

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

Twenty-seventh Legislative Day Monday, February 6, 2012

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 Mary Askham, Mountain View High School,
6 Loveland.
7
8 The roll was called with the following result:
9
10 Present--62.
11 Excused--Representative(s) Casso, Miklosi--2.
12 Absent--Representative(s) Labuda--1.
13 Present after roll call--Representative(s) Labuda.
14

15 The Speaker declared a quorum present.
16
17

18 On motion of Representative Swerdfeger, the reading of the journal of
19 February 2, 2012, was declared dispensed with and approved as corrected
20 by the Chief Clerk.
21
22

MESSAGE(S) FROM THE SENATE

23
24
25
26
27 The Senate has adopted and transmits herewith: SJR12- 009, 013.
28
29

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

30
31
32
33 On motion of Representative Stephens, the rules were suspended and the
34 following resolutions were given immediate consideration.
35

36 **SJR12-013** by Senator(s) Steadman, Shaffer B., Bacon, Heath,
37 Hodge, Hudak, Johnston, King K., Renfroe, Spence; also
38 Representative(s) Massey--Concerning the designation of
39 February 6 through 10, 2012, as "National School
40 Counseling Week".
41

42 (Printed and placed in member's file).
43

1 On motion of Representative Massey, the resolution was read at length
2 and **adopted** by **viva voce** vote.

3
4 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
5 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Conti, Coram, Court,
6 DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Hamner,
7 Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda,
8 Lee, Levy, Liston, Looper, McCann, McKinley, Murray, Nikkel, Pabon, Pace,
9 Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer, Solano,
10 Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd,
11 Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.

12
13 **SJR12-009** by Senator(s) Heath; also Representative(s) Summers and
14 Miklosi--Concerning recognition of career and technical
15 education month.

16
17 (Printed and placed in member's file).

18
19 On motion of Representative Summers, the resolution was read at length
20 and **adopted** by **viva voce** vote.

21
22 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
23 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Conti, Coram, Court,
24 DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Hamner,
25 Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda,
26 Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Murray, Nikkel,
27 Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer,
28 Solano, Sonnenberg, Soper, Stephens, Swalm, Swerdfeger, Szabo, Todd, Tyler,
29 Vaad, Vigil, Waller, Williams A., Wilson, Young, Speaker.

30
31
32 House in recess. House reconvened.
33
34

35 36 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

37 **APPROPRIATIONS**

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

40
41
42 **HB12-1008** be referred to the Committee of the Whole with favorable
43 recommendation.

44
45
46 **HB12-1009** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49
50 Amend printed bill, page 2, line 10, strike "FOR" and substitute "EXCEPT
51 AS SET FORTH IN PARAGRAPH (d) OF THIS SUBSECTION (1), FOR".

52
53 Page 3, after line 9 insert:

54
55 "(d) A STATE INSTITUTION OF HIGHER EDUCATION IS NOT REQUIRED
56 TO INCLUDE THE INFORMATION REQUIRED BY SUBPARAGRAPHS (IV) AND

1 (V) OF PARAGRAPH (a) OR PARAGRAPH (b) OF THIS SUBSECTION (1) IN ITS
2 REPORT TO THE CONTROLLER."

3

4 Page 3, after line 24, insert:

5

6 **"SECTION 3. No appropriation.** The general assembly has
7 determined that this act can be implemented within existing
8 appropriations, and therefore no separate appropriation of state moneys
9 is necessary to carry out the purposes of this act."

10

11 Renumber succeeding section accordingly.

12

13

14

15 **HB12-1032** 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 5, after line 1 insert:

20

21 **"SECTION 5. Appropriation.** In addition to any other
22 appropriation, there is hereby appropriated, out of any moneys in the
23 wildland-urban interface training fund created in section 24-33.5-1212 (5)
24 (a), Colorado Revised Statutes, not otherwise appropriated, to the
25 department of public safety, for the fiscal year beginning July 1, 2012, the
26 sum of \$50,000, or so much thereof as may be necessary, for allocation
27 to the office of preparedness, security, and fire safety for personal
28 services and operating expenses.

29

30 Renumber succeeding sections accordingly.

31

32 Page 1, line 101, strike "**PROGRAMS.**" and substitute "**PROGRAMS, AND,**
33 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"

34

35

36

37 **HB12-1034** be referred to the Committee of the Whole with favorable
38 recommendation.

39

40

41 **HB12-1177** 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 4 after line 6, insert:

46

47

48

49

50

51

52

53

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	"SECTION 2. Appropriation to the department of human services for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section						
2	2 of chapter 335, (SB 11-209), amend Part VII (10) (C); and add Part VII (10) (C) footnote 28a, as follows:						
3	Section 2. Appropriation.						
4	PART VII						
5	DEPARTMENT OF HUMAN SERVICES						
6	(10) ADULT ASSISTANCE PROGRAMS						
7	(C) Other Grant Programs						
8	Administration - Home Care Allowance						
9	SEP Contract	1,063,259		1,063,259			
10	Aid to the Needy Disabled Programs	17,428,495		11,421,471	6,007,024 ^a		
11	Burial Reimbursements	508,000		402,985		105,015(L) ^b	
12	Home Care Allowance ALLOWANCE ^{28a}	10,543,757		9,999,736		544,021(L) ^b	
13		10,074,145		9,530,124			
14	HOME CARE ALLOWANCE GRANT						
15	PROGRAM ^{28a}	469,612		469,612			
16	Adult Foster Care	157,469		149,596		7,873(L) ^b	
17	SSI Stabilization Fund Programs	<u>1,000,000</u>				1,000,000 ^c	
18		30,700,980					

19 ^a Of this amount, it is estimated that \$3,413,687(L) shall be from local funds, \$2,279,944 shall be from federal interim assistance reimbursement payments, and \$313,393 shall
20 be from other refunds and state revenue intercepts.

21 ^b These estimated amounts shall be from local funds.

		APPROPRIATION FROM					
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	
\$	\$	\$	\$	\$	\$	\$	
<p>1 ^c This amount shall be from the State Supplemental Security Income Stabilization Fund, created pursuant to Section 26-2-210, C.R.S. This amount is shown for 2 informational purposes only, as the State Supplemental Security Income Stabilization Fund is continuously appropriated to the Department of Human Services for 3 qualified expenditures.</p>							
4 TOTALS PART VII							
5 (HUMAN SERVICES)	<u>\$2,091,045,838</u>	<u>\$618,764,498</u>		<u>\$331,395,230^a</u>	<u>\$450,969,434</u>	<u>\$689,916,676</u>	

6
7 ^a Of this amount, \$117,836,940 contains an (L) notation.

8 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

9 28a DEPARTMENT OF HUMAN SERVICES, ADULT ASSISTANCE PROGRAMS, OTHER GRANT PROGRAMS, HOME CARE ALLOWANCE; AND HOME CARE
10 ALLOWANCE GRANT PROGRAM -- PURSUANT TO SECTION 26-2-122.4 (3), C.R.S, ANY AMOUNT IN THE HOME CARE ALLOWANCE GRANT
11 PROGRAM LINE ITEM THAT IS NOT REQUIRED TO OPERATE THE GRANT PROGRAM MAY BE TRANSFERRED TO THE HOME CARE ALLOWANCE
12 PROGRAM LINE ITEM AND USED TO PROVIDE ADDITIONAL BENEFITS UNDER THAT PROGRAM.

