

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

Ninety-eighth Legislative Day

Tuesday, April 19, 2011

1 Prayer by the Reverend Leon Emerson, Now Faith Christian Center  
2 Church, Aurora.

3

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

5

6 Pledge of Allegiance led by James Lopez from Colorado State University,  
7 Fort Collins.

8

9 The roll was called with the following result:

10

11 Present--63.

12 Absent--Representative(s) Nikkel, Priola--2.

13 Present after roll call--Representative(s) Nikkel, Priola.

14

15 The Speaker declared a quorum present.

16

17

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

21

22

23

24

House in recess. House reconvened.

25

26

27

28 On motion of Representative Sonnenberg, the House resolved itself into  
29 Committee of the Whole for consideration of General Orders, and he was  
30 called to the Chair to act as Chairman.

31

32

**GENERAL ORDERS--SECOND READING OF BILLS**

33

34  
35 The Committee of the Whole having risen, the Chairman reported the  
36 titles of the following bills had been read (reading at length had been  
37 dispensed with by unanimous consent), the bills considered and action  
38 taken thereon as follows:

39

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

42

43

1 **HB11-1242** by Representative(s) Ferrandino; also Senator(s)  
2 Nicholson--Concerning the provision of integrated health  
3 care services pursuant to the Colorado medical assistance  
4 program.  
5

6 Amendment No. 1, Health & Environment, dated February 22, 2011, and  
7 placed in member's bill file; Report also printed in House Journal,  
8 February 24, page 423.  
9

10 Amendment No. 2, Appropriations Report, dated April 8, 2011, and  
11 placed in member's bill file; Report also printed in House Journal,  
12 April 8, pages 915-916.  
13

14 As amended, ordered engrossed and placed on the Calendar for Third  
15 Reading and Final Passage.  
16

17 **SB11-128** by Senator(s) Newell, Bacon, Foster, Guzman, Hudak,  
18 Jahn, Johnston, Nicholson, Schwartz, Shaffer B.,  
19 Steadman, Williams S.; also Representative(s) McCann  
20 and Summers, Acree, Court, Duran, Lee, Pabon, Ryden--  
21 Concerning requiring a carrier that participates in the  
22 individual health insurance market in Colorado to issue  
23 child-only plans on a guaranteed-issue basis, and making  
24 an appropriation in connection therewith.  
25

26 Ordered revised and placed on the Calendar for Third Reading and Final  
27 Passage.  
28

29 **HB11-1250** by Representative(s) Acree, Balmer, Conti, Joshi, Ramirez,  
30 Scott; also Senator(s) Renfroe, Harvey, King K., Lambert--  
31 Concerning a prohibition on ingestible medical  
32 marijuana-infused products.  
33

34 Amendment No. 1, Judiciary, dated March 15, 2011 and placed in  
35 member's bill file; Report also printed in House Journal, March 16,  
36 page 653.  
37

38 As amended, ordered engrossed and placed on the Calendar for Third  
39 Reading and Final Passage.  
40

41 **HB11-1271** by Representative(s) Scott; also Senator(s) Brophy--  
42 Concerning limitations on electric utilities' ability to  
43 establish a graduated scale of charges.  
44

45 (Previously amended as printed in House Journal, April 11, page 937.)  
46

47 Amendment No. 2, by Representative(s) Fischer.  
48

49 Amend printed bill, page 2, line 11, after "UTILITY", insert "REGULATED  
50 BY THE PUBLIC UTILITIES COMMISSION".  
51

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

55 **HB11-1255** by Representative(s) DelGrosso, Kefalas; also Senator(s)  
56 Schwartz--Concerning alternative energy parks, and, in

1 connection therewith, authorizing local governments to  
 2 apply to the Colorado economic development commission  
 3 for approval to create such parks, allowing tax increment  
 4 financing and bonding to be used to finance development  
 5 within such parks, and providing tax incentives to  
 6 taxpayers who invest in or otherwise financially support  
 7 such parks.

8  
 9 Amendment No. 1, Finance, dated April 6, 2011, and placed in member's  
 10 bill file; Report also printed in House Journal, April 7, pages 893-903.

11  
 12 Amendment No. 2, by Representative(s) Pace , DelGrosso.

13  
 14 Amend printed bill, page 5, line 7, strike "PARK." and substitute "PARK;  
 15 EXCEPT THAT AN ALTERNATIVE ENERGY PARK MAY NOT BE USED FOR THE  
 16 PRODUCTION OF NUCLEAR ENERGY.".

17  
 18 As amended, laid over until April 20, retaining place on Calendar.

