs, films, sound recordings, magnetic or other
39 tapes, digital data, artifacts, or other documentary material, regardless of
40 physical form or characteristics, made or received pursuant to law or
41 ordinance in connection with the transaction of public business by a state
42 or local government agency.

43

44 ~~(10)~~ (11) "Sexual offense" means an act described in part 4 of
45 article 3, or article 6 or 7 of title 18, C.R.S.

46

47 ~~(11)~~ (12) "State or local government agency" or "agency" means
48 every elected or appointed state or local public office, public officer, or
49 official; board, commission, bureau, committee, council, department,
50 authority, agency, institution of higher education, or other unit of the
51 executive, legislative, or judicial branch of the state; or any city, county,
52 city and county, town, special district, school district, local improvement
53 district, or any other kind of municipal, quasi-municipal, or public
54 corporation.

55

56 ~~(12)~~ (13) "Stalking" means an act of harassment as described in

1 section 18-9-111, C.R.S., or stalking as described in section 18-3-602,
2 C.R.S.

3

4 ~~(13)~~ (14) "Substitute address" means an address designated by the
5 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE under the
6 address confidentiality program that is used instead of an actual address
7 as set forth in this ~~part 2~~ PART 21.

8

9 **24-30-2104. [Formerly 24-21-204] Address confidentiality**
10 **program - creation - substitute address - uses - service by mail -**
11 **application assistance centers.** (1) There is hereby created the address
12 confidentiality program in the ~~office of the secretary of state~~
13 DEPARTMENT to protect the confidentiality of the actual address of a
14 relocated victim of domestic violence, a sexual offense, or stalking and
15 to prevent the victim's assailants or potential assailants from finding the
16 victim through public records. Under the program, the ~~secretary of state~~
17 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall:

18

19 (a) Designate a substitute address for a program participant that
20 shall be used by state and local government agencies as set forth in this
21 ~~part 2~~ PART 21; and

22

23 (b) Receive mail sent to a program participant at a substitute
24 address and forward the mail to the participant as set forth in ~~subsection~~
25 ~~(3)~~ SUBSECTION (2) of this section.

26

27 ~~(2) (Deleted by amendment, L. 2008, p. 1816, § 3, effective June~~
28 ~~2, 2008.)~~

29

30 ~~(3)~~ (2) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
31 DESIGNEE shall receive first-class, certified, or registered mail on behalf
32 of a program participant and forward the mail to the participant for no
33 charge. The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
34 DESIGNEE may arrange to receive and forward other classes or kinds of
35 mail at the participant's expense. NEITHER the ~~secretary of state~~
36 EXECUTIVE DIRECTOR NOR HIS OR HER DESIGNEE shall ~~not~~ be required to
37 track or otherwise maintain records of any mail received on behalf of a
38 participant unless the mail is certified or registered mail.

39

40 ~~(4)~~ (a) (3) (a) Notwithstanding any provision of law to the
41 contrary, a program participant may be served by registered mail or by
42 certified mail, return receipt requested, addressed to the participant at his
43 or her substitute address with any process, notice, or demand required or
44 permitted by law to be served on the program participant. Service is
45 perfected under this ~~subsection (4)~~ SUBSECTION (3) at the earliest of:

46

47 (I) The date the program participant receives the process, notice,
48 or demand; or

49

50 (II) Five days after the date shown on the return receipt if signed
51 on behalf of the program participant.

52

53 (b) This ~~subsection (4)~~ SUBSECTION (3) does not prescribe the only
54 means, or necessarily the required means, of serving a program
55 participant in the state.

56

1 (c) Whenever the laws of the state provide a program participant
2 a legal right to act within a prescribed period of ten days or less after the
3 service of a notice or other paper upon the participant and the notice or
4 paper is served upon the participant by mail pursuant to this subsection
5 ~~(4)~~ SUBSECTION (3) or by first-class mail as otherwise authorized by law,
6 five days shall be added to the prescribed period.

7
8 ~~(5)~~ (4) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
9 DESIGNEE may designate as an application assistant any person who:

10
11 (a) Provides counseling, referral, or other services to victims of
12 domestic violence, a sexual offense, or stalking; and

13
14 (b) Completes any training and registration process required by
15 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.

16
17 ~~(6)~~ (5) Any assistance and counseling rendered by the ~~secretary of~~
18 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE or an application
19 assistant to an applicant related to this ~~part 2~~ PART 21 shall in no way be
20 construed as legal advice.

21
22 **24-30-2105. [Formerly 24-21-205] Filing and certification of**
23 **applications - authorization card.** (1) On and after July 1, 2008, ~~or an~~
24 ~~earlier date if so designated by the secretary of state,~~ upon the
25 recommendation of an application assistant, an individual may apply to
26 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to
27 participate in the address confidentiality program. The following
28 individuals may apply to the ~~secretary of state~~ EXECUTIVE DIRECTOR OR
29 HIS OR HER DESIGNEE to have an address designated by the ~~secretary of~~
30 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to serve as the
31 substitute address of the individual and any individuals designated in
32 paragraph (j) of subsection (3) of this section:

33
34 (a) An adult individual;

35
36 (b) A parent or guardian acting on behalf of a minor when the
37 minor resides with the individual; or

38
39 (c) A guardian acting on behalf of an incapacitated individual.

40
41 (2) An application assistant shall assist the individual in the
42 preparation of the application. The application shall be dated, signed, and
43 verified by the applicant and shall be signed and dated by the application
44 assistant who assisted in the preparation of the application. The signature
45 of the application assistant shall serve as the recommendation by such
46 person that the applicant have an address designated by the ~~secretary of~~
47 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to serve as the
48 substitute address of the applicant. A minor or incapacitated individual
49 on whose behalf a parent or guardian completes an application pursuant
50 to the authority set forth in paragraph (b) or (c) of subsection (1) of this
51 section shall be considered the applicant, but any statements that are
52 required to be made by the applicant shall be made by the parent or
53 guardian acting on behalf of the minor or incapacitated individual.

