

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

Tenth Legislative Day

Friday, January 21, 2011

- 1 The Speaker *Pro Tempore* called the House to order at 9:00 a.m.
2
3 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.
4
5 Pledge of Allegiance led by Victor Holbert, Chaparral High School,
6 Parker.
7
8 The roll was called with the following result:
9
10 Present--63.
11 Excused--Representative(s) Balmer, Kagan--2.
12 Present after roll call--Kagan.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Becker, the reading of the journal of
18 January 20, 2011, was declared dispensed with and approved as corrected
19 by the Chief Clerk.
20
21

REPORT(S) OF COMMITTEE(S) OF REFERENCE

24
25 **ECONOMIC & BUSINESS DEVELOPMENT**

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

28
29 **HB11-1007** be referred to the Committee of the Whole with favorable
30 recommendation.
31

32
33 **HB11-1022** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:
36

37 Amend printed bill, page 3, strike lines 2 through 13 and substitute:
38

39 **"SECTION 3. Safety clause.** The general assembly hereby finds,
40 determines, and declares that this act is necessary for the immediate
41 preservation of the public peace, health, and safety."
42
43

1 **HB11-1030** be referred to the Committee of the Whole with favorable
2 recommendation.
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4
5 **HB11-1041** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend printed bill, page 3, line 13, strike "LOSSES." and substitute
10 "LOSSES; EXCEPT THAT NOTHING IN THIS SUBPARAGRAPH (III) AFFECTS
11 ANY COVERED CLAIMS OR RIGHTS UNDER THIS PART 5."
12
13
14
15

16 **JUDICIARY**

17 After consideration on the merits, the Committee recommends the
18 following:
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20 **HB11-1001** be referred to the Committee of the Whole with favorable
21 recommendation.
22
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24 **HB11-1009** be referred to the Committee of the Whole with favorable
25 recommendation.
26
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28 **HB11-1018** be referred to the Committee of the Whole with favorable
29 recommendation.
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34 **STATE, VETERANS, & MILITARY AFFAIRS**

35 After consideration on the merits, the Committee recommends the
36 following:
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38 **HB11-1021** be referred to the Committee of the Whole with favorable
39 recommendation.
40
41

42 **HB11-1035** be referred to the Committee of the Whole with favorable
43 recommendation.
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45

47 **PRINTING REPORT**

48
49 The Chief Clerk reports the following bills have been correctly printed:
50 **HB11-1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068,**
51 **1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079,**
52 **1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090,**
53 **1091, 1092, 1093, 1094, 1095, 1096, 1097.**
54
55
56

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **SJR11-001, 002, 003.**

INTRODUCTION OF BILLS**First Reading**

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

HB11-1098 by Representative(s) Scott, Conti, Beezley, Coram, Holbert, Ramirez, Szabo--Concerning the on-line publication of fiscal information by a county.

Committee on Local Government

HB11-1099 by Representative(s) Kagan--Concerning the creation of the procurement process improvement task force to determine whether modifications are necessary for a more productive procurement process.

Committee on State, Veterans, & Military Affairs

HB11-1100 by Representative(s) Looper, Acree, Baumgardner, Brown, Court, Fields, Holbert, Kerr A., Priola, Ryden, Solano, Soper; also Senator(s) Morse--Concerning the consideration of military experience towards qualification for professional licensure and certification.

Committee on Economic and Business Development

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.

Committee on Economic and Business Development

HB11-1102 by Representative(s) Summers; also Senator(s) Newell--Concerning portability of fingerprint-based criminal history records checks for employees of separately licensed child care facilities owned by a single parent entity.

Committee on Economic and Business Development

HB11-1103 by Representative(s) Kerr A.--Concerning tax incentives for distributed electrical generation wind turbine systems.

Committee on Finance

HB11-1104 by Representative(s) Ferrandino, Duran, Hullinghorst, Kefalas, Levy, Pabon, Pace, Tyler; also Senator(s) Steadman, Hodge--Concerning a tax expenditure report.

