HOUSE JOURNAL SIXTY-EIGHTH GENERAL ASSEMBLY STATE OF COLORADO

First Regular Session

Forty-third Legislative Day

43

Beezley

N Holbert

Wednesday, February 23, 2011

Prayer by Ed Maxwell, Colorado State Patrol Chaplain. 1 2 3 The Speaker called the House to order at 9:00 a.m. 4 5 Pledge of Allegiance led by Katelynn Wilson and Ryan Dreitz, North 6 Eastern Junior College, Sterling. 7 8 The roll was called with the following result: 9 10 Present--64. 11 Excused--Representative(s) Summers--1. 12 13 The Speaker declared a quorum present. 14 15 On motion of Representative Duran, the reading of the journal of 16 February 22, 2011, was declared dispensed with and approved as 17 18 corrected by the Chief Clerk. 19 20 21 THIRD READING OF BILL(S)--FINAL PASSAGE 22 23 24 The following bill(s) was(were) considered on Third Reading. The title(s) was(were) publicly read. Reading of the bill at length was 25 dispensed with by unanimous consent. 26 27 28 HB11-1188 by Representative(s) Liston; also Senator(s) Newell--Concerning franchise agreements for a dealer to sell 29 30 vehicles. 31 The question being "Shall the bill pass?". 32 33 A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the 34 35 bill was declared **passed**. 36 37 YES NO **EXCUSED** ABSENT 0 61 3 1 38 Y Y Acree Y Fischer Y Liston Scott 39 Balmer Y Gardner B. Ν Looper Y Solano Y 40 Barker Y Gardner D. Y Massey Y Sonnenberg Y 41 Baumgardner Y Gerou Y McCann Y Soper Y Y McKinley Y Stephens Y 42 Hamner Y Becker

Y

Miklosi

Y

Summers

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House Journal--43rd Day--February 23, 2011 Page 400 Bradford 1 Hullinghorst Y Murray Y Swalm Y Y 2 Y Y Nikkel Y Swerdfeger Y Brown Jones 3 Casso Y Joshi Y Pabon Y Szabo Y 4 Y Y Y Conti Kagan Y Pace Todd 5 Y Kefalas Y Tyler Y Coram Y Peniston 6 Y Y Vaad Y Court Kerr A. Y Priola 7 Ramirez DelGrosso Y Kerr J. Y Vigil Y Y 8 Duran Y Labuda Y Riesberg Ν Waller Y 9 Ferrandino Y Lee Y Ryden Y Williams A. Y 10 Y Schafer S. Y Y Fields Levy Y Wilson Y Speaker 11 Co-sponsor(s) added: Representative(s) Casso, Fields, Holbert, Kerr J., Nikkel, 12 Pace, Schafer S., Scott, Soper, Stephens, Todd, Wilson. 13 14 15 HB11-1042 by Representative(s) Levy; also Senator(s) Nicholson--16 Concerning the classification of residential land when the 17 residential improvement is temporarily removed. 18 The question being "Shall the bill pass?". 19 20 A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill 21 22 was declared **passed**. 23 24 YES 63 NO 1 **EXCUSED** 1 ABSENT 0 25 Y Scott Y Acree Y Fischer Y Liston Y 26 Balmer Y Gardner B. Y Looper Solano Y 27 Barker Y Gardner D. Y Massey Y Sonnenberg Y 28 Baumgardner Y Y McCann Y Y Gerou Soper Y 29 Y Hamner Y McKinley Ν Stephens Becker Y 30 Beezley Holbert Y Miklosi Y Summers Ε 31 Bradford Y Y Hullinghorst Y Murray Y Swalm 32 Y Y Nikkel Y Swerdfeger Y Brown Jones Pabon 33 Y Joshi Y Y Szabo Y Casso 34 Conti Y Kagan Y Pace Y Todd Y Y 35 Coram Kefalas Y Peniston Y Tyler Y Y Y 36 Court Kerr A. Y Priola Y Vaad 37 Y Y Y Vigil Y DelGrosso Kerr J. Ramirez 38 Y Labuda Riesberg Y Waller Y Duran Y 39 Y Y Ferrandino Lee Y Rvden Y Williams A. 40 Fields Y Levy Y Schafer S. Y Wilson Y 41 Speaker Y 42 Co-sponsor(s) added: Representative(s) Gardner D., Gerou, Hamner, Jones, 43 Kagan, Kefalas, Massey, Nikkel, Pace, Priola, Ryden, Schafer S., Wilson, 44 Speaker. 45 46 by Representative(s) Solano, Casso, Duran, Kerr A., Todd; also Senator(s) Tochtrop--Concerning fetal alcohol 47 HB11-1144 48 49 spectrum disorders, and, in connection therewith, 50 expanding the number of members of the fetal alcohol 51 spectrum disorders commission and encouraging 52 evaluation and expanded use of health warning 53 information. 54

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

56 A roll call vote was taken. As shown by the following recorded vote, a

YES	53	NO	11	EXCUSED	1	ABSENT
Acree	Y	Fischer	Y	Liston	Y	Scott
Balmer	Y	Gardner B.	Y	Looper	Y	Solano
Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg
Baumgardne	er N	Gerou	Y	McCann	Y	Soper
Becker	Ν	Hamner	Y	McKinley	Y	Stephens
Beezley	Ν	Holbert	Ν	Miklosi	Y	Summers
Bradford	Y	Hullinghorst	Y	Murray	Ν	Swalm
Brown	Ν	Jones	Y	Nikkel	Ν	Swerdfeger
Casso	Y	Joshi	Ν	Pabon	Y	Szabo
Conti	Ŷ	Kagan	Y	Pace	Ŷ	Todd
Coram	Ŷ	Kefalas	Ŷ	Peniston	Ŷ	Tyler
Court	Ŷ	Kerr A.	Ŷ	Priola	Ŷ	Vaad
DelGrosso	Ŷ	Kerr J.	Ŷ	Ramirez	Ŷ	Vigil
Duran	Ŷ	Labuda	Ŷ	Riesberg	Ŷ	Waller
Ferrandino	Ŷ	Lee	Ŷ	Ryden	Ŷ	Williams A.
Fields	Ŷ	Levy	Ŷ	Schafer S.	Ŷ	Wilson
1 10100		Levy	•	Senarer S.	•	Speaker
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1 majority of those elected to the House voted in the affirmative and the bill

- 54 55 56

rst, Kefalas, Labuda, Padon, Pace, Riesberg, Schafer S., Solano, Todd.

1**HB11-1101**by Representative(s) Swalm; also Senator(s) Morse--
Concerning an exemption from state licensure
requirements for a community clinic that is a federally
qualified health center, and making an appropriation in
connection therewith.

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								
12	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	Y	Stephens	Y
18	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	E
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) Ferrandino, Fischer, Gardner D.,
31 Kefalas, Massey, Pace, Solano, Todd.