54
55 (3) The application shall be on a form prescribed by the ~~secretary~~
56 ~~of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE and shall contain

1 all of the following:

2

3 (a) The applicant's name;

4

5 (b) A statement by the applicant that the applicant is a victim of
6 domestic violence, a sexual offense, or stalking and that the applicant
7 fears for his or her safety;

8

9 (c) Evidence that the applicant is a victim of domestic violence,
10 a sexual offense, or stalking. This evidence may include any of the
11 following:

12

13 (I) Law enforcement, court, or other state or local government
14 agency or federal agency records or files;

15

16 (II) Documentation from a domestic violence program or facility,
17 including but not limited to a battered women's shelter or safe house, if
18 the applicant is alleged to be a victim of domestic violence;

19

20 (III) Documentation from a sexual assault program if the applicant
21 is alleged to be a victim of a sexual offense; or

22

23 (IV) Documentation from a religious, medical, or other
24 professional from whom the applicant has sought assistance in dealing
25 with the alleged domestic violence, sexual offense, or stalking.

26

27 (d) A statement by the applicant that disclosure of the applicant's
28 actual address would endanger the applicant's safety;

29

30 (e) A statement by the applicant that the applicant has
31 confidentially relocated in the past ninety days or will confidentially
32 relocate in the state;

33

34 (f) A designation of the ~~secretary of state~~ EXECUTIVE DIRECTOR OR
35 HIS OR HER DESIGNEE as an agent for the applicant for purposes of
36 receiving certain mail;

37

38 (g) The mailing address and telephone number where the
39 applicant can be contacted by the ~~secretary of state~~ EXECUTIVE DIRECTOR
40 OR HIS OR HER DESIGNEE;

41

42 (h) The actual address that the applicant requests not to be
43 disclosed by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
44 DESIGNEE that directly relates to the increased risk of domestic violence,
45 a sexual offense, or stalking;

46

47 (i) A statement as to whether there is any existing court order or
48 court action involving the applicant or an individual identified in
49 paragraph (j) of this subsection (3) related to dissolution of marriage
50 proceedings, child support, or the allocation of parental responsibilities
51 or parenting time and the court that issued the order or has jurisdiction
52 over the action;

53

54 (j) The name of any person who resides with the applicant who
55 also needs to be a program participant in order to ensure the safety of the
56 applicant and, if the person named in the application is eighteen years of

1 age or older, the consent of such person to be a program participant;

2
3 (k) A statement by the applicant, under penalty of perjury, that to
4 the best of the applicant's knowledge, the information contained in the
5 application is true.

6
7 (4) Upon determining that an application has been properly
8 completed, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
9 DESIGNEE shall certify the applicant and any individual who is identified
10 in paragraph (j) of subsection (3) of this section as a program participant.
11 Upon certification, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR
12 HER DESIGNEE shall issue to the participant an address confidentiality
13 program authorization card, which shall include the participant's
14 substitute address. The card shall remain valid for so long as the
15 participant remains certified under the program.

16
17 (5) Applicants and individuals identified in paragraph (j) of
18 subsection (3) of this section shall be certified for four years following
19 the date of filing unless the certification is withdrawn or canceled prior
20 to the end of the four-year period. A program participant may withdraw
21 the certification by filing a request for withdrawal acknowledged before
22 a notary public. A certification may be renewed by filing a renewal
23 application with the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR
24 HER DESIGNEE at least thirty days prior to expiration of the current
25 certification. The renewal application shall be dated, signed, and verified
26 by the applicant. ~~and shall be signed and dated by the application~~
27 ~~assistant who assisted in the preparation of the renewal application.~~ The
28 renewal application shall contain:

29
30 (a) Any statement or information that is required by subsection (3)
31 of this section that has changed from the original application or a prior
32 renewal application; and

33
34 (b) A statement by the applicant, under penalty of perjury, that to
35 the best of the applicant's knowledge, the information contained in the
36 renewal application and a prior application is true.

37
38 **24-30-2106. [Formerly 24-21-206] Change of name, address,**
39 **or telephone number.** (1) A program participant shall notify the
40 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE within
41 thirty days after the participant has obtained a legal name change by
42 providing the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
43 DESIGNEE a certified copy of any judgment or order evidencing the
44 change or any other documentation the ~~secretary of state~~ EXECUTIVE
45 DIRECTOR OR HIS OR HER DESIGNEE deems to be sufficient evidence of the
46 name change.

47
48 (2) A program participant shall notify the ~~secretary of state~~
49 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE of a change in address or
50 telephone number from the address or telephone number listed for the
51 participant on the application pursuant to the requirements set forth in
52 ~~section 24-21-205 (3) (g) and (3) (h)~~ SECTION 24-30-2105 (3) (g) AND (3)
53 (h) no later than seven days after the change occurs.

