

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

Fifty-ninth Legislative Day

Friday, March 11, 2011

1 Prayer by Dr. Chris Hill, The Potter's House, Denver.

2

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

4

5 Pledge of Allegiance led by Stella, Mia and Liza Hayden from Platte  
6 River Academy, Highlands Ranch.

7

8 The roll was called with the following result:

9

10 Present--62.

11 Excused--Representative(s) Kagan, McKinley--2.

12 Absent--Representative(s) Vigil--1.

13 Present after roll call--Representative(s) Vigil.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Gardner D., the reading of the journal of  
19 March 10, 2011, was declared dispensed with and approved as corrected  
20 by the Chief Clerk.

21

22

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

24

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

28

29 **HB11-1055** by Representative(s) Beezley; also Senator(s) Spence--  
30 Concerning facilities for use by charter schools.

31

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

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

36

37

	YES	36	NO	27	EXCUSED	2	ABSENT	0
38	Acree	Y	Fischer	N	Liston	Y	Scott	Y
39	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
40	Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
41	Baumgardner	Y	Gerou	Y	McCann	N	Soper	N
42	Becker	Y	Hamner	N	McKinley	E	Stephens	Y
43	Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y

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

12 Co-sponsor(s) added: Representative(s) Barker, DelGrosso, Gardner B.,  
 13 Holbert, Joshi, Kerr J., Liston, Murray, Nikkel, Priola, Sonnenberg, Stephens,  
 14 Swalm, Waller, Speaker.

15  
 16 **HB11-1065** by Representative(s) Balmer, Ferrandino, Priola also  
 17 Senator(s) Cadman--Concerning restrictions on the  
 18 appearance by public officials in communications paid for  
 19 with state moneys.

20  
 21 The question being "Shall the bill pass?".  
 22 A roll call vote was taken. As shown by the following recorded vote, a  
 23 majority of those elected to the House voted in the affirmative and the bill  
 24 was declared **passed**.

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

44 Co-sponsor(s) added: Representative(s) Barker, Casso, Gardner B., Liston.

45  
 46  
 47  
 48 On motion of Representative Summers, the House resolved itself into  
 49 Committee of the Whole for consideration of General Orders, and he was  
 50 called to the Chair to act as Chairman.

51  
 52  
 53 **GENERAL ORDERS--SECOND READING OF BILLS**

54  
 55 The Committee of the Whole having risen, the Chairman reported the  
 56 titles of the following bills had been read (reading at length had been

1 dispensed with by unanimous consent), the bills considered and action  
2 taken thereon as follows:

3

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

6

7 **HB11-1119** by Representative(s) Levy, Fields, Gardner D., McCann,  
8 Miklosi; also Senator(s) Nicholson--Concerning the  
9 expansion of the scope of practice for five-point NADA  
10 auricular acupuncture to additional trained health care  
11 professionals.

12

13 Amendment No. 1, Health & Environment Report, dated  
14 February 8, 2011, and placed in member's bill file; Report also printed in  
15 House Journal, February 10, pages 218-221.

16

17 Amendment No. 2, Appropriations Report, dated February 25, 2011, and  
18 placed in member's bill file; Report also printed in House Journal,  
19 February 25, pages 451-452.

20

21 Amendment No. 3, by Representative(s) Levy.

22

23 Amend the Health and Environment Committee Report, dated February  
24 8, 2011, page 1, strike lines 3 through 22.

25

26 Strike pages 2 through 4.

27

28 Page 5, strike lines 1 through 3 and substitute:

29

30 "SECTION 1. Article 42 of title 12, Colorado Revised Statutes,  
31 is amended BY THE ADDITION OF A NEW SECTION to read:

32

33 **12-42-107.5. Five-point NADA auricular acupuncture protocol**  
34 **- psychiatric technicians - definitions.** (1) A PSYCHIATRIC TECHNICIAN  
35 LICENSED PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY  
36 COMPLETED THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION  
37 TRAINING MAY PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE  
38 PROTOCOL ON A PATIENT WHO HAS BEEN DIAGNOSED WITH AN ADDICTION  
39 DISORDER BY A PERSON WHO IS LICENSED TO DIAGNOSE THE DISORDER  
40 AND WHEN USED EXCLUSIVELY AND SPECIFICALLY IN CONJUNCTION WITH  
41 TREATMENT OF AN ADDICTION DISORDER. A PSYCHIATRIC TECHNICIAN  
42 SHALL ONLY PERFORM THE PROTOCOL UNDER THE DIRECT OR INDIRECT  
43 SUPERVISION OF A NADA-CERTIFIED ACUPUNCTURIST LICENSED IN THIS  
44 STATE OR A NADA-CERTIFIED PHYSICIAN LICENSED IN THIS STATE. THE  
45 PSYCHIATRIC TECHNICIAN SHALL PERFORM THE PROTOCOL IN A MANNER  
46 CONSISTENT WITH GENERALLY ACCEPTED PARAMETERS, INCLUDING CLEAN  
47 NEEDLE TECHNIQUES, AND STANDARDS OF THE CENTER FOR  
48 COMMUNICABLE DISEASES AND MEET SAFE AND PROFESSIONAL  
49 STANDARDS.

50

51 (2) AS USED IN THIS SECTION:

52

53 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"  
54 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE  
55 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL  
56 LOCATIONS IN THE OUTER EAR.

1 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT  
2 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE  
3 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES  
4 REQUIRE THE PSYCHIATRIC TECHNICIAN TO HAVE AN ONGOING  
5 RELATIONSHIP WITH THE SUPERVISOR AND FOR THE SUPERVISOR TO BE  
6 AVAILABLE FOR CONSULTATION AND PERIODIC DIRECT OBSERVATION OF  
7 THE PROCEDURE.