32

HB11-1155
by Representative(s) McNulty and Pace, Swerdfeger; also
Senator(s) Shaffer B. and Kopp--Concerning the lieutenant
governor of the state of Colorado serving concurrently as
the head of a principal department in state government,
and making an appropriation in connection therewith.

3839 The question being "Shall the bill pass?".

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

43

YES	64	NO	0	EXCUSED	1	ABSENT	0
Acree	Y	Fischer	Y	Liston	Y	Scott	Y
Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
Beezley	Y	Holbert	Y	Miklosi	Y	Summers	E
Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
Conti	Y	Kagan	Y	Pace	Y	Todd	Y
Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
	Acree Balmer Barker Baumgardner Becker Beezley Bradford Brown Casso Conti Coram	AcreeYBalmerYBarkerYBarkerYBaumgardnerYBeckerYBeezleyYBradfordYBrownYCassoYContiY	AcreeYFischerBalmerYGardner B.BarkerYGardner D.BaumgardnerYGerouBeckerYHamnerBeezleyYHolbertBradfordYHullinghorstBrownYJonesCassoYJoshiContiYKaganCoramYKefalas	AcreeYFischerYBalmerYGardner B.YBarkerYGardner D.YBaumgardnerYGerouYBeckerYHamnerYBeckerYHolbertYBradfordYHullinghorstYBrownYJonesYContiYKaganYCoramYKefalasY	AcreeYFischerYListonBalmerYGardner B.YLooperBarkerYGardner D.YMasseyBaumgardnerYGerouYMcCannBeckerYHamnerYMcKinleyBeezleyYHolbertYMiklosiBradfordYHullinghorstYMurrayBrownYJonesYNikkelCassoYJoshiYPabonContiYKaganYPaceCoramYKefalasYPeniston	AcreeYFischerYListonYBalmerYGardner B.YLooperYBarkerYGardner D.YMasseyYBaumgardnerYGerouYMcCannYBeckerYHamnerYMcKinleyYBeckerYHolbertYMiklosiYBradfordYHullinghorstYMurrayYBrownYJonesYNikkelYCassoYJoshiYPabonYContiYKaganYPaceYCoramYKefalasYPenistonY	AcreeYFischerYListonYScottBalmerYGardner B.YLooperYSolanoBarkerYGardner D.YMasseyYSonnenbergBaumgardnerYGerouYMcCannYSoperBeckerYHamnerYMcKinleyYStephensBeezleyYHolbertYMiklosiYSummersBradfordYHullinghorstYMurrayYSwalmBrownYJonesYNikkelYSwerdfegerCassoYJoshiYPaceYToddCoramYKefalasYPenistonYTyler

House Journal--43rd Day--February 23, 2011

1 2 3 4 5 6	DelGrosso Duran Ferrandino Fields Co-sponsor(s)	Y Y Y Y	Kerr J. Labuda Lee Levy ed: Represent	Y Y Y Y	Ramirez Riesberg Ryden Schafer S. (s) Casso, Co	Y Y Y Y	Williams A. Wilson Speaker	Y Y Y Y Y dino,
7 8 9	Fields, Hulling Nikkel, Ryden,							urray,
10 11 12	<u>HB11-1178</u>	Co	ncerning the	regi	Looper; also S ulation of per e ordinary cou	rson	s who dispos	se of
13 14 15 16 17 18	The question A roll call vot majority of the was declared	te w ose e	as taken. As elected to the I sed.	shov Hous	wn by the follo se voted in the	affir	mative and th	ote, a le bill
19	YES	64	NO	0	EXCUSED	1	ABSENT	0
20	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
21	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
22	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
23	Baumgardner		Gerou	Y	McCann	Y	Soper	Y
24	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
25	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	E
26	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
27	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
28	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
29	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
30	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
31	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
32	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
33	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
34	Ferrandino	Ŷ	Lee	Ŷ	Ryden	Ŷ	Williams A.	Ŷ
35	Fields	Ŷ	Levy	Ŷ	Schafer S.	Ŷ	Wilson	Ŷ
36		-	2019	-		-	Speaker	Ŷ
37	Co-sponsor(s)	add	ed: Representa	tive	(s) Fields, Lab	uda.	Nikkel, Schaf	
38	Stephens, Todo				(~) = ====, ====	,	, ~	,
39	~~~;;;;	.,	8					
40	HB11-1260	bv	Representativ	ve(s)	DelGrosso;	also	Senator(s) J	ahn
41					date for tax			
42		wh	en the due da	te fa	lls on a legal	fede	ral holiday.	
43			en nie ade da		ins on a regar		ui nonauj.	
44	The question	bein	g "Shall the h	oill n	ass?"			
45	A roll call vot					owin	g recorded v	ote a
46	majority of the	nse e	elected to the I	Hous	se voted in the	affir	mative and th	e hill
47	was declared			1040		ai i i i		0111
48	was acciared	Pas	jeu.					
49	YES	64	NO	0	EXCUSED	1	ABSENT	0
5 0	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
50 51	Balmer	Y	Gardner B.	Y		Y	Solano	Y
51 52	Barker	Y	Gardner D.	Y	Looper Massey	Y		Y
52 53					McCann		Sonnenberg	Y
	Baumgardner		Gerou	Y v		Y	Soper	
54 55	Becker	Y v	Hamner	Y	McKinley Miklosi	Y	Stephens	Y
55 56	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	E
56	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y