54
55 **24-30-2107. [Formerly 24-21-207] Certification cancellation**
56 **- records.** (1) The certification of a program participant shall be

1 cancelled under any of the following circumstances:
2

3 (a) The program participant files a request for withdrawal of the
4 certification pursuant to ~~section 24-21-205 (5)~~ SECTION 24-30-2105 (5).
5

6 (b) The program participant fails to notify the ~~secretary of state~~
7 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE of a change in the
8 participant's name, address, or telephone number listed on the application
9 pursuant to ~~section 24-21-206~~ SECTION 24-30-2106.
10

11 (c) The program participant or parent or guardian who completes
12 an application on behalf of an applicant knowingly submitted false
13 information in the program application.
14

15 (d) Mail forwarded to the program participant by the ~~secretary of~~
16 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is returned as
17 undeliverable.
18

19 (2) If the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
20 DESIGNEE determines that there is one or more grounds for cancelling
21 certification of a program participant pursuant to subsection (1) of this
22 section, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
23 DESIGNEE shall send notice of cancellation to the program participant.
24 Notice of cancellation shall set out the reasons for cancellation. The
25 participant shall have thirty days to appeal the cancellation decision under
26 procedures developed by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR
27 HIS OR HER DESIGNEE.
28

29 (3) An individual who ceases to be a program participant is
30 responsible for notifying persons who use the substitute address that the
31 designated substitute address is no longer valid.
32

33 **24-30-2108. [Formerly 24-21-208] Address use by state or**
34 **local government agencies.** (1) The program participant, and not the
35 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE, is
36 responsible for requesting that a state or local government agency use the
37 participant's substitute address as the participant's residential, work, or
38 school address for all purposes for which the agency requires or requests
39 such residential, work, or school address.
40

41 (2) Except as otherwise provided in this section or unless the
42 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE grants a
43 state or local government agency's request for a disclosure pursuant to
44 ~~section 24-21-210~~ SECTION 24-30-2110, when a program participant
45 submits a current and valid address confidentiality program authorization
46 card to the agency, the agency shall accept the substitute address
47 designation by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
48 DESIGNEE on the card as the participant's address to be used as the
49 participant's residential, work, or school address when creating a new
50 public record. The substitute address given to the agency shall be the last
51 known address for the participant used by the agency until such time that
52 the agency receives notification pursuant to ~~section 24-21-207 (3)~~
53 SECTION 24-30-2107 (3). The agency may make a photocopy of the card
54 for the records of the agency and thereafter shall immediately return the
55 card to the program participant.
56

- 1 (3)(a) A designated election official as defined in section 1-1-104
2 (8), C.R.S., shall use the actual address of a program participant for
3 precinct designation and all official election-related purposes and shall
4 keep the participant's actual address confidential from the public. The
5 election official shall use the substitute address for all correspondence
6 and mailings placed in the United States mail. The substitute address
7 shall not be used as an address for voter registration.
8
- 9 (b) A state or local government agency's access to a program
10 participant's voter registration shall be governed by the disclosure process
11 set forth in ~~section 24-21-210~~ SECTION 24-30-2110.
12
- 13 (c) The provisions of this subsection (3) shall apply only to a
14 program participant who submits a current and valid address
15 confidentiality program authorization card when registering to vote.
16
- 17 (d) The provisions of this subsection (3) shall not apply to a
18 program participant who registers to vote pursuant to section 1-2-213,
19 C.R.S.
20
- 21 (4) A program participant who completes an application to
22 register to vote at a driver's license examination facility while receiving
23 a driver's license or an identification card pursuant to section 1-2-213,
24 C.R.S., shall be required to have the participant's actual address on the
25 driver's license or identification card.
26
- 27 (5) The substitute address shall not be used for purposes of listing,
28 appraising, or assessing property taxes and collecting property taxes under
29 the provisions of title 39, C.R.S.
30
- 31 (6) Whenever a program participant is required by law to swear
32 or affirm to the participant's address, the participant may use his or her
33 substitute address.
34
- 35 (7) The substitute address shall not be used for purposes of
36 assessing any taxes or fees on a motor vehicle or for titling or registering
37 a motor vehicle. Notwithstanding any provision of section 24-72-204 (7)
38 to the contrary, any record that includes a program participant's actual
39 address pursuant to this subsection (7) shall be confidential and not
40 available for inspection by anyone other than the program participant.
41
- 42 (8) The substitute address shall not be used on any document
43 related to real property recorded with a county clerk and recorder.
44
- 45 (8.5) Repealed.
46
- 47 (9) A school district shall accept the substitute address as the
48 address of record and shall verify student enrollment eligibility through
49 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE. The
50 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall
51 facilitate the transfer of student records from one school to another.
52
- 53 (10) Except as otherwise provided in this section, a program
54 participant's actual address and telephone number maintained by a state
55 or local government agency or disclosed by the ~~secretary of state~~
56 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is not a public record that

1 is subject to inspection pursuant to the provisions of part 2 of article 72
2 of title 24. This subsection (10) shall not apply to the following:

3
4 (a) To any public record created more than ninety days prior to the
5 date that the program participant applied to be certified in the program;
6 or

7
8 (b) If a program participant voluntarily requests that a state or
9 local government agency use the participant's actual address or
10 voluntarily gives the actual address to the state or local government
11 agency.

12
13 (11) For any public record created within ninety days prior to the
14 date that a program participant applied to be certified in the program, a
15 state or local government agency shall redact the actual address from a
16 public record or change the actual address to the substitute address in the
17 public record, if a program participant who presents a current and valid
18 program authorization card requests the agency that maintains the public
19 record to use the substitute address instead of the actual address on the
20 public record.

21
22 **24-30-2109. [Formerly 24-21-209] Disclosure of actual**
23 **address prohibited.** (1) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR
24 HIS OR HER DESIGNEE is prohibited from disclosing any address or
25 telephone number of a program participant other than the substitute
26 address designated by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS
27 OR HER DESIGNEE, except under any of the following circumstances:

28
29 (a) The information is required by direction of a court order.
30 However, any person to whom a program participant's address or
31 telephone number has been disclosed shall not disclose the address or
32 telephone number to any other person unless permitted to do so by order
33 of the court.

34
35 (b) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
36 DESIGNEE grants a request by an agency pursuant to ~~section 24-21-210~~
37 SECTION 24-30-2110.