Committee on Finance

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

Committee on Judiciary

- 1 **HB11-1106** by Representative(s) Gardner B., Waller, Barker,
2 DelGrosso, Liston, Nikkel, Sonnenberg, Stephens--
3 Concerning the recovery of actual damages in personal
4 injury cases.
5 Committee on Judiciary
6
- 7 **HB11-1107** by Representative(s) Baumgardner, Balmer, Barker,
8 Coram, Holbert, Joshi, Scott, Acree, Brown, Conti,
9 Murray; also Senator(s) Harvey, Grantham, Renfroe,
10 Lambert, Scheffel, Cadman, Kopp--Concerning
11 enforcement of illegal immigration violations.
12 Committee on Agriculture, Livestock, & Natural Resources
13
- 14 **HB11-1108** by Representative(s) Fields, Ryden, Barker, Beezley,
15 Bradford, Brown, Casso, Coram, Court, Duran,
16 Ferrandino, Gardner D., Hullinghorst, Kerr A., Labuda,
17 Levy, McCann, Murray, Pabon, Schafer S., Solano, Todd,
18 Williams A., Wilson; also Senator(s) Carroll, Aguilar,
19 Giron, Johnston--Concerning the creation of the county
20 coroner review commission.
21 Committee on Local Government
22
- 23 **HB11-1109** by Representative(s) Liston, Balmer, Bradford, DelGrosso,
24 Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez,
25 Schafer S., Stephens; also Senator(s) Giron--Concerning
26 the authority for a local government to create an
27 exemption from local sales tax for the sale of equipment
28 used directly in the provision of telecommunications
29 services.
30 Committee on Local Government
31
- 32 **HB11-1110** by Representative(s) Acree, Balmer, Holbert, Massey,
33 Murray, Solano; also Senator(s) Harvey, Carroll, Renfroe--
34 Concerning the rights of members of nonprofit
35 corporations in which residency is a qualification for
36 membership.
37 Committee on Economic and Business Development
38
- 39 **HB11-1111** by Representative(s) Sonnenberg--Concerning the
40 protection of livestock producer information collected by
41 the department of agriculture.
42 Committee on Agriculture, Livestock, & Natural Resources
43
- 44 **HB11-1112** by Representative(s) Looper--Concerning the regulation of
45 motor vehicles that transport recipients of medical
46 assistance under the medicaid program.
47 Committee on Economic and Business Development
48
- 49 **HB11-1113** by Representative(s) Holbert; also Senator(s) Foster--
50 Concerning the provision of information pertaining to
51 impact fees imposed by local governments.
52 Committee on Local Government
53
- 54 **HB11-1114** by Representative(s) Ramirez, Baumgardner, Conti,
55 Holbert, Kerr J., Looper, Massey, Stephens--Concerning
56 a requirement that a state lease-purchase agreement be

1 specifically authorized by a bill enacted with the approval
 2 of at least two-thirds of the members of each house of the
 3 general assembly, and, in connection therewith, providing
 4 specified exceptions to the requirement.

5 Committee on Finance

6

7 **HB11-1115** by Representative(s) Priola and Soper, Brown, Casso,
 8 Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez,
 9 Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo,
 10 Wilson; also Senator(s) Tochtrop, Cadman, Jahn, Kopp,
 11 Renfroe--Concerning the payment of retainage in
 12 construction contracts involving public entities.

13 Committee on Economic and Business Development

14

15 **HB11-1116** by Representative(s) Szabo, Beezley, Bradford, Brown,
 16 Liston, Ramirez, Stephens, Swerdfeger--Concerning the
 17 provision of waste services within the boundaries of local
 18 government entities.

19 Committee on Local Government

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INTRODUCTION OF RESOLUTIONS

24

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

27

28 **HJR11-1004** by Representative(s) Todd and Waller, Kerr J., Ryden;
 29 also Senator(s) Heath, Cadman--Concerning recognition
 30 of Military, Veterans, and MIA/POW Appreciation Day.

31

32 **HJR11-1005** by Representative(s) Pace and Swerdfeger, Massey,
 33 McKinley, Vigil; also Senator(s) Giron, Grantham--
 34 Concerning the U.S.S. Pueblo.

35

36 **HJR11-1006** by Representative(s) Barker and Lee, Gardner B., Joshi,
 37 Liston, Looper; also Senator(s) Morse--Concerning
 38 recognition of military personnel from Colorado who are
 39 serving in Operation Iraqi Freedom, Operation New
 40 Dawn, and Operation Enduring Freedom and honoring
 41 those who have died while serving their country in Iraq
 42 and Afghanistan.