Page 404 Swerdfeger Brown Nikkel Y Y 1 Y Jones Y 2 Y Joshi Y Y Y Casso Pabon Szabo 3 Y Conti Y Kagan Y Pace Y Todd 4 Y Y Y Coram Kefalas Y Peniston Tyler 5 Y Y Y Vaad Y Court Kerr A. Priola 6 Y Kerr J. Y Vigil Y DelGrosso Y Ramirez 7 Y Labuda Riesberg Y Waller Y Duran Y 8 Ferrandino Y Lee Y Ryden Y Williams A. Y 9 Fields Y Levy Y Schafer S. Y Wilson Y Speaker 10 Y Co-sponsor(s) added: Representative(s) Fields, Kerr J., Labuda, Looper, 11 12 Schafer S., Todd. 13 14 HB11-1203 by Representative(s) Lee, Ferrandino, Levy, Tyler; also 15 Senator(s) Nicholsen--Concerning a requirement that 16 private custodians of criminal records remove records 17 from their databases when a court orders the criminal 18 records sealed. 19 20 The question being "Shall the bill pass?". 21 A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill 22 23 was declared **passed**. 24 25 YES 64 NO 0 **EXCUSED** 1 ABSENT 0 Y Y Y Fischer Y Liston Scott 26 Acree 27 Y Y Y Y Balmer Gardner B. Looper Solano 28 Barker Y Gardner D. Y Massey Y Sonnenberg Y 29 Y Baumgardner Y Gerou Y McCann Y Soper 30 Y Y Becker Y Hamner **McKinley** Y Stephens 31 Y **Summers** Beezlev Holbert Y Miklosi Y Ε 32 Bradford Y Hullinghorst Y Murray Y Swalm Y 33 Y Y Y Y Brown Jones Nikkel Swerdfeger 34 Casso Y Joshi Y Pabon Y Szabo Y 35 Y Y Y Conti Kagan Y Pace Todd Tyler Y Y Y 36 Coram Kefalas Y Peniston 37 Y Kerr A. Y Priola Y Vaad Y Court 38 DelGrosso Y Kerr J. Y Ramirez Y Vigil Y 39 Y Labuda Y Riesberg Y Waller Y Duran 40 Y Ferrandino Lee Y Ryden Y Williams A. Y 41 Fields Y Y Schafer S. Y Y Levy Wilson 42 Speaker Y 43 Co-sponsor(s) added: Representative(s) Barker, Duran, Fields, Kagan, Labuda, 44 Nikkel, Pabon, Pace, Schafer S., Solano, Vigil, Wilson. 45 by Representative(s) Conti, Acree, Brown, Kerr J., Scott, 46 HB11-1226 Summers; also Senator(s) Spence--Concerning the 47 information provided on a disabled veteran's property tax 48 49 exemption application form. 50 The question being "Shall the bill pass?". 51 52 A roll call vote was taken. As shown by the following recorded vote, a 53 majority of those elected to the House voted in the affirmative and the bill

House Journal--43rd Day--February 23, 2011

- 54 was declared **passed**.
- 55

	YES	64	NO	0	EXCUSED	1	ABSENT	0
A	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
B	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
B	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
B	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Е
	Bradford	Ŷ	Hullinghorst	Ŷ	Murray	Ŷ	Swalm	Ŧ
_	Brown	Ŷ	Jones	Ŷ	Nikkel	Ŷ	Swerdfeger	Ŷ
	Casso	Ŷ	Joshi	Ŷ	Pabon	Ŷ	Szabo	Ŷ
	Conti	Ŷ	Kagan	Ŷ	Pace	Ŷ	Todd	Ŷ
	Coram	Ŷ	Kefalas	Ŷ	Peniston	Ŷ	Tyler	Ŷ
	Court	Ŷ	Kerr A.	Ŷ	Priola	Ŷ	Vaad	Ŷ
	DelGrosso	Ŷ	Kerr J.	Ŷ	Ramirez	Ŷ	Vigil	Y
	Duran	Y		Y		Y	Waller	Y
			Labuda		Riesberg	Y		Y
	errandino	Y	Lee	Y	Ryden		Williams A.	
Г	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
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<u>H</u>]	<u>B11-1189</u>	Sei tho	nator(s) K. Ki se arrested f	ng	Concerning b ubsequent su	ail b	ond condition	is f
H	<u>B11-1189</u>	Sei tho	nator(s) K. Ki	ng	Concerning b	ail b	ond condition	is f
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Th A ma wa A B B B B B	ne question l roll call vot ajority of the as declared j <u>YES</u> Acree Balmer Barker Baumgardner	Set tho off tho off bein e w ose e $\overline{57}$ Y Y Y N	hator(s) K. Ki ese arrested f enses. ag "Shall the b as taken. As elected to the I sed. NO Fischer Gardner B. Gardner D. Gerou	ng or s oill p show Hous 7 Y Y Y Y Y Y Y	Concerning b ubsequent su ass?". vn by the follo se voted in the <u>EXCUSED</u> Liston Looper Massey McCann	ail b bstai owin affin <u>1</u> Y Y Y Y Y	ond condition nce abuse dr g recorded vo mative and th ABSENT Scott Solano Sonnenberg Soper	$\frac{1}{2} \frac{1}{2} \frac{1}$
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HB11-1210
 by Representative(s) Hamner, Levy, McCann, Tyler; also
 Senator(s) Nicholson--Concerning a requirement that the department of transportation recommend to the general

1 2 assembly actions that can be taken in the short-term to improve mobility in the interstate 70 mountain corridor.

3 4 The question being "Shall the bill pass?".

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

9 YES 50 NO 14 **EXCUSED** 1 ABSENT 0 Y 10 Acree Ν Fischer Y Liston Y Scott Y 11 Balmer Ν Gardner B. Y Looper Y Solano Sonnenberg Y Y Massev Y 12 Barker Gardner D. Ν Baumgardner Y Y Y 13 Gerou Ν McCann Soper 14 Becker Ν Hamner Y McKinley Ν Stephens Y 15 Beezley Miklosi Y Summers E Ν Holbert Ν Bradford Y 16 Y Hullinghorst Y Murray Y Swalm Y Ν Y Nikkel Swerdfeger 17 Brown Jones Ν 18 Casso Y Joshi Y Pabon Y Szabo Ν 19 Conti Y Kagan Y Pace Y Todd Y Y Y 20 Coram Y Kefalas Y Peniston Tyler 21 Y Priola Y Vaad Y Court Kerr A. Y 22 Ramirez Y DelGrosso Ν Kerr J. Ν Ν Vigil 23 Duran Y Labuda Y Y Waller Y Riesberg 24 Y Ferrandino Y Lee Y Ryden Y Williams A. 25 Y Y Levy Y Schafer S. Y Wilson Fields Speaker Y 26

27 Co-sponsor(s) added: Representative(s) Fields, Fischer, Hullinghorst, Labuda,
 28 Lee, Pace, Todd, Williams A., Wilson.

29 30

HB11-1071
by Representative(s) Hamner; also Senator(s) Bacon--Concerning the voluntary contribution designation benefiting the Roundup River Ranch fund that appears on the state individual income tax return forms, and making an appropriation therefor.