38
39 (c) The program participant is required to disclose the participant's
40 actual address as part of a registration required by the "Colorado Sex
41 Offender Registration Act", article 22 of title 16, C.R.S.

42
43 (2) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
44 DESIGNEE shall provide immediate notification of disclosure to a program
45 participant when disclosure is made pursuant to paragraph (a) or (b) of
46 subsection (1) of this section.

47
48 (3) If, at the time of application, an applicant or an individual
49 designated in ~~section 24-21-205 (3) (j)~~ SECTION 24-30-2105 (3) (j) is
50 subject to a court order related to dissolution of marriage proceedings,
51 child support, or the allocation of parental responsibilities or parenting
52 time, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE
53 shall notify the court that issued the order of the certification of the
54 program participant in the address confidentiality program and the
55 substitute address designated by the ~~secretary of state~~ EXECUTIVE
56 DIRECTOR OR HIS OR HER DESIGNEE. If, at the time of application, an

1 applicant or an individual designated in ~~section 24-21-205 (3) (j)~~ SECTION
2 24-30-2105 (3) (j) is involved in a court action related to dissolution of
3 marriage proceedings, child support, or the allocation of parental
4 responsibilities or parenting time, the ~~secretary of state~~ EXECUTIVE
5 DIRECTOR OR HIS OR HER DESIGNEE shall notify the court having
6 jurisdiction over the action of the certification of the applicant in the
7 address confidentiality program and the substitute address designated by
8 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.
9

10 (4) No person shall knowingly and intentionally obtain a program
11 participant's actual address or telephone number from the ~~secretary of~~
12 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE or an agency
13 knowing that the person is not authorized to obtain the address
14 information.
15

16 (5) No employee of the ~~secretary of state~~ EXECUTIVE DIRECTOR OR
17 HIS OR HER DESIGNEE or OF an agency shall knowingly and intentionally
18 disclose a program participant's actual address or telephone number
19 unless the disclosure is permissible by law. This subsection (5) only
20 applies when an employee obtains a participant's actual address or
21 telephone number during the course of the employee's official duties and,
22 at the time of disclosure, the employee has specific knowledge that the
23 actual address or telephone number disclosed belongs to a participant.
24

25 (6) Any person who knowingly and intentionally obtains or
26 discloses information in violation of this ~~part 2~~ PART 21 shall be guilty of
27 a class 1 misdemeanor and shall be punished as provided in section
28 18-1.3-501, C.R.S.
29

30 **24-30-2110. [Formerly 24-21-210] Request for disclosure.**

31 (1) A state or local government agency requesting disclosure of a
32 program participant's actual address pursuant to this section shall make
33 such a request in writing on agency letterhead and shall provide the
34 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE with the
35 following information:
36

37 (a) The name of the program participant for whom the agency
38 seeks disclosure of the actual address;
39

40 (b) A statement, with explanation, setting forth the reason or
41 reasons that the agency needs the program participant's actual address and
42 a statement that the agency cannot meet its statutory or administrative
43 obligations without disclosure of the participant's actual address;
44

45 (c) A particular statement of facts showing that other methods to
46 locate the program participant or the participant's actual address have
47 been tried and have failed or that the methods reasonably appear to be
48 unlikely to succeed;
49

50 (d) A statement that the agency has adopted a procedure setting
51 forth the steps the agency will take to protect the confidentiality of the
52 program participant's actual address; and
53

54 (e) Any other information as the ~~secretary of state~~ EXECUTIVE
55 DIRECTOR OR HIS OR HER DESIGNEE may reasonably request in order to
56 identify the program participant in the records of the ~~secretary of state~~

1 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.

2

3 (2) (a) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
4 DESIGNEE shall provide the program participant with notice of a request
5 for disclosure received pursuant to subsection (1) of this section, and, to
6 the extent possible, the participant shall be afforded an opportunity to be
7 heard regarding the request.

8

9 (b) Except as otherwise provided in paragraph (c) of this
10 subsection (2), the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
11 DESIGNEE shall provide the program participant with written notification
12 whenever a request for a disclosure has been granted or denied pursuant
13 to this section.

14

15 (c) No notice or opportunity to be heard shall be given to the
16 program participant when the request for disclosure is made by a state or
17 local law enforcement agency conducting a criminal investigation
18 involving alleged criminal conduct by the participant or when providing
19 notice to the participant would jeopardize an ongoing criminal
20 investigation or the safety of law enforcement personnel.

21

22 (3) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
23 DESIGNEE shall promptly conduct a review of all requests received
24 pursuant to this section. In conducting a review, the ~~secretary of state~~
25 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall consider all
26 information received pursuant to subsections (1) and (2) of this section
27 and any other appropriate information that the ~~secretary of state~~
28 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE may require.

29

30 (4) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
31 DESIGNEE shall grant a state or local government agency's request for
32 disclosure and disclose a program participant's actual address pursuant to
33 this section if:

34

35 (a) The agency has a bona fide statutory or administrative need for
36 the actual address.

37

38 (b) The actual address will only be used for the purpose stated in
39 the request.

40

41 (c) Other methods to locate the program participant or the
42 participant's actual address have been tried and have failed or such
43 methods reasonably appear to be unlikely to succeed.

44

45 (d) The agency has adopted a procedure for protecting the
46 confidentiality of the actual address of the program participant.

47

48 (5) Upon granting a request for disclosure pursuant to this section,
49 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall
50 provide the state or local government agency with the disclosure that
51 contains:

52

53 (a) The program participant's actual address;

54

55 (b) A statement setting forth the permitted use of the actual
56 address and the names or classes of persons permitted to have access to

1 and use of the actual address;

2

3 (c) A statement that the agency is required to limit access to and
4 use of the actual address to the permitted use and persons set forth in the
5 disclosure; and

6

7 (d) The date on which the permitted use expires, if expiration is
8 appropriate, after which the agency may no longer maintain, use, or have
9 access to the actual address.

