

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

Seventeenth Legislative Day

Friday, January 27, 2006

1 Prayer by Father Tom Carzon, Holy Ghost Church, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Clapp.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Absent--Representative Judd--1.

11 Present after roll call--Representative Judd.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Balmer, the reading of the journal of
 17 January 26, 2006, was declared dispensed with and approved as corrected
 18 by the Chief Clerk.

19

20

21 House in recess. House reconvened.

22

23

24

CONSIDERATION OF RESOLUTION

25

26 **SJR06-004** by Senator(s) Sandoval, Keller, Owen, Tapia; also
 27 Representative(s) Vigil, Buescher, Hall, Plant--Concerning
 28 the certification by the general assembly of its estimate of
 29 state general fund revenues and allowable state general
 30 fund appropriations for the 2006-07 fiscal year.

31

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

33

34 On motion of Representative Vigil, the resolution was **adopted** by the
 35 following roll call vote:

36

37

	YES	65	NO	00	EXCUSED	00	ABSENT	00
38	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
39	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
40	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
41	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
42	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
43	Buescher	Y	Green	Y	Marshall	Y	Solano	Y

1	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
2	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
3	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
4	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
5	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
6	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
7	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
8	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
9	Crane	Y	King	Y	Penry	Y	White	Y
10	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
11							Speaker	Y

12 Co-sponsors added: Representatives Benefield, Berens, Butcher, Crane,
13 Gallegos, and Stengel.

14
15
16 On motion of Representative T. Carroll, the House resolved itself into
17 Committee of the Whole for consideration of General Orders, and he was
18 called to the Chair to act as Chairman.

19
20
21 **GENERAL ORDERS--SECOND READING OF BILLS**

22
23 The Committee of the Whole having risen, the Chairman reported the
24 titles of the following bills had been read (reading at length had been
25 dispensed with by unanimous consent), the bills considered and action
26 taken thereon as follows:

27
28 (Amendments to the committee amendment are to the printed committee
29 report which was printed and placed in the members' bill file.)

30
31 **HB06-1002** by Representative(s) Carroll M., Borodkin, Butcher,
32 Cerbo, Coleman, McCluskey, Paccione; also Senator(s)
33 Isgar--Concerning the continuation of the office of
34 consumer counsel for the purpose of representing the
35 public interest in matters concerning utilities regulated by
36 the public utilities commission.

37
38 Amendment No. 1, by Representative M. Carroll.

39
40 Amend printed bill, page 3, line 11, strike "06-__" and substitute "06-
41 1187";

42
43 line 12, strike "06-__" and substitute "06-1187".

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

47
48 **HB06-1005** by Representative(s) Pommer, Benefield, King, Merrifield;
49 also Senator(s) Bacon, Tupa, Windels, Williams--
50 Concerning the authorization of additional school district
51 revenues to fund costs associated with full-day
52 kindergarten programs.

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

1 **HB06-1021** by Representative(s) Benefield; also Senator(s) Tupa--
2 Concerning physical education teachers employed by
3 school districts.
4

5 Amendment No. 1, Education Report, dated January 19, 2006, and placed
6 in member's bill file; Report also printed in House Journal, January 20,
7 pages 67-68.
8

9 Amendment No. 2, by Representative Rose, King, Benefield.
10

11 Amend the Education Committee Report, dated January 19, 2006, page
12 1, line 14, strike "22-60.5-111; OR" and substitute "22-60.5-111."
13

14 **SECTION 2.** 22-60.5-111 (4) (b), Colorado Revised Statutes, is
15 amended to read:
16

17 **22-60.5-111. Authorization - types - applicants' qualifications.**

18 (4) **Emergency authorization.** (b) An emergency authorization is valid
19 for one year. If the state board of education determines that the
20 employing school district continues to require the services of the person
21 holding the emergency authorization, based on evidence submitted by the
22 school district demonstrating the continued existence of the hardship
23 circumstances described in subparagraphs (II) and (III) of paragraph (a)
24 of this subsection (4), the state board of education may renew the
25 emergency authorization for one additional year only; EXCEPT THAT THIS
26 ONE-YEAR LIMITATION SHALL NOT APPLY TO AN APPLICANT EMPLOYED TO
27 TEACH PHYSICAL EDUCATION BY A SCHOOL DISTRICT WITH A STUDENT
28 ENROLLMENT OF FIVE HUNDRED STUDENTS OR FEWER.";
29