13
14 **SECTION 3. Appropriation to the department of human services for the fiscal year beginning July 1, 2011.** In Session Laws of Colorado 2011, section 2
15 of chapter 335, (SB 11-209), **amend** Part VII (10) (C); and **add** Part VII (10) (C) footnote 28a, as Part VII (10) (C) is amended by HB 12-1186, as follows:

16 Section 2. **Appropriation.**

17 **PART VII**
18 **DEPARTMENT OF HUMAN SERVICES**

19 **(10) ADULT ASSISTANCE PROGRAMS**

20 **(C) Other Grant Programs**

21 Administration - Home Care Allowance

22 SEP Contract 1,063,259

23 Aid to the Needy Disabled Programs 17,428,495 11,421,471

24 Burial Reimbursements 508,000 402,985 6,007,024 ^a 105,015 (L)^b

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Home Care Allowance ALLOWANCE ^{28a}	10,543,757	9,999,736		544,021	(L) ^b	
2		10,074,145	9,530,124				
3	HOME CARE ALLOWANCE GRANT						
4	PROGRAM ^{28a}	469,612	469,612				
5	Adult Foster Care	157,469	149,596		7,873	(L) ^b	
6	SSI Stabilization Fund Programs	1,000,000			1,000,000	^c	
7		30,700,980					
8	^a Of this amount, it is estimated that \$3,413,687(L) shall be from local funds, \$2,279,944 shall be from federal interim assistance reimbursement payments, and \$313,393 shall						
9	be from other refunds and state revenue intercepts.						
10	^b These estimated amounts shall be from local funds.						
11	^c This amount shall be from the State Supplemental Security Income Stabilization Fund, created pursuant to Section 26-2-210, C.R.S. This amount is shown for informational						
12	purposes only, as the State Supplemental Security Income Stabilization Fund is continuously appropriated to the Department of Human Services for qualified expenditures.						
13	TOTALS PART VII						
14	(HUMAN SERVICES)	<u>\$2,079,353,036</u>	<u>\$619,875,097</u>		<u>\$332,780,723^a</u>	<u>\$452,550,757</u>	<u>\$674,146,459</u>

15 ^a Of this amount, \$117,836,940 contains an (L) notation.

16
17 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

18 28a DEPARTMENT OF HUMAN SERVICES, ADULT ASSISTANCE PROGRAMS, OTHER GRANT PROGRAMS, HOME CARE ALLOWANCE; AND HOME CARE
19 ALLOWANCE GRANT PROGRAM -- PURSUANT TO SECTION 26-2-122.4 (3), C.R.S, ANY AMOUNT IN THE HOME CARE ALLOWANCE GRANT
20 PROGRAM LINE ITEM THAT IS NOT REQUIRED TO OPERATE THE GRANT PROGRAM MAY BE TRANSFERRED TO THE HOME CARE ALLOWANCE
21 PROGRAM LINE ITEM AND USED TO PROVIDE ADDITIONAL BENEFITS UNDER THAT PROGRAM.
22

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 **SECTION 4. Effective date.** (1) Except as otherwise provided in this section, this act takes effect upon passage.
2 (2) Section 2 of this act takes effect only if House Bill 12-1186 does not becomes law.
3 (3) Section 3 of this act takes effect only if House Bill 12-1186 becomes law and takes effect either upon the effective date of this act or House Bill 12-1186,
4 whichever is later."
5 Renumber succeeding section accordingly.
6 Page 1, line 102, strike "INDIVIDUALS." and substitute "INDIVIDUALS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS."
7

- 1 **HB12-1180** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4
- 5 **HB12-1181** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
- 9 **HB12-1182** be referred to the Committee of the Whole with favorable
10 recommendation.
11
12
- 13 **HB12-1183** be referred to the Committee of the Whole with favorable
14 recommendation.
15
16
- 17 **HB12-1184** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:
20
- 21 Amend printed bill, page 13, line 8, in the TOTAL column strike
22 "3,517,360,117" and substitute "3,523,622,209", in the GENERAL
23 FUND column strike "986,596,227(M)" and substitute "985,981,237(M)",
24 in the CASH FUNDS column strike "510,742,466^b" and substitute
25 "513,383,953^b", and in the FEDERAL FUNDS column strike
26 "1,732,744,299" and substitute "1,736,979,894".
27
- 28 Page 14, line 3, strike "\$7,629,150" and substitute "~~\$7,629,150~~
29 \$10,270,637".
30
- 31 Page 15, line 12, in the ITEM & SUBTOTAL column strike
32 "309,825,106" and substitute "~~309,825,106~~", in the CASH FUNDS
33 column strike "154,912,553^a" and substitute "~~154,912,553^a~~", and in the
34 FEDERAL FUNDS column strike "154,912,553" and substitute
35 "~~154,912,553~~".
36
- 37 Page 15, after line 12 in the ITEM & SUBTOTAL column insert
38 "293,928,866", in the CASH FUNDS column insert "146,964,433^a", and
39 in the FEDERAL FUNDS column insert "146,964,433".
40
- 41 Adjust affected totals accordingly.
42
- 43 Page 17, line 4, strike "\$10,225,900" and substitute "~~\$10,225,900~~
44 \$2,277,780".
45
46
47
- 48 **HB12-1185** be referred to the Committee of the Whole with favorable
49 recommendation.
50
51
- 52 **HB12-1186** be referred to the Committee of the Whole with favorable
53 recommendation.
54
55
56

- 1 **HB12-1187** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4
- 5 **HB12-1188** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
- 9 **HB12-1189** be referred to the Committee of the Whole with favorable
10 recommendation.
11
12
- 13 **HB12-1190** be referred to the Committee of the Whole with favorable
14 recommendation.
15
16
- 17 **HB12-1191** be referred to the Committee of the Whole with favorable
18 recommendation.
19
20
- 21 **HB12-1192** be referred to the Committee of the Whole with favorable
22 recommendation.
23
24
- 25 **HB12-1193** be referred to the Committee of the Whole with favorable
26 recommendation.
27
28
- 29 **HB12-1194** be referred to the Committee of the Whole with favorable
30 recommendation.
31
32
- 33 **HB12-1195** be referred to the Committee of the Whole with favorable
34 recommendation.
35
36
- 37 **HB12-1196** be referred to the Committee of the Whole with favorable
38 recommendation.
39
40
- 41 **HB12-1197** be referred to the Committee of the Whole with favorable
42 recommendation.
43
44
- 45 **HB12-1198** be referred to the Committee of the Whole with favorable
46 recommendation.
47
48
- 49 **HB12-1199** be referred to the Committee of the Whole with favorable
50 recommendation.
51
52
- 53 **HB12-1200** be referred to the Committee of the Whole with favorable
54 recommendation.
55
56

1 **HB12-1201** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **HB12-1202** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend print bill, page 11, after line 3, insert the following: "b THIS
10 AMOUNT SHALL BE TRANSFERRED FROM THE MEDICAL SERVICES
11 PREMIUMS LINE ITEM IN THE DEPARTMENT OF HEALTH CARE POLICY AND
12 FINANCING FOR THE COLORADO QUITLINE."
13

14 Page 11, line 9, in the GENERAL FUND EXEMPT column, strike
15 "\$466,100" and substitute "\$446,100".
16
17

18
19 **HB12-1203** be referred to the Committee of the Whole with favorable
20 recommendation.
21
22
23
24

25 **ECONOMIC & BUSINESS DEVELOPMENT**

26 After consideration on the merits, the Committee recommends the
27 following:
28

29 **HB12-1052** be amended as follows, and as so amended, be referred to
30 the Committee on Finance with favorable
31 recommendation:
32
33

34 Amend printed bill, page 2, line 20, strike "REQUIRE" and substitute
35 "REQUEST".
36

37 Page 3, line 10, strike "DATE" and substitute "YEAR".
38
39
40

41 **HB12-1071** 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, strike everything below the enacting clause and
46 substitute:
47

48 "SECTION 1. In Colorado Revised Statutes, **add** part 15 to
49 article 4 of title 10 as follows:
50

51 PART 15

52 PORTABLE ELECTRONICS INSURANCE

53
54
55 **10-4-1501. Definitions.** AS USED IN THIS PART 15, UNLESS THE
56 CONTEXT OTHERWISE REQUIRES:

1 (1) "CUSTOMER" MEANS A PERSON WHO PURCHASES PORTABLE
2 ELECTRONICS OR SERVICES.