10

11 (6) A state or local government agency whose request is granted
12 by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE
13 pursuant to this section shall:

14

15 (a) Limit the use of the program participant's actual address to the
16 purposes set forth in the disclosure;

17

18 (b) Limit the access to the program participant's actual address to
19 the persons or classes of persons set forth in the disclosure;

20

21 (c) Cease to use and dispose of the program participant's actual
22 address upon the expiration of the permitted use, if applicable; and

23

24 (d) Except as otherwise set forth in the disclosure, maintain the
25 confidentiality of a program participant's actual address.

26

27 (7) Upon denial of a state or local government agency's request for
28 disclosure, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
29 DESIGNEE shall provide prompt written notification to the agency stating
30 that the agency's request has been denied and setting forth the specific
31 reasons for the denial.

32

33 (8) A state or local government agency may file written
34 exceptions with the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
35 DESIGNEE no more than fifteen days after written notification is provided
36 pursuant to subsection (7) of this section. The exceptions shall restate the
37 information contained in the request for disclosure, state the grounds
38 upon which the agency asserts that the request for disclosure should be
39 granted and specifically respond to the ~~secretary of state's~~ EXECUTIVE
40 DIRECTOR'S OR HIS OR HER DESIGNEE'S specific reasons for denial.

41

42 (9) Unless the state or local government agency filing exceptions
43 agrees otherwise, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR
44 HER DESIGNEE shall make a final determination regarding the exceptions
45 within thirty days after the filing of exceptions pursuant to subsection (8)
46 of this section. Prior to making a final determination regarding the
47 exceptions, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
48 DESIGNEE may request additional information from the agency or the
49 program participant and conduct a hearing. If the final determination of
50 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is
51 that the denial of the agency's request for disclosure was properly denied,
52 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall
53 provide the agency with written notification of this final determination
54 stating that the agency's request has again been denied and setting forth
55 the specific reasons for the denial. If the final determination of the
56 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is that

1 the denial of the agency's request for disclosure has been improperly
2 denied, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
3 DESIGNEE shall grant the agency's request for disclosure in accordance
4 with this section. The final determination of the ~~secretary of state~~
5 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall constitute final
6 agency action.

7
8 (10) The record before any judicial review of a final agency action
9 pursuant to subsection (9) of this section shall consist of the state or local
10 government agency's request for disclosure, the ~~secretary of state's~~
11 EXECUTIVE DIRECTOR'S OR HIS OR HER DESIGNEE'S written response, the
12 agency's exceptions, the hearing transcript, if any, and the ~~secretary of~~
13 ~~state's~~ EXECUTIVE DIRECTOR'S OR HIS OR HER DESIGNEE'S final
14 determination.

15
16 (11) During any period of review, evaluation, or appeal, the
17 agency shall, to the extent possible, accept and use the program
18 participant's substitute address.

19
20 (12) Notwithstanding any other provision of this section, the
21 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall
22 establish an expedited process for disclosure to be used by a criminal
23 justice official or agency for situations where disclosure is required
24 pursuant to a criminal justice trial, hearing, proceeding, or investigation
25 involving a program participant. An official or agency receiving
26 information pursuant to this subsection (12) shall certify to the ~~secretary~~
27 ~~of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE that the official or
28 agency has a system in place to protect the confidentiality of a
29 participant's actual address from the public and from personnel who are
30 not involved in the trial, hearing, proceeding, or investigation.

31
32 (13) Nothing in this section shall be construed to prevent the
33 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE from
34 granting a request for disclosure to a state or local government agency
35 pursuant to this section upon receipt of a program participant's written
36 consent to do so.

37
38 **24-30-2111. [Formerly 24-21-211] Nondisclosure of address**
39 **in criminal and civil proceedings.** No person shall be compelled to
40 disclose a program participant's actual address during the discovery phase
41 of or during a proceeding before a court of competent jurisdiction or
42 administrative tribunal unless the court or administrative tribunal finds,
43 based upon a preponderance of the evidence, that the disclosure is
44 required in the interests of justice. A court or administrative tribunal may
45 seal the portion of any record that contains a program participant's actual
46 address. Nothing in this section shall prevent a state or local government
47 agency, in its discretion, from using a program participant's actual address
48 in any document or record filed with a court or administrative tribunal if,
49 at the time of filing, the document or record is not a public record.

50
51 **24-30-2112. [Formerly 24-21-212] Participation in the**
52 **program - orders relating to allocation of parental responsibilities or**
53 **parenting time.** (1) Nothing in this ~~part 2~~ PART 21, nor participation in
54 ~~this~~ THE program, shall affect an order relating to the allocation of
55 parental responsibilities or parenting time in effect prior to or during
56 program participation.

1 (2) Program participation does not constitute evidence of domestic
2 violence, a sexual offense, or stalking and shall not be considered for
3 purposes of making an order allocating parental responsibilities or
4 parenting time; except that a court may consider practical measures to
5 keep a program participant's actual address confidential when making an
6 order allocating parental responsibilities or parenting time.

7
8 **24-30-2113. [Formerly 24-21-213] Rule-making authority.**
9 ~~The secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is
10 authorized to adopt any rules in accordance with article 4 of this title
11 deemed necessary to carry out the provisions of this ~~part 2~~ PART 21,
12 excluding ~~section 24-21-214~~ SECTION 24-30-2114.