3637 The question being "Shall the bill pass?".

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

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4	1

41								
42	YES	52	NO	12	EXCUSED	1	ABSENT	0
43	Acree	Y	Fischer	Y	Liston	Ν	Scott	Ν
44	Balmer	Ν	Gardner B.	Ν	Looper	Y	Solano	Y
45	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Ν
46	Baumgardner	Ν	Gerou	Y	McCann	Y	Soper	Y
47	Becker	Ν	Hamner	Y	McKinley	Y	Stephens	Y
48	Beezley	Y	Holbert	Ν	Miklosi	Y	Summers	E
49	Bradford	Y	Hullinghorst	Y	Murray	Ν	Swalm	Y
50	Brown	Y	Jones	Y	Nikkel	Ν	Swerdfeger	Y
51	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
52	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
53	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
54	Court	Y	Kerr A.	Y	Priola	Ν	Vaad	Y
55	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
56	Duran	Y	Labuda	Y	Riesberg	Ν	Waller	Y

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1 2 3	Ferrandino Fields	Y Y	Lee Levy	Y Y	Ryden Schafer S.	Y Y	Williams A. Wilson Speaker	Y Y Y		
4 5	5 Todd, Tyler, Wilson.									
6 7 8 9 10	<u>HB11-1181</u>	Ċo	Representativ ncerning the ality review te	der) Kefalas; also partment of h	o Se num	enator(s) Nev an services	vell child		
10 11 12 13 14 15	The question A roll call vot majority of the was declared	te w ose e	as taken. As elected to the H	shov	vn by the follo	owin affir	g recorded vo mative and th	ote, a e bill		
16	YES	62	NO	2	EXCUSED	1	ABSENT	0		
17	Acree	Y	Fischer	Y	Liston	Y	Scott	Y		
18	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y		
19	Barker	Ŷ	Gardner D.	Ŷ	Massey	Ŷ	Sonnenberg	Ň		
20	Baumgardner		Gerou	Ŷ	McCann	Ŷ	Soper	Y		
20	Becker	Y	Hamner	Ŷ	McKinley	Ŷ	Stephens	Y		
		Y		Y	Miklosi	Y		Ē		
22	Beezley		Holbert				Summers			
23	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y		
24	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y		
25	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y		
26	Conti	Y	Kagan	Y	Pace	Y	Todd	Y		
27	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y		
28	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y		
29	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y		
30	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y		
31	Ferrandino	Ŷ	Lee	Ŷ	Ryden	Ŷ	Williams A.	Ŷ		
32	Fields	Ŷ	Levy	Ŷ	Schafer S.	Ŷ	Wilson	Ŷ		
33	1 ICIUS	1	Levy	T	Scharer 5.	1	Speaker	Y		
33 34	Co-sponsor(s)	adde	d. Representa	tivol	s) Casso Field	e Fi	<u>scher Labuda</u>			
35 36	Peniston, Riesł				s) Casso, 14eiu	5, 11	seller, Labuda,	, Lee,		
37	On motion of	Rer	resentative St	enhe	ens considera	tion	on Third Rea	ding		
38	On motion of of HB11-119	2^{1}	1084 1183	1220	was laid ov	er i	intil February	$\frac{1}{2}24$		
39	retaining plac	2 , .	Calendar		was laid ov			<i>2</i> - ,		
40	retaining plac		r Calcillar.							
41										
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44	KEPO	KI	(S) OF COM		FTEE(S) OF	KEI	ERENCE			
45	E GONOL G					-				
46	ECONOMIC						_	_		
47	After conside	erati	on on the m	erits	s, the Comm	ittee	recommends	s the		
48	following:									
49										
50	<u>HB11-1136</u>	be	amended as fo	ollov	vs, and as so a	men	ded, be referr	ed to		
51		the	Committee	on	Appropriat	ions	with favo	rable		
52			ommendation	:						
53										
54	Strike the Loc	al G	overnment Co	omm	ittee Report. d	lated	l February 7. 🤈	2011.		
55	and substitute						······································	,		
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1 "Amend printed bill, strike everything below the enacting clause and 2 substitute: 3 **"SECTION 1. Legislative declaration.** (1) 4 The general 5 assembly hereby finds and declares that: 6 7 There is a crisis of foreclosures of single-family, (a) owner-occupied homes both nationwide and in Colorado, especially for 8 9 homeowners whose original loan amount was less than five hundred 10 thousand dollars; 11 12 (b) The foreclosure prevention counseling fund is intended to 13 provide support during this crisis for proven and established foreclosure prevention methods such as foreclosure counseling and outreach by 14 approved housing counseling agencies; 15 16 17 (c) Lenders have found that borrowers who engage the services of approved housing counseling agencies are better prepared to resolve 18 the issues that caused the foreclosure to begin with; and 19 20 21 (d) The foreclosure prevention counseling fund will bolster the 22 use of approved housing counseling agencies by borrowers seeking to 23 avoid foreclosure. 24 25 **SECTION 2.** 24-32-705 (1), Colorado Revised Statutes, is 26 amended BY THE ADDITION OF A NEW PARAGRAPH to read: 27 28 **24-32-705.** Functions of division - repeal. (1) The division has 29 the following functions: 30 TO EXPEND MONEYS FROM THE FORECLOSURE 31 (t) (I) (A) 32 PREVENTION COUNSELING FUND, CREATED IN SECTION 24-32-722, IN 33 ACCORDANCE WITH THAT SECTION; AND 34 35 **(B)** TO ACCEPT PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS FOR DEPOSIT IN THE FORECLOSURE PREVENTION COUNSELING 36 37 FUND. 38 39 (II) THIS PARAGRAPH (t) IS REPEALED, EFFECTIVE SEPTEMBER 30, 2015. 40 41 **SECTION 3.** Part 7 of article 32 of title 24, Colorado Revised 42 43 Statutes, is amended BY THE ADDITION OF A NEW SECTION to 44 read: 45 46 24-32-722. Foreclosure prevention counseling fund - creation 47 - definition - repeal. (1) AS USED IN THIS SECTION, "APPROVED HOUSING 48 COUNSELING AGENCY" OR "APPROVED AGENCY" MEANS AN AGENCY THAT 49 IS APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND 50 URBAN DEVELOPMENT AND THAT RECEIVES REFERRALS THROUGH THE 51 COLORADO FORECLOSURE HOTLINE. 52 53 (2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE 54 FORECLOSURE PREVENTION COUNSELING FUND, ALSO REFERRED TO IN THIS SECTION AS THE "FUND". 55 56