3
4 (2) "ENROLLED CUSTOMER" MEANS A CUSTOMER WHO ELECTS
5 COVERAGE UNDER A PORTABLE ELECTRONICS INSURANCE POLICY ISSUED
6 TO A VENDOR OF PORTABLE ELECTRONICS.

7
8 (3) "INSURER" MEANS ANY ADMITTED COMPANY OR AUTHORIZED
9 COMPANY, AS DEFINED IN SECTION 10-1-102 (3), APPROVED TO TRANSACT
10 INSURANCE IN THIS STATE.

11
12 (4) "LOCATION" MEANS ANY PHYSICAL LOCATION IN THIS STATE OR
13 ANY WEB SITE, CALL CENTER SITE, OR SIMILAR LOCATION DIRECTED TO
14 RESIDENTS OF THIS STATE.

15
16 (5) "PORTABLE ELECTRONICS" MEANS PERSONAL,
17 SELF-CONTAINED, EASILY CARRIED BY AN INDIVIDUAL,
18 BATTERY-OPERATED ELECTRONIC COMMUNICATION, VIEWING, LISTENING,
19 RECORDING, GAMING, COMPUTING, OR GLOBAL POSITIONING DEVICES,
20 INCLUDING CELL OR SATELLITE PHONES, PAGERS, PERSONAL GLOBAL
21 POSITIONING SATELLITE UNITS, PORTABLE COMPUTERS, PORTABLE AUDIO
22 LISTENING, WIRELESS DEVICES, VIDEO VIEWING OR RECORDING DEVICES,
23 DIGITAL CAMERAS, VIDEO CAMCORDERS, PORTABLE GAMING SYSTEMS,
24 DOCKING STATIONS, AUTOMATIC ANSWERING DEVICES, AND OTHER
25 SIMILAR DEVICES AND THEIR ACCESSORIES, AND SERVICE RELATED TO THE
26 USE OF SUCH DEVICES.

27
28 (6) (a) "PORTABLE ELECTRONICS INSURANCE" MEANS INSURANCE
29 THAT PROVIDES COVERAGE FOR THE REPAIR OR REPLACEMENT OF
30 PORTABLE ELECTRONICS THAT MAY PROVIDE COVERAGE FOR PORTABLE
31 ELECTRONICS AGAINST ANY ONE OR MORE OF THE FOLLOWING CAUSES OF
32 LOSS:

33
34 (I) LOSS;

35
36 (II) THEFT;

37
38 (III) INOPERABILITY DUE TO MECHANICAL FAILURE OR
39 MALFUNCTION;

40
41 (IV) DAMAGE; OR

42
43 (V) OTHER SIMILAR CAUSES OF LOSS.

44
45 (b) "PORTABLE ELECTRONICS INSURANCE" DOES NOT INCLUDE:

46
47 (I) A SERVICE CONTRACT OR EXTENDED WARRANTY THAT
48 PROVIDES COVERAGE LIMITED TO THE REPAIR, REPLACEMENT, OR
49 MAINTENANCE OF PROPERTY FOR THE OPERATIONAL OR STRUCTURAL
50 FAILURE OF PROPERTY DUE TO A DEFECT IN MATERIALS, WORKMANSHIP,
51 ACCIDENTAL DAMAGE FROM HANDLING, POWER SURGES, OR NORMAL
52 WEAR AND TEAR;

53
54 (II) A SERVICE CONTRACT THAT IS IN EFFECT AS OF THE EFFECTIVE
55 DATE OF THIS PART 15 THAT PROVIDES COVERAGE FOR THE LOSS OF
56 PORTABLE ELECTRONICS ASSOCIATED WITH AN ONGOING SERVICE

1 RELATIONSHIP BETWEEN A VENDOR AND A CONSUMER OR THAT IS
2 OTHERWISE REGULATED PURSUANT TO RULES PROMULGATED BY THE
3 COMMISSIONER;

4
5 (III) A POLICY OF INSURANCE COVERING A SELLER'S OR
6 MANUFACTURER'S OBLIGATIONS UNDER A WARRANTY; OR

7
8 (IV) A HOMEOWNER'S, RENTER'S, PRIVATE PASSENGER
9 AUTOMOBILE, COMMERCIAL MULTI-PERIL, OR SIMILAR POLICY.

10
11 (7) "PORTABLE ELECTRONICS TRANSACTION" MEANS:

12
13 (a) THE SALE OR LEASE OF PORTABLE ELECTRONICS BY A VENDOR
14 TO A CUSTOMER; OR

15
16 (b) THE SALE OF A SERVICE RELATED TO THE USE OF PORTABLE
17 ELECTRONICS BY A VENDOR TO A CUSTOMER.

18
19 (8) "SUPERVISING ENTITY" MEANS A BUSINESS ENTITY THAT IS A
20 LICENSED INSURER OR INSURANCE PRODUCER THAT IS AUTHORIZED BY AN
21 INSURER TO SUPERVISE THE ADMINISTRATION OF A PORTABLE
22 ELECTRONICS INSURANCE PROGRAM.

23
24 (9) "VENDOR" MEANS A PERSON IN THE BUSINESS OF ENGAGING IN
25 PORTABLE ELECTRONICS TRANSACTIONS DIRECTLY OR INDIRECTLY.

26
27 **10-4-1502. Licensure of vendors.** (1) A VENDOR SHALL HOLD A
28 LIMITED LINES PRODUCER LICENSE ISSUED BY THE DIVISION IN
29 ACCORDANCE WITH PART 4 OF ARTICLE 2 OF THIS TITLE IN ORDER TO SELL
30 OR OFFER COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS
31 INSURANCE.

32
33 (2) A LIMITED LINES PRODUCER LICENSE ISSUED FOR THE PURPOSES
34 OF THIS PART 15 AUTHORIZES AN EMPLOYEE OR AUTHORIZED
35 REPRESENTATIVE OF THE VENDOR TO SELL OR OFFER COVERAGE UNDER A
36 POLICY OF PORTABLE ELECTRONICS INSURANCE TO A CUSTOMER AT EACH
37 LOCATION AT WHICH THE VENDOR ENGAGES IN PORTABLE ELECTRONICS
38 TRANSACTIONS.

39
40 (3) THE SUPERVISING ENTITY SHALL MAINTAIN A REGISTRY OF
41 VENDOR LOCATIONS THAT ARE AUTHORIZED TO SELL OR SOLICIT PORTABLE
42 ELECTRONICS INSURANCE COVERAGE IN THIS STATE. UPON REQUEST BY
43 THE COMMISSIONER AND WITH TEN DAYS' NOTICE TO THE SUPERVISING
44 ENTITY, THE SUPERVISING ENTITY SHALL MAKE THE REGISTRY OPEN TO
45 INSPECTION AND EXAMINATION BY THE COMMISSIONER DURING REGULAR
46 BUSINESS HOURS OF THE SUPERVISING ENTITY.