13
14 **24-30-2114. [Formerly 24-21-214] Surcharge - collection and**
15 **distribution - address confidentiality program surcharge fund -**
16 **creation - definitions.** (1) On and after July 1, 2007, each person who
17 is convicted of the crimes set forth in subsection (2) of this section shall
18 be required to pay a surcharge of twenty-eight dollars to the clerk of the
19 court for the judicial district in which the conviction occurs.

20
21 (2) The following crimes shall be subject to the surcharge set forth
22 in subsection (1) of this section:

23
24 (a) Stalking;

25
26 (b) A crime, the underlying factual basis of which has been found
27 by the court on the record to include an act of domestic violence; or

28
29 (c) Criminal attempt, conspiracy, or solicitation to commit the
30 crimes set forth in paragraphs (a) and (b) of this subsection (2).

31
32 (3) The clerk of the court shall allocate the surcharge required by
33 this section as follows:

34
35 (a) Five percent shall be retained by the clerk of the court for
36 administrative costs incurred pursuant to this section. Such amount
37 retained shall be transmitted to the state treasurer for deposit in the
38 judicial stabilization cash fund created in section 13-32-101 (6), C.R.S.

39
40 (b) Ninety-five percent shall be transferred to the state treasurer,
41 who shall credit the same to the address confidentiality program
42 surcharge fund created pursuant to subsection (4) of this section.

43
44 (4) (a) There is hereby created in the state treasury the address
45 confidentiality program surcharge fund, which shall consist of moneys
46 received by the state treasurer pursuant to this section, any moneys
47 received pursuant to ~~section 24-21-204 (3)~~ SECTION 24-30-2104 (2), AND
48 any gifts, grants, or donations received by the department of state for the
49 fund pursuant to paragraph (b) of this subsection (4). ~~and any moneys~~
50 ~~transferred to the fund from the department of state cash fund created in~~
51 ~~section 24-21-104 (3) (b).~~ The moneys in the fund shall be subject to
52 annual appropriation by the general assembly to the department for the
53 purpose of paying for the costs incurred by the ~~secretary of state~~
54 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE in the administration of the
55 address confidentiality program. All interest derived from the deposit and
56 investment of moneys in the fund shall be credited to the fund. Any

1 moneys not appropriated by the general assembly shall remain in the fund
2 and shall not be transferred or revert to the general fund of the state at the
3 end of any fiscal year. ~~except that the state treasurer shall transfer~~
4 ~~unappropriated moneys to the department of state cash fund until such~~
5 ~~time that all of the transfers made from the department of state cash fund~~
6 ~~pursuant to paragraph (c) of this subsection (4) and section 24-21-104(3)~~
7 ~~(d) (XIII) have been repaid.~~

8
9 (b) The department of state is authorized to seek and accept gifts,
10 grants, and donations from private or public sources for the
11 implementation of the address confidentiality program. All private and
12 public funds received through gifts, grants, and donations shall be
13 transmitted to the state treasurer, who shall credit the same to the address
14 confidentiality program surcharge fund.

15
16 (c) No general fund moneys shall be appropriated for the purpose
17 of implementing the address confidentiality program. ~~If, during the state~~
18 ~~fiscal year 2008-09, the amount of moneys in the address confidentiality~~
19 ~~program surcharge fund is insufficient to cover the costs incurred by the~~
20 ~~secretary of state in the administration of the address confidentiality~~
21 ~~program, the secretary of state may request the state treasurer to transfer~~
22 ~~moneys from the department of state cash fund created in section~~
23 ~~24-21-104(3)(b) to the address confidentiality program surcharge fund,~~
24 ~~and the state treasurer shall make such transfer.~~

25
26 (5) The court may waive all or any portion of the surcharge
27 required by this section if the court finds that a person subject to the
28 surcharge is indigent or financially unable to pay all or any portion of the
29 surcharge. The court may waive only that portion of the surcharge that
30 the court finds that the person is financially unable to pay.

31
32 (6) As used in this section, "convicted" and "conviction" mean a
33 plea of guilty accepted by the court, including a plea of guilty entered
34 pursuant to a deferred sentence under section 18-1.3-102, C.R.S., a
35 verdict of guilty by a judge or jury, or a plea of no contest accepted by the
36 court.

37
38 **SECTION 3.** 1-2-213 (2) (e), Colorado Revised Statutes, is
39 amended to read:

40 **1-2-213. Registration at driver's license examination facilities.**
41 (2) (e) The department of revenue, through its local driver's license
42 examination facilities, shall notify a program participant, as defined in
43 ~~section 24-21-203(8)~~ SECTION 24-30-2103 (8), C.R.S., who submits a
44 current and valid address confidentiality program authorization card, of
45 the provisions of ~~section 24-21-208(4)~~ SECTION 24-30-2108 (4), C.R.S.,
46 and inform the participant about how he or she may use a substitute
47 address, as defined in ~~section 24-21-203(13)~~ SECTION 24-30-2103 (13),
48 C.R.S., on the driver's license or identification card.