30 strike lines 15 through 17.
31

32 Renumber succeeding section accordingly."
33

34 As amended, ordered engrossed and placed on the Calendar for Third
35 Reading and Final Passage.
36

37 **HB06-1077** by Representative(s) Garcia, Balmer, Penry; also
38 Senator(s) Veiga, May R., Brophy, Mitchell, Spence,
39 Williams--Concerning risk-shifting provisions in a private
40 construction contract that address the indemnification of
41 a person against liability for damages caused by the sole
42 negligence of the indemnified person.
43

44 Declared **lost** on Second Reading.

45 (For change in action, see Amendments to Report, page 108.)
46

47 **HB06-1015** by Representative(s) Carroll T., Hefley, King, Marshall,
48 McGihon; also Senator(s) Dyer, Groff, Grossman,
49 Mitchell, Veiga--Concerning the enactment of Colorado
50 Revised Statutes 2005 as the positive and statutory law of
51 the state of Colorado.
52

53 Ordered engrossed and placed on the Calendar for Third Reading and
54 Final Passage.
55
56

1 **HB06-1027** by Representative(s) Lindstrom; also Senator(s) Johnson--
2 Concerning persons authorized as peace officers in
3 Colorado.
4

5 Amendment No. 1, Judiciary Report, dated January 19, 2006, and placed
6 in member's bill file; Report also printed in House Journal, January 23,
7 page 73.
8

9 Amendment No. 2, by Representative Weissmann.
10

11 Amend printed bill, page 3, after line 15, insert the following:
12

13 "SECTION 4. 18-18-406, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF A NEW SUBSECTION to read:
15

16 **18-18-406. Offenses relating to marijuana and marijuana**
17 **concentrate.** (13) A PERSON AUTHORIZED AS A PEACE OFFICER SHALL
18 NOT ARREST A PERSON OR ISSUE A CITATION FOR A VIOLATION OF
19 SUBSECTION (1) OF THIS SECTION OR SUBPARAGRAPH (I) OF PARAGRAPH (a)
20 OF SUBSECTION (3) OF THIS SECTION, IN A MUNICIPALITY THAT, BY
21 ORDINANCE OR INITIATIVE, LEGALIZED THE PRIVATE USE OR CONSUMPTION
22 OF ONE OUNCE OR LESS OF MARIJUANA."
23

24 Renumber succeeding section accordingly.
25

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

28 (For change in action, see Amendments to Report, page 108.)
29
30

31 **HB06-1031** by Representative(s) Larson; also Senator(s) Isgar--
32 Concerning the reimbursement allowed to directors of the
33 southwestern water conservation district for nontravel
34 expenses.
35

36 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
37 dated January 23, 2006, and placed in member's bill file; Report also
38 printed in House Journal, January 24, page 84.
39

40 As amended, ordered engrossed and placed on the Calendar for Third
41 Reading and Final Passage.
42
43

44 **HB06-1032** by Representative(s) Hodge; also Senator(s) Brophy--
45 Concerning inflation adjustments for irrigation districts.
46

47 Ordered engrossed and placed on the Calendar for Third Reading and
48 Final Passage.
49
50

51 **HB06-1049** by Representative(s) Witwer; also Senator(s) Grossman--
52 Concerning limitations on liability for owners of
53 abandoned mining operations on land made available for
54 public recreational purposes.
55

1 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
2 dated January 23, 2006, and placed in member's bill file; Report also
3 printed in House Journal, January 24, page 84.

4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **HB06-1023** by Representative(s) King--Concerning educator licensure.

9
10 Amendment No. 1, Education Report, dated January 24, 2006, and placed
11 in member's bill file; Report also printed in House Journal, January 25,
12 pages 90-91.

13
14 Amendment No. 2, by Representatives Paccione, Merrifield.

15
16 Amend printed bill, page 8, line 17, strike "(C)," and substitute "(C) and
17 (1) (b) (I.5),".