47
48 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LICENSE
49 ISSUED PURSUANT TO THIS PART 15 AUTHORIZES THE LICENSEE AND ITS
50 EMPLOYEES OR AUTHORIZED REPRESENTATIVES TO ENGAGE IN THOSE
51 ACTIVITIES THAT ARE PERMITTED IN THIS PART 15.

52
53 **10-4-1503. Requirements for sale of portable electronics**
54 **insurance.** (1) AT EVERY LOCATION WHERE PORTABLE ELECTRONICS
55 INSURANCE IS OFFERED TO CUSTOMERS, THE VENDOR SHALL MAKE
56 BROCHURES OR OTHER WRITTEN MATERIALS AVAILABLE TO A PROSPECTIVE

1 CUSTOMER THAT:

2

3 (a) DISCLOSE THAT PORTABLE ELECTRONICS INSURANCE MAY
4 PROVIDE A DUPLICATION OF COVERAGE ALREADY PROVIDED BY A
5 CUSTOMER'S HOMEOWNER'S INSURANCE POLICY, RENTER'S INSURANCE
6 POLICY, OR OTHER SOURCE OF COVERAGE;

7

8 (b) STATE THAT THE ENROLLMENT BY THE CUSTOMER IN A
9 PORTABLE ELECTRONICS INSURANCE PROGRAM IS NOT REQUIRED IN ORDER
10 TO PURCHASE OR LEASE PORTABLE ELECTRONICS OR SERVICES;

11

12 (c) SUMMARIZE THE MATERIAL TERMS OF THE INSURANCE
13 COVERAGE, INCLUDING:

14

15 (I) THE IDENTITY OF THE INSURER;

16

17 (II) THE IDENTITY OF THE SUPERVISING ENTITY;

18

19 (III) THE AMOUNT OF ANY APPLICABLE DEDUCTIBLE AND HOW IT
20 IS TO BE PAID;

21

22 (IV) BENEFITS OF THE COVERAGE; AND

23

24 (V) KEY TERMS AND CONDITIONS OF COVERAGE, SUCH AS
25 WHETHER PORTABLE ELECTRONICS MAY BE REPAIRED OR REPLACED WITH
26 SIMILAR MAKE AND MODEL RECONDITIONED OR NONORIGINAL
27 MANUFACTURER PARTS OR EQUIPMENT;

28

29 (d) SUMMARIZE THE PROCESS FOR FILING A CLAIM, INCLUDING A
30 DESCRIPTION OF HOW TO RETURN PORTABLE ELECTRONICS AND THE
31 MAXIMUM FEE APPLICABLE IF THE CUSTOMER FAILS TO COMPLY WITH ANY
32 EQUIPMENT RETURN REQUIREMENTS; AND

33

34 (e) STATE THAT AN ENROLLED CUSTOMER MAY CANCEL
35 ENROLLMENT FOR COVERAGE UNDER A PORTABLE ELECTRONICS
36 INSURANCE POLICY AT ANY TIME, AND THAT THE PERSON PAYING THE
37 PREMIUM WILL RECEIVE A REFUND OF ANY APPLICABLE UNEARNED
38 PREMIUM.

39

40 (2) AN INSURER MAY OFFER PORTABLE ELECTRONICS INSURANCE
41 ON A MONTH-TO-MONTH OR OTHER PERIODIC BASIS AS A GROUP OR
42 MASTER COMMERCIAL INLAND MARINE POLICY ISSUED TO A VENDOR OF
43 PORTABLE ELECTRONICS FOR ITS ENROLLED CUSTOMERS.

44

45 (3) A POLICY OF INSURANCE PROVIDES PRIMARY COVERAGE IN THE
46 EVENT OF A COVERED LOSS UNDER MORE THAN ONE POLICY.

47

48 (4) EACH INSURER SHALL ESTABLISH ELIGIBILITY AND
49 UNDERWRITING STANDARDS FOR CUSTOMERS ELECTING TO ENROLL IN
50 COVERAGE FOR EACH PORTABLE ELECTRONICS INSURANCE PROGRAM.

51

52 **10-4-1504. Authority of vendors of portable electronics.**

53 (1) THE EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF VENDORS
54 MAY SELL OR OFFER PORTABLE ELECTRONICS INSURANCE TO CUSTOMERS
55 AND ARE NOT SUBJECT TO LICENSURE AS AN INSURANCE PRODUCER UNDER
56 THIS TITLE IF:

- 1 (a) THE VENDOR OBTAINS A LIMITED LINES PRODUCER LICENSE TO
2 AUTHORIZE ITS EMPLOYEES OR AUTHORIZED REPRESENTATIVES TO SELL OR
3 OFFER PORTABLE ELECTRONICS INSURANCE PURSUANT TO THIS SECTION;
4
- 5 (b) THE INSURER ISSUING THE PORTABLE ELECTRONICS INSURANCE
6 EITHER DIRECTLY SUPERVISES, AUTHORIZES, OR APPOINTS A SUPERVISING
7 ENTITY TO SUPERVISE THE ADMINISTRATION OF THE PROGRAM, INCLUDING
8 DEVELOPMENT OF A TRAINING PROGRAM FOR EMPLOYEES AND
9 AUTHORIZED REPRESENTATIVES OF THE VENDORS. THE SUPERVISING
10 ENTITY SHALL INCLUDE THE FOLLOWING IN THE TRAINING PROGRAM,
11 WHICH MUST INCLUDE EMPLOYEES AND AUTHORIZED REPRESENTATIVES
12 OF VENDORS WHO ARE DIRECTLY ENGAGED IN THE ACTIVITY OF SELLING
13 OR OFFERING PORTABLE ELECTRONICS INSURANCE:
14
- 15 (I) A SUPPLEMENTAL EDUCATION PROGRAM REGARDING THE
16 PORTABLE ELECTRONICS INSURANCE PRODUCT THAT IS CONDUCTED AND
17 OVERSEEN BY LICENSED EMPLOYEES OF THE SUPERVISING ENTITY IF THE
18 TRAINING PROGRAM IS PROVIDED IN ELECTRONIC FORMAT; AND
19
- 20 (II) INSTRUCTION TO EACH EMPLOYEE OR AUTHORIZED
21 REPRESENTATIVE ABOUT THE PORTABLE ELECTRONICS INSURANCE
22 OFFERED TO CUSTOMERS AND THE DISCLOSURES REQUIRED UNDER
23 SECTION 10-4-1503; AND
24
- 25 (c) THE EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF A VENDOR
26 DOES NOT ADVERTISE, REPRESENT, OR OTHERWISE HOLD HIMSELF OR
27 HERSELF OUT AS A NONLIMITED LINES LICENSED INSURANCE PRODUCER.
28
- 29 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A VENDOR
30 SHALL NOT COMPENSATE EMPLOYEES OR AUTHORIZED REPRESENTATIVES
31 OF A VENDOR BASED PRIMARILY ON THE NUMBER OF CUSTOMERS
32 ENROLLED FOR PORTABLE ELECTRONICS INSURANCE COVERAGE, BUT THE
33 VENDOR MAY COMPENSATE EMPLOYEES OR AUTHORIZED
34 REPRESENTATIVES FOR ACTIVITIES UNDER THE LIMITED LINES LICENSE AS
35 LONG AS THE COMPENSATION IS INCIDENTAL TO THE EMPLOYEE'S OR
36 AUTHORIZED REPRESENTATIVE'S OVERALL COMPENSATION.
37
- 38 (3) A VENDOR MAY BILL AND COLLECT CHARGES FOR PORTABLE
39 ELECTRONICS INSURANCE COVERAGE. A VENDOR SHALL SEPARATELY
40 ITEMIZE ANY CHARGE TO THE ENROLLED CUSTOMER FOR COVERAGE THAT
41 IS NOT INCLUDED IN THE COST ASSOCIATED WITH THE PURCHASE OR LEASE
42 OF PORTABLE ELECTRONICS AND ANY RELATED SERVICES. IF THE
43 PORTABLE ELECTRONICS INSURANCE COVERAGE IS INCLUDED WITH THE
44 PURCHASE OR LEASE OF PORTABLE ELECTRONICS OR RELATED SERVICES,
45 THE VENDOR SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE TO THE
46 ENROLLED CUSTOMER THAT THE PORTABLE ELECTRONICS INSURANCE
47 COVERAGE IS INCLUDED WITH THE PORTABLE ELECTRONICS OR RELATED
48 SERVICES. VENDORS BILLING AND COLLECTING THE CHARGES ARE NOT
49 REQUIRED TO MAINTAIN THE CHARGES IN A SEGREGATED ACCOUNT IF THE
50 VENDOR IS AUTHORIZED BY THE INSURER TO HOLD THE CHARGES IN AN
51 ALTERNATIVE MANNER AND REMITS THE CHARGES TO THE SUPERVISING
52 ENTITY WITHIN SIXTY DAYS AFTER RECEIPT. ALL CHARGES RECEIVED BY
53 A VENDOR FROM AN ENROLLED CUSTOMER FOR THE SALE OF PORTABLE
54 ELECTRONICS INSURANCE ARE HELD IN TRUST BY THE VENDOR IN A
55 FIDUCIARY CAPACITY FOR THE BENEFIT OF THE INSURER. VENDORS MAY
56 RECEIVE COMPENSATION FOR BILLING AND COLLECTION SERVICES.