1 (3) THE FUND CONSISTS OF: 2 3 (a) MONEYS COLLECTED BY PUBLIC TRUSTEES AND TRANSMITTED 4 TO THE STATE TREASURER PURSUANT TO SECTION 38-38-1002, C.R.S.; 5 AND 6 7 (b) GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE 8 SOURCES ACCEPTED BY THE DIVISION FOR DEPOSIT IN THE FUND 9 PURSUANT TO SECTION 24-32-705 (1) (t) (I) (B). 10 11 (4) (a) THE MONEYS IN THE FUND ARE CONTINUOUSLY 12 APPROPRIATED TO THE DIVISION, WHICH SHALL EXPEND MONEYS FROM THE 13 FUND, AS APPROVED BY THE BOARD, FOR THE FOLLOWING PURPOSES: 14 (I) 15 TO MAKE GRANTS TO APPROVED HOUSING COUNSELING 16 AGENCIES; 17 18 (II) TO SUPPORT, THROUGH APPROVED HOUSING COUNSELING 19 AGENCIES, EVALUATIONS CONDUCTED BY SUCH AGENCIES UNDER THE 20 FORECLOSURE DEFERMENT PROGRAM CREATED BY PART 8 OF ARTICLE 38 21 OF TITLE 38, C.R.S.; 22 23 (III) TO SUPPORT OTHER FORECLOSURE PREVENTION ACTIVITIES 24 ADMINISTERED BY AN APPROVED HOUSING COUNSELING AGENCY, 25 INCLUDING: 26 27 (A) THE OPERATION OF THE FORECLOSURE DEFERMENT PROGRAM 28 CREATED BY PART 8 OF ARTICLE 38 OF TITLE 38, C.R.S.; AND 29 30 (B) COMMUNITY OUTREACH; AND 31 32 (IV) FOR THE ACTUAL AND DIRECT COSTS, NOT TO EXCEED EIGHTY 33 THOUSAND DOLLARS PER YEAR, INCURRED BY THE DIVISION IN 34 ADMINISTERING THIS SECTION. 35 36 (b) (I) (A) IN MAKING GRANTS AND OTHER EXPENDITURES FROM 37 THE FUND, THE DIVISION SHALL, TO THE GREATEST EXTENT POSSIBLE, 38 ALLOCATE MONEY IN COLORADO ACCORDING TO NEED, TAKING INTO 39 CONSIDERATION FACTORS SUCH AS THE PARTICULAR RURAL AND 40 REGIONAL NEEDS, THE FORECLOSURE RATE IN EACH COUNTY, AND THE 41 AMOUNT COLLECTED AND TRANSMITTED BY THE PUBLIC TRUSTEE OF EACH 42 COUNTY IN ACCORDANCE WITH PART 10 OF ARTICLE 38 OF TITLE 38, C.R.S. 43 AT LEAST FIVE PERCENT, BUT NO MORE THAN TEN PERCENT, OF THE 44 MONEYS IN THE FUND MUST BE ALLOCATED FOR COMMUNITY OUTREACH. 45 46 **(B)** AN APPROVED AGENCY THAT INTENDS TO PROVIDE 47 COUNSELING SERVICES IN RURAL AREAS OF COLORADO MUST DESCRIBE, 48 IN ITS APPLICATION FOR FUNDING UNDER THIS SECTION, THE MECHANISMS 49 AND METHODS THROUGH WHICH THE AGENCY WILL OFFER HOUSING 50 COUNSELING IN A MANNER SUFFICIENT TO MEET THE NEEDS OF RURAL 51 BORROWERS FACING FORECLOSURE. 52 53 (II) AN APPROVED AGENCY RECEIVING MONEYS FROM THE FUND: 54 55 (A) SHALL ADHERE TO THE FORECLOSURE INTERVENTION 56 SPECIALTY CORE OPERATING PROCEDURES AND REPORTING REQUIREMENTS

1 PROMULGATED BY THE NATIONAL INDUSTRY STANDARDS FOR 2 HOMEOWNERSHIP EDUCATION AND COUNSELING, OR ANY SUCCESSOR 3 ORGANIZATION, AND SHALL COMPLY WITH THE GUIDELINES CONTAINED IN 4 THE LATEST REVISION OF THE UNITED STATES DEPARTMENT OF HOUSING 5 AND URBAN DEVELOPMENT'S DATA COLLECTION INSTRUMENT, COMMONLY 6 REFERRED TO AS HOUSING COUNSELING FORM HUD-9902, OR ANY 7 SUCCESSOR INSTRUMENT; AND 8 9 (B) SHALL NOT SHOW FAVORITISM OR BIAS TOWARD ANY PERSON 10 IN THE FORECLOSURE PROCESS OR IN THE WAY A FORECLOSURE IS 11 RESOLVED. 12 13 (5) ALL MONEYS CREDITED TO THE FUND, AND ALL INTEREST 14 EARNED ON THE INVESTMENT OF MONEYS IN THE FUND, REMAIN IN THE 15 FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE GENERAL 16 FUND OR TO ANY OTHER FUND EXCEPT AS DIRECTED BY THE GENERAL 17 ASSEMBLY ACTING BY BILL. 18 19 (6) (a) As a condition of receiving moneys from the fund, 20 THE DIVISION SHALL CONTRACTUALLY OBLIGATE AN APPROVED HOUSING 21 COUNSELING AGENCY TO COLLECT CLIENT-LEVEL DATA SUFFICIENT TO 22 REPORT ANNUAL PROGRAM AND RELATED OUTCOME PERFORMANCE DATA 23 UNDER THIS SUBSECTION (6). 24 25 (b) FOR ANY YEAR IN WHICH AN APPROVED AGENCY RECEIVES 26 MONEYS FROM THE FUND, THE APPROVED AGENCY SHALL PROVIDE TO THE 27 DIVISION OUTCOME-BASED DATA DERIVED FROM ITS FORECLOSURE 28 PREVENTION COUNSELING ACTIVITIES. THE DATA REQUIRED UNDER THIS 29 PARAGRAPH (b) MUST INCLUDE THE INFORMATION PROVIDED BY THE 30 AGENCY TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN 31 DEVELOPMENT IN THE DATA COLLECTION INSTRUMENT, COMMONLY 32 REFERRED TO AS HOUSING COUNSELING FORM HUD-9902, OR ANY 33 SUCCESSOR INSTRUMENT, FOR THE DEPARTMENT'S HOUSING COUNSELING 34 PROGRAM. 35 36 (c) EACH APPROVED AGENCY THAT RECEIVES MONEYS FROM THE 37 FUND SHALL MAINTAIN A SECURE CLIENT FILE, IN EITHER ELECTRONIC OR 38 PAPER FORMAT, FOR EACH CLIENT THAT THE AGENCY COUNSELS USING 39 MONEYS FROM THE FUND. IN USING THE MONEYS, AN AGENCY SHALL 40 ADHERE TO ALL RELEVANT GUIDELINES ISSUED BY THE UNITED STATES 41 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AS CONTAINED IN 42 THE LATEST ADOPTED REVISION OF THE HUD HOUSING COUNSELING 43 PROGRAM HANDBOOK. 44 45 (d) AN APPROVED AGENCY THAT RECEIVES MONEYS FROM THE 46 FUND SHALL MAKE ALL NONIDENTIFYING CLIENT DATA THAT THE AGENCY 47 COLLECTS REGARDING PERSONS BENEFITTING FROM THE FUND MONEYS 48 ACCESSIBLE TO THE DIVISION FOR PURPOSES OF DETERMINING OVERALL PROGRAM EFFECTIVENESS AND DEVELOPING RELATED OUTCOME 49 50 PERFORMANCE DATA. 51 52 (e) (I) THE DIVISION MAY INSPECT, CONDUCT AN AUDIT OF, OR 53 OTHERWISE REVIEW ALL RECORDS MAINTAINED BY AN APPROVED AGENCY 54 FOR THE FORECLOSURE PREVENTION ACTIVITIES FUNDED IN WHOLE OR IN 55 PART UNDER THIS SECTION.