18
19 Page 9, after line 19, insert the following:

20
21 "(I.5) The department of education may issue a professional
22 principal license to an applicant who:

23
24 (A) Meets the requirements specified in section 22-60.5-111 (4)
25 (c) (II) or (14) (e) (II); AND

26
27 (B) HOLDS AN EARNED MASTER'S DEGREE FROM AN ACCEPTED
28 INSTITUTION OF HIGHER EDUCATION."

29
30 As amended, ordered engrossed and placed on the Calendar for Third
31 Reading and Final Passage.

32
33 **HB06-1069** by Representative(s) Crane; also Senator(s) Hanna--
34 Concerning an exemption from the prohibition against the
35 corporate practice of podiatry for a podiatrist employed by
36 a health care entity.

37
38 Ordered engrossed and placed on the Calendar for Third Reading and
39 Final Passage.

40
41 **HB06-1059** by Representative(s) Riesberg, Berens, Cerbo, Lindstrom,
42 McCluskey, McGihon, Ragsdale, Vigil; also Senator(s)
43 Williams, Entz, Taylor, Tochtrop--Concerning the
44 structure of trust funds and investment funds in the
45 administration of assets for the benefit of firefighters and
46 police officers.

47
48 Ordered engrossed and placed on the Calendar for Third Reading and
49 Final Passage.

50
51
52 **HB06-1068** by Representative(s) Lindstrom, Berens, Cerbo,
53 McCluskey, McGihon, Ragsdale, Riesberg, Vigil; also
54 Senator(s) Grossman, Entz, Taylor, Tochtrop--Concerning
55 the creation of a social security supplemental plan by the
56 board of directors of the fire and police pension

1 association that will allow employers that cover employees
 2 under the federal "Social Security Act" to provide a
 3 defined benefit retirement plan to employees.
 4

5 Amendment No. 1, Local Government Report, dated January 24, 2006,
 6 and placed in member's bill file; Report also printed in House Journal,
 7 January 25, page 93.
 8

9 As amended, ordered engrossed and placed on the Calendar for Third
 10 Reading and Final Passage.
 11

12 On motion of Representative Madden, the remainder of the General
 13 Orders Calendar (**HB06-1038, 1042, 1087, 1061, 1095**) was laid over
 14 until January 30, retaining place on Calendar.
 15

16
 17 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
 18

19 Representatives Garcia, Stafford moved to amend the Report of the
 20 Committee of the Whole to show that **HB06-1077** did pass.
 21

22 The amendment was declared **passed** by the following roll call vote:
 23

	YES	34	NO	31	EXCUSED	00	ABSENT	00
25	Balmer	Y	Decker	N	Larson	Y	Pommer	N
26	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
27	Berens	N	Gallegos	N	Liston	Y	Riesberg	N
28	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
29	Boyd	Y	Gardner	Y	Madden	N	Schultheis	N
30	Buescher	N	Green	N	Marshall	Y	Solano	N
31	Butcher	N	Hall	Y	Massey	Y	Soper	N
32	Cadman	Y	Harvey	N	May	Y	Stafford	Y
33	Carroll M	Y	Hefley	N	McCluskey	Y	Stengel	Y
34	Carroll T	Y	Hodge	N	McFadyen	N	Sullivan	Y
35	Cerbo	N	Hoppe	Y	McGihon	N	Todd	Y
36	Clapp	Y	Jahn	Y	McKinley	N	Vigil	N
37	Cloer	Y	Judd	N	Merrifield	Y	Weissmann	N
38	Coleman	Y	Kerr	N	Paccione	N	Welker	N
39	Crane	N	King	Y	Penry	Y	White	Y
40	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
41							Speaker	Y

42
 43
 44 Representatives White, Larson, and Lindstrom moved to amend the
 45 Report of the Committee of the Whole to show that the Weissmann
 46 amendment (printed in House Journal, page 106, lines 9 through 23), to
 47 HB06-1027, did not pass, and that **HB06-1027**, as amended did pass.
 48

49 The amendment was declared **passed** by the following roll call vote:
 50

	YES	59	NO	06	EXCUSED	00	ABSENT	00
52	Balmer	Y	Decker	N	Larson	Y	Pommer	Y
53	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
54	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
55	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
56	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y