1 **10-4-1505. Suspension or revocation of license.** (1) IF A
2 VENDOR OF PORTABLE ELECTRONICS OR ITS EMPLOYEE OR AUTHORIZED
3 REPRESENTATIVE VIOLATES THIS PART 15, THE COMMISSIONER MAY TAKE
4 DISCIPLINARY ACTION AGAINST THE VENDOR IN ACCORDANCE WITH PART
5 8 OF ARTICLE 2 OF THIS TITLE. A FINE IMPOSED AS DISCIPLINARY ACTION
6 SHALL NOT EXCEED FIVE THOUSAND DOLLARS IN THE AGGREGATE FOR
7 MULTIPLE VIOLATIONS ARISING FROM THE SAME OR SIMILAR CONDUCT.

8
9 (2) IN ADDITION TO OTHER PENALTIES AUTHORIZED BY PART 8 OF
10 ARTICLE 2 OF THIS TITLE, THE COMMISSIONER MAY:

11
12 (a) SUSPEND THE PRIVILEGE OF TRANSACTING PORTABLE
13 ELECTRONICS INSURANCE PURSUANT TO THIS PART 15 AT SPECIFIC
14 BUSINESS LOCATIONS WHERE VIOLATIONS HAVE OCCURRED; AND

15
16 (b) SUSPEND OR REVOKE THE ABILITY OF INDIVIDUAL EMPLOYEES
17 OR AUTHORIZED REPRESENTATIVES TO ACT UNDER THE LICENSE.

18
19 **10-4-1506. Termination of portable electronics insurance.**
20 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

21
22 (a) (I) EXCEPT AS SPECIFIED IN SUBPARAGRAPHS (II) AND (III) OF
23 THIS PARAGRAPH (a), AN INSURER MAY TERMINATE OR OTHERWISE
24 CHANGE THE TERMS AND CONDITIONS OF A POLICY OF PORTABLE
25 ELECTRONICS INSURANCE ONLY UPON PROVIDING THE VENDOR AND
26 ENROLLED CUSTOMERS WITH AT LEAST THIRTY DAYS' NOTICE;

27
28 (II) AN INSURER MAY TERMINATE AN ENROLLED CUSTOMER'S
29 ENROLLMENT UNDER A PORTABLE ELECTRONICS INSURANCE POLICY UPON
30 FIFTEEN DAYS' NOTICE FOR NONPAYMENT OF PREMIUM OR FOR DISCOVERY
31 OF FRAUD OR MATERIAL MISREPRESENTATION IN OBTAINING COVERAGE OR
32 IN THE PRESENTATION OF A CLAIM UNDER THE POLICY;

33
34 (III) AN INSURER MAY IMMEDIATELY TERMINATE AN ENROLLED
35 CUSTOMER'S ENROLLMENT UNDER A PORTABLE ELECTRONICS INSURANCE
36 POLICY:

37
38 (A) IF THE ENROLLED CUSTOMER CEASES TO HAVE AN ACTIVE
39 SERVICE WITH THE VENDOR OF PORTABLE ELECTRONICS; OR

40
41 (B) IF AN ENROLLED CUSTOMER EXHAUSTS THE AGGREGATE LIMIT
42 OF LIABILITY, IF ANY, UNDER THE TERMS OF THE PORTABLE ELECTRONICS
43 INSURANCE POLICY AND THE INSURER SENDS NOTICE OF TERMINATION TO
44 THE ENROLLED CUSTOMER WITHIN THIRTY CALENDAR DAYS AFTER
45 EXHAUSTION OF THE LIMIT. IF NOTICE IS NOT TIMELY SENT, ENROLLMENT
46 CONTINUES NOTWITHSTANDING THE AGGREGATE LIMIT OF LIABILITY UNTIL
47 THE INSURER SENDS NOTICE OF TERMINATION TO THE ENROLLED
48 CUSTOMER.

49
50 (b) IF THE INSURER CHANGES THE TERMS AND CONDITIONS, THEN
51 THE INSURER SHALL PROVIDE THE VENDOR WITH A REVISED POLICY OR
52 ENDORSEMENT AND SHALL PROVIDE EACH ENROLLED CUSTOMER WITH A
53 REVISED CERTIFICATE, ENDORSEMENT, UPDATED BROCHURE, OR OTHER
54 EVIDENCE INDICATING THAT A CHANGE IN THE TERMS AND CONDITIONS
55 HAS OCCURRED AND A SUMMARY OF THE MATERIAL CHANGES;

56

1 (c) WHEN A VENDOR TERMINATES A PORTABLE ELECTRONICS
2 INSURANCE POLICY, THE VENDOR SHALL MAIL OR DELIVER WRITTEN
3 NOTICE TO EACH ENROLLED CUSTOMER ADVISING THE ENROLLED
4 CUSTOMER OF THE TERMINATION OF THE POLICY AND THE EFFECTIVE DATE
5 OF TERMINATION. THE INSURER SHALL MAIL OR DELIVER WRITTEN NOTICE
6 TO THE ENROLLED CUSTOMER AT LEAST THIRTY DAYS BEFORE THE
7 TERMINATION.

8
9 (d) (I) WHENEVER NOTICE OR CORRESPONDENCE WITH RESPECT TO
10 A POLICY OF PORTABLE ELECTRONICS INSURANCE IS REQUIRED PURSUANT
11 TO THIS PART 15 OR IS OTHERWISE REQUIRED BY LAW, THE INSURER,
12 VENDOR, OR OTHER PERSON SHALL SEND IT IN WRITING WITHIN THE NOTICE
13 PERIOD, IF ANY, SPECIFIED WITHIN THE STATUTE OR RULE REQUIRING THE
14 NOTICE OR CORRESPONDENCE. NOTWITHSTANDING ANY OTHER PROVISION
15 OF LAW, AN INSURER, VENDOR, OR OTHER PERSON MAY SEND NOTICES AND
16 CORRESPONDENCE BY EITHER MAIL OR ELECTRONIC MEANS.