8  
9 **SECTION 2.** Part 2 of article 43 of title 12, Colorado Revised  
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
11 read:

12  
13 **12-43-207.5. Five-point NADA auricular acupuncture protocol**  
14 **- mental health professionals - definitions.** (1) A PSYCHOLOGIST,  
15 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED  
16 PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR CERTIFIED OR  
17 LICENSED PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY  
18 COMPLETED THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION  
19 TRAINING MAY PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE  
20 PROTOCOL ON A PATIENT WHO HAS BEEN DIAGNOSED WITH AN ADDICTION  
21 DISORDER BY A PERSON WHO IS LICENSED TO DIAGNOSE THE DISORDER  
22 AND WHEN USED EXCLUSIVELY AND SPECIFICALLY IN CONJUNCTION WITH  
23 TREATMENT OF AN ADDICTION DISORDER. A PSYCHOLOGIST, SOCIAL  
24 WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL  
25 COUNSELOR, OR ADDICTION COUNSELOR SHALL ONLY PERFORM THE  
26 PROTOCOL UNDER THE DIRECT OR INDIRECT SUPERVISION OF A NADA-  
27 CERTIFIED ACUPUNCTURIST LICENSED IN THIS STATE OR A NADA-  
28 CERTIFIED PHYSICIAN LICENSED IN THIS STATE. THE MENTAL HEALTH  
29 PROFESSIONAL SHALL PERFORM THE PROTOCOL IN A MANNER CONSISTENT  
30 WITH GENERALLY ACCEPTED PARAMETERS, INCLUDING CLEAN NEEDLE  
31 TECHNIQUES, AND STANDARDS OF THE CENTER FOR COMMUNICABLE  
32 DISEASES AND MEET SAFE AND PROFESSIONAL STANDARDS.

33  
34 (2) AS USED IN THIS SECTION:

35  
36 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"  
37 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE  
38 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL  
39 LOCATIONS IN THE OUTER EAR.

40  
41 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT  
42 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE  
43 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES  
44 REQUIRE THE MENTAL HEALTH PROFESSIONAL TO HAVE AN ONGOING  
45 RELATIONSHIP WITH THE SUPERVISOR AND FOR THE SUPERVISOR TO BE  
46 AVAILABLE FOR CONSULTATION AND PERIODIC DIRECT OBSERVATION OF  
47 THE PROCEDURE."

48  
49 Renumber succeeding sections accordingly.

50  
51 As amended, declared **lost** on Second Reading.  
52 (For change in action, see Amendments to Report, page 616.)

53  
54

1 **HB11-1168** by Representative(s) Murray; also Senator(s) Spence--  
2 Concerning equalizing the amount of the Colorado  
3 opportunity fund stipend for students attending state  
4 institutions of higher education and students attending  
5 participating private institutions of higher education.  
6

7 Amendment No. 1, Education Report, dated February 28, 2011, and  
8 placed in member's bill file; Report also printed in House Journal,  
9 March 1, pages 511-512.  
10

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

14 **HB11-1123** by Representative(s) Coram, Brown; also Senator(s)  
15 Roberts, Grantham, King S.--Concerning a prohibition on  
16 transfers to the state general fund from cash funds that  
17 have revenue related to the severance of minerals in the  
18 state.  
19

20 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,  
21 dated March 2, 2011, and placed in member's bill file; Report also printed  
22 in House Journal, March 3, pages 544-545.  
23

24 As amended, ordered engrossed and placed on the Calendar for Third  
25 Reading and Final Passage.  
26

27 **HB11-1121** by Representative(s) Ramirez, Massey, McNulty, Szabo;  
28 also Senator(s) King K.--Concerning disqualification from  
29 school employment for conviction of certain offenses, and,  
30 in connection therewith, enacting the "Felon-free Schools  
31 Act of 2011".  
32

33 (Previously amended as printed in House Journal, March 8, pages 580-  
34 581.)  
35

36 Amendment No. 5, by Representative(s) Levy.  
37

38 Amend printed bill, page 2, strike lines 4 through 14.  
39

40 Page 3, strike lines 1 through 5.  
41

42 Renumber succeeding sections accordingly.  
43

44 Page 4, strike lines 21 through 27.  
45

46 Page 5, strike lines 1 through 3.  
47

48 Renumber succeeding sections accordingly.  
49

50 Page 7, strike lines 21 through 24.  
51

52 Page 7, line 25, strike "(c)" and substitute "(II)".  
53

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

- 1 **HB11-1248** by Representative(s) Kerr J.; also Senator(s) Roberts--  
2 Concerning modifications to the composition of the board  
3 of trustees of the public employees' retirement association  
4 to ensure that the board has more diverse representation,  
5 and requiring a post-enactment review of the  
6 implementation of this act.  
7
- 8 Amendment No. 1, Finance Report, dated March 2, 2011, and placed in  
9 member's bill file; Report also printed in House Journal, March 4,  
10 page 554.  
11
- 12 As amended, ordered engrossed and placed on the Calendar for Third  
13 Reading and Final Passage.  
14
- 15 **SB11-021** by Senator(s) Nicholson; also Representative(s) Loooper--  
16 Concerning the removal of term limits for members of the  
17 water and wastewater facility operators certification board.  
18
- 19 Ordered revised and placed on the Calendar for Third Reading and Final  
20 Passage.  
21
- 22 **SB11-012** by Senator(s) Brophy; also Representative(s) Massey--  
23 Concerning a public school student's authority to possess  
24 prescription medications at school.  
25
- 26 Amendment No. 1, Education Report, dated March 7, 2011, and placed  
27 in member's bill file; Report also printed in House Journal, March 8,  
28 pages 584-585.  
29
- 30 Amendment No. 2, by Representative(s) Massey.  
31
- 32 Amend the House Education Committee Report, dated March 7, 2011,  
33 page 2, after line 25 add:  
34
- 35 "Page 4, after line 24 insert:  
36
- 37 "(5) A SCHOOL DISTRICT BOARD OF EDUCATION THAT ADOPTS A  
38 POLICY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE EXEMPT  
39 FROM RULES PROMULGATED BY THE STATE BOARD OF EDUCATION  
40 PURSUANT TO THE "COLORADO SCHOOLCHILDREN'S ASTHMA, FOOD  
41 ALLERGY, AND ANAPHYLAXIS HEALTH MANAGEMENT ACT", SECTION 22-  
42 1-119.5."."  
43
- 44 As amended, ordered revised and placed on the Calendar for Third  
45 Reading and Final Passage.  
46
- 47 **SB11-010** by Senator(s) Tochtrop; also Representative(s) Priola--  
48 Concerning the trade readjustment allowance program.  
49
- 50 Amendment No. 1, Economic & Business Development Report, dated  
51 March 3, 2011, and placed in member's bill file; Report also printed in  
52 House Journal, March 7, pages 565-567.  
53
- 54 As amended, ordered revised and placed on the Calendar for Third  
55 Reading and Final Passage.  
56

1 **SB11-007** by Senator(s) Grantham; also Representative(s) Becker--  
2 Concerning the responsibility for the prosecution of a  
3 person who is charged with failure to register as a sex  
4 offender.