49
50 **SECTION 4.** 16-18.5-110 (1) (c.5), Colorado Revised Statutes,
51 is amended to read:

52
53 **16-18.5-110. Order of crediting payments.** (1) Payments
54 received shall be credited in the following order:

55
56 (c.5) Surcharges related to the address confidentiality program

1 pursuant to ~~section 24-21-214~~ SECTION 24-30-2114, C.R.S.;

2

3 **SECTION 5.** 18-1.3-204 (2.5) (i.9), Colorado Revised Statutes,
4 is amended to read:

5

6 **18-1.3-204. Conditions of probation.** (2.5) The order of priority
7 for any payments required of a defendant pursuant to subparagraph (IV),
8 (V), (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall
9 be as follows:

10

11 (i.9) Payment of a surcharge related to the address confidentiality
12 program pursuant to ~~section 24-21-214~~ SECTION 24-30-2114, C.R.S.;

13

14 **SECTION 6.** 24-21-104 (3) (d) (XIII) and (3) (d) (XIV),
15 Colorado Revised Statutes, are repealed as follows:

16

17 **24-21-104. Fees of secretary of state - repeal.**

18 (3) (d) (XIII) ~~Notwithstanding any provision of paragraph (b) of this~~
19 ~~subsection (3) to the contrary, on June 2, 2008, the state treasurer shall~~
20 ~~deduct ten thousand dollars from the department of state cash fund and~~
21 ~~transfer such sum to the address confidentiality program surcharge fund~~
22 ~~created in section 24-21-214 (4) (a).~~

23

24 (XIV) ~~Notwithstanding any provision of paragraph (b) of this~~
25 ~~subsection (3) to the contrary, in accordance with section 24-21-214 (4)~~
26 ~~(c), during the state fiscal year 2008-09, the state treasurer shall deduct~~
27 ~~moneys from the department of state cash fund and transfer such moneys~~
28 ~~to the address confidentiality program surcharge fund created in section~~
29 ~~24-21-214 (4) (a).~~

30

31 **SECTION 7. Safety clause.** The general assembly hereby finds,
32 determines, and declares that this act is necessary for the immediate
33 preservation of the public peace, health, and safety."

34

35

36

37 **HB11-1230** be amended as follows, and as so amended, be referred to
38 the Committee on Appropriations with favorable
39 recommendation:

40

41 Amend printed bill, page 3, line 7, after "FINANCIAL" insert "HOUSING".

42

43 Page 3, line 12, after "FINANCIAL" insert "HOUSING".

44

45 Page 3, line 15, after "LAW." add "THE CONSOLIDATION OF FINANCIAL
46 HOUSING ASSISTANCE FUNCTIONS WITHIN THE DIVISION SHALL INCLUDE
47 THE OFFICE OF HOMELESS YOUTH SERVICES CREATED IN SECTION
48 26-5.9-104 (1), C.R.S. THE OFFICE SHALL PERFORM ITS POWERS, DUTIES,
49 AND FUNCTIONS UNDER THE DIVISION AND THE EXECUTIVE DIRECTOR AS
50 IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2**
51 TRANSFER UNDER THE PROVISIONS OF THE "ADMINISTRATIVE
52 ORGANIZATION ACT OF 1968", PART 1 OF THIS TITLE."

53

54 Page 3, line 26, after "HOUSEHOLDS" insert "AND TO PERSONS WITH
55 DISABILITIES".

56

- 1 Page 4, strike lines 4 through 6 and substitute "DEPARTMENT OF HUMAN
2 SERVICES TO PROVIDE HOUSING TO PERSONS WITH DISABILITIES. SUCH
3 MONEYS ARE FURTHER DISTRIBUTED BY THE".
4
- 5 Page 4, line 8, after "AUTHORITIES" insert "AND OTHER ELIGIBLE
6 NONPROFIT ENTITIES".
7
- 8 Page 4, line 10, strike "GOVERNMENT." and substitute "GOVERNMENT;
9 AND".
10
- 11 Page 4, strike lines 11 through 17.
12
- 13 Reletter succeeding paragraph accordingly.
14
- 15 Page 4, line 19, after "FINANCIAL" insert "HOUSING".
16
- 17 Page 4, line 20, after "HOUSEHOLDS" insert "AND PERSONS WITH
18 DISABILITIES".
19
- 20 Page 4, strike lines 22 and 23 and substitute "ECONOMIC EFFICIENCIES,
21 ALLOW FOR STATEWIDE STRATEGIC PLANNING AND ADMINISTRATION OF
22 FINANCIAL HOUSING ASSISTANCE, AND MAXIMIZE THE AMOUNT OF
23 FEDERAL FUNDING".
24
- 25 Page 4, line 27, after "FINANCIAL" insert "HOUSING".
26
- 27 Page 5, line 5, after "HOUSEHOLDS" insert "AND PERSONS WITH
28 DISABILITIES".
29
- 30 Page 5, strike lines 6 and 7 and substitute "FUNDAMENTAL NEEDS FOR
31 HOUSING."
32
- 33 Page 5, line 12, strike "HOUSEHOLDS." and substitute "HOUSEHOLDS AND
34 PERSONS WITH DISABILITIES."
35
- 36 Page 5, strike lines 13 through 22.
37
- 38 Page 5, line 25, after "FINANCIAL" insert "HOUSING".
39
- 40 Page 5, line 26, after "HOUSEHOLDS" insert "AND PERSONS WITH
41 DISABILITIES".
42
- 43 Page 6, strike lines 23 and 24 and substitute "THE NUMBER OF VOUCHERS
44 MADE AVAILABLE TO PERSONS WITH DISABILITIES BY MEANS OF PROGRAMS
45 ADMINISTERED BY BOTH THE DIVISION AND THE DEPARTMENT OF HUMAN
46 SERVICES AS OF JULY 1, 2011."
47
- 48 Page 6, line 27, strike "SERVICES." and substitute "SERVICES AND
49 REPRESENTATIVES OF PERSONS WITH DISABILITIES."
50
- 51 Page 7, strike lines 1 through 3 and substitute:
52
- 53 "(5) INsofar AS THE TRANSFERS OF STATE EMPLOYEES MAY
54 BECOME".
55
- 56 Page 7, line 17, after "FINANCIAL" insert "HOUSING".