17
18 (II) IF THE NOTICE OR CORRESPONDENCE IS MAILED, THE INSURER
19 SHALL SEND IT TO THE VENDOR AT THE VENDOR'S MAILING ADDRESS
20 SPECIFIED FOR SUCH PURPOSE AND TO ITS AFFECTED ENROLLED
21 CUSTOMERS' LAST-KNOWN MAILING ADDRESSES ON FILE WITH THE
22 INSURER. THE INSURER OR VENDOR SHALL MAINTAIN PROOF OF MAILING
23 IN A FORM AUTHORIZED OR ACCEPTED BY THE UNITED STATES POSTAL
24 SERVICE OR OTHER COMMERCIAL MAIL DELIVERY SERVICE.

25
26 (III) IF THE NOTICE OR CORRESPONDENCE IS SENT BY ELECTRONIC
27 MEANS, THE INSURER SHALL SEND IT TO THE VENDOR AT THE VENDOR'S
28 ELECTRONIC MAIL ADDRESS SPECIFIED FOR SUCH PURPOSE AND TO ITS
29 AFFECTED ENROLLED CUSTOMERS' LAST-KNOWN ELECTRONIC MAIL
30 ADDRESS AS PROVIDED BY EACH ENROLLED CUSTOMER TO THE INSURER OR
31 VENDOR. THE INSURER OR VENDOR SHALL MAINTAIN PROOF THAT THE
32 NOTICE OR CORRESPONDENCE WAS SENT.

33
34 (IV) FOR PURPOSES OF THIS PARAGRAPH (d), AN ENROLLED
35 CUSTOMER'S PROVISION OF AN ELECTRONIC MAIL ADDRESS TO THE
36 INSURER OR VENDOR IS CONSENT TO RECEIVE NOTICES AND
37 CORRESPONDENCE BY ELECTRONIC MEANS.

38
39 (e) THE SUPERVISING ENTITY APPOINTED BY THE INSURER MAY
40 SEND NOTICE OR CORRESPONDENCE REQUIRED BY THIS SECTION OR
41 OTHERWISE REQUIRED BY LAW ON BEHALF OF AN INSURER OR VENDOR.

42
43 **10-4-1507. Application for license - fees.** (1) AN APPLICANT FOR
44 A LICENSE UNDER THIS PART 15 SHALL APPLY FOR A LICENSE IN
45 ACCORDANCE WITH SECTION 10-2-404; EXCEPT THAT, IN LIEU OF
46 PROVIDING INFORMATION FOR ALL OFFICERS, PARTNERS, AND DIRECTORS
47 AS REQUIRED BY SECTION 10-2-404 (2), THE REQUIRED INFORMATION TO
48 BE SUBMITTED FOR A LICENSE PURSUANT TO THIS PART 15 IS LIMITED TO
49 THE INFORMATION PERTAINING TO AN EMPLOYEE OR OFFICER OF THE
50 VENDOR THAT IS DESIGNATED BY THE APPLICANT AS THE PERSON
51 RESPONSIBLE FOR THE VENDOR'S COMPLIANCE WITH THIS PART 15. IF THE
52 VENDOR DERIVES MORE THAN FIFTY PERCENT OF ITS REVENUE FROM THE
53 SALE OF PORTABLE ELECTRONICS INSURANCE, THE VENDOR SHALL
54 PROVIDE THE LOCATION OF THE HOME OFFICE, NAME, RESIDENCE ADDRESS,
55 AND OTHER INFORMATION REQUIRED BY THE COMMISSIONER FOR ALL
56 OFFICERS, DIRECTORS, AND SHAREHOLDERS OF RECORD HAVING

1 BENEFICIAL OWNERSHIP OF TEN PERCENT OR MORE OF ANY CLASS OF
2 SECURITIES REGISTERED UNDER THE FEDERAL SECURITIES LAWS.

3

4 (2) FOR PURPOSES OF COMPLYING WITH SECTION 10-2-404 (2) (d),
5 THE LICENSED PRODUCER DESIGNATED BY AN APPLICANT IS NOT REQUIRED
6 TO BE AN OFFICER, PARTNER, EMPLOYEE, OR DIRECTOR OF THE APPLICANT.

7

8 (3) AN APPLICANT FOR A LICENSE PURSUANT TO THIS PART 15 IS
9 EXEMPT FROM THE REQUIREMENTS OF SECTIONS 10-2-404 (2) (f) AND
10 10-2-406.

11

12 (4) ANY VENDOR ENGAGING IN PORTABLE ELECTRONICS
13 INSURANCE TRANSACTIONS ON OR BEFORE THE EFFECTIVE DATE OF THIS
14 PART 15 SHALL APPLY FOR LICENSURE WITHIN NINETY DAYS AFTER THE
15 EFFECTIVE DATE OF THIS PART 15. ANY APPLICANT COMMENCING
16 OPERATIONS AFTER THE EFFECTIVE DATE OF THIS PART 15 SHALL OBTAIN
17 A LICENSE BEFORE OFFERING PORTABLE ELECTRONICS INSURANCE.

18

19 **SECTION 2. Act subject to petition - effective date.** This act
20 takes effect January 1, 2013; except that, if a referendum petition is filed
21 pursuant to section 1 (3) of article V of the state constitution against this
22 act or an item, section, or part of this act within the ninety-day period
23 after final adjournment of the general assembly, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2012 and, in such case, will take
26 effect on January 1, 2013, or on the date of the official declaration of the
27 vote thereon by the governor, whichever is later."

28

29

30

31

32 **FINANCE**

33 After consideration on the merits, the Committee recommends the
34 following:

35

36 **HB12-1005** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:

39

40 Amend printed bill, page 3, line 11, after "(m)." add "NO SECURITY
41 ISSUED BY A CORPORATION OR BANK THAT IS NOT ORGANIZED AND
42 OPERATED WITHIN THE UNITED STATES MAY BE PURCHASED PURSUANT TO
43 THIS PARAGRAPH (m) UNLESS THE GOVERNING BODY OF THE PUBLIC
44 ENTITY AUTHORIZES INVESTMENT IN SUCH SECURITIES."

45

46

47

48

49 **HEALTH & ENVIRONMENT**

50 After consideration on the merits, the Committee recommends the
51 following:

52

53 **HB12-1047** be referred to the Committee of the Whole with favorable
54 recommendation.