5  
6 **Amendment No. 1**, by Representative(s) Levy.

7  
8 Amend reengrossed bill, page 2, line 9, strike "IN THE COUNTY IN WHICH  
9 THE OFFENDER WAS ORIGINALLY".

10  
11 Page 2, line 10, strike "CONVICTED OF THE OFFENSE REQUIRING  
12 REGISTRATION,".

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

16  
17 **SB11-096** by Senator(s) Steadman, Bacon, Carroll, Giron, Guzman,  
18 Hodge, Hudak, Jahn, King K., King S., Mitchell, Morse,  
19 Newell, Nicholson, Roberts; also Representative(s)  
20 McCann, DelGrosso, Ferrandino, Levy, Nikkel--  
21 Concerning excluding a class 6 felony drug possession  
22 conviction as a qualifying offense for the habitual criminal  
23 statute.

24  
25 Ordered revised and placed on the Calendar for Third Reading and Final  
26 Passage.

27  
28 **SB11-040** by Senator(s) Spence and Newell; also Representative(s)  
29 Summers and Todd--Concerning the requirement that a  
30 coach of an organized youth athletic activity follow  
31 concussion guidelines, and, in connection therewith,  
32 creating the "Jake Snakenberg Youth Concussion Act".

33  
34 **Amendment No. 1**, Health & Environment Report, dated March 8, 2011,  
35 and placed in member's bill file; Report also printed in House Journal,  
36 March 9, page 593.

37  
38 **Amendment No. 2**, by Representative(s) Stephens.

39  
40 Amend reengrossed bill, page 5, after line 7, insert:

41 "(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
42 THIS SUBSECTION (4), A DOCTOR OF CHIROPRACTIC WITH TRAINING AND  
43 SPECIALIZATION IN CONCUSSION EVALUATION AND MANAGEMENT MAY  
44 EVALUATE AND PROVIDE CLEARANCE TO RETURN TO PLAY FOR AN  
45 ATHLETE WHO IS PART OF THE UNITED STATES OLYMPIC TRAINING  
46 PROGRAM.".

47  
48 Reletter succeeding section accordingly.

49  
50 As amended, ordered revised and placed on the Calendar for Third  
51 Reading and Final Passage.

52  
53 On motion of Representative Stephens, the remainder of the General  
54 Orders Calendar (**HB11-1160, 1116, 1146, SB11-034, HB11-1106**) was  
55 laid over until March 14, retaining place on Calendar.

56

**AMENDMENT(S) TO THE COMMITTEE  
OF THE WHOLE REPORT**

1  
2  
3  
4  
5  
6  
7  
8  
9

Representative Levy moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in not adopting HB11-1119, to show that **HB11-1119**, as amended, passed.

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

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

28  
29  
30  
31  
32

Representatives Becker and Sonnenberg moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in adopting SB11-040, to show that **SB11-040**, as amended, lost.

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

33  
34  
35

	YES	20	NO	42	EXCUSED	3	ABSENT	0
36	Acree	N	Fischer	N	Liston	Y	Scott	E
37	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
38	Barker	Y	Gardner D.	N	Massey	N	Sonnenberg	Y
39	Baumgardner	Y	Gerou	N	McCann	N	Soper	N
40	Becker	Y	Hamner	N	McKinley	E	Stephens	Y
41	Beezley	N	Holbert	Y	Miklosi	N	Summers	N
42	Bradford	Y	Hullinghorst	N	Murray	N	Swalm	Y
43	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	N
44	Casso	N	Joshi	Y	Pabon	N	Szabo	Y
45	Conti	N	Kagan	E	Pace	N	Todd	N
46	Coram	Y	Kefalas	N	Peniston	N	Tyler	N
47	Court	N	Kerr A.	N	Priola	N	Vaad	Y
48	DelGrosso	Y	Kerr J.	N	Ramirez	N	Vigil	N
49	Duran	N	Labuda	N	Riesberg	N	Waller	Y
50	Ferrandino	N	Lee	N	Ryden	N	Williams A.	N
51	Fields	N	Levy	N	Schafer S.	N	Wilson	N
52							Speaker	N

53  
54  
55  
56

Representative Scott excused from voting under House Rule 21(c).



1       **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2  
3 Passed Second Reading: **HB11-1119 amended, 1168 amended, 1123**  
4 **amended, 1121 amended, 1248 amended, SB11-021, 012 amended,**  
5 **010 amended, 007 amended, 096, 040 amended.**

6  
7 Laid over until date indicated retaining place on Calendar: **HB11-1160,**  
8 **1116, 1146, SB11-034, HB11-1106--**March 14, 2011.

9  
10 The Chairman moved the adoption of the Committee of the Whole  
11 Report. As shown by the following roll call vote, a majority of those  
12 elected to the House voted in the affirmative, and the Report was  
13 **adopted.**

	YES	62	NO	0	EXCUSED	3	ABSENT	0
16	Acree	Y	Fischer	Y	Liston	Y	Scott	E
17	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
18	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
19	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
20	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
21	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
22	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
23	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
24	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
25	Conti	Y	Kagan	E	Pace	Y	Todd	Y
26	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
27	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
28	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
29	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
30	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
31	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
32							Speaker	Y

33  
34  
35  
36       **CONSIDERATION OF RESOLUTION(S)**

37  
38 **SJR11-022** by Senator(s) Morse; also Representative(s) Stephens--  
39 Concerning modifications to the Joint Rules of the Senate  
40 and the House of Representatives.

41  
42 (Printed and placed in members file.)

43  
44 On motion of Representative Stephens, the resolution was **adopted** by the  
45 following roll call vote:

	YES	50	NO	13	EXCUSED	2	ABSENT	0
48	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
49	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
50	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
51	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
52	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
53	Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y
54	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
55	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
56	Casso	N	Joshi	Y	Pabon	N	Szabo	Y

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

9 Co-sponsor(s) added: Representative(s) Gardner B., Gerou, Kerr J., Nikkel,  
10 Waller, Speaker.

## 14 REPORT(S) OF COMMITTEE(S) OF REFERENCE

### 16 APPROPRIATIONS

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

20 **HB11-1076** be referred to the Committee of the Whole with favorable  
21 recommendation.