43

44

45 The following resolution was read by title and referred to the committee
 46 indicated:

47

48 **HJR11-1007** by Representative(s) DelGrosso; also Senator(s) Johnston-
 49 -Concerning the certification by the general assembly of
 50 its estimate of state general fund revenues and allowable
 51 state general fund appropriations for the 2011-12 fiscal
 52 year.

53 Committee on Finance

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56

House in recess. House reconvened.

INTRODUCTION OF BILLS
First Reading

- 1
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3
4 The following bills were read by title and referred to the committees
5 indicated:
6
7 **HB11-1117** by Representative(s) McCann and Court, Gardner B.,
8 Kagan, Kerr A., Lee, Liston, Looper, Ryden, Waller; also
9 Senator(s) King S.--Concerning subpoenas issued by
10 administrative law judges in campaign finance
11 proceedings.
12 Committee on State, Veterans, & Military Affairs
13
14 **HB11-1118** by Representative(s) Kerr J., Acree, Gardner D., Miklosi;
15 also Senator(s) Carroll, Tochtrop--Concerning
16 authorization for the state auditor to conduct a
17 performance audit of a public highway authority.
18 Committee on Transportation
19
20 **HB11-1119** by Representative(s) Levy, Fields, Gardner D., McCann,
21 Miklosi--Concerning the expansion of the scope of
22 practice for five-point NADA auricular acupuncture to
23 additional trained health care professionals.
24 Committee on Health and Environment
25
26 **HB11-1120** by Representative(s) Gerou; also Senator(s) Roberts--
27 Concerning the repeal of required registration of persons
28 who work on fire suppression systems.
29 Committee on Economic and Business Development
30
31 **HB11-1121** by Representative(s) Ramirez, Massey, McNulty, Szabo;
32 also Senator(s) King K.--Concerning disqualification from
33 school employment for conviction of certain offenses, and,
34 in connection therewith, enacting the "Felon-free Schools
35 Act of 2011".
36 Committee on Education
37
38 **HB11-1122** by Representative(s) Schafer S.--Concerning the technical
39 modification of specified requirements affecting the
40 process by which a proposed home rule charter for a
41 municipality is to be submitted for the approval of the
42 voters of the municipality.
43 Committee on Local Government
44
45 **HB11-1123** by Representative(s) Coram, Brown; also Senator(s)
46 Roberts, Grantham, King S.--Concerning a prohibition on
47 transfers to the state general fund from cash funds that
48 have revenue related to the severance of minerals in the
49 state.
50 Committee on Agriculture, Livestock, & Natural Resources
51
52 **HB11-1124** by Representative(s) Williams A.--Concerning conflicts of
53 interest of members of the executive board of a unit
54 owners' association, and, in connection therewith,
55 requiring such members to recuse themselves from voting
56 when a conflict of interest exists and prohibiting such

- 1 members from serving concurrently on the board of
2 directors for a metropolitan district.
3 Committee on Local Government
4
- 5 **HB11-1125** by Representative(s) Fischer--Concerning a change in the
6 point of taxation for the state tax on the severance of oil
7 and gas.
8 Committee on Agriculture, Livestock, & Natural Resources
9
- 10 **HB11-1126** by Representative(s) Duran--Concerning measures to
11 encourage greater parent involvement in public schools.
12 Committee on Education
13
- 14 **HB11-1127** by Representative(s) Kagan; also Senator(s) Carroll--
15 Concerning the permissible use of consumer credit
16 information.
17 Committee on State, Veterans, & Military Affairs
18
- 19 **HB11-1128** by Representative(s) Riesberg; also Senator(s) Williams
20 S.--Concerning the protection from discovery in a civil
21 lawsuit against a state-regulated professional of documents
22 resulting from a complaint about the professional that are
23 held by the board that regulates the professional.
24 Committee on Judiciary
25
- 26 **HB11-1129** by Representative(s) Pabon and Lee, Duran, Ryden, Vigil,
27 Williams A., Wilson--Concerning the creation of certain
28 procurement preferences to be applied in the state
29 procurement process.
30 Committee on Economic and Business Development
31
- 32 **HB11-1130** by Representative(s) Priola, Todd, Liston, Szabo, Gardner
33 B., Scott, Ramirez, Swerdfeger, Balmer, Barker,
34 Baumgardner, Beezley, Bradford, Casso, Ferrandino,
35 Levy, Looper, McNulty, Murray, Nikkel, Solano, Soper,
36 Stephens, Waller--Concerning commodity metals, and, in
37 connection therewith, implementing stricter identification
38 and payment requirements for transactions involving
39 commodity metals, increasing penalties for violations of
40 the law regulating purchase of commodity metals, basing
41 the classification of offense of theft of a commodity metal
42 on the weight of the metal, and creating the commodity
43 metals theft task force.
44 Committee on Judiciary
45
- 46 **HB11-1131** by Representative(s) Murray--Concerning the
47 implementation of mail ballot elections.
48 Committee on State, Veterans, & Military Affairs
49
- 50 **HB11-1132** by Representative(s) Lee--Concerning on-bill financing of
51 energy efficiency improvements to residential real
52 property.
53 Committee on Transportation
54
- 55 **HB11-1133** by Representative(s) Wilson, Coram, Fields, Hullinghorst,
56 Kerr A., Lee, Pace, Ryden, Todd; also Senator(s)