19  
 20  
 21 **AMENDMENT(S) TO THE COMMITTEE**  
 22 **OF THE WHOLE REPORT**

23  
 24 Representative Wilson moved to amend the Report of the Committee of  
 25 the Whole to reverse the action taken by the Committee in not adopting  
 26 the following Wilson amendment, to HB11-1271, to show that said  
 27 amendment passed, and that **HB11-1271**, as amended, passed.

28  
 29 Amend printed bill, page 2, after line 21, insert:

30  
 31 "(c) FOR THE PURPOSES OF PARAGRAPH (b) OF THIS SUBSECTION  
 32 (2), "ESTIMATED IMPACT" SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,  
 33 THE COSTS FOR USERS, PEAK USE REQUIREMENTS, BASE LOAD  
 34 REQUIREMENTS, AND ENERGY SOURCE SELECTION.".

35  
 36 The amendment was declared **lost** by the following roll call vote:

37

	YES	32	NO	33	EXCUSED	0	ABSENT	0
39	Acree	N	Fischer	Y	Liston	N	Scott	N
40	Balmer	N	Gardner B.	N	Looper	N	Solano	Y
41	Barker	N	Gardner D.	Y	Massey	N	Sonnenberg	N
42	Baumgardner	N	Gerou	N	McCann	Y	Soper	Y
43	Becker	N	Hamner	Y	McKinley	Y	Stephens	N
44	Beezley	N	Holbert	N	Miklosi	Y	Summers	N
45	Bradford	N	Hullinghorst	Y	Murray	N	Swalm	N
46	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	N
47	Casso	Y	Joshi	N	Pabon	Y	Szabo	N
48	Conti	N	Kagan	Y	Pace	Y	Todd	Y
49	Coram	N	Kefalas	Y	Peniston	Y	Tyler	Y
50	Court	Y	Kerr A.	Y	Priola	N	Vaad	N
51	DelGrosso	N	Kerr J.	N	Ramirez	N	Vigil	Y
52	Duran	Y	Labuda	Y	Riesberg	Y	Waller	N
53	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
54	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
55							Speaker	N

56

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

2  
3 Passed Second Reading: **HB11-1242 amended, SB11-128, HB11-1250**  
4 **amended, 1271 amended.**

5  
6 Laid over until date indicated retaining place on Calendar: **HB11-1255**  
7 **amended--April 20, 2011.**

8  
9 The Chairman moved the adoption of the Committee of the Whole  
10 Report. As shown by the following roll call vote, a majority of those  
11 elected to the House voted in the affirmative, and the Report was  
12 **adopted.**

	YES	65	NO	0	EXCUSED	0	ABSENT	0
15	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
16	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
17	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
18	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
19	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
20	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
21	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
22	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
23	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
24	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
25	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
26	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
27	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
28	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
29	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
30	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
31							Speaker	Y

32  
33  
34  
35     **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

36  
37     **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

40  
41     **HB11-1294** be amended as follows, and as so amended, be referred to  
42 the Committee of the Whole with favorable  
43 recommendation:

44  
45 Amend printed bill, page 3, strike lines 22 through 24 and substitute:

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

- 1 **SB11-091** be amended as follows, and as so amended, be referred to  
2 the Committee on Appropriations with favorable  
3 recommendation:  
4
- 5 Amend reengrossed bill, page 7, line 19, strike "TIME" and substitute  
6 "DATE".  
7
- 8 Page 15, line 11, strike "amended" and substitute "amended, and the said  
9 12-64-105 (9) is further amended BY THE ADDITION OF A NEW  
10 PARAGRAPH,".  
11
- 12 Page 17, after line 11 insert:  
13  
14 "(m) IMPOSE FINES AGAINST CORPORATIONS IN ACCORDANCE WITH  
15 SECTION 12-64-123 (2).".  
16
- 17 Page 18, line 4, strike "on" and substitute "on IN".  
18
- 19 Page 22, line 24, strike "BOARD." and substitute "BOARD BY RULE."  
20
- 21 Page 23, line 23, before "APPLICATION" insert "RECEIPT OF THE".  
22
- 23 Page 23, line 24, strike "COMPETENCE DURING" and substitute  
24 "COMPETENCE,".  
25
- 26 Page 23, line 25, strike "THAT PERIOD,".  
27
- 28 Page 24, line 7, strike "(1)," and substitute "(1) and (3)," and strike "is"  
29 and substitute "are".  
30
- 31 Page 24, after line 15 insert:  
32  
33 "(3) An applicant for an academic license shall not be required to  
34 comply with the ~~examination~~ requirements of sections 12-64-107 and  
35 12-64-108."  
36
- 37 Page 24, line 16, strike "12-64-108 (1), (2), and (5)," and substitute  
38 "12-64-108,".  
39
- 40 Page 24, line 17, strike "are amended" and substitute "is REPEALED  
41 AND REENACTED, WITH AMENDMENTS,".  
42
- 43 Page 24, strike lines 18 through 27.  
44
- 45 Page 25, strike lines 1 through 20 and substitute:  
46 "**12-64-108. License by endorsement - rules.** THE BOARD MAY  
47 ISSUE A LICENSE BY ENDORSEMENT TO ENGAGE IN THE PRACTICE OF  
48 VETERINARY MEDICINE IN THIS STATE TO AN APPLICANT WHO HAS A  
49 LICENSE IN GOOD STANDING AS A VETERINARIAN IN ANOTHER  
50 JURISDICTION IF THE APPLICANT PRESENTS PROOF SATISFACTORY TO THE  
51 BOARD THAT, AT THE TIME OF APPLICATION FOR A COLORADO LICENSE BY  
52 ENDORSEMENT, THE APPLICANT POSSESSES CREDENTIALS AND  
53 QUALIFICATIONS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE  
54 COLORADO REQUIREMENTS FOR LICENSURE SET FORTH IN SECTION  
55 12-64-107. THE BOARD MAY SPECIFY, BY RULE, WHAT CONSTITUTES  
56 SUBSTANTIALLY EQUIVALENT CREDENTIALS AND QUALIFICATIONS.".