1	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
2	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
3	Cadman	Y	Harvey	Y	May	Y	Stafford	N
4	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
5	Carroll T	N	Hodge	Y	McFadyen	Y	Sullivan	Y
6	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
7	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
8	Cloer	Y	Judd	N	Merrifield	Y	Weissmann	N
9	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
10	Crane	Y	King	Y	Penry	Y	White	Y
11	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
12							Speaker	Y

13
14
15 Representatives King, Lundberg, and Gardner moved to amend the
16 Report of the Committee of the Whole to show that the Paccione
17 amendment, (printed in House Journal page 107, lines 15 through 29), to
18 HB06-1023, did not pass, and that **HB06-1023**, as amended did pass:

19
20 The amendment was declared **lost** by the following roll call vote:

21	YES	26	NO	39	EXCUSED	00	ABSENT	00
22								
23	Balmer	Y	Decker	N	Larson	N	Pommer	N
24	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
25	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
26	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
27	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
28	Buescher	N	Green	N	Marshall	N	Solano	N
29	Butcher	N	Hall	Y	Massey	N	Soper	N
30	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
31	Carroll M	N	Hefley	N	McCluskey	Y	Stengel	Y
32	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
33	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
34	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
35	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
36	Coleman	N	Kerr	Y	Paccione	N	Welker	Y
37	Crane	Y	King	Y	Penry	Y	White	Y
38	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
39							Speaker	N

40 41 42 43 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

44
45 Passed Second Reading: **HB06-1002 amended, 1005, 1021 amended,**
46 **1077, 1015, 1027 amended, 1031 amended, 1032, 1049 amended, 1023**
47 **amended, 1069, 1059, 1068 amended.**

48
49 Laid over until date indicated retaining place on Calendar: **HB06-1038,**
50 **1042, 1087, 1061, 1095--January 30, 2006.**

51
52 The Chairman moved the adoption of the Committee of the Whole
53 Report. As shown by the following roll call vote, a majority of those
54 elected to the House voted in the affirmative, and the Report was
55 **adopted.**

56

	YES	65	NO	00	EXCUSED	00	ABSENT	00
1	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
2	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
3	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
4	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
5	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
6	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
7	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
8	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
9	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
10	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
11	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
12	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
13	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
14	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
15	Crane	Y	King	Y	Penry	Y	White	Y
16	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
17							Speaker	Y
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REPORTS OF COMMITTEES OF REFERENCE

EDUCATION

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

HB06-1056 be referred to the Committee of the Whole with favorable recommendation.

HB06-1093 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 13, after "OF", insert "UP TO";

after line 21, insert the following:

"(b) IF THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (5) IS REJECTED BY THE VOTERS AT THE 2006 GENERAL ELECTION, THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT MAY RESUBMIT THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (5) TO THE VOTERS OF THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT IN THE 2007 GENERAL ELECTION. IF THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (5) IS REJECTED BY THE VOTERS AT THE 2006 OR 2007 GENERAL ELECTION, THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT MAY RESUBMIT THE BALLOT QUESTION SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (5) TO THE VOTERS OF THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT IN THE 2008 GENERAL ELECTION."

Reletter succeeding paragraphs accordingly.

Page 3, line 4, strike "(b)" and substitute "(c)";

1 after line 18, insert the following:

2

3 "SECTION 2. Part 2 of article 71 of title 23, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6

7 **23-71-208. Colorado Northwestern community college -**
8 **disposal of assets.** ANY AIRCRAFT OR OTHER EQUIPMENT USED BY THE
9 COLORADO NORTHWESTERN COMMUNITY COLLEGE IN ITS AVIATION-
10 RELATED PROGRAMS MAY BE DISPOSED OF BY THE STATE BOARD FOR
11 COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, CREATED IN
12 SECTION 23-60-104, BY SALE, TRADE, OR OTHER METHOD OF DISPOSAL.
13 ANY PROCEEDS FROM THE DISPOSAL OF SUCH AIRCRAFT SHALL BE THE
14 PROPERTY OF THE STATE BOARD FOR COMMUNITY COLLEGES AND
15 OCCUPATIONAL EDUCATION FOR THE USE AND BENEFIT OF COLORADO
16 NORTHWESTERN COMMUNITY COLLEGE. THE DISPOSAL OF SUCH AIRCRAFT
17 OR EQUIPMENT SHALL BE EXEMPT FROM SECTION 17-24-106.6, C.R.S.,
18 RELATING TO SURPLUS STATE PROPERTY AND ANY RULES PROMULGATED
19 THEREUNDER."