24 **HB11-1080** be amended as follows, and as so amended, be referred to  
25 the Committee of the Whole with favorable  
26 recommendation:

28 Amend the House State, Veterans, & Military Affairs Committee Report  
29 dated February 24, 2011, page 16, strike lines 27 through 41 and  
30 substitute:

32 "(4) (a) There is hereby created in the state treasury the address  
33 confidentiality program surcharge fund, which shall consist of moneys  
34 received by the state treasurer pursuant to this section AND any moneys  
35 received pursuant to ~~section 24-21-204 (3), any gifts, grants, or donations~~  
36 ~~received by the department of state for the fund pursuant to paragraph (b)~~  
37 ~~of this subsection (4), and any moneys transferred to the fund from the~~  
38 ~~department of state cash fund created in section 24-21-104 (3) (b)~~  
39 SECTION 24-30-2104 (2). The moneys in the fund shall be subject to  
40 annual appropriation by the general assembly to the department for the  
41 purpose of paying for the costs incurred by the ~~secretary of state~~  
42 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE in the administration of the  
43 ~~address confidentiality~~ program. All interest derived from the deposit and  
44 investment of moneys in the fund shall be credited to the fund. Any  
45 moneys not appropriated by the general assembly shall remain in the fund  
46 and shall not be transferred or revert to the general fund of the state at the  
47 end of any fiscal year. ~~except that the state treasurer shall transfer~~  
48 ~~unappropriated moneys to the department of state cash fund until such~~  
49 ~~time that all of the transfers made from the department of state cash fund~~  
50 ~~pursuant to paragraph (c) of this subsection (4) and section 24-21-104 (3)~~  
51 ~~(d) (XIII) have been repaid.~~

53 (b) ~~The department of state is authorized to seek and accept gifts,~~  
54 ~~grants, and donations from private or public sources for the~~  
55 ~~implementation of the address confidentiality program. All private and~~  
56 ~~public funds received through gifts, grants, and donations shall be~~

1 ~~transmitted to the state treasurer, who shall credit the same to the address~~  
2 ~~confidentiality program surcharge fund."~~  
3

4 Page 17 of the report, strike lines 1 through 11.  
5

6 Page 17 of the report, after line 30, insert:  
7

8 **"SECTION 3.** Part 21 of article 30 of title 24, Colorado Revised  
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
10 read:  
11

12 **24-30-2115. Address confidentiality program grant fund -**  
13 **creation.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
14 ADDRESS CONFIDENTIALITY PROGRAM GRANT FUND, REFERRED TO IN THIS  
15 SECTION AS THE "FUND", WHICH SHALL CONSIST OF ANY GIFTS, GRANTS, OR  
16 DONATIONS RECEIVED BY THE DEPARTMENT FOR THE FUND PURSUANT TO  
17 SUBSECTION (2) OF THIS SECTION. THE MONEYS IN THE FUND SHALL BE  
18 CONTINUOUSLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE  
19 DEPARTMENT FOR THE PURPOSE OF PAYING FOR THE COSTS INCURRED BY  
20 THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IN THE  
21 ADMINISTRATION OF THE PROGRAM. ALL INTEREST DERIVED FROM THE  
22 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED  
23 TO THE FUND. ANY MONEYS NOT APPROPRIATED BY THE GENERAL  
24 ASSEMBLY SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED  
25 OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.  
26

27 (2) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND  
28 EXPEND GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC  
29 SOURCES FOR THE IMPLEMENTATION OF THE PROGRAM. ALL PRIVATE AND  
30 PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS SHALL  
31 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE  
32 SAME TO THE FUND."  
33

34 Renumber succeeding sections accordingly.  
35

36 Page 18 of the report, after line 28 insert:  
37

38 **"SECTION 7. Appropriation - adjustments in 2011 long bill.**  
39 (1) In addition to any other appropriation, there is hereby appropriated,  
40 out of any moneys not otherwise appropriated in the address  
41 confidentiality program surcharge cash fund created in section 24-30-  
42 2114 (4) (a), Colorado Revised Statutes, for the fiscal year beginning July  
43 1, 2011, the sum of one hundred twenty-eight thousand eight hundred  
44 twenty-three dollars (\$128,823) and 2.0 FTE, or so much thereof as may  
45 be necessary, for the implementation of this act.  
46

47 (2) For the implementation of this act, the cash funds appropriation  
48 made in the annual general appropriation act for the fiscal year beginning  
49 July 1, 2011, to the department of state, administration division, for the  
50 address confidentiality program, is decreased by one hundred sixty-four  
51 thousand nine hundred sixty-one dollars (\$164,961) and 2.0 FTE."  
52

53 Renumber succeeding section accordingly.  
54

55 Amend printed bill, page 1, line 101, strike "**PROGRAM.**" and substitute  
56 "**PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.**"

1 **HB11-1140** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **HB11-1163** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7

8  
9 **HB11-1166** be amended as follows, and as so amended, be referred to  
10 the Committee of the Whole with favorable  
11 recommendation:  
12

13 Amend printed bill, page 4, after line 5 insert:  
14

15 **"SECTION 3. Appropriation.** (1) In addition to any other  
16 appropriation, there is hereby appropriated, out of any moneys in the  
17 Colorado state titling and registration account of the highway users tax  
18 fund created in section 42-1-211 (2), Colorado Revised Statutes, not  
19 otherwise appropriated, to the department of revenue, for allocation to the  
20 information technology division, for the fiscal year beginning July 1,  
21 2011, the sum of two thousand nine hundred sixty dollars (\$2,960) cash  
22 funds, or so much thereof as may be necessary, for the implementation of  
23 this act.  
24

25 (2) In addition to any other appropriation, there is hereby  
26 appropriated to the governor - lieutenant governor - state planning and  
27 budgeting, for allocation to the office of information technology, for the  
28 fiscal year beginning July 1, 2011, the sum of two thousand nine hundred  
29 sixty dollars (\$2,960), or so much thereof as may be necessary, for the  
30 programming services to be provided to the department of revenue related  
31 to the implementation of this act. Said sum shall be from reappropriated  
32 funds received from the department of revenue out of the appropriation  
33 made in subsection (1) of this section.  
34

35 (3) In addition to any other appropriation, there is hereby  
36 appropriated, out of any moneys in the license plate cash fund created in  
37 section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise  
38 appropriated, to the department of revenue, for allocation to the division  
39 of motor vehicles, for the fiscal year beginning July 1, 2011, the sum of  
40 nine thousand two hundred eighty dollars (\$9,280) cash funds, or so much  
41 thereof as may be necessary, for the implementation of this act."  
42

