

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

Twentieth Legislative Day

Monday, January 31, 2011

1 The Speaker called the House to order at 10:00 a.m.

2

3 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

4

5 Pledge of Allegiance led by Kate Shuler, North Park High School, and  
6 Ashleigh White, Home Schooled, Walden.

7

8 The roll was called with the following result:

9

10 Present--63.

11 Excused--Representative(s) Bradford, Ryden--2.

12 Present after roll call--Representative(s) Bradford, Ryden.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Brown, the reading of the journal of  
18 January 28, 2011, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.

20

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 **HB11-1041** by Representative(s) Riesberg, Gardner B., McCann,  
30 Swalm; also Senator(s) Harvey--Concerning the Colorado  
31 insurance guaranty association.

32

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

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

37

	YES	63	NO	0	EXCUSED	2	ABSENT	0
39	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
40	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
41	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
42	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
43	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y

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

13 Co-sponsor(s) added: Representative(s) Court, Fields, Labuda, Priola,  
 14 Schafer S., Vigil, Williams A., Wilson.

15  
 16 **HB11-1001** by Representative(s) Gardner B.; also Senator(s) Morse--  
 17 Concerning the enactment of Colorado Revised Statutes  
 18 2010 as the positive and statutory law of the state of  
 19 Colorado.

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**.

25	YES	62	NO	0	EXCUSED	2	ABSENT	1
27	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
28	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
29	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	-
30	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
31	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
32	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
33	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
34	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
35	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
36	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
37	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
38	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
39	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
40	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
41	Ferrandino	Y	Lee	Y	Ryden	E	Williams A.	Y
42	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
43							Speaker	Y

44 Co-sponsor(s) added: Representative(s) Barker, Baumgardner, Duran,  
 45 Ferrandino, Fields, Hullinghorst, Kagan, Labuda, Lee, Nikkel, Priola, Ramirez,  
 46 Schafer S., Scott, Stephens, Todd, Waller.

47  
 48 **HB11-1021** by Representative(s) Todd; also Senator(s) Steadman,  
 49 Cadman--Concerning the fiscal year of the Colorado  
 50 channel authority.

51  
 52 The question being "Shall the bill pass?".  
 53 A roll call vote was taken. As shown by the following recorded vote, a  
 54 majority of those elected to the House voted in the affirmative and the bill  
 55 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
3	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
4	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
5	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
6	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
7	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
8	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
9	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
10	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
11	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
12	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
13	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
14	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
15	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
16	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
17	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Court, Fields, Fischer, Holbert, Nikkel,  
20 Solano, Soper, Wilson.

21  
22 **HB11-1035** by Representative(s) Court; also Senator(s) Carroll--  
23 Concerning an informative statement to be included in the  
24 ballot information booklet preceding each measure that is  
25 to appear on the ballot.

26  
27 The question being "Shall the bill pass?".  
28 A roll call vote was taken. As shown by the following recorded vote, a  
29 majority of those elected to the House voted in the affirmative and the bill  
30 was declared **passed**.

	YES	54	NO	10	EXCUSED	1	ABSENT	0
33	Acree	N	Fischer	Y	Liston	Y	Scott	Y
34	Balmer	N	Gardner B.	Y	Looper	Y	Solano	Y
35	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	N
36	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
37	Becker	N	Hamner	Y	McKinley	Y	Stephens	Y
38	Beezley	N	Holbert	N	Miklosi	Y	Summers	Y
39	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
40	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
41	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
42	Conti	N	Kagan	Y	Pace	Y	Todd	Y
43	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
44	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
45	DelGrosso	Y	Kerr J.	N	Ramirez	Y	Vigil	Y
46	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
47	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
48	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Fields, Fischer, Hullinghorst, Kagan,  
51 Labuda, Lee, Levy, Looper, McCann, Miklosi, Pabon, Pace, Ramirez, Ryden,  
52 Schafer S., Solano, Soper, Todd, Tyler, Williams A., Wilson.

53  
54 **HB11-1019** by Representative(s) Kagan; also Senator(s) Boyd--  
55 Concerning the waiver of copayments and deductibles by  
56 school-based health centers.

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

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

24 Co-sponsor(s) added: Representative(s) Casso, Court, Duran, Fields, Fischer,  
 25 Gardner D., Hullinghorst, Kefalas, Labuda, Lee, Levy, Liston, Massey, Miklosi,  
 26 Pabon, Pace, Priola, Schafer S., Solano, Todd, Tyler, Williams A., Wilson.

27  
 28 **HB11-1040** by Representative(s) Brown; also Senator(s) Tochtrop--  
 29 Concerning an increase in the length of terms served by  
 30 members of the state conservation board.

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 bill  
 35 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
38	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
39	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
40	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
41	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
42	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
43	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
44	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
45	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
46	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
47	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
48	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
49	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
50	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
51	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
52	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
53	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Barker, Holbert, Kerr J., Looper,  
 56 Nikkel, Ramirez, Scott, Sonnenberg, Stephens, Szabo, Waller.

1 **HB11-1017** by Representative(s) Duran; also Senator(s) Steadman--  
 2 Concerning the manner in which a member of an advisory  
 3 committee of the board of directors of the Auraria higher  
 4 education center is replaced.

5  
 6 The question being "Shall the bill pass?".  
 7 A roll call vote was taken. As shown by the following recorded vote, a  
 8 majority of those elected to the House voted in the affirmative and the bill  
 9 was declared **passed**.

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

29 Co-sponsor(s) added: Representative(s) Court, Ferrandino, Fields, Labuda,  
 30 Massey, Pabon, Pace, Priola, Ramirez, Schafer S., Solano, Summers, Todd,  
 31 Vigil, Williams A..

32  
 33 **HB11-1060** by Representative(s) Todd, Acree, Hamner, Massey,  
 34 Murray, Peniston, Priola, Riesberg, Schafer S., Solano,  
 35 Summers; also Senator(s) Renfroe, Bacon, Heath, Hudak,  
 36 King K., Kopp, Spence--Concerning term lengths for the  
 37 governor appointments to the board of trustees of the  
 38 university of northern Colorado.

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

	YES	64	NO	0	EXCUSED	1	ABSENT	0
46	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
47	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
48	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
49	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
50	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y
51	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
52	Bradford	E	Hullinghorst	Y	Murray	Y	Swalm	Y
53	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
54	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
55	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
56	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y

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

7 Co-sponsor(s) added: Representative(s) Beezley, Fields, Kefalas, Labuda,  
8 Nikkel, Wilson.

9  
10 **HB11-1077** by Representative(s) Peniston, Massey, Hamner, Murray,  
11 Ramirez, Schafer S., Solano, Summers, Todd; also  
12 Senator(s) Spence--Concerning the "Exceptional  
13 Children's Educational Act" as it refers to gifted children.  
14

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

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

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

38 Co-sponsor(s) added: Representative(s) Beezley, Court, Fields, Fischer,  
39 Gardner B., Hullinghorst, Kerr J., Labuda, Levy, Miklosi, Nikkel, Pace, Priola,  
40 Stephens, Tyler, Vigil.

41  
42  
43  
44 **MESSAGE(S) FROM THE SENATE**

45  
46 The Senate has adopted and transmits herewith: SJR11-008.  
47  
48

49 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

50  
51 On motion of Representative Stephens, the rules were suspended and the  
52 following resolution was given immediate consideration.  
53

54 **SJR11-008** by Senator(s) Schwartz; also Representative(s) Todd--  
55 Concerning the designation of January 31, 2011, as  
56 "Colorado 4-H Day".

1 (Printed and placed in member's file).

2

3 On motion of Representative Todd, the resolution was read at length and  
4 **adopted** by **viva voce** vote.

5

6 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,  
7 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,  
8 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D.,  
9 Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A.,  
10 Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley,  
11 Miklosi, Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Riesberg,  
12 Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Stephens, Summers,  
13 Swalm, Swerdfeger, Szabo, Tyler, Vaad, Vigil, Waller, Williams A., Wilson,  
14 McNulty.

15

16

17

18

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### INTRODUCTION OF BILLS First Reading

19

20

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

23

24 **HB11-1157** by Representative(s) Casso--Concerning the exemption  
25 from the heavy-duty diesel inspection program of heavy-  
26 duty diesel vehicles based outside the program area as part  
27 of a fleet registered in the program area.

28

Committee on Transportation

29

30 **HB11-1158** by Representative(s) Bradford; also Senator(s) Schwartz--  
31 Concerning sales and use tax exemptions for the sales and  
32 use of wood from trees harvested in Colorado.

33

Committee on Finance

34

35

36

37

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### PRINTING REPORT

38

39 The Chief Clerk reports the following bills have been correctly printed:  
40 **HB11-1155, 1156, 1157, 1158.**

41

42

43

44

45

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### LAY OVER OF CALENDAR ITEM(S)

46

47 On motion of Representative Stephens, the following item(s) on the  
48 Calendar (was)were laid over until February 1, retaining place on  
49 Calendar:

50

51 Consideration of General Orders--**HB11-1007, 1030.**

52

53

54

55

56

1 On motion of Representative Stephens, the House adjourned until  
2 9:00 a.m., February 1, 2011.

3

4

5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:  
FRANK McNULTY,  
Speaker