20

21 Renumber succeeding section accordingly.

22

23

24

25 **HB06-1098** be referred to the Committee of the Whole with favorable
26 recommendation.

27

28

29

30

31 **FINANCE**

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

34

35 **HB06-1074** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:

38

39 Amend printed bill, page 3, strike lines 22 through 26 and substitute the
40 following:

41 "~~technology fund to the general fund.~~".

42

43 Page 4, line 5, strike "(1) (a), (1) (b) (I), (2), (3) (b), and";

44

45 line 6, strike "are" and substitute "is";

46

47 strike lines 8 through 27.

48

49 Page 5, strike lines 1 through 25 and substitute the following:

50

51 "**tire cleanup fund - legislative declaration - repeal.** (7) This section
52 is repealed, effective upon receipt by the general".

53

54 Page 6, strike lines 1 through 11.

55

56 Renumber succeeding sections accordingly.

1 **JUDICIARY**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB06-1058** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 7, strike "GUILTY," and substitute
10 "GUILTY ACCEPTED BY THE COURT,";

11
12 line 20, strike "ON AND AFTER JULY 1, 2006, EACH" and substitute
13 "EACH".

14
15 Page 3, strike lines 22 through 24 and substitute the following:

16
17 "THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION
18 CASH FUND CREATED IN SECTION 13-32-101 (1.5), C.R.S., AND".

19
20 Page 4, line 6, strike "DEPARTMENT OF LAW" and substitute "DIVISION OF
21 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY";

22
23 strike lines 7 and 8 and substitute the following:

24
25 "OF SUPPORTING TRAINING AND ENHANCED SERVICES IN PROGRAMS THAT
26 COORDINATE A MULTIDISCIPLINARY TEAM RESPONSE FOR CHILD SEXUAL
27 ABUSE INTERVENTION IN A CHILD-FRIENDLY, CHILD-APPROPRIATE
28 FACILITY, SPECIFICALLY INCLUDING: FORENSIC INTERVIEWS, THERAPEUTIC
29 INTERVENTION, MEDICAL EVALUATIONS, VICTIM ADVOCACY, CASE
30 TRACKING, AND CASE REVIEW. IN ORDER TO RECEIVE SAID FUNDS,
31 PROGRAMS MUST PROVIDE ALL OF THE AFOREMENTIONED SERVICES AND
32 HAVE A SIGNED INTERAGENCY AGREEMENT AND PROTOCOL WITH LAW
33 ENFORCEMENT AGENCIES, THE DISTRICT ATTORNEY'S OFFICE, THE COUNTY
34 DEPARTMENT OF SOCIAL SERVICES, AND THE COUNTY DEPARTMENT OF
35 HUMAN SERVICES IN THE JURISDICTION WHERE THE PROGRAM IS
36 OPERATING. THE PROGRAMS MUST MEET THE NATIONAL PERFORMANCE
37 STANDARDS OF A NATIONAL ACCREDITING BODY. THE DIVISION OF
38 CRIMINAL JUSTICE SHALL NOT EXPEND ANY FUND UNTIL THE FUND HAS
39 ENOUGH MONEY TO PAY THE EXPENSES NECESSARY TO ADMINISTER THE
40 FUND. FUNDS MAY BE DISTRIBUTED THROUGH THE STATE CHAPTER OF THE
41 MULTIDISCIPLINARY PROGRAMS. ALL";

42
43 after line 20, insert the following:

44
45 "SECTION 2. Effective date - applicability. This act shall take
46 effect July 1, 2006, and shall apply to offenses committed on or after said
47 date.".

48
49 Renumber succeeding section accordingly.

50
51
52
53 **HB06-1063** be referred to the Committee of the Whole with favorable
54 recommendation.