43 Renumber succeeding section accordingly.  
44

45 Page 1, line 102, strike "PLATE." and substitute "PLATE, AND MAKING AN  
46 APPROPRIATION THEREFOR."  
47

48  
49  
50 **HB11-1198** be referred to the Committee of the Whole with favorable  
51 recommendation.  
52

53  
54 **HB11-1200** be referred to the Committee of the Whole with favorable  
55 recommendation.  
56

1 **HB11-1230** be amended as follows, and as so amended, be referred to  
2 the Committee of the Whole with favorable  
3 recommendation:  
4

5 Amend printed bill, page, 7, after line 10 insert:  
6

7 "(6) IN CONNECTION WITH THE CONSOLIDATION REQUIRED BY THIS  
8 SECTION, THE DIVISION AND THE DEPARTMENT OF HUMAN SERVICES SHALL  
9 COLLABORATE TO ACHIEVE AN OVERALL REDUCTION OF AT LEAST  
10 TWENTY-FIVE PERCENT IN EMPLOYEES WHOSE JOB RESPONSIBILITIES ARE  
11 PRIMARILY DEDICATED TO THE DISTRIBUTION OF FINANCIAL HOUSING  
12 ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS  
13 AND TO PERSONS WITH DISABILITIES."

14  
15 Renumber succeeding subsection accordingly.  
16

17 Page 7, after line 22 insert:  
18

19 "**SECTION 5.** 26-7.8-103, Colorado Revised Statutes, is  
20 amended BY THE ADDITION OF A NEW SUBSECTION to read:  
21

22 "**26-7.8-103. Homeless prevention activities program - criteria.**

23 (4) IN CONNECTION WITH THE CONSOLIDATION OF FINANCIAL HOUSING  
24 ASSISTANCE PROGRAMS REQUIRED BY SECTION 24-32-722, C.R.S., THE  
25 DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN  
26 SECTION 24-32-704 (1), C.R.S., AND THE STATE DEPARTMENT SHALL  
27 COLLABORATE TO ACHIEVE AN OVERALL REDUCTION OF AT LEAST  
28 TWENTY-FIVE PERCENT IN EMPLOYEES WHOSE JOB RESPONSIBILITIES ARE  
29 PRIMARILY DEDICATED TO THE DISTRIBUTION OF FINANCIAL HOUSING  
30 ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS  
31 AND TO PERSONS WITH DISABILITIES."  
32

33 "**SECTION 6. Appropriation - adjustments in the 2011 long**  
34 **bill.** (1) The general assembly anticipates that, for the fiscal year  
35 beginning July 1, 2011, the department of local affairs will receive the  
36 sum of one million one hundred ninety-four thousand two hundred ninety-  
37 eight dollars (\$1,194,298) and 19.0 FTE in federal funds, for allocation  
38 to the division of housing, for personal services, for the implementation  
39 of this act. Although these funds are not appropriated in this act, they are  
40 noted for the purpose of indicating the assumptions used relative to these  
41 funds.  
42

43 (2) The general assembly anticipates that, for the fiscal year  
44 beginning July 1, 2011, the department of local affairs will receive the  
45 sum of eighteen million eight hundred fifty-five thousand one hundred  
46 fifteen dollars (\$18,855,115) in federal funds, for allocation to the  
47 division of housing, for low income rental assistance, for the  
48 implementation of this act. Although these funds are not appropriated in  
49 this act, they are noted for the purpose of indicating the assumptions used  
50 relative to these funds.  
51

52 (3) In addition to any other appropriation, there is hereby  
53 appropriated to the department of local affairs, executive director's office,  
54 for personal services, the sum of twenty-eight thousand eight hundred  
55 forty dollars (\$28,840) and 0.5 FTE, or so much thereof as may be  
56 necessary, for the implementation of this act. Said sum shall be from

1 reappropriated funds out of the appropriation made in subsection (2) of  
2 this section.

3

4 (4) In addition to any other appropriation, there is hereby  
5 appropriated to the department of local affairs, executive director's office,  
6 for operating expenses, the sum of four hundred seventy-five dollars  
7 (\$475), or so much thereof as may be necessary, for the implementation  
8 of this act. Said sum shall be from reappropriated funds out of the  
9 appropriation made in subsection (2) of this section.

10

11 (5) For the implementation of this act, the General Assembly  
12 anticipates that the federal funds received by the department of human  
13 services, mental health and alcohol and drug abuse services,  
14 administration, for supportive housing and homeless programs, for the  
15 fiscal year beginning July 1, 2011, will be decreased by twenty-million  
16 forty-nine thousand four hundred thirteen dollars (\$20,049,413) and 19.0  
17 FTE. Said sum shall be from the United States Department of Housing  
18 and Urban Development. Although these funds are not appropriated in  
19 this act, they are noted for the purpose of indicating the assumptions used  
20 relative to these funds.

21

22 (6) For the implementation of this act, the reappropriated funds  
23 appropriation to the department of human services, office of operations,  
24 for personal services, for the fiscal year beginning July 1, 2011, is  
25 decreased by twenty-eight thousand eight hundred forty dollars (\$28,840)  
26 and 0.5 FTE. Said sum shall be from reappropriated funds out of the  
27 appropriation made in subsection (5) of this section.

28

29 (7) For the implementation of this act, the reappropriated funds  
30 appropriation to the department of human services, office of operations,  
31 for operating expenses, for the fiscal year beginning July 1, 2011, is  
32 decreased by four hundred seventy-five dollars (\$475). Said sum shall be  
33 from reappropriated funds out of the appropriation made in subsection (5)  
34 of this section."

35

36 Renumber succeeding sections accordingly.

37

38 Page 1, line 104, strike "AFFAIRS." and substitute "AFFAIRS, AND MAKING  
39 AN APPROPRIATION THEREFOR."

40

41

42

43

#### 44 **ECONOMIC & BUSINESS DEVELOPMENT**

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

47

48 **HB11-1266** be postponed indefinitely.

49

50

51

52

53

54

55

1 **FINANCE**

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

4  
5 **HB11-1141** be amended as follows, and as so amended, be referred to  
6 the Committee on Appropriations with favorable  
7 recommendation:

8  
9 Amend printed bill, page 2, line 9, after "(2)" insert "(a)".

10  
11 Page 2, line 13, after the period, add "THE EXEMPTION SHALL NOT APPLY  
12 TO BUSINESS PERSONAL PROPERTY THAT IS SOLD AND REPURCHASED BY  
13 THE SAME TAXPAYER."