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1 (II) INDIVIDUAL CLIENT DATA REVIEWED OR RECEIVED BY DIVISION 2 STAFF DURING ANY INSPECTION, AUDIT, OR RECORD REVIEW UNDER THIS 3 SECTION ARE CONFIDENTIAL RECORDS AND ARE EXEMPT FROM DISCLOSURE 4 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE. 5 6 7 (7) (a) This section is repealed, effective September 30, 8 2015. The state treasurer shall transfer any unexpended and 9 UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF THAT DATE TO 10 THE HOUSING DEVELOPMENT GRANT FUND CREATED IN SECTION 11 24-32-721. 12 13 (b) DURING THE FIRST REGULAR SESSION OF THE SEVENTIETH 14 GENERAL ASSEMBLY IN 2015, IN ITS ANNUAL REPORT TO THE HOUSE AND 15 SENATE LOCAL GOVERNMENT COMMITTEES, OR THEIR SUCCESSOR 16 COMMITTEES, THE DIVISION SHALL REPORT REGARDING THE FUND, 17 INCLUDING AN ANALYSIS OF THE AMOUNTS RECEIVED PER COUNTY, HOW 18 THE DIVISION EXPENDED MONEYS FROM THE FUND TO SUPPORT APPROVED 19 AGENCIES ENGAGING IN FORECLOSURE PREVENTION AND OUTREACH 20 EFFORTS, AND THE OUTCOMES AND RESULTS OF THOSE EFFORTS. 21 22 **SECTION 4.** The introductory portions to 38-37-104 (1) and (1) 23 (b), Colorado Revised Statutes, are amended, and the said 38-37-104 (1) (b) is further amended BY THE ADDITION OF A NEW 24 25 SUBPARAGRAPH, to read: 26 **38-37-104.** Duties of public trustees - fees, expenses, and salaries - reports - repeal. (1) The public trustees of each county of this 27 28 29 state shall perform the functions and exercise the powers conferred upon them by statute. They shall be ARE entitled to receive as fees for such 30 31 services the following sums and no other fees or perquisites: whatever: 32 33 (b) For performing a foreclosure under article 38 of this title, the 34 following sums, which shall be ARE cumulative: 35 36 (I.5) (A) FOR THE COSTS OF COLLECTING AND PROCESSING THE 37 FORECLOSURE PREVENTION COUNSELING FUND SURCHARGE PURSUANT TO 38 PART 10 OF THIS ARTICLE, THE SUM OF TEN DOLLARS. 39 40 (B) THIS SUBPARAGRAPH (I.5) is repealed, effective March 31, 41 2015. 42 43 **SECTION 5.** 38-38-806, Colorado Revised Statutes, is amended 44 to read: 45 38-38-806. Foreclosure counselor immunity. A foreclosure 46 counselor acting in good faith shall IS not be liable to any person for approving or failing to approve a borrower for a foreclosure deferment or 47 48 for certifying or declining to certify an early termination, NOR DOES ANY SUCH ACT AFFECT THE VALIDITY OF A FORECLOSURE PROCEEDING OR 49 50 FORECLOSURE SALE. 51 **SECTION 6.** Article 38 of title 38, Colorado Revised Statutes, is 52 amended BY THE ADDITION OF A NEW PART to read: 53 54 55 **PART 10** FORECLOSURE PREVENTION 56

COUNSELING SURCHARGE 1 2 3 **38-38-1001. Definitions.** As used in this part 10, unless the 4 CONTEXT OTHERWISE REQUIRES: 5 6 (1) "DIVISION" MEANS THE DIVISION OF HOUSING WITHIN THE 7 DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-704, C.R.S. 8 9 (2) "FORECLOSURE PREVENTION COUNSELING FUND SURCHARGE" 10 OR "SURCHARGE" MEANS THE SURCHARGE COLLECTED UNDER SECTION 11 38-38-1002 FOR THE PURPOSES SET FORTH IN SECTION 24-32-722, C.R.S. 12 13 **38-38-1002.** Foreclosure prevention counseling fund surcharge 14 - waiver. (1) (a) PRIOR TO SALE OF A PROPERTY UNDER THIS ARTICLE, A 15 PUBLIC TRUSTEE SHALL COLLECT: 16 17 (I) A FORECLOSURE PREVENTION COUNSELING FUND SURCHARGE 18 OF TWO HUNDRED FORTY DOLLARS FOR THE PURPOSES SET FORTH IN SECTION 24-32-722, C.R.S.; OR 19 20 21 (II) PROOF OF WAIVER ISSUED IN ACCORDANCE WITH SECTION 22 38-38-1004. 23 24 (b) PARAGRAPH (a) OF THIS SUBSECTION (1) APPLIES ONLY TO A 25 FORECLOSURE OF A PROPERTY FOR WHICH POSTING OF A NOTICE UNDER 26 SECTION 38-38-802 IS REQUIRED. 27 (c) A PUBLIC TRUSTEE SHALL COLLECT THE SURCHARGE ONLY 28 29 ONCE PER FORECLOSURE. 30 31 (2) THE FORECLOSURE PREVENTION COUNSELING FUND SURCHARGE 32 MAY BE INCLUDED IN THE BID SUBMITTED UNDER SECTION 38-38-106(1). 33 IF SO INCLUDED, THE SURCHARGE MUST BE ITEMIZED UNDER THE 34 CATEGORY "OTHER FEES AND COSTS ADVANCED BY THE HOLDER OF 35 EVIDENCE OF DEBT" PURSUANT TO SECTION 38-38-106 (2). 36 37 (3) A SURCHARGE COLLECTED UNDER THIS PART 10, AND THE 38 ASSOCIATED FEE COLLECTED PURSUANT TO SECTION 38-37-104 (1) (b) 39 (I.5), QUALIFY AS FEES OR COSTS UNDER SECTION 38-38-107. 40 41 (4)NOTWITHSTANDING ANY PROVISION OF LAW TO THE 42 CONTRARY, THE SURCHARGE IS NOT INCLUDED IN: 43 44 (a) A STATEMENT OF SUMS NECESSARY TO CURE A DEFAULT UNDER 45 SECTION 38-38-104; OR 46 47 (b) ANY LOAN MODIFICATION OR LOAN REINSTATEMENT FEE 48 CHARGED TO THE BORROWER. 49 (5) ALL SURCHARGES PAID PURSUANT TO THIS SECTION ARE 50 51 NONREFUNDABLE. 52 38-38-1003. Collection of surcharge. (1) (a) EXCEPT AS 53 54 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE PUBLIC 55 TRUSTEE SHALL SEPARATELY ACCOUNT FOR SURCHARGE MONEYS AND, AT 56 LEAST QUARTERLY, SHALL TRANSMIT ALL SUCH MONEYS TO THE STATE