1 Page 7, line 18, after "HOUSEHOLDS" insert "AND PERSONS WITH
2 DISABILITIES".

3

4 Page 7, line 22, after "C.R.S." add "THE NUMBER OF HOUSING VOUCHERS
5 MADE AVAILABLE TO PERSONS WITH DISABILITIES, AS DEFINED BY THE
6 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12012 (2),
7 BY THE DIVISION OF HOUSING IN ANY ONE STATE FISCAL YEAR SHALL NOT
8 BE LESS THAN THE NUMBER OF VOUCHERS THAT HAVE PREVIOUSLY BEEN
9 MADE AVAILABLE TO SUCH PERSONS AS OF JULY 1, 2011.".

10

11

12

13 **HB11-1243** be postponed indefinitely.

14

15

16 **HB11-1245** be postponed indefinitely.

17

18

19

20

21 **TRANSPORTATION**

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

24

25 **HB11-1133** be postponed indefinitely.

26

27

28 **HB11-1163** be amended as follows, and as so amended, be referred to
29 the Committee on Appropriations with favorable
30 recommendation:

31

32 Amend printed bill, page 2, line 10, strike "A" and substitute "AN
33 EXPANDABLE DUAL-LANE TRANSPORT".

34

35 Page 2, strike lines 16 through 18 and substitute "ISSUE A PERMIT TO A
36 PERSON WHO HAS BEEN HELD BY AN ADMINISTRATIVE LAW JUDGE TO HAVE
37 DISOBEYED PERMIT RESTRICTIONS OR TO HAVE VIOLATED THIS SECTION OR
38 RULES PROMULGATED UNDER THIS SECTION IN A HEARING HELD IN
39 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.".

40

41 Page 3, line 18, strike "LOWEST SIZE AND WEIGHT" and substitute
42 "SMALLEST DIMENSIONS".

43

44 Page 3, line 24, strike "UPON ENTERING" and substitute "AT THE NEAREST
45 POINT WHERE THE SHIPMENT ENTERS THE STATE, AT A LOCATION SPECIFIED
46 BY THE COLORADO STATE PATROL,".

47

48 Page 3, line 25, strike "COLORADO".

49

50 Page 4, strike line 8 and substitute "HOURS.".

51

52 Page 4, strike lines 17 through 23 and substitute:

53

54 **"SECTION 2.** 42-4-510 (11) (a) (IV), Colorado Revised Statutes,
55 is amended to read:

56

1 **42-4-510. Permits for excess size and weight and for**
 2 **manufactured homes - rules - repeal.** (11) (a) The department of
 3 transportation, the motor carrier services division of the department of
 4 revenue, or the Colorado state patrol may charge permit applicants permit
 5 fees as follows:

6
 7 (IV) Special permits for structural, oversize, or overweight moves
 8 requiring extraordinary action or moves involving weight in excess of two
 9 hundred thousand pounds, one hundred twenty-five dollars for a permit
 10 for a single trip, INCLUDING A SUPER-LOAD PERMIT ISSUED UNDER
 11 SUBSECTION (1.7) OF THIS SECTION; EXCEPT THAT A SUPER-LOAD PERMIT
 12 FEE IS FOUR HUNDRED DOLLARS;".

13
 14
 15
 16 **HB11-1191** be postponed indefinitely.

17
 18
 19
 20 **PRINTING REPORT**

21
 22 The Chief Clerk reports the following bill has been correctly printed:
 23 **HB11-1267.**

24
 25
 26
 27 **INTRODUCTION OF BILLS**
 28 **First Reading**

29
 30 The following bills were read by title and referred to the committees
 31 indicated:

32
 33 **HB11-1268** by Representative(s) Levy--Concerning penalties for
 34 traffic offenses involving alcohol and drugs.

35 Committee on Judiciary

36
 37 **HB11-1269** by Representative(s) Miklosi, Gardner D.; also Senator(s)
 38 Tochtrop, Carroll--Concerning the limits on uncommitted
 39 reserves in cash funds.

40 Committee on Finance

41
 42 **SB11-009** by Senator(s) Steadman, Guzman; also Representative(s)
 43 Fischer, Gardner B.--Concerning procedural requirements
 44 for payment of costs related to impounded animals.

45 Committee on Agriculture, Livestock, & Natural Resources

46
 47 **SB11-013** by Senator(s) Newell; also Representative(s) Lee--
 48 Concerning the use of alternative dispute resolution
 49 practices.

50 Committee on Judiciary

51
 52 **SB11-016** by Senator(s) Grantham; also Representative(s) Barker--
 53 Concerning increases in the amounts allocated to certain
 54 family members during the administration of a decedent's
 55 estate.

56 Committee on Judiciary

- 1 **SB11-025** by Senator(s) Carroll; also Representative(s) Ferrandino--
2 Concerning accountability for state procurement, and, in
3 connection therewith, enacting the "Colorado Taxpayer
4 Empowerment Act of 2011".
5 Committee on Finance
6
- 7 **SB11-040** by Senator(s) Spence and Newell; also Representative(s)
8 Summers and Todd--Concerning the requirement that a
9 coach of an organized youth athletic activity follow
10 concussion guidelines, and, in connection therewith,
11 creating the "Jake Snakenberg Youth Concussion Act".
12 Committee on Health and Environment
13
- 14 **SB11-068** by Senator(s) Carroll; also Representative(s) Solano--
15 Concerning an increase in consumer protection under the
16 "Colorado Consumer Protection Act".
17 Committee on State, Veterans, & Military Affairs
18
- 19 **SB11-083** by Senator(s) Roberts; also Representative(s) Barker--
20 Concerning provisions relating to the Colorado probate
21 code.
22 Committee on Judiciary
23

24
25
26 On motion of Representative Brown, the House adjourned until
27 10:00 a.m., February 28, 2011.
28

29 Approved:
30 FRANK McNULTY,
31 Speaker

32 Attest:
33 MARILYN EDDINS,
34 Chief Clerk