14  
15 Page 2, before line 14 insert:

16  
17 "(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF  
18 THIS SUBSECTION (2) TO THE CONTRARY, THE EXEMPTION SET FORTH IN  
19 SAID PARAGRAPH (a) SHALL NOT APPLY TO LOCALLY ASSESSED BUSINESS  
20 PERSONAL PROPERTY WITH RESPECT TO A LOCAL GOVERNMENT THAT HAS  
21 NEGOTIATED AN INCENTIVE PAYMENT OR CREDIT WITH A TAXPAYER  
22 PURSUANT TO THE AUTHORITY SET FORTH IN SECTION 30-11-123, 31-15-  
23 903, 32-1-1702, OR 39-30-107.5, C.R.S., UNLESS THE GOVERNING BODY  
24 OF THE LOCAL GOVERNMENT EXPRESSLY ADOPTS THE EXEMPTION."

25  
26  
27  
28 **HB11-1259** be postponed indefinitely.

29  
30  
31 **HB11-1263** be amended as follows, and as so amended, be referred to  
32 the Committee on Appropriations with favorable  
33 recommendation:

34  
35 Amend printed bill, page 4, strike lines 7 through 13 and substitute:

36  
37 "(d) "VALUATION CAP" MEANS:

38  
39 (I) FOR THE FIRST PROPERTY TAX YEAR AFTER THE BASE PROPERTY  
40 TAX YEAR, AN AMOUNT EQUAL TO THREE PERCENT OVER THE BASE  
41 VALUATION;

42  
43 (II) FOR A GIVEN PROPERTY TAX YEAR DURING THE SECOND  
44 THROUGH FIFTH PROPERTY TAX YEARS AFTER THE BASE PROPERTY TAX  
45 YEAR, AN AMOUNT EQUAL TO THREE PERCENT OVER THE VALUATION CAP  
46 FOR THE PRIOR PROPERTY TAX YEAR; AND

47  
48 (III) FOR A GIVEN PROPERTY TAX YEAR DURING THE SIXTH  
49 THROUGH TENTH PROPERTY TAX YEARS AFTER THE BASE PROPERTY TAX  
50 YEAR, AN AMOUNT EQUAL TO ONE PERCENT OVER THE VALUATION CAP FOR  
51 THE PRIOR PROPERTY TAX YEAR."

52  
53  
54  
55

1 **HEALTH & ENVIRONMENT**

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

4  
5 **SB11-008** be referred favorably to the Committee on Appropriations.

6  
7  
8 **SB11-019** be referred to the Committee of the Whole with favorable  
9 recommendation.

10

11

12

13

14 **JUDICIARY**

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

17

18 **HB11-1261** be amended as follows, and as so amended, be referred to  
19 the Committee on Appropriations with favorable  
20 recommendation:

21

22 Amend printed bill, page 2, strike lines 14 and 15 and substitute:

23 "(102.8) "Tetrahydrocannabinols" means delta 9-  
24 tetrahydrocannabinol, the main psychoactive ingredient of  
25 cannabis."

26

27 Page 2, line 18, after "milliliter of" insert "whole".

28

29 Page 4, strike lines 18 through 27.

30

31 Page 5, strike lines 1 and 2.

32

33 Renumber succeeding sections accordingly.

34

35 Page 6, after line 4 insert:

36 "**SECTION 6.** The introductory portion to 18-18-102 (35) (a),  
37 Colorado Revised Statutes, is amended to read:

38

39 **18-18-102. Definitions.** As used in this article:

40

41 (35) (a) "Tetrahydrocannabinols" means ~~synthetic equivalents of~~  
42 ~~the substances~~ DELTA 9-TETRAHYDROCANNIBINOL, NATURAL OR  
43 SYNTHETIC, contained in the plant, or in the resinous extractives of,  
44 cannabis, sp., or synthetic substances, derivatives, and their isomers with  
45 similar chemical structure and pharmacological activity, such as the  
46 following:

47

48 **SECTION 7.** 18-3-106 (1) (b) (II), the introductory portion to 18-  
49 3-106 (2) and 18-3-106 (2) (c), Colorado Revised Statutes, are amended,  
50 and the said 18-3-106 is further amended BY THE ADDITION OF A  
51 NEW SUBSECTION, to read:

52

53 **18-3-106. Vehicular homicide.** (1) (b) (II) For the purposes of  
54 this subsection (1), "one or more drugs" shall mean all substances defined  
55 as a drug in section 12-22-303 (13), C.R.S., and all controlled substances  
56 defined in ~~section 12-22-303 (7), C.R.S.~~ SECTION 18-18-102 (5), and glue-



1 sniffing, aerosol inhalation, or the inhalation of any other toxic vapor or  
2 vapors as defined in section 18-18-412.

3  
4 (2) In any prosecution for a violation of subsection (1) of this  
5 section, the amount of alcohol in the defendant's blood or breath at the  
6 time of the commission of the alleged offense, or within a reasonable time  
7 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~  
8 ~~give~~ GIVES rise to the following presumptions OR INFERENCES:

9  
10 (c) If there was at such time 0.08 or more grams of alcohol per  
11 one hundred milliliters of blood, or if there was at such time 0.08 or more  
12 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~  
13 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant  
14 was under the influence of alcohol.

15  
16 (2.5) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION (1)  
17 OF THIS SECTION, IF THE DEFENDANT'S THC BLOOD CONTENT, AS DEFINED  
18 IN SECTION 42-1-102 (102.9), C.R.S., WAS FIVE NANOGRAMS OR MORE AT  
19 THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE OR WITHIN TWO  
20 HOURS THEREAFTER, AS SHOWN BY AN ANALYSIS OF THE DEFENDANT'S  
21 BLOOD, SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE THAT THE  
22 DEFENDANT WAS UNDER THE INFLUENCE OF DRUGS.

23  
24 **SECTION 8.** 18-3-205 (1) (b) (II), the introductory portion to 18-  
25 3-205 (2), and 18-3-205 (2) (c), Colorado Revised Statutes, are amended,  
26 and the said 18-3-205 is further amended BY THE ADDITION OF A  
27 NEW SUBSECTION, to read:

28  
29 **18-3-205. Vehicular assault.** (1) (b) (II) For the purposes of this  
30 subsection (1), "one or more drugs" shall mean all substances defined as  
31 a drug in section 12-22-303 (13), C.R.S., and all controlled substances  
32 defined in ~~section 12-22-303 (7), C.R.S.~~ SECTION 18-18-102 (5), and glue-  
33 sniffing, aerosol inhalation, or the inhalation of any other toxic vapor or  
34 vapors as defined in section 18-18-412.