- 1 Schwartz, Bacon--Concerning alternative energy vehicle
 2 refueling stations.
 3 Committee on Transportation
 4
 5 **HB11-1134** by Representative(s) Pabon--Concerning restrictions on
 6 government-service employment of certain persons
 7 affiliated with lobbying public officials for compensation.
 8 Committee on State, Veterans, & Military Affairs
 9
 10 **HB11-1135** by Representative(s) Casso--Concerning the transfer of the
 11 regulation of bail bonding agents from the division of
 12 insurance to a newly created regulatory board.
 13 Committee on Judiciary
 14
 15 **HB11-1136** by Representative(s) Williams A., Ferrandino, Fields, Kerr
 16 A.--Concerning the establishment of a fund to finance
 17 foreclosure prevention activities administered by housing
 18 counseling agencies approved by the United States
 19 department of housing and urban development.
 20 Committee on Local Government
 21 Committee on Economic and Business Development
 22
 23 **HB11-1137** by Representative(s) Hullinghorst; also Senator(s) Heath--
 24 Concerning the authority of a local improvement district.
 25 Committee on Local Government
 26
 27 **HB11-1138** by Representative(s) Gardner B., Barker, Casso, Waller;
 28 also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--
 29 Concerning the sex offender management board.
 30 Committee on Judiciary
 31
 32
 33

REPORTS TO THE COLORADO GENERAL ASSEMBLY

- 34
 35
 36 The following Reports have been received by the Chief Clerk of the House of
 37 Representatives. The reports are on file in the Library of Legislative Council.
 38
 39 **Colorado Children's Campaign**
 40 Budget Report
 41
 42 **Colorado Board of Veterans Affairs**
 43 Strategic Plan 2010-2014
 44
 45 **Colorado Certificates of Participation**
 46 Final Pricing Book--Series 2009
 47
 48 **Colorado Governor's Energy Office**
 49 Annual Report FY 2009-2010
 50
 51 **Department of Corrections**
 52 Lifetime Supervision of Sex Offenders--annual report (pursuant to
 53 18-1.3-1011, CRS)
 54
 55