1 TREASURER, WHO SHALL CREDIT THEM TO THE FORECLOSURE PREVENTION 2 COUNSELING FUND CREATED IN SECTION 24-32-722, C.R.S. 3 4 (b) A PUBLIC TRUSTEE MAY TRANSMIT THE SURCHARGE MONEYS 5 TO THE STATE TREASURER LESS FREQUENTLY THAN QUARTERLY, BUT AT 6 LEAST ANNUALLY, IF THE TOTAL OF UNTRANSMITTED SURCHARGE MONEYS 7 COLLECTED DOES NOT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS. 8 IF THE TOTAL OF ALL SURCHARGE MONEYS COLLECTED EXCEEDS TWO 9 THOUSAND FIVE HUNDRED DOLLARS IN ANY QUARTER, THE PUBLIC 10 TRUSTEE SHALL TRANSMIT ALL MONEYS COLLECTED TO DATE WITHIN THIRTY DAYS AFTER THE END OF THE QUARTER DURING WHICH THE TOTAL 11 12 EXCEEDED TWO THOUSAND FIVE HUNDRED DOLLARS. 13 14 (2)NOTWITHSTANDING ANY PROVISION OF LAW TO THE 15 CONTRARY, ON MARCH 31, 2015, ANY SURCHARGE MONEYS COLLECTED 16 AND HELD BY THE PUBLIC TRUSTEE SHALL BE TRANSMITTED TO THE STATE 17 TREASURER, WHO SHALL CREDIT THEM TO THE FORECLOSURE PREVENTION 18 COUNSELING FUND CREATED IN SECTION 24-32-722, C.R.S. 19 20 38-38-1004. Waiver of surcharge - division to establish 21 procedures. (1) (a) A HOLDER OR ATTORNEY FOR A HOLDER MAY OBTAIN 22 A WAIVER OF THE SURCHARGE IN ACCORDANCE WITH THIS SECTION. 23 24 (b) THE DIVISION SHALL PROVIDE THE HOLDER OR ATTORNEY FOR 25 THE HOLDER REQUESTING WAIVER WITH DOCUMENTATION VERIFYING 26 ELIGIBILITY FOR WAIVER IF THE DIVISION DETERMINES THAT THE HOLDER, 27 FOR ITSELF OR AS SUCCESSOR, TRUSTEE, OR NOMINEE, HAS FILED FEWER 28 THAN TWENTY NOTICES OF ELECTION AND DEMAND IN COLORADO DURING 29 THE PRIOR CALENDAR YEAR ON PROPERTIES FOR WHICH A POSTING OF A 30 NOTICE UNDER SECTION 38-38-802 IS REQUIRED. 31 32 (c) THE DIVISION SHALL ESTABLISH POLICIES AND PROCEDURES 33 REGARDING PROCESSING REQUESTS, DETERMINING ELIGIBILITY, AND 34 ISSUING DOCUMENTATION FOR WAIVER UNDER THIS SECTION. 35 36 A WAIVER ISSUED BY THE DIVISION IS VALID FOR (d) 37 FORECLOSURES FILED IN THE STATE FOR THE CALENDAR YEAR IN WHICH IT 38 IS ISSUED. 39 40 (2) A PUBLIC TRUSTEE SHALL NOT COLLECT THE SURCHARGE OR 41 THE ASSOCIATED FEE DESCRIBED UNDER SECTION 38-37-104 (1) (b) (I.5) 42 IF THE HOLDER OR ATTORNEY FOR THE HOLDER SUBMITS DOCUMENTATION, 43 ISSUED BY THE DIVISION UNDER THIS SECTION, VERIFYING THAT THE 44 HOLDER OR ATTORNEY FOR THE HOLDER QUALIFIES FOR WAIVER UNDER 45 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION. 46 47 **Repeal of part.** This part 10 is repealed, 38-38-1005. 48 EFFECTIVE MARCH 31, 2015. 49 50 **SECTION 7.** Applicability. This act shall apply to foreclosures for which notices of election and demand are recorded or rerecorded on 51 or after the effective date of this act. 52 53 54 **SECTION 8. Safety clause.** The general assembly hereby finds, 55 determines, and declares that this act is necessary for the immediate 56 preservation of the public peace, health, and safety.".".

House Journal--43rd Day--February 23, 2011 Page 414 1 HB11-1221 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 3, strike line 27. 6 7 Page 4, strike lines 1 through 14. 8 9 Renumber succeeding sections accordingly. 10 11 Page 5, line 10, after the period add "THE STATE TREASURER SHALL 12 TRANSFER THE PENALTIES COLLECTED PURSUANT TO THIS SUBSECTION (2) 13 TO THE GENERAL FUND.". 14 15 16 **<u>HB11-1238</u>** be postponed indefinitely. 17 18 19 20 21 **JUDICIARY** 22 After consideration on the merits, the Committee recommends the 23 24 following: 25 26 **HB11-1088** be amended as follows, and as so amended, be referred to 27 the Committee of the Whole with favorable 28 recommendation: 29 30 Amend printed bill, page 2, line 9, strike "is probable cause ARE REASONABLE" and substitute "is probable cause". 31 32 33 Page 2, strike line 10 and substitute "to find that the defendant is likely 34 illegally present in". 35 Page 3, line 18, strike "WHEN" and substitute "IF". 36 37 38 Page 3, line 21, strike "THERE ARE REASONABLE GROUNDS TO BELIEVE". 39 40 Page 3, line 22, strike "IS" and substitute "MAY BE". 41 42 Page 4, strike lines 6 through 18. 43 44 Renumber succeeding section accordingly. 45 46 47 <u>HB11-1138</u> 48 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable 49 50 recommendation: 51 Amend printed bill, page 4, line 13, after "ESTABLISHES" insert 52 "EVIDENCE-BASED". 53 54 55 Page 4, line 17, strike "SO THAT SUCH OFFENDERS WILL STOP" and 56 substitute "TO PREVENT OFFENDERS FROM REOFFENDING AND ENHANCE