35  
36 (2) In any prosecution for a violation of subsection (1) of this  
37 section, the amount of alcohol in the defendant's blood or breath at the  
38 time of the commission of the alleged offense, or within a reasonable time  
39 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~  
40 ~~give~~ GIVES rise to the following presumptions OR INFERENCES:

41  
42 (c) If there was at such time 0.08 or more grams of alcohol per  
43 one hundred milliliters of blood, or if there was at such time 0.08 or more  
44 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~  
45 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant  
46 was under the influence of alcohol.

47  
48 (2.5) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION (1)  
49 OF THIS SECTION, IF THE DEFENDANT'S THC BLOOD CONTENT, AS DEFINED  
50 IN SECTION 42-1-102 (102.9), C.R.S., WAS FIVE NANOGRAMS OR MORE AT  
51 THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE OR WITHIN TWO  
52 HOURS THEREAFTER, AS SHOWN BY AN ANALYSIS OF THE DEFENDANT'S  
53 BLOOD, SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE THAT THE  
54 DEFENDANT WAS UNDER THE INFLUENCE OF DRUGS."

55  
56 Renumber succeeding section accordingly.

1 **HB11-1267** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **SB11-016** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7

8  
9 **SB11-083** be amended as follows, and as so amended, be referred to  
10 the Committee of the Whole with favorable  
11 recommendation:  
12

13 Amend reengrossed bill, page 19, after line 24 insert:  
14

15 "SECTION 10. 15-14-310 (5), Colorado Revised Statutes, is  
16 amended to read:  
17

18 **15-14-310. Who may be guardian - priorities - prohibition of**  
19 **dual roles.** (5) (a) Unless the court makes specific findings for good  
20 cause shown OR THE PERSON IS A FAMILY CAREGIVER AS DEFINED IN  
21 SECTION 27-10.5-102 (15.5), C.R.S., the same professional may not act as  
22 an incapacitated person's or a protected person's:  
23

24 (I) Guardian and conservator; or  
25

26 (II) Guardian and direct service provider; or  
27

28 (III) Conservator and direct service provider.  
29

30 (b) In addition, a guardian or conservator may not employ the  
31 same person to act as both care manager and direct service provider for  
32 the incapacitated person or protected person UNLESS THE PERSON IS A  
33 FAMILY CAREGIVER AS DEFINED IN SECTION 27-10.5-102 (15.5), C.R.S.  
34

35 **SECTION 11.** 15-12-1201 (1) (a), Colorado Revised Statutes, is  
36 amended to read:  
37

38 **15-12-1201. Collection of personal property by affidavit.**

39 (1) At any time ten or more days after the date of death of a decedent,  
40 any person indebted to the decedent or having possession of tangible  
41 personal property or an instrument evidencing a debt, obligation, stock,  
42 chose in action, or stock brand belonging to the decedent shall make  
43 payment of the indebtedness or deliver the tangible personal property or  
44 an instrument evidencing a debt, obligation, stock, chose in action, or  
45 stock brand to a person claiming to be the successor of the decedent upon  
46 being presented an affidavit made by or on behalf of the successor stating  
47 that:  
48

49 (a) The fair market value of property owned by the decedent and  
50 subject to disposition by will or intestate succession at the time of his or  
51 her death, wherever that property is located, less liens and encumbrances,  
52 does not exceed  ~~fifty~~ SIXTY thousand dollars;"  
53

54 Renumber succeeding sections accordingly.  
55

1 Page 36, strike lines 26 and 27 and substitute "title and in accordance  
2 with the provisions of the "Colorado Patient Autonomy Act", sections 15-  
3 14-503 to 15-14-509."  
4  
5  
6  
7

8 **STATE, VETERANS, & MILITARY AFFAIRS**

9 After consideration on the merits, the Committee recommends the  
10 following:  
11

12 **HB11-1211** be amended as follows, and as so amended, be referred to  
13 the Committee of the Whole with favorable  
14 recommendation:  
15

16 Amend printed bill, page 3, line 20, strike "EMPLOYEE" and substitute  
17 "PERSON".  
18

19 Page 3, line 22, after "PURPOSES." add ""TRAVEL-RELATED  
20 EXPENDITURES" SHALL NOT INCLUDE THE ACTUAL COSTS OF TRAVEL  
21 UNDERTAKEN BY THE COVERED PERSON FOR BUSINESS-RELATED PURPOSES  
22 INCLUDING, WITHOUT LIMITATION, AIRLINE FARES, TAXICAB FARES,  
23 AUTOMOBILE RENTALS, OR REIMBURSEMENT FOR AUTOMOBILE MILEAGE  
24 EXPENSES."  
25

26 Page 3, line 24, after "(1)" insert "(a)".  
27

28 Page 4, strike line 6 and substitute:  
29

30 "IS TO BE USED.  
31

32 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
33 THE STATE-CHARTERED ENTITY MAY MAKE:  
34

35 (I) LODGING EXPENDITURES THAT ARE ABOVE TWO TIMES THE  
36 FEDERAL PER DIEM FOR AN EDUCATIONAL CONFERENCE WHERE THE HOTEL  
37 IS HOSTING THE CONFERENCE AND THE PERSON OR ENTITY ORGANIZING  
38 THE CONFERENCE SELECTED THE HOTEL; OR  
39

40 (II) TRAVEL EXPENDITURES THAT ARE DIRECTLY RELATED TO A  
41 PROGRAM OR A BUSINESS PURPOSE OF A STATE INSTITUTION OF HIGHER  
42 EDUCATION OR A STATE HOSPITAL AUTHORITY.  
43

44 (c) IN THE CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPH (I) OR  
45 (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1), THE STATE-CHARTERED  
46 ENTITY SHALL MAKE AVAILABLE FOR REVIEW BY ITS GOVERNING BODY OR  
47 FOR PUBLIC INSPECTION, UPON THE PROVISION OF REASONABLE NOTICE,  
48 ITEMIZATION OF ANY EXPENDITURES SATISFYING SUCH EXCEPTIONS TO THE  
49 REQUIREMENTS OF THIS SECTION.  
50

51 (2) IF THE STATE CHARTERED ENTITY MAKES".  
52

53 Page 4, line 8, after "BY" insert "SUBSECTION (1) OF".  
54

55 Page 4, line 12, strike "(2)" and substitute "(3)".  
56

1 **HB11-1229** be postponed indefinitely.