1 Page 27, line 8, strike "ON" and substitute "IN".

2

3 Page 27, line 13, after "A" insert "FORM AND".

4

5 Page 27, line 23, strike "ON" and substitute "IN".

6

7 Page 27, line 25, strike "ON" and substitute "IN".

8

9 Page 31, line 3, after "~~would~~" insert "RECORD".

10

11

12

13

14 **APPROPRIATIONS**

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

17

18 **HB11-1149** be amended as follows, and as so amended, be referred to  
19 the Committee of the Whole with favorable  
20 recommendation:

21

22 Strike the State, Veterans & Military Affairs Committee Report, dated  
23 March 3, 2011.

24

25 Amend printed bill, page 2, strike lines 2 through 19.

26

27 Page 3, strike lines 1 through 6.

28

29 Renumber succeeding sections accordingly.

30

31

32

33 **HB11-1223** be amended as follows, and as so amended, be referred to  
34 the Committee of the Whole with favorable  
35 recommendation:

36

37 Amend the Agriculture, Livestock, & Natural Resources Committee  
38 Report, dated April 4, 2011, page 2, after line 8 insert the following:

39

40 "Page 3 of the bill, before line 13 insert:

41

42 **"SECTION 2. Appropriation.** In addition to any other  
43 appropriation, there is hereby appropriated, out of any moneys in the oil  
44 and gas conservation and environmental response fund created in section  
45 34-60-122, Colorado Revised Statutes, not otherwise appropriated, to the  
46 department of natural resources, for allocation to the oil and gas  
47 conservation commission, for the fiscal year beginning July 1, 2011, the  
48 sum of one thousand one hundred eighty-two dollars (\$1,182), or so much  
49 thereof as may be necessary, for the implementation of this act."

50

51 Renumber succeeding section accordingly."

52

53 Page 2 of the report, line 10, strike "COMMISSION." and substitute  
54 "COMMISSION, AND MAKING AN APPROPRIATION IN CONNECTION  
55 THEREWITH."

56

1 **HB11-1264** be rereferred favorably to the Committee on  
2 Transportation.  
3

4  
5 **HB11-1277** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:  
8

9 Amend the House Education Committee Report, dated March 28, 2011,  
10 page 39, after line 36 insert:  
11

12 **"SECTION 41. Appropriation - adjustments in 2011 long bill.**  
13 For the implementation of this act, the cash funds appropriation made in  
14 the annual general appropriation act for the fiscal year beginning July 1,  
15 2011, to the department of education, management and administration, for  
16 the division of on-line learning, is decreased by thirty-five thousand one  
17 hundred seventy-three dollars (\$35,173) and 0.2 FTE. Said sum shall be  
18 from the state education fund created in section 17 (4) (a) of article IX of  
19 the state constitution."  
20

21 Renumber succeeding section accordingly.  
22

23 Page 40 of the report, after line 4 insert:  
24

25 "Page 1 of the bill, line 101, strike "EDUCATION." and substitute  
26 "EDUCATION, AND MAKING AN APPROPRIATION IN CONNECTION  
27 THEREWITH."."  
28

29  
30  
31 **SB11-089** be amended as follows, and as so amended, be referred to  
32 the Committee of the Whole with favorable  
33 recommendation:  
34