- 1 **Department of Health Care Policy & Financing**
2 Health Care and Affordability Act annual report (pursuant to
3 25.5-4-402.3, CRS)
4 Medicaid Mental Health Program
5 Medical Services Premiums--expenditure report:
6 Medicaid and the Children's Basic Health Plan--expenditures reports
7
- 8 **Department of Human Services**
9 2008-2009 Family Preservation Program (pursuant to 26-5.5-104 (6), CRS)
10
- 11 **Department of Labor & Employment**
12 Status of Rural Colorado--annual report 2008
13
- 14 **Department of Local Affairs**
15 Division of Property Taxation
16 Annual Report 2008 (pursuant to 39-2-119, CRS)
17
- 18 **Department of Personnel and Administration**
19 Office of the State Controller
20 Basic Financial Statements for Fiscal Year ended June 30, 2009 (pursuant
21 to 24-30-204, CRS)
22
- 23 **Department of Public Safety**
24 Division of Criminal Justice
25 Crime and Justice in Colorado--2006
26 Correctional Population Forecasts--2008 (pursuant to
27 24-33.5-503 (m), CRS)
28 Evaluations of the Colorado sex offenders management board (pursuant to
29 16-11.7-103, CRS)
30 Findings, Recommendations, and Proposed Plan for the Ongoing Study of
31 Sentencing Reform (pursuant to 16-11.3-103 (2.5) (d) (I), CRS),
32 November 2009
33 Office for Victims Programs--2009 annual report (pursuant to
34 24-4.1-119 (1), CRS)
35 Collection and analysis of Parole Board Decisions: Progress
36 Report (pursuant to 17-22.5-404 (6), CRS)
37 Sex Offender Management Board, (pursuant to 16-11.7-101, CRS)
38 Standards and Guidelines for the Assessment, Evaluation, Treatment and
39 Behavioral Monitoring of Adult Sex Offenders (pursuant to 16-11.7-101
40 through 16-11.1-107, CRS)
41 Three-year Juvenile Justice and Delinquency Prevention Plan (2009-2011)
42 (pursuant to 19-2-101, CRS)
43
- 44 **Department of Regulatory Agencies**
45 Office of Policy, Research and Regulatory Reform
46 2009 Sunset Review (pursuant to 24-34-104 (8) (a), CRS)
47 Boxing Commission and the Office of Boxing
48 Commission for the Deaf and Hard of Hearing
49 Forestry Advisory Board
50 Functions of the Division of Insurance
51 In-State Office Requirement for Collection Agencies
52 Obesity Treatment Pilot Program
53 Podiatry Board
54 River Outfitters
55 Sex Offender Management Board
56 State Board of Accountancy

- 1 State Electrical Board
 - 2 State Board of Medical Examiners
 - 3 Workers' Compensation Classification Appeals Board
 - 4 2010 Sunrise Review (pursuant to 24-34-104.1, CRS)
 - 5 Roofing Contractors
 - 6 2010 Sunset Review (pursuant to 24-34-104 (8) (a), CRS)
 - 7 Benefit Design Advisory Committee
 - 8 Board of Psychologist Examiners
 - 9 Electronic Prescription Monitoring Program
 - 10 Fixed Tuition and Fee Rate Program
 - 11 Identity Theft and Financial Fraud Deterrence Act
 - 12 In-Home Support Services
 - 13 Issuance of Information Letters and Private Letter rulings
 - 14 Regulation of Direct-Entry Midwives
 - 15 Regulation of Physical Therapists
 - 16 Regulation of Vessels
 - 17 State Board of Optometric Examiners
 - 18 State Board of Veterinary Medicine
 - 19 Teen Pregnancy and Dropout Prevention Program
 - 20 Weather Modification Act of 1972
 - 21 Public Utilities Commission: 2010 Annual Report of the Colorado High
 - 22 Cost Support Mechanism (pursuant to 40-15-208, CRS)
 - 23
 - 24 **Department of Revenue**
 - 25 Colorado Racing Commission
 - 26 Division of Racing Events report of the Sixty-first Pari-Mutual Wagering
 - 27 Season 2009 (pursuant to 12-60-302 (2), CRS)
 - 28
 - 29 **Department of Transportation**
 - 30 Colorado Transit Resource Directory--5th Edition
 - 31
 - 32 **Department of the Treasury**
 - 33 Statement of Financial Condition:
 - 34 June 30, 2009, amended
 - 35 June 30, 2010
 - 36 September 30, 2010
 - 37 December 31, 2010
 - 38
 - 39 **Fire and Police Pension Association of Colorado**
 - 40 Annual Report for fiscal year ended December 31, 2009
 - 41
 - 42 **Interagency Task Force on Drunk Driving**
 - 43 Annual Report 2010
 - 44
 - 45 **Legislative Council**
 - 46 Research publication--listing of crimes and traffic infractions in Colorado
 - 47
 - 48 **Methamphetamine Task Force**
 - 49 Fourth Annual Report--January 2010 (pursuant to 18-18.5-103 (6) (d), CRS)
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LAY OVER OF CALENDAR ITEMS

On motion of Representative Waller, the following bill(s) calendared for second reading, January 24, will be laid over until January 25: **HB11-1011.**

On motion of Representative Waller, the House adjourned until 10:00 a.m., January 24, 2011.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

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