55

56

1 **HB12-1065** be amended as follows, and as so amended, be referred to
2 the Committee on Finance with favorable
3 recommendation:
4

5 Amend printed bill, page 3, line 8, strike "BOARD, ON A CASE-BY-CASE
6 BASIS, MAY" and substitute "BOARD SHALL".
7

8 Page 3, line 10, strike "PLAN," and substitute "PLAN IF THE ADVANCED
9 PRACTICE NURSE SATISFIES THE REQUIREMENTS OF THIS
10 SUB-SUBPARAGRAPH (B),".
11

12 Page 3, line 11, strike "JULY 1, 2012." and substitute "SEPTEMBER 30,
13 2012." and strike "JULY 1, 2012," and substitute "SEPTEMBER 30, 2012,".
14

15 Page 3, line 13, before "SIGNED" strike "THE" and substitute "A".
16

17 Page 3, line 14, strike "PLAN BY JULY 1, 2011, AS" and substitute "PLAN
18 BY, OR HAD AN EXISTING COLLABORATIVE AGREEMENT WITH A PHYSICIAN
19 ON, JULY 1, 2011, AND".
20

21 Page 3, strike line 15.
22

23 Page 3, strike lines 17 through 19.
24
25
26
27

28 **JUDICIARY**

29 After consideration on the merits, the Committee recommends the
30 following:
31

32 **HB12-1026** 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, line 14, after "OFFICER" insert "ONLY".
37

38 Page 2, line 25, strike "ATTORNEY." and substitute "ATTORNEY OR AN
39 ATTORNEY WHO CONTRACTS WITH A MUNICIPALITY, CITY, TOWN,
40 STATUTORY CITY OR TOWN, OR CITY AND COUNTY, LOCAL GOVERNMENT
41 TO SERVE AS A CITY ATTORNEY, TOWN ATTORNEY, SENIOR ASSISTANT CITY
42 ATTORNEY, ASSISTANT CITY ATTORNEY, CHIEF DEPUTY CITY ATTORNEY,
43 DEPUTY CITY ATTORNEY, SPECIAL DEPUTY CITY ATTORNEY, PROSECUTING
44 ATTORNEY, SENIOR PROSECUTING ATTORNEY, SENIOR PROSECUTOR, OR
45 SPECIAL PROSECUTOR ON A LESS THAN A FULL-TIME BASIS."
46
47
48

49 **HB12-1079** be referred favorably to the Committee on State, Veterans,
50 & Military Affairs.
51

52
53 **HB12-1088** be referred to the Committee of the Whole with favorable
54 recommendation.
55
56

1 **HB12-1101** 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 2, line 4, after "(1.5)" insert "and (1.7)".
6

7 Page 2, line 6, strike "she KNOWINGLY:" and substitute "she:".
8

9 Page 2, after line 6, insert:
10

11 "(a) KNOWINGLY:".
12

13 Page 2, line 7, strike "(a)" and substitute "~~(a)~~ (I)".
14

15 Page 2, strike line 11, and substitute "payment;".
16

17 Page 2, line 12, strike "(b)" and substitute "~~(b)~~ (II)".
18

19 Page 2, strike line 17, and substitute "financial payment;".
20

21 Page 2, line 18, strike "(c)" and substitute "~~(c)~~ (III)".
22

23 Page 2, line 21, strike "DEFRAUD, IF THE DEVICE OR INFORMATION IS
24 THAT" and substitute "DEFRAUD;".
25

26 Page 2, strike line 22.
27

28 Page 2, line 23, strike "(d)" and substitute "~~(d)~~ (IV)".
29

30 Page 3, strike line 1, and substitute "credit; OR".
31

32 Page 3, line 2, strike "(e)" and substitute "~~(e)~~ (V)".
33

34 Page 3, line 4, strike "document," and substitute "document;".
35

36 Page 3, strike line 5, and substitute "~~or~~ AND".
37

38 Page 3, after line 5, insert:
39

40 "(b) THE INFORMATION OR DEVICE IS THAT OF ANOTHER."
41

42 Page 3, strike lines 6 through 10 and substitute:
43

44 "(1.5) THE ELEMENT SET FORTH IN PARAGRAPH (b) OF SUBSECTION
45 (1) IS ONE OF STRICT LIABILITY.
46

47 (1.7) THIS SECTION SHALL NOT APPLY TO USE OR POSSESSION IN
48 COMPLIANCE WITH OR IN CONNECTION WITH A PURPOSE PERMITTED UNDER
49 THE FEDERAL "FAIR CREDIT REPORTING ACT", AS AMENDED, 15 U.S.C.
50 1681 ET SEQ.; THE FEDERAL "FAIR AND ACCURATE CREDIT TRANSACTIONS
51 ACT OF 2003", 15 U.S.C. 1601; THE FEDERAL "DRIVER'S PRIVACY
52 PROTECTION ACT OF 1994", 18 U.S.C. 2721, ET SEQ.; THE FEDERAL
53 "GRAMM-LEACH-BLILEY ACT", 15 U.S.C. 6801; OR THE FEDERAL
54 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",
55 42 U.S.C. 201."
56

1 Page 3, line 14, strike "10, 2011, if adjournment sine die is on May 11,
2 2011);" and substitute "8, 2012, if adjournment sine die is on May 9,
3 2012);".
4
5
6
7

8 **STATE, VETERANS, & MILITARY AFFAIRS**

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

11
12 **HB12-1020** be postponed indefinitely.
13

14
15 **HB12-1024** be referred to the Committee of the Whole with favorable
16 recommendation.
17

18
19 **HB12-1070** be amended as follows, and as so amended, be referred to
20 the Committee of the Whole with favorable
21 recommendation:
22

23 Amend printed bill, page 2, line 3, strike "(1) (b) (II) (E),".
24

25 Page 2, line 4, after "**repeal**" insert "(1) (b) (II) (E) and".
26

27 Page 2, strike lines 15 and 16 and substitute:
28

29 "AND COUNTY, SCHOOL DISTRICT, OR ANY ELECTIVE OFFICE WITHIN A
30 SPECIAL DISTRICT FOR WHICH THE ANNUAL COMPENSATION EXCEEDS
31 SIXTEEN HUNDRED DOLLARS."
32

33 Page 2, strike lines 18 and 19 and substitute:
34

35 "~~(E) Any elective office within a special district for which the~~
36 ~~annual compensation is less than twelve hundred dollars.~~"
37

38 Page 5, strike lines 1 through 4 and substitute:
39

40 "~~event; or a series of tickets to sporting events of a specific team~~
41 ~~scheduled during a season with a total value of one hundred dollars or~~
42 ~~more, or a series of tickets to cultural events of a specific performing~~
43 ~~company or organization with a total value of one hundred dollars or~~
44 ~~more;~~".
45

46 Page 5, line 14, after "GOVERNMENT" insert "IN THE CASE OF AN
47 INCUMBENT OR ELECTED CANDIDATE SUBJECT TO THE PROVISIONS OF SAID
48 ARTICLE".
49

50 Page 5, strike lines 16 through 19 and substitute:
51

52 "candidate's office or the governmental entity in which such office is
53 held;".
54

55 Page 7, line 22, after "GOVERNMENT" insert "IN THE CASE OF AN
56 INCUMBENT OR ELECTED CANDIDATE SUBJECT TO THE PROVISIONS OF SAID

1 ARTICLE".

2

3 Page 7, strike lines 24 through 27 and substitute:

4

5 "candidate's office or the governmental entity in which such office is
6 held;".

7

8 Page 13, line 3, strike "7," and substitute "8,".

9

10

11

12 **HB12-1089** be referred to the Committee of the Whole with favorable
13 recommendation.

14

15

16

17

18 **TRANSPORTATION**

19 After consideration on the merits, the Committee recommends the
20 following:

21

22 **HB12-1012** be amended as follows, and as so amended, be referred to
23 the Committee on Appropriations with favorable
24 recommendation:

25

26 Amend printed bill, page 2, line 11, strike "than ~~ten thousand~~ FIFTY
27 THOUSAND dollars." and substitute "than: ~~ten thousand dollars~~."