1 THE PROTECTION OF VICTIMS AND POTENTIAL VICTIMS.". 2 3 Page 4, strike line 18. 4 5 Page 4, line 19, strike "VICTIMS WILL BE ENHANCED.". 6 7 Page 4, line 22, strike "(1)," and substitute "(1) and (2) (a) (IV)," and strike "is" and substitute "are". 8 9 10 Page 5, line 3, strike "IS". 11 12 Page 5, strike line 4 and substitute "HAS BEEN CONVICTED, AS". 13 14 Page 5, strike lines 10 through 12 and substitute "A JUVENILE WHO HAS 15 BEEN ADJUDICATED AS A JUVENILE OR WHO RECEIVES A DEFERRED 16 ADJUDICATION ON OR AFTER JULY 1, 2002, FOR AN OFFENSE THAT WOULD 17 CONSTITUTE A SEX OFFENSE, AS DEFINED IN SUBSECTION (3) OF THIS 18 SECTION, IF COMMITTED AS AN ADULT, OR A JUVENILE WHO HAS 19 COMMITTED ANY OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH 20 INVOLVES A SEX OFFENSE. 21 22 (2) (a) "Sex offender" means any person who is: 23 24 (IV) Adjudicated as a juvenile or who receives a deferred 25 adjudication on or after July 1, 2002, for an offense that would constitute 26 a sex offense if committed by an adult or for any offense, the underlying 27 factual basis of which involves a sex offense A JUVENILE WHO HAS 28 COMMITTED A SEXUAL OFFENSE.". 29 30 Page 8, line 24, strike "THE KNOWLEDGE" and substitute "EXISTING 31 RESEARCH DEMONSTRATING" and strike "REPETITIVE." and substitute 32 "REPETITIVE, AND THAT". 33 34 Page 8, line 25, strike "THERE" and substitute "THERE". 35 36 Page 8, line 27, strike "HOWEVER," and substitute "BECAUSE". 37 38 Page 9, strike lines 3 and 4 and substitute "MANAGEMENT, AND 39 MONITORING, THE BOARD SHALL DEVELOP A PROCEDURE FOR". 40 41 Page 9, line 5, strike "IDENTIFYING" and substitute "IDENTIFYING, ON A 42 CASE-BY-CASE BASIS,". 43 44 Page 9, line 27, after "OPTIONS" insert "SHALL BE DETERMINED BY A 45 CURRENT RISK ASSESSMENT AND EVALUATION AND". 46 47 Page 11, strike line 11 and substitute "WHO SUFFERS FROM PSYCHOPATHY 48 OR A". 49 50 Page 11, line 13, strike "FOR PURPOSES OF". 51 52 Page 11, strike lines 14 through 18. 53 54 Page 11, line 19, strike "PERSONS.". 55 56 Page 12, line 6, strike "ARTICLE" and substitute "ARTICLE, THE EFFECTIVE

1 USE OF COGNITIVE BEHAVIORAL THERAPY TO PREVENT REOFFENSE, THE 2 USE OF POLYGRAPHS IN TREATMENT,". 3 4 Page 14, line 23, strike "COMMUNITY." and substitute "COMMUNITY AND 5 THAT CERTAIN JUVENILES MAY HAVE THE CAPACITY TO CHANGE THEIR 6 BEHAVIOR WITH APPROPRIATE INTERVENTION AND TREATMENT.". 7 8 Page 16, strike lines 23 through 27. 9 10 Renumber succeeding subsections accordingly. 11 12 Page 17, strike lines 1 through 16. 13 14 Page 17, line 22, strike "2020." and substitute "2015.". 15 16 Page 18, line 3, strike "BEEN ADJUDICATED FOR" and substitute "COMMITTED". 17 18 19 Page 27, line 16, strike "(51.5)," and substitute "(46),". 20 21 Page 27, strike lines 20 through 23 and substitute "(46) The following 22 agencies, functions, or both shall terminate on July 1, 2015: 23 24 (0) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN SECTION 25 16-11.7-103, C.R.S.". 26 27 28 29 <u>HB11-1190</u> be postponed indefinitely. 30 31 32 HB11-1195 be amended as follows, and as so amended, be referred to 33 the Committee on Finance with favorable 34 recommendation: 35 Amend printed bill, page 4, line 26, strike "AGENCY;" and substitute 36 37 "AGENCY, AS DEFINED IN SECTION 12-14-103;". 38 39 Page 5, after line 6 insert: 40 41 "(V) A CONSUMER REPORTING AGENCY, AS DEFINED IN SECTION 42 12-14-103; 43 44 (VI) A CERTIFIED PUBLIC ACCOUNTANT CERTIFIED OR AUTHORIZED 45 TO PROVIDE ACCOUNTING SERVICES IN THE STATE PURSUANT TO ARTICLE 2 OF THIS TITLE AND ANY EMPLOYEE OR AFFILIATE OF AN ACCOUNTING 46 47 FIRM REGISTERED PURSUANT TO SECTION 12-2-117; 48 49 AN INVESTIGATOR EMPLOYED BY A PUBLIC OR (VII) 50 GOVERNMENTAL AGENCY;". 51 52 Renumber succeeding subparagraphs accordingly. 53 54 Page 6, line 14, after "MISDEMEANOR;" add "HAS NOT BEEN CONVICTED 55 OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH HAS 56 BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR,

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1 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., 2 STALKING, AS DEFINED IN SECTION 18-3-602, C.R.S.; AND HAS NOT BEEN 3 CONVICTED OF VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S.;". 4 5 6 Strike page 8. 7 8 Page 9, strike lines 1 through 7. 9 10 Renumber succeeding C.R.S. sections accordingly. 11 12 13 HB11-1200 be referred favorably to the Committee on Appropriations. 14 15 16 17 HB11-1232 be postponed indefinitely. 18 19 20 be amended as follows, and as so amended, be referred to HB11-1258 21 the Committee of the Whole with favorable 22 recommendation: 23 24 Amend printed bill, page 2, line 9, strike "30-10-606.5." and substitute 25 "30-10-606.5 OR UPON THE REQUEST OF THE DISTRICT ATTORNEY.". 26 27 Page 3, line 4, strike "EACH OF THE" and substitute "ACCORDANCE WITH 28 THE CIRCUMSTANCES IN THE MOST RECENT VERSION OF THE "FORENSIC 29 AUTOPSY PERFORMANCE STANDARDS" ADOPTED BY THE NATIONAL 30 ASSOCIATION OF MEDICAL EXAMINERS AND WHEN THE DEATH IS THE 31 RESULT OF AN AUTOMOBILE ACCIDENT AND A HOSPITAL PHYSICIAN HAS 32 NOT DOCUMENTED THE EXTENT OF THE INJURIES.". 33 34 Page 3, strike lines 5 through 27. 35 36 Page 4, strike line 1. 37 38 39 40 **PRINTING REPORT** 41 42 43 The Chief Clerk reports the following bill has been correctly printed: HB11-1266. 44 45 46 47 LAY OVER OF CALENDAR ITEM(S) 48 49 50 On motion of Representative Stephens, the following item(s) on the 51 Calendar (was)were laid over until February 24, retaining place on Calendar: 52 53 54 Consideration of Special Orders--HB11-1206. 55 56

 On motion of Repre
 9:00 a.m., February 24
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 7 Attest:
 8 MARILYN EDDINS,
 9 Chief Clerk On motion of Representative Stephens, the House adjourned until 9:00 a.m., February 24, 2011.

Approved: FRANK McNULTY, Speaker