55
56

1 **HB06-1112** 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 3, line 14, strike "COMMITTS A MISDEMEANOR";
6
7 line 15, strike "AND" and, after "A", insert "CIVIL";
8
9 line 19, strike "JAIL," and substitute "JAIL OR";
10
11 line 20, strike "LOCK-UP, OR CORRECTIONAL FACILITY" and substitute
12 "LOCKUP".
13

14 Page 4, strike line 1 and substitute the following:
15 "AREA OF A JAIL OR LOCKUP."
16

17 Page 5, line 19, strike "COMMITTS A MISDEMEANOR AND" and, before
18 "FINE", insert "CIVIL";
19

20 after line 20, insert the following:

21 "SECTION 7. 27-10-105 (1.1), Colorado Revised Statutes, is
22 amended to read:
23

24 **27-10-105. Emergency procedure.** (1.1) When a person is taken
25 into custody pursuant to subsection (1) of this section, such person shall
26 not be detained in a jail, lockup, or other place used for the confinement
27 of persons charged with or convicted of penal offenses; except that such
28 place may be used if no other suitable place of confinement for treatment
29 and evaluation is readily available. In such situation the person shall be
30 detained separately from those persons charged with or convicted of
31 penal offenses and shall be held for a period not to exceed twenty-four
32 hours, excluding Saturdays, Sundays, and holidays, after which time he
33 shall be transferred to a facility designated or approved by the executive
34 director for a seventy-two-hour treatment and evaluation. IF THE PERSON
35 BEING DETAINED IS A JUVENILE, AS DEFINED IN SECTION 19-1-103 (68),
36 C.R.S., THE JUVENILE SHALL BE PLACED IN A SETTING THAT IS NON-SECURE
37 AND PHYSICALLY SEGREGATED BY SIGHT AND SOUND FROM THE ADULT
38 OFFENDERS. When a person is taken into custody and confined pursuant
39 to this subsection (1.1), such person shall be examined at least every
40 twelve hours by a peace officer, nurse, or physician or by an appropriate
41 staff professional of the nearest designated or approved mental health
42 treatment facility to determine if the person is receiving appropriate care
43 consistent with his mental condition."
44

45 Renumber succeeding section accordingly.
46
47
48

49 **HB06-1136** be amended as follows, and as so amended, be referred to
50 the Committee of the Whole with favorable
51 recommendation:
52

53 Amend printed bill, page 2, line 12, after the period, add "FAILURE TO
54 COMPLY WITH THIS SECTION SHALL NOT CONSTITUTE A WAIVER OF A
55 DEFENDANT'S CONSTITUTIONAL RIGHTS OR A DEFENDANT'S RIGHT TO RAISE
56 A CONSTITUTIONAL CHALLENGE."
57

1 **HB06-1137** 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 10, strike lines 3 through 27.
6

7 Page 11, strike lines 1 through 17 and substitute the following:

8 "**SECTION 7.** 15-11-1102, Colorado Revised Statutes, is
9 amended BY THE ADDITION OF THE FOLLOWING NEW
10 SUBSECTIONS to read:
11

12 **15-11-1102. Statutory rule against perpetuities - applicability -**
13 **repeal.** (6) PURSUANT TO SECTION 15-11-1106.5, SUBSECTIONS (1) TO (5)
14 OF THIS SECTION SHALL APPLY TO AN INTEREST IN A TRUST OR A POWER OF
15 APPOINTMENT OVER ALL OR ANY PART OF A TRUST, WHICH INTEREST OR
16 POWER WAS CREATED BEFORE JULY 1, 2006, ONLY IN THE EVENT THAT A
17 PERSON WHO OWNS OR HOLDS SUCH INTEREST OR POWER DELIVERS A
18 WRITTEN NOTICE OF SUCH PERSON'S ELECTION AGAINST THE RETROACTIVE
19 APPLICATION OF SECTION 15-11-1102.5.
20

21 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.
22

23 **SECTION 8.** Part 11 of article 11 title 15, Colorado Revised
24 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
25 read:
26

27 **15-11-1102.5. Statutory rule against perpetuities. (1) Year**
28 **2001 rule.** (a) PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL APPLY TO
29 INTERESTS IN TRUST AND POWERS OF APPOINTMENT WITH RESPECT