28

29 (I) FOR A DEPARTMENT OF TRANSPORTATION PROJECT OR A
30 PROJECT WITH DEPARTMENT OF TRANSPORTATION OVERSIGHT, THE LESSER
31 OF THE AMOUNT ELIGIBLE FOR FEDERAL FUNDING PARTICIPATION IN ANY
32 FEDERALLY FUNDED PROJECT OR FIFTY THOUSAND DOLLARS;

33

34 (II) FOR ANY OTHER PROJECT, TEN THOUSAND DOLLARS."

35

36 Page 1, line 105, strike "THE AGENCY." and substitute "A DEPARTMENT
37 OF TRANSPORTATION PROJECT OR A PROJECT WITH DEPARTMENT OF
38 TRANSPORTATION OVERSIGHT."

39

40

41

42 **HB12-1014** be amended as follows, and as so amended, be referred to
43 the Committee on Appropriations with favorable
44 recommendation:

45

46 Amend printed bill, page 2, line 3, strike "and (1.5) (b)".

47

48 Page 2, line 11, after "registered." add "IN BOTH ITS ANNUAL
49 PERFORMANCE REPORT PUBLISHED PURSUANT TO SECTION 2-7-205, C.R.S.,
50 AND ITS ANNUAL PRESENTATION TO HOUSE OF REPRESENTATIVES AND
51 SENATE COMMITTEES OF REFERENCE MADE PURSUANT TO SECTION
52 2-7-203, C.R.S., THE DEPARTMENT OF TRANSPORTATION SHALL IDENTIFY
53 ANY DEPARTMENT PROJECTS THAT HAVE BEEN DELAYED FOR A YEAR OR
54 MORE DUE TO A LACK OF FUNDING RESULTING FROM THE LATE FEE
55 REDUCTION ENACTED BY HOUSE BILL 12-1014, ENACTED IN 2012."

56

1 Page 2, strike lines 22 through 25.

2

3 Page 3, strike lines 1 through 12.

4

5

6

7

PRINTING REPORT

8

9 The Chief Clerk reports the following bill has been correctly printed:

10 **HB12-1221.**

11

12

13

14

INTRODUCTION OF BILLS

15

First Reading

16

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

19

20 **HB12-1222** by Representative(s) Becker, Gerou, Levy; also Senator(s)
21 Hodge, Steadman, Lambert--Concerning the recreation of
22 the department of transportation renovation fund to be
23 used for transportation-related purposes.

24 Committee on Transportation

25

26 **HB12-1223** by Representative(s) Levy, Becker, Gerou; also Senator(s)
27 Steadman, Hodge, Lambert--Concerning earned time for
28 inmates.

29 Committee on Judiciary

30

31 **HB12-1224** by Representative(s) Becker, Gerou, Levy; also Senator(s)
32 Lambert, Hodge, Steadman--Concerning the creation of a
33 consolidated communications system authority.

34 Committee on Transportation

35

36 **HB12-1225** by Representative(s) Ramirez; also Senator(s) Steadman--
37 Concerning designation as a model charter school
38 authorizer.

39 Committee on Education

40

41 **HB12-1226** by Representative(s) Barker; also Senator(s) Aguilar--
42 Concerning a surcharge on persons convicted of crimes
43 against at-risk persons.

44 Committee on Judiciary

45 Committee on Appropriations

46

47 **HB12-1227** by Representative(s) Young--Concerning postsecondary
48 certificate programs that combine basic education course
49 work with skills training.

50 Committee on State, Veterans, & Military Affairs

51

52 **HB12-1228** by Representative(s) DelGrosso, McCann; also Senator(s)
53 Steadman--Concerning criminal background checks for
54 neighborhood youth organizations seeking to obtain a
55 license.

56 Committee on Economic and Business Development

- 1 **HB12-1229** by Representative(s) Murray; also Senator(s) Scheffel--
2 Concerning publication requirements for a newspaper in
3 which a legal notice or advertisement is printed.
4 Committee on Local Government
5
- 6 **HB12-1230** by Representative(s) Young; also Senator(s) Aguilar--
7 Concerning studies of the redesign of long-term services
8 for persons with developmental disabilities.
9 Committee on State, Veterans, & Military Affairs
10 Committee on Appropriations
11
- 12 **HB12-1231** by Representative(s) Ryden, Gardner B., Kagan, Pabon,
13 Singer, Wilson; also Senator(s) Spence--Concerning the
14 authority of the department of revenue to allow licensed
15 private investigators access to certain motor vehicle
16 records for specified purposes.
17 Committee on Judiciary
18
- 19 **HB12-1232** by Representative(s) Gardner B.; also Senator(s)
20 Nicholson--Concerning a limitation on liability for the
21 treatment costs of specified health care conditions of a
22 person in custody.
23 Committee on Judiciary
24
- 25 **HB12-1233** by Representative(s) Labuda, Barker, Casso, Gardner B.,
26 Pabon; also Senator(s) Carroll--Concerning the ability of
27 a court to enter a decree of legal separation in certain
28 circumstances without the appearance of the parties.
29 Committee on Judiciary
30
- 31 **HB12-1234** by Representative(s) Tyler, Fischer, Hullinghorst, Solano--
32 Concerning a right to participate in proceedings before the
33 public utilities commission by customers of regulated
34 businesses.
35 Committee on State, Veterans, & Military Affairs
36
- 37 **HB12-1235** by Representative(s) Kerr A.; also Senator(s) Johnston--
38 Concerning a requirement that public school structures
39 satisfy minimum energy-efficient design standards.
40 Committee on State, Veterans, & Military Affairs
41
- 42 **HB12-1236** by Representative(s) Summers, Holbert; also Senator(s)
43 Jahn, Boyd--Concerning the regulation of charitable
44 solicitations.
45 Committee on Finance
46
- 47 **HB12-1237** by Representative(s) Williams A.--Concerning the records
48 kept by the unit owners' association of a common interest
49 community.
50 Committee on Local Government
51
- 52 **SB12-007** by Senator(s) Hudak and Spence, Williams S.; also
53 Representative(s) Hamner--Concerning the standardization
54 of the procedural requirements for the issuance of special
55 license plates.
56 Committee on Transportation

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 Committee on Agriculture, Livestock, & Natural Resources
 7

8 **SB12-024** by Senator(s) Harvey; also Representative(s) Holbert--
 9 Concerning the obligations of a residential nonprofit
 10 corporation to its residential members, and, in connection
 11 therewith, clarifying open meeting provisions and limiting
 12 the conditions under which the corporation must refund
 13 moneys paid by a residential member.

14 Committee on Economic and Business Development
 15

16 **SB12-029** by Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz;
 17 also Representative(s) Gardner B., Labuda, Levy, Murray,
 18 Waller--Concerning the enactment of Colorado Revised
 19 Statutes 2011 as the positive and statutory law of the state
 20 of Colorado.

21 Committee on Judiciary
 22

23
 24
 25 **LAY OVER OF CALENDAR ITEM(S)**

26
 27 On motion of Representative Waller, the following item(s) on the
 28 Calendar was (were) laid over until February 7, retaining place on
 29 Calendar:

30
 31 Consideration of Third Reading--**HB12-1040**.
 32 Consideration of General Orders--**HB12-1061 amended, 1068 amended,**
 33 **1105, 1017, 1127, 1058, 1090, 1018, 1031, 1077, 1096, 1104, 1053,**
 34 **1073, 1100.**

35
 36
 37
 38 On motion of Representative Waller, the House adjourned until 9:00 a.m.,
 39 February 7, 2012.

40
 41
 42
 43
 44 Attest:
 45 MARILYN EDDINS,
 46 Chief Clerk

Approved:
 FRANK McNULTY,
 Speaker