35 Amend reengrossed bill, page 3, line 1, after the period add "THE  
36 GENERAL ASSEMBLY SHALL NOT CONTINUE TO AUTHORIZE THE  
37 DEPARTMENT OF REVENUE TO RETAIN FULL-TIME EQUIVALENT EMPLOYEE  
38 AUTHORIZATION TO ISSUE INFORMATION LETTERS AND PRIVATE LETTER  
39 RULINGS AFTER THIS SECTION IS REPEALED."  
40

41  
42  
43 **SB11-090** be referred to the Committee of the Whole with favorable  
44 recommendation.  
45

46  
47 **SB11-092** be referred to the Committee of the Whole with favorable  
48 recommendation.  
49

50  
51 **SB11-108** be referred to the Committee of the Whole with favorable  
52 recommendation.  
53

54  
55 **SB11-124** be referred to the Committee of the Whole with favorable  
56 recommendation.

1 **SB11-169** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5  
6  
7 **EDUCATION**

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

10  
11 **SB11-173** be amended as follows, and as so amended, be referred to  
12 the Committee of the Whole with favorable  
13 recommendation:  
14

15 Amend reengrossed bill, page 4, line 24, strike "homeland" and substitute  
16 "homeland".  
17

18  
19  
20 **SB11-230** be referred favorably to the Committee on Appropriations.  
21

22  
23  
24 **PRINTING REPORT**  
25

26 The Chief Clerk reports the following bill has been correctly printed:  
27 **HB11-1300.**  
28

29  
30  
31 **SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**  
32

33 The Speaker has signed: **SB11-034, 037, 062, 094, 119 and 183.**  
34  
35

36  
37 **MESSAGE(S) FROM THE SENATE**  
38

39 The Senate has adopted the First Report of the First Conference  
40 Committee on SB11-165, as printed in Senate Journal, April 15, 2011,  
41 page 759, and repassed the bill as amended.  
42

43 The Senate has postponed indefinitely HB11-1140, and HB11-1252. The  
44 bills are returned herewith.  
45

46  
47  
48 The Senate has passed on Third Reading and transmitted to the Revisor  
49 of Statutes, SB11-231.  
50

51 The Senate has passed on Third Reading and returns herewith  
52 HB11-1251, HB11-1286 and HB11-1160.  
53

54 The Senate has passed on Third Reading and transmitted to the Revisor  
55 of Statutes:  
56



- 1 HB11-1196 amended as printed in Senate Journal, April 18, 2011,  
2 page 783.
- 3 SB11-166 amended as printed in Senate Journal, April 18, 2011,  
4 page 783.
- 5 SB11-199 amended as printed in Senate Journal, April 18, 2011,  
6 page 784.
- 7 SB11-208 amended as printed in Senate Journal, April 18, 2011,  
8 page 783.

9  
10

11

12

---

### MESSAGE(S) FROM THE REVISOR

13

14 We herewith transmit:

15 Without comment, SB11-231.

16 Without comment, as amended, HB11-1196.

17 Without comment, as amended, SB11-166, 199, and 208.

18

19

20

21

22

---

### INTRODUCTION OF BILLS First Reading

23

24

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

27

28 **HB11-1301** by Representative(s) Waller, Gardner B., Murray, Priola,  
29 Todd, Fields, Levy, Casso, Schafer S., Stephens; also  
30 Senator(s) Schwartz, Williams S.--Concerning statutory  
31 changes to increase efficiency in the operations of public  
32 institutions of higher education.

33 Committee on State, Veterans, & Military Affairs

34

35 **HB11-1302** by Representative(s) Waller--Concerning the creation of  
36 a program within the department of state for the purpose  
37 of training judges in the management of business-related  
38 litigation, and making an appropriation therefor.

39 Committee on Judiciary

40

41

42

43

---

### INTRODUCTION OF RESOLUTION

44

45 The following resolution was read by title and laid over one day under the  
46 rules:

47

48 **HR11-1007** by Representative(s) McNulty, Stephens, Pace--  
49 Concerning the rules of the House of Representatives  
50 regarding an official seal of the House of Representatives.

51

52

53

54

55

56

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Stephens, the following item(s) on the Calendar (was)were laid over until April 20, retaining place on Calendar:

- Consideration of General Orders--**HB11-1222, 1212, SB11-076.**
  - Consideration of Resolution(s)--**SJR11-009.**
  - Consideration of Senate Amendment(s)--**HB11-1230.**
- 

On motion of Representative Stephens, the House adjourned until 9:00 a.m., April 20, 2011.

Approved:  
FRANK McNULTY,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk