

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

Thirty-eighth Legislative Day

Friday, February 17, 2012

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

2

3 Prayer by Rabbi Jay Telrav, Temple Sinai, Denver.

4

5 Pledge of Allegiance led by Ariana Brecl, Kacey Johnson, Dina Demos,
6 Bridgette Sauter, Girl Scout Troop 3892, Highlands Ranch.

7

8 The roll was called with the following result:

9

10 Present--44.

11 Excused--Representative(s) Acree, Becker, Bradford, DelGrosso,
12 Ferrandino, B. Gardner, Gerou, Hullinghorst, A. Kerr, Levy,
13 Looper, McCann, Nikkel, Pabon, Peniston, Scott, Solano,
14 Sonnenberg, Stephens, Szabo, Vaad--21.

15 Present after roll call--Representative(s) Acree, Becker,
16 DelGrosso, Ferrandino, B. Gardner, Gerou, Hullinghorst,
17 A. Kerr, Levy, Looper, Pabon, Solano, Sonnenberg, Szabo,
18 Vaad.

19

20 The Speaker declared a quorum present.

21

22

23 On motion of Representative Singer, the reading of the journal of
24 February 16, 2012, was declared dispensed with and approved as
25 corrected by the Chief Clerk.

26

27

28

29

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

33

34

GENERAL ORDERS--SECOND READING OF BILLS

35

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

41

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

1 **SB12-008** by Senator(s) Brophy, Giron, Hodge, Roberts, Schwartz;
2 also Representative(s) Sonnenberg, Baumgardner,
3 Swerdfeger, Vigil, Wilson--Concerning postponement of
4 the repeal of requirements to replace well depletions to the
5 Denver basin aquifers.
6

7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9

10
11 **HB12-1124** by Representative(s) Massey, Fields, Hamner, Holbert,
12 Levy, Peniston; also Senator(s) Johnston--Concerning a
13 study of digital learning in Colorado.
14

15 Amendment No. 1, Education Report, dated February 13, 2012, and
16 placed in member's bill file; Report also printed in House Journal,
17 February 14, page 254.
18

19 As amended, ordered engrossed and placed on the Calendar for Third
20 Reading and Final Passage.
21

22 **HB12-1117** by Representative(s) Balmer; also Senator(s) Nicholson--
23 Concerning the ability of a local government to permit, in
24 its discretion, the collection of charitable solicitations from
25 motorists on a certain number of days per calendar year.
26

27 Amendment No. 1, Local Government Report, dated February 13, 2012,
28 and placed in member's bill file; Report also printed in House Journal,
29 February 14, page 255.
30

31 As amended, ordered engrossed and placed on the Calendar for Third
32 Reading and Final
33 Passage.
34

35 **HB12-1157** by Representative(s) Vigil; also Senator(s) Guzman--
36 Concerning the court hearing on a petition for the
37 organization of a special district.
38

39 Amendment No. 1, Local Government Report, dated February 13, 2012,
40 and placed in member's bill file; Report also printed in House Journal,
41 February 14, pages 255-256.
42

43 As amended, ordered engrossed and placed on the Calendar for Third
44 Reading and Final Passage.
45

46 **HB12-1207** by Representative(s) Labuda, Bradford, Fields, Gardner
47 B., Lee, Swerdfeger, Szabo; also Senator(s) Aguilar--
48 Concerning the repeal of the advisory committee on
49 covering all children in Colorado.
50

51 Ordered engrossed and placed on the Calendar for Third Reading and
52 Final Passage.
53
54
55

1 **HB12-1097** by Representative(s) Summers; also Senator(s) Jahn--
2 Concerning civil penalties for retail food establishments.

3
4 Amendment No. 1, Health & Environment Report, dated
5 February 14, 2012, and placed in member's bill file; Report also printed
6 in House Journal, February 15, pages 270-271.

7
8 As amended, ordered engrossed and placed on the Calendar for Third
9 Reading and Final Passage.

10

11 **HB12-1139** by Representative(s) Levy, Fields, Barker, Court, Kagan,
12 Massey, McCann, McKinley, Nikkel, Solano, Young; also
13 Senator(s) Guzman--Concerning pretrial detention of
14 children prosecuted as adults.

15

16 Ordered engrossed and placed on the Calendar for Third Reading and
17 Final Passage.

18

19 **HB12-1231** by Representative(s) Ryden, Gardner B., Kagan, Pabon,
20 Singer, Wilson; also Senator(s) Spence--Concerning the
21 authority of the department of revenue to allow licensed
22 private investigators access to certain motor vehicle
23 records for specified purposes.

24

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

27

28 **HB12-1233** by Representative(s) Labuda, Barker, Casso, Gardner B.,
29 Pabon; also Senator(s) Carroll--Concerning the ability of
30 a court to enter a decree of legal separation in certain
31 circumstances without the appearance of the parties.

32

33 Ordered engrossed and placed on the Calendar for Third Reading and
34 Final Passage.

35

36 **HB12-1276** by Representative(s) Duran, Summers, Fields, McCann,
37 Casso, Hullinghorst, Massey, Swerdfeger, Vigil--
38 Concerning child care licensure waivers for materials
39 related to a child care center's curriculum.

40

41 Amendment No. 1, Health & Environment Report, dated
42 February 14, 2012, and placed in member's bill file; Report also printed
43 in House Journal, February 15, page 271.

44

45 Amendment No. 2, by Representative(s) Priola.

46 Amend printed bill, page 4, line 20, after the period, add "IF THE
47 DEPARTMENT POSTS A NEGATIVE LICENSING ACTION ON ITS WEB SITE, THE
48 CHILD CARE CENTER THAT RECEIVED THE NEGATIVE LICENSING ACTION
49 MAY SUBMIT A WRITTEN REBUTTAL TO THE NEGATIVE LICENSING ACTION,
50 AND THE DEPARTMENT SHALL POST THAT REBUTTAL ON ITS WEB SITE
51 TOGETHER WITH THE NEGATIVE LICENSING ACTION. THE DEPARTMENT
52 MAY EDIT THE REBUTTAL FOR PROFANITY, BUT NOT FOR CONTENT. THE
53 REBUTTAL SHALL NOT EXCEED FIVE HUNDRED WORDS."

54

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

1 On motion of Representative Waller, the remainder of the General Orders
 2 Calendar (**HB12-1105, 1017, 1005, 1026, 1160, 1115, 1210, 1270, 1289,**
 3 **1151**) was laid over until February 20, retaining place on Calendar.
 4

5
6
7 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

8
9 Passed Second Reading: **SB12-008, HB12-1124 amended, 1117**
 10 **amended, 1157 amended, 1207, 1097 amended, 1139, 1231, 1233,**
 11 **1276 amended.**

12
13 Laid over until date indicated retaining place on Calendar: **HB12-1105,**
 14 **1017, 1005, 1026, 1160, 1115, 1210, 1270, 1289, 1151--**
 15 February 20, 2012.
 16

17 The Chairman moved the adoption of the Committee of the Whole
 18 Report. As shown by the following roll call vote, a majority of those
 19 elected to the House voted in the affirmative, and the Report was
 20 **adopted.**
 21

	YES	59	NO	0	EXCUSED	6	ABSENT	0
23	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
24	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
25	Barker	Y	Gerou	Y	McCann	E	Soper	Y
26	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	E
27	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
28	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
29	Bradford	E	Jones	Y	Nikkel	E	Swerdfeger	Y
30	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
31	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
32	Conti	Y	Kefalas	Y	Peniston	E	Tyler	Y
33	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
34	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
35	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
36	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
37	Ferrandino	Y	Levy	Y	Scott	E	Wilson	Y
38	Fields	Y	Liston	Y	Singer	Y	Young	Y
39							Speaker	Y

40
41
42
43
44 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

45 **APPROPRIATIONS**

46 After consideration on the merits, the Committee recommends the
 47 following:
 48

49
50 **HB12-1007** be referred to the Committee of the Whole with favorable
 51 recommendation.
 52

53
54 **HB12-1012** be referred to the Committee of the Whole with favorable
 55 recommendation.
 56

1 **HB12-1035** be postponed indefinitely.

2

3

4 **HB12-1056** be postponed indefinitely.

5

6

7 **HB12-1246** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10

11 Amend printed bill, page 2, strike lines 19 through 24 and insert:

12

13 **"SECTION 2. Appropriation.** In addition to any other
14 appropriation, there is hereby appropriated, for the fiscal year beginning
15 July 1, 2012, the sum of \$2,081,015, or so much thereof as may be
16 necessary, for the implementation of this act, to be allocated by
17 department from the sources of funds as follows:

18

19 DEPARTMENT	Total	General Fund	Reappropriated Funds	Federal Funds
20 Agriculture	\$9,456	\$9,456	\$0	\$0
21 Corrections	136,460	136,460	0	0
22 Education	173,373	173,373	0	0
23 Governor	1,895	1,895	0	0
24 Health Care Policy 25 and Financing	285,719	157,109	0	128,610
26 Human Services	984,145	726,924	257,221	0
27 Judicial	16,115	16,115	0	0
28 Law	8,799	8,799	0	0
29 Legislature	69,278	69,278	0	0
30 Local Affairs	793	793	0	0
31 Natural Resources	228,047	228,047	0	0
32 Public Health 33 and Environment	6,885	6,885	0	0
34 Public Safety	25,473	25,473	0	0
35 Revenue	133,783	133,783	0	0
36 Treasury	<u>794</u>	<u>794</u>	<u>0</u>	<u>0</u>
37 Total	\$2,081,015	\$1,695,184	\$257,221	\$128,610

38

39 The source of reappropriated funds for the department of human services
40 shall be medicaid funds transferred from the department of health care
41 policy and financing."

42

43 Page 3, strike lines 1 through 17.

44

45

46

47 **HB12-1247** be referred to the Committee of the Whole with favorable
48 recommendation.

49

50

51

1 **HB12-1248** 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 2, line 11, strike "EFFECTIVE JULY 1, 2012, THE"
6 and substitute "THE".
7

8 Page 3, after line 14 insert:
9

10 "SECTION 2. **Effective date.** This act takes effect July 1,
11 2012."
12

13 Renumber succeeding section accordingly.
14
15
16

17 **HB12-1249** be referred to the Committee of the Whole with favorable
18 recommendation.
19
20
21
22

23 **ECONOMIC & BUSINESS DEVELOPMENT**

24 After consideration on the merits, the Committee recommends the
25 following:
26

27 **HB12-1217** be referred to the Committee of the Whole with favorable
28 recommendation.
29
30

31 **HB12-1286** be amended as follows, and as so amended, be referred to
32 the Committee on Finance with favorable
33 recommendation:
34

35 Amend printed bill, page 3, line 16, strike "12-____" and substitute
36 "12-1286".
37

38 Page 11, line 14, after "(c)" insert "(I)".
39

40 Page 11, line 17, strike "LICENSED TO PRACTICE IN THIS STATE".
41

42 Page 11, line 18, strike "CONDUCT AN AUDIT OF" and substitute "REVIEW
43 AND REPORT IN WRITING, AND IN ACCORDANCE WITH PROFESSIONAL
44 STANDARDS, REGARDING THE ACCURACY OF THE".
45

46 Page 11, strike lines 21 through 24 and substitute "~~documents are an~~
47 ~~accurate accounting of the production company's qualified local~~
48 ~~expenditures.~~ If the PRODUCTION COMPANY PROVIDES A COPY OF THE
49 CERTIFIED PUBLIC ACCOUNTANT'S WRITTEN REPORT AND THE PRODUCTION
50 COMPANY CERTIFIES IN WRITING TO THE OFFICE THAT THE amount of the
51 production".
52

53 Page 12, after line 1 insert:
54

55 "(II) (A) FOR PURPOSES OF THIS PARAGRAPH (c), "CERTIFIED
56 PUBLIC ACCOUNTANT" MEANS A CERTIFIED PUBLIC ACCOUNTANT

1 LICENCED TO PRACTICE IN THIS STATE OR A CERTIFIED PUBLIC
2 ACCOUNTING FIRM THAT IS REGISTERED IN THIS STATE.

3

4 (B) ANY SERVICES OF A CERTIFIED PUBLIC ACCOUNTANT PROVIDED
5 TO MEET THE REQUIREMENTS OF THIS PARAGRAPH (C) SHALL BE
6 PERFORMED IN COLORADO."

7

8

9

10

11 **FINANCE**

12 After consideration on the merits, the Committee recommends the
13 following:

14

15 **HB12-1029** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18

19 Amend printed bill, page 2, strike lines 5 through 25.

20

21 Page 3, strike lines 1 through 16 and substitute:

22

23 "hereby declares that the intended purpose of the potential tax
24 expenditures included in this act is to stimulate the economy of the state
25 of Colorado by allowing local governments to offer greater incentives to
26 taxpayers who establish a new business facility or expand an existing
27 facility.

28

29 **SECTION 3.** In Colorado Revised Statutes, 30-11-123, **amend**
30 (1) (b) and (2) as follows:

31

32 **30-11-123. Legislative declaration - counties - new business**
33 **facilities - expansion of existing business facilities - incentives -**
34 **limitations - authority to exceed revenue-raising limitations.**

35 (1) (b) Notwithstanding any law to the contrary, any county may
36 negotiate for an incentive payment or credit with any taxpayer who
37 establishes a new business facility, as defined in section 39-30-105 (7)
38 (e), C.R.S., in the county. In no instance shall any negotiation result in an
39 annual incentive payment or credit that is greater than ~~fifty percent~~ of the
40 amount of the taxes levied by the county upon the taxable personal
41 property located at or within the new business facility and used in
42 connection with the operation of the new business facility for the current
43 property tax year. The term of any agreement made pursuant to the
44 provisions of this section shall not exceed four years; except that the term
45 of any agreement made or renewed on or after June 3, 2002, may extend
46 to as many as ten years, including the term of any original agreement
47 being renewed.

48

49 (2) Notwithstanding any law to the contrary, any county may
50 negotiate for an incentive payment or credit with any taxpayer who
51 expands a facility, as defined in section 39-30-105 (7) (c), C.R.S., the
52 expansion of which constitutes a new business facility, as defined in
53 section 39-30-105 (7) (e), C.R.S., and that is located in the county. In no
54 instance shall any negotiation result in an annual incentive payment or
55 credit that is greater than ~~fifty percent~~ of the amount of the taxes levied
56 by the county upon the taxable personal property directly attributable to

1 the expansion, located at or within the expanded facility, and used in
2 connection with the operation of the expanded facility for the current
3 property tax year. The term of any agreement made pursuant to the
4 provisions of this section shall not exceed four years; except that the
5 terms of any agreement made or renewed on or after June 3, 2002, may
6 extend to as many as ten years, including the term of any original
7 agreement being renewed.

8
9 **SECTION 4.** In Colorado Revised Statutes, 31-15-903, **amend**
10 (1) (b) and (2) as follows:

11
12 **31-15-903. Legislative declaration - municipalities - new**
13 **business facilities - expansion of existing business facilities -**
14 **incentives - limitations - authority to exceed revenue-raising**
15 **limitation.** (1) (b) Notwithstanding any law to the contrary, any
16 municipality may negotiate for an incentive payment or credit with any
17 taxpayer who establishes a new business facility, as defined in section
18 39-30-105 (7) (e), C.R.S., in the municipality. In no instance shall any
19 negotiation result in an annual incentive payment or credit that is greater
20 than ~~fifty percent~~ of the amount of taxes levied by the municipality upon
21 the taxable personal property located at or within the new business facility
22 and used in connection with the operation of the new business facility for
23 the current property tax year. The term of any agreement made pursuant
24 to the provisions of this section shall not exceed four years; except that
25 the term of any agreement made or renewed on or after June 3, 2002, may
26 extend to as many as ten years, including the term of any original
27 agreement being renewed.

28
29 (2) Notwithstanding any law to the contrary, any municipality
30 may negotiate for an incentive payment or credit with any taxpayer who
31 expands a facility, as defined in section 39-30-105 (7) (c), C.R.S., the
32 expansion of which constitutes a new business facility, as defined in
33 section 39-30-105 (7) (e), C.R.S., and that is located in the municipality.
34 In no instance shall any negotiation result in an annual incentive payment
35 or credit that is greater than ~~fifty percent~~ of the amount of the taxes levied
36 by the municipality upon the taxable personal property directly
37 attributable to the expansion, located at or within the expanded facility,
38 and used in connection with the operation of the expanded facility for the
39 current property tax year. The term of any agreement made pursuant to
40 the provisions of this section shall not exceed four years; except that the
41 terms of any agreement made or renewed on or after June 3, 2002, may
42 extend to as many as ten years, including the term of any original
43 agreement being renewed.

44
45 **SECTION 5.** In Colorado Revised Statutes, 32-1-1702, **amend**
46 (1) and (2) as follows:

47
48 **32-1-1702. New business facilities - expansion of existing**
49 **business facilities - incentives - limitations - authority to exceed**
50 **revenue-raising limitation.** (1) Notwithstanding any law to the contrary,
51 a special district may negotiate for an incentive payment or credit with a
52 taxpayer who establishes a new business facility, as defined in section
53 39-30-105 (7) (e), C.R.S., in the special district. In no instance shall any
54 negotiation result in an annual incentive payment or credit that is greater
55 than ~~fifty percent~~ of the amount of taxes levied by the special district
56 upon the taxable business personal property located at or within the new

1 business facility and used in connection with the operation of the new
2 business facility for the current property tax year. The term of any
3 agreement made pursuant to the provisions of this section shall not
4 exceed ten years, including the term of any original agreement being
5 renewed.

6
7 (2) Notwithstanding any law to the contrary, a special district may
8 negotiate for an incentive payment or credit with a taxpayer who expands
9 a facility, as defined in section 39-30-105 (7) (c), C.R.S., the expansion
10 of which constitutes a new business facility, as defined in section
11 39-30-105 (7) (e), C.R.S., and that is located in the special district. In no
12 instance shall any negotiation result in an annual incentive payment or
13 credit that is greater than ~~fifty percent~~ of the amount of the taxes levied
14 by the special district upon the taxable business personal property directly
15 attributable to the expansion located at or within the expanded facility and
16 used in connection with the operation of the expanded facility for the
17 current property tax year. The term of any agreement made pursuant to
18 the provisions of this section shall not exceed ten years, including the
19 term of any original agreement being renewed."

20
21 Renumber succeeding section accordingly.

22
23 Page 3, line 20, strike "7, 2012," and substitute "8, 2012,".

24
25
26
27 **HB12-1215** be amended as follows, and as so amended, be referred to
28 the Committee on Appropriations with favorable
29 recommendation:

30
31 Amend printed bill, page 4, line 17, strike "approved" and substitute
32 "~~approved~~ ELIGIBLE".

33
34 Page 5, line 4, strike "APPROVED" and substitute "ELIGIBLE".

35
36 Page 5, line 5, strike "THE approved" and substitute "~~approved~~ THE
37 ELIGIBLE".

38
39 Page 9, line 13, strike "10-3-209 OR 10-5-111," and substitute "10-3-209,
40 10-5-111, OR 10-5-111.5,".

41
42 Page 10, after line 2 insert:

43
44 "SECTION 7. In Colorado Revised Statutes, 10-1-203, **amend**
45 (1) as follows:

46
47 **10-1-203. Authority, scope, and scheduling of examinations.**
48 (1) The commissioner or the commissioner's designee may conduct an
49 examination or investigation of any company as often as the
50 commissioner, in the commissioner's sole discretion, deems appropriate
51 but shall, at a minimum, conduct a formal financial examination of every
52 insurer licensed in this state not less frequently than once every five years;
53 except that this does not include ~~approved~~ ELIGIBLE nonadmitted insurers
54 regulated in accordance with article 5 of this title. In scheduling financial
55 or market conduct examinations and in determining their nature, scope,
56 and frequency, the commissioner shall consider such matters as the results

1 of financial statement analyses and ratios, changes in management or
2 ownership, actuarial opinions, reports of independent certified public
3 accountants, complaint analyses, underwriting and claims practices,
4 pricing, product solicitation, policy form compliance, market share
5 analyses, and other criteria as set forth in the most recent available edition
6 of the examiners' handbook adopted by the national association of
7 insurance commissioners.

8
9 **SECTION 8.** In Colorado Revised Statutes, 10-3-1004, **amend**
10 (1) (b) as follows:

11
12 **10-3-1004. Defense of action by unauthorized insurer.**

13 (1) Before any unauthorized foreign or alien insurer files or causes to be
14 filed any pleading in any action, suit, or proceeding instituted against it,
15 such unauthorized insurer shall either deposit, with the clerk of the court
16 in which such action, suit, or proceeding is pending, cash or securities, or
17 file with such clerk a bond with good and sufficient sureties, to be
18 approved by the court, in an amount to be fixed by the court sufficient to
19 secure the payment of any final judgment which may be rendered in such
20 action, or procure a certificate of authority to transact the business of
21 insurance in this state, unless one or more of the following is applicable:

22
23 (b) At the time the insurer files any pleading in any action, suit, or
24 proceeding instituted against it, the insurer is listed on the ~~approved~~
25 ELIGIBLE nonadmitted insurers list prepared by the commissioner pursuant
26 to subsection (1) of section 10-5-108;

27
28 **SECTION 9.** In Colorado Revised Statutes, 10-5-101.1, **amend**
29 (1) (b) as follows:

30
31 **10-5-101.1. Legislative declaration.** (1) The general assembly
32 finds and declares that property and casualty insurance transactions with
33 nonadmitted insurers are so affected with a public interest as to require
34 regulation, taxation, supervision, and control of such transactions and
35 matters relating thereto, as provided in this article, in order to:

36
37 (b) Provide for the public, except for transactions related to the
38 diligent effort requirements of this article for exempt commercial
39 policyholders, as defined pursuant to section 10-4-1402 and rules adopted
40 by the commissioner pursuant to that section, to the extent that insurance
41 is not procurable from admitted insurers, orderly, reasonable, and
42 regulated access to such insurance from ~~approved~~ ELIGIBLE nonadmitted
43 insurers through qualified, licensed, and supervised surplus line agents
44 and brokers;

45
46 **SECTION 10.** In Colorado Revised Statutes, **amend** 10-5-104
47 as follows:

48
49 **10-5-104. Endorsement of contract.** Every insurance contract
50 procured and delivered as a surplus line coverage pursuant to this article
51 shall be initialed by or bear the name of the surplus line broker who
52 procured it and shall have stamped upon it the following: "This contract
53 is delivered as a surplus line coverage under the 'Nonadmitted Insurance
54 Act'. The insurer issuing this contract is not licensed in Colorado but is
55 an ~~approved~~ ELIGIBLE nonadmitted insurer. There is no protection under
56 the provisions of the 'Colorado Insurance Guaranty Association Act'."

1 **SECTION 11.** In Colorado Revised Statutes, 13-64-301, **amend**
2 (1) (a) (I), (1) (a.5) (I), and (1) (b) as follows:

3
4 **13-64-301. Financial responsibility.** (1) As a condition of active
5 licensure or authority to practice in this state, every physician or dentist,
6 and every health care institution as defined in section 13-64-202, except
7 as provided in section 13-64-303.5, that provides health care services
8 shall establish financial responsibility, as follows:

9
10 (a) (I) If a dentist, by maintaining commercial professional
11 liability insurance coverage with an insurance company authorized to do
12 business in this state or an ~~approved~~ ELIGIBLE nonadmitted insurer
13 allowed to insure in Colorado pursuant to article 5 of title 10, C.R.S., in
14 a minimum indemnity amount of five hundred thousand dollars per
15 incident and one million five hundred thousand dollars annual aggregate
16 per year; except that this requirement is not applicable to a dentist who
17 is a public employee under the "Colorado Governmental Immunity Act",
18 article 10 of title 24, C.R.S.

19
20 (a.5) (I) If a physician, by maintaining commercial professional
21 liability insurance coverage with an insurance company authorized to do
22 business in this state or an ~~approved~~ ELIGIBLE nonadmitted insurer
23 allowed to insure in Colorado pursuant to article 5 of title 10, C.R.S., in
24 a minimum indemnity amount of one million dollars per incident and
25 three million dollars annual aggregate per year; except that this
26 requirement is not applicable to a physician who is a public employee
27 under the "Colorado Governmental Immunity Act", article 10 of title 24,
28 C.R.S.

29
30 (b) If a health care institution, by maintaining, as a condition of
31 licensure, certification, or other authority to render health care services in
32 this state, commercial professional liability insurance coverage with an
33 insurance company authorized to do business in this state or an ~~approved~~
34 ELIGIBLE nonadmitted insurer allowed to insure in Colorado pursuant to
35 article 5 of title 10, C.R.S., in a minimum indemnity amount of five
36 hundred thousand dollars per incident and three million dollars annual
37 aggregate per year; except that this requirement is not applicable to a
38 certified health care institution that is a public entity under the "Colorado
39 Governmental Immunity Act". In the event a health care institution does
40 not have a commercial professional liability insurance policy in
41 compliance with this paragraph (b), or the limits of professional liability
42 insurance coverage are in excess of any self-insured retention amount, or
43 there is a deductible other than zero dollars, the health care institution
44 shall procure evidence that the commissioner of insurance has accepted
45 and approved an alternative form of establishing financial responsibility
46 in compliance with paragraph (c), (d), or (e) of this subsection (1), in
47 accordance with applicable rules promulgated by the division of
48 insurance. The health care institution shall furnish evidence of alternative
49 financial responsibility compliance to the department of public health and
50 environment as part of the health care institution's application for an
51 initial or renewal license, certification, or other authority."

52
53 Renumber succeeding section accordingly.

54
55
56

1 **HB12-1273** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

5 Amend printed bill, page 3, line 2, strike "STATE." and substitute "STATE,
6 AND IS ALSO A NONPROFIT ORGANIZATION."
7

8
9
10
11 **HEALTH & ENVIRONMENT**

12 After consideration on the merits, the Committee recommends the
13 following:
14

15 **HB12-1126** be amended as follows, and as so amended, be referred to
16 the Committee on Appropriations with favorable
17 recommendation:
18

19 Amend printed bill, page 3, line 27, after "AN" insert "UNLINED OR
20 PARTIALLY LINED" and after "PIT" insert "OR UNDERGROUND PERFORATED
21 RECEPTACLE".
22

23 Page 4, line 2, strike everything after the period.
24

25 Page 4, strike line 3 and substitute "'CESSPOOL" DOES NOT INCLUDE A
26 SEPTIC TANK."
27

28 Page 6, after line 13, insert:
29

30 "(18) "SEPTIC TANK" MEANS A WATERTIGHT, ACCESSIBLE,
31 COVERED RECEPTACLE DESIGNED AND CONSTRUCTED TO RECEIVE SEWAGE
32 FROM A BUILDING SEWER, SETTLE SOLIDS FROM THE LIQUID, DIGEST
33 ORGANIC MATTER, STORE DIGESTED SOLIDS THROUGH A PERIOD OF
34 RETENTION, AND ALLOW THE CLARIFIED LIQUIDS TO DISCHARGE TO OTHER
35 TREATMENT UNITS FOR FINAL DISPOSAL."
36

37 Page 6, line 14, strike "~~(19)~~ (18)" and substitute "(19)".
38

39 Page 6, line 19, strike "~~(20)~~ (19)" and substitute "(20)".
40

41 Page 7, line 2, strike "(20)" and substitute "(21)".
42

43 Page 7, line 9, strike "(21)" and substitute "(22)".
44

45 Page 7, line 12, strike "(22)" and substitute "~~(22)~~ (23)".
46

47 Page 7, line 18, strike "(23)" and substitute "~~(23)~~ (24)".
48

49 Page 7, line 22, strike "(24)" and substitute "~~(24)~~ (25)".
50

51 Page 7, line 26, strike "(a)".
52

53 Page 8, strike lines 9 through 14.
54

55 Page 10, line 12, strike "Variances - rules." and substitute "Minimum
56 standards - variances."

1 Page 10, line 17, strike "provisions" and substitute "provisions".

2

3 Page 10, line 18, after "matters:" insert "STANDARDS".

4

5 Page 22, strike lines 24 through 27.

6

7 Page 23, strike lines 1 through 6 and substitute:

8

9 ~~"(3) No individual sewage disposal system presently in use that~~
10 ~~does not comply with the provisions of section 25-10-105 (1) (e)~~
11 ~~regarding minimum separation between the maximum seasonal level of~~
12 ~~the groundwater table and the bottom of an absorption system shall be~~
13 ~~permitted to remain in use without compliance with this article and the~~
14 ~~rules adopted under this article."~~

15

16 Page 23, line 7, strike "(3)" and substitute "(2)".

17

18 Page 23, line 11, strike "(4)" and substitute "(3)".

19

20 Page 23, line 16, strike "(5)" and substitute "(4)".

21

22 Page 23, line 20, strike "(6)" and substitute "(5)".

23

24

25

26 **HB12-1140** be amended as follows, and as so amended, be referred to
27 the Committee on Appropriations with favorable
28 recommendation:
29

30

31 Amend printed bill, page 2, line 2, after "25-1.5-101," insert "**amend** (1)
32 (w) (III); and".

33

34 Page 2, strike lines 8 through 20 and substitute:

35

36 "(w) (III) (A) As part of its duties as coordinator for suicide
37 prevention programs, ~~on or before November 1, 2000, and on or before~~
38 ~~each November 1, thereafter,~~ the department shall submit to the chairs of
39 the ~~health, environment, welfare, and institutions committees of the~~
40 senate HEALTH AND HUMAN SERVICES COMMITTEE and the house of
41 representatives HEALTH AND ENVIRONMENT COMMITTEE, OR THEIR
42 SUCCESSOR COMMITTEES, and to the members of the joint budget
43 committee a report listing all suicide prevention programs in the state and
44 describing the effectiveness of the department acting as the coordinator
45 for suicide prevention programs. FOR THE REPORT SUBMITTED IN 2013
46 AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE ANY
47 FINDINGS AND RECOMMENDATIONS IT HAS TO IMPROVE SUICIDE
48 PREVENTION IN THE STATE.

49

50 (B) ~~On or before January 15, 2004, the chairs of the health,~~
51 ~~environment, welfare, and institutions committees shall decide whether~~
52 ~~to recommend that the reports required by sub-subparagraph (A) of this~~
53 ~~subparagraph (III) be discontinued.~~

54

55 (IV) IN ITS ROLE AS COORDINATOR FOR SUICIDE PREVENTION
56 PROGRAMS, THE DEPARTMENT MAY COLLABORATE WITH EACH FACILITY
LICENSED OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 IN ORDER TO

1 COORDINATE SUICIDE PREVENTION SERVICES. WHEN A FACILITY TREATS
2 A PERSON WHO HAS ATTEMPTED SUICIDE OR EXHIBITS A SUICIDAL
3 GESTURE, THE FACILITY MAY PROVIDE ORAL AND WRITTEN INFORMATION
4 OR EDUCATIONAL MATERIALS TO THE PERSON OR, IN THE CASE OF A MINOR,
5 TO PARENTS, RELATIVES, OR OTHER RESPONSIBLE PERSONS TO WHOM THE
6 MINOR WILL BE RELEASED, PRIOR TO THE PERSON'S RELEASE, REGARDING
7 WARNING SIGNS OF DEPRESSION, RISK FACTORS OF SUICIDE, METHODS OF
8 PREVENTING SUICIDE, AVAILABLE SUICIDE PREVENTION RESOURCES, AND
9 ANY OTHER INFORMATION CONCERNING SUICIDE AWARENESS AND
10 PREVENTION. THE DEPARTMENT MAY WORK WITH FACILITIES TO
11 DETERMINE WHETHER AND WHERE GAPS EXIST IN SUICIDE PREVENTION
12 PROGRAMS AND SERVICES, INCLUDING GAPS THAT MAY BE PRESENT IN:

13
14 (A) THE INFORMATION AND MATERIALS BEING USED AND
15 DISTRIBUTED IN FACILITIES THROUGHOUT THE STATE;

16
17 (B) RESOURCES AVAILABLE TO PERSONS WHO ATTEMPT SUICIDE OR
18 EXHIBIT A SUICIDAL GESTURE AND, WHEN THE PERSON IS A MINOR, TO
19 PARENTS, RELATIVES, AND OTHER RESPONSIBLE PERSONS TO WHOM A
20 MINOR IS RELEASED; AND

21
22 (C) THE PROCESS FOR REFERRING PERSONS WHO ATTEMPT SUICIDE
23 OR EXHIBIT A SUICIDAL GESTURE TO SUICIDE PREVENTION SERVICES AND
24 PROGRAMS OR OTHER APPROPRIATE HEALTH CARE PROVIDERS FOR
25 TREATMENT."

26
27
28
29
30 **JUDICIARY**

31 After consideration on the merits, the Committee recommends the
32 following:

33
34 **HB12-1084** be referred favorably to the Committee on Appropriations.

35
36
37 **HB12-1085** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40
41 Amend printed bill, page 5, line 11, strike "AND THE" and substitute "AND
42 EITHER:".

43
44 Page 5, strike lines 12 through 15 and substitute:

45
46 "(a) THE STATEMENT IS A NONTESTIMONIAL STATEMENT; OR

47
48 (b) (I) THE DECLARANT TESTIFIES AT THE PROCEEDINGS; OR

49
50 (II) IF THE DECLARANT IS UNAVAILABLE TO TESTIFY, THE
51 DEFENDANT HAS HAD AN OPPORTUNITY TO CROSS-EXAMINE THE
52 DECLARANT IN A PREVIOUS PROCEEDING AND THERE IS CORROBORATIVE
53 EVIDENCE OF THE ACT WHICH IS THE SUBJECT OF THE STATEMENT."

54
55
56

1 **HB12-1114** 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 2, line 4, strike "A SUMMONS" and substitute
6 "WHEN A PERSON IS ARRESTED FOR AN ALLEGED VIOLATION OF THIS
7 SECTION, THE".
8

9 Page 2, strike line 5.
10

11 Page 2, line 6, strike "IN THIS SECTION. THE".
12
13
14

15 **HB12-1226** be amended as follows, and as so amended, be referred to
16 the Committee on Appropriations with favorable
17 recommendation:
18

19 Amend printed bill, page 7, strike lines 6 through 14 and substitute:
20

21 **"SECTION 4. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect August 15, 2012; except that, if
23 a referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within the ninety-day period after final adjournment of the general
26 assembly, then the act, item, section, or part will not take effect unless
27 approved by the people at the general election to be held in November
28 2012 and, in such case, will take effect on the date of the official
29 declaration of the vote thereon by the governor.
30

31 (2) The provisions of this act apply to convictions on or after the
32 applicable effective date of this act."
33
34
35
36

37 **STATE, VETERANS, & MILITARY AFFAIRS**

38 After consideration on the merits, the Committee recommends the
39 following:
40

41 **HB12-1138** be postponed indefinitely.
42
43

44 **HB12-1144** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:
47

48 Amend printed bill, page 2, line 8, strike "MAY" and substitute "MAY,
49 SUBJECT TO THE APPROVAL OF THE CHIEF EXECUTIVE OFFICER OF THE
50 SYSTEM OR INSTITUTION AND ANY RULES OR LIMITATIONS ESTABLISHED
51 BY THE CHIEF EXECUTIVE OFFICER,".
52

53 Page 2, line 14, after "FOR" insert "HALF-TIME OR LONGER,".
54

55 Page 2, strike lines 21 and 22 and substitute "SHALL INCLUDE A PROVISION
56 STATING THE CONTRACT OR CONTRACT".

1 Page 3, strike lines 1 through 6.

2

3 Page 3, line 11, strike "(A)" and substitute "(I)".

4

5 Page 3, line 13, strike "(B)" and substitute "(II)".

6

7

8

9 **HB12-1152** be postponed indefinitely.

10

11

12 **HB12-1169** be amended as follows, and as so amended, be referred to
13 the Committee of the Whole with favorable
14 recommendation:

15

16 Amend printed bill, page 2, strike line 19 and substitute "A WAY THAT THE
17 IDENTITY OF THE PERSON VOTING OR THE POSITION TAKEN IN SUCH VOTE
18 IS WITHHELD FROM THE PUBLIC."

19

20

21

22 **HB12-1269** be referred to the Committee of the Whole with favorable
23 recommendation.

24

25

26

27

28 **TRANSPORTATION**

29 After consideration on the merits, the Committee recommends the
30 following:

31

32 **HB12-1030** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35

36 Amend printed bill, page 2, strike lines 2 and 3.

37

38 Strike pages 3 and 4.

39

40 Page 5, strike lines 1 through 24.

41

42 Renumber succeeding sections accordingly.

43

44 Page 7, strike lines 24 through 27.

45

46 Page 8, strike lines 1 through 21.

47

48 Renumber succeeding sections accordingly.

49

50 Page 11, line 9, strike "and (4)".

51

52 Page 11, strike lines 14 through 19.

53

54

55

1 **HB12-1038** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

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

7 "SECTION 4. In Colorado Revised Statutes, 42-3-113, **add** (11)
8 as follows:
9

10 **42-3-113. Records of application and registration.** (11) THE
11 DEPARTMENT SHALL NOT PLACE AN EXPIRATION DATE ON THE
12 REGISTRATION CARD FOR A CLASS A COMMERCIAL TRAILER OR
13 SEMITRAILER REGISTERED IN COLORADO.
14

15 **SECTION 5.** In Colorado Revised Statutes, 42-3-201, **amend**
16 (2); and **add** (7) as follows:
17

18 **42-3-201. Number plates furnished - style - periodic reissuance**
19 **- tabs - rules.** (2) EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS
20 SECTION, THE OWNER SHALL DISPLAY ON every number plate ~~shall have~~
21 ~~displayed upon it~~ the registration number assigned to the vehicle and
22 owner, the year number for which it is issued, the month in which it
23 expires, and any other appropriate symbol, word, or words designated by
24 the department. The department may adopt rules for the issuance of
25 permanent number plates that do not display the year number for which
26 it is issued or the month in which it expires. Such plate and the required
27 letters and numerals, except the year number for which issued, ~~shall~~ MUST
28 be of sufficient size to be plainly readable from a distance of one hundred
29 feet during daylight.
30

31 (7) NOTWITHSTANDING SUBSECTIONS (1) AND (2) OF THIS SECTION,
32 THE DEPARTMENT SHALL ISSUE LICENSE PLATES TO A CLASS A
33 COMMERCIAL TRAILER OR SEMITRAILER REGISTERED IN COLORADO THAT
34 DO NOT CONTAIN THE MONTH AND YEAR THE TRAILER EXPIRES, AND A
35 VALIDATING STICKER OR TAB IS NOT ISSUED NOR REQUIRED FOR THE
36 LICENSE PLATES."
37

38
39 Renumber succeeding sections accordingly.
40
41

42
43 **HB12-1123** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:
46

47 Amend printed bill, Page 2, line 8, strike "agency COMMISSION" and
48 substitute "agency".
49

50 Page 3, line 3, strike "IN WHICH" and substitute "THAT CAME".
51

52 Page 3, line 4, strike "HEARINGS WERE HELD".
53

54 Page 3, line 13, strike "EACH ENERGY UTILITY RATEPAYER." and substitute
55 ""EACH CLASS OF ENERGY UTILITY RATEPAYERS."
56

1 Page 3, line 15, change the comma to a period.

2

3 Page 3, strike lines 16 through 18.

4

5 Page 3, line 22, strike "7," and substitute "8,".

6

7 Page 1, line 105, strike "CASE HEARINGS." and substitute "CASES.".

8

9

10

11 **HB12-1131** be referred favorably to the Committee on Finance.

12

13

14

15

16

MESSAGE(S) FROM THE SENATE

17

18 The Senate has passed on Third Reading and transmits to the Revisor of
19 Statutes: SB12-058 and SB12-146.

20

21

22

23

MESSAGE(S) FROM THE REVISOR

24

25 We herewith transmit:

26 Without comment, SB12-058 and 146.

27

28

29

30

LAY OVER OF CALENDAR ITEM(S)

31

32 On motion of Representative Waller, the following item(s) on the
33 Calendar was (were) laid over until February 20, retaining place on
34 Calendar:

35

36 Consideration of Special Orders--**HB12-1043.**

37 Consideration of Third Reading--**HB12-1040, 1068.**

38

39

40

41 On motion of Representative Waller, the House adjourned until 10:00,
42 February 20, 2012.

43

44

Approved:
FRANK McNULTY,
Speaker

45

46

47 Attest:

48 MARILYN EDDINS,

49 Chief Clerk