2  
3

4 **HB11-1252** be amended as follows, and as so amended, be referred to  
5 the Committee on Appropriations with favorable  
6 recommendation:

7

8 Amend printed bill, page 2, after line 1 insert:

9 "SECTION 1. Legislative declaration. The general assembly  
10 hereby finds and declares that this act is consistent and complies with  
11 both the federal "National Voter Registration Act of 1993", 42 U.S.C. sec.  
12 1973gg, as amended, and the court order in the case denominated  
13 *Common Cause of Colorado, et al. v. Buescher*, Civil Action No.  
14 08 CV 2321 JLK, in the United States district court for the district of  
15 Colorado, because the registration record of those registered electors who  
16 do not provide proof of citizenship is merely marked "Incomplete" and  
17 the registration record is not canceled."

18

19 Renumber succeeding sections accordingly.

20

21 Page 3, line 9, strike "OR" and substitute "OR, IN THE SECRETARY OF  
22 STATE'S DISCRETION,".

23

24 Page 3, line 12, strike "OR" and substitute "OR, IN THE SECRETARY OF  
25 STATE'S DISCRETION,".

26

27 Page 3, line 15, after "DOCUMENTATION," insert "OR, IN THE SECRETARY  
28 OF STATE'S DISCRETION,".

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32 **SB11-024** be referred to the Committee of the Whole with favorable  
33 recommendation.

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36 **SB11-068** be postponed indefinitely.

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41 **TRANSPORTATION**

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

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45 **HB11-1272** be referred favorably to the Committee on Appropriations.

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48 **SB11-031** be referred to the Committee of the Whole with favorable  
49 recommendation.

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**PRINTING REPORT**

54

55 The Chief Clerk reports the following bills have been correctly printed:

56 **HB11-1282, 1283.**

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HB11-1030, 1031, 1040, 1085, 1117, 1177, 1148, 1202; SB11-002, 020, 029, 061, 086, 093, 101, 103, 104, 106, 123 and 159.**

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**DELIVERY OF BILLS TO GOVERNOR**

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB11-1017, 1019, 1027, 1036, 1060, 1073, 1102** at 3:20 p.m. on March 10, 2011.

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**MESSAGE(S) FROM THE SENATE**

The Senate has passed on Third Reading and returns therewith HB11-1053 and HB11-1161.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes SB11-092.

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

SB11-094 amended as printed in Senate Journal, March 10, 2011, page 416.

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

HB11-1089 amended as printed in Senate Journal, March 10, 2011, page 416.

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The Senate has postponed indefinitely HB11-1058. The bill is returned herewith.

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**MESSAGE(S) FROM THE REVISOR**

We herewith transmit:  
Without comment, SB11-092.  
Without comment, as amended, HB11-1089.  
Without comment, as amended, SB11-094.

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**MESSAGE(S) FROM THE GOVERNOR**1  
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I certify I received the following on the 11th day of March, 2011, at 1:45 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,  
Chief Clerk of the House

March 11, 2011

To the Honorable House of Representatives  
Sixty-eighth General Assembly  
First Regular Session  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

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

**HB11-1011** CONCERNING THE PARTICIPATION OF ADDITIONAL INDIVIDUALS IN A PROCEEDING PENDING BEFORE THE BOARD OF ASSESSMENT APPEALS

Approved March 11, 2011 at 12:12 p.m.

**HB11-1018** CONCERNING ELECTRONICALLY TRANSMITTED COURT DOCUMENTS

Approved March 11, 2011 at 12:20 p.m.

**HB11-1021** CONCERNING THE FISCAL YEAR OF THE COLORADO CHANNEL AUTHORITY

Approved March 11, 2011 at 12:22 p.m.

**HB11-1028** CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE ALZHEIMER'S ASSOCIATION FUND THAT APPEARS ON THE STATE INDIVIDUAL INCOME TAX RETURN FORMS, AND, IN CONNECTION THEREWITH, EXTENDING THE PERIOD FOR THE CONTRIBUTION DESIGNATION

Approved March 11, 2011 at 12:15 p.m.

**HB11-1041** CONCERNING THE COLORADO INSURANCE GUARANTY ASSOCIATION

Approved March 11, 2011 at 12:10 p.m.

**HB11-1051** CONCERNING CLARIFICATION THAT A DNA SAMPLE EXPUNGEMENT IS NEVER AVAILABLE FOR A FELONY CONVICTION

Approved March 11, 2011 at 12:18 p.m.

1 **HB11-1087** CONCERNING REIMBURSEMENT TO COUNTY  
2 GOVERNMENTS FOR CHARGES INCURRED IN PEST  
3 CONTROL OPERATIONS UNDERTAKEN BY THE COUNTY  
4

5 Approved March 11, 2011 at 12:21 p.m.  
6

7 **HB11-1110** CONCERNING THE RIGHTS OF MEMBERS OF NONPROFIT  
8 CORPORATIONS IN WHICH RESIDENCY IS A  
9 QUALIFICATION FOR MEMBERSHIP  
10

11 Approved March 11, 2011 at 12:23 p.m.  
12

13 **HB11-1113** CONCERNING THE PROVISION OF INFORMATION  
14 PERTAINING TO IMPACT FEES IMPOSED BY LOCAL  
15 GOVERNMENTS  
16

17 Approved March 11, 2011 at 12:23 p.m.  
18

19 Sincerely,  
20 (signed)  
21 John W. Hickenlooper  
22 Governor  
23

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

29 The following bills were read by title and referred to the committees  
30 indicated:  
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32 **SB11-165** by Senator(s) Guzman; also Representative(s) Kerr A.--  
33 Concerning the "Colorado Uniform Estate Tax  
34 Apportionment Act".  
35 Committee on Judiciary  
36

37 **SB11-175** by Senator(s) Carroll; also Representative(s) Levy--  
38 Concerning enactment of the insurable interest  
39 amendments to the uniform trust code.  
40 Committee on Judiciary  
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43  
44 **LAY OVER OF CALENDAR ITEM(S)**  
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46 On motion of Representative Stephens, the following item(s) on the  
47 Calendar (was)were laid over until March 14, retaining place on  
48 Calendar:  
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50 Consideration of Senate Amendment(s)--**HB11-1074**.  
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1 On motion of Representative Holbert, the House adjourned until  
2 10:00 a.m., March 14, 2011.

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7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:  
FRANK McNULTY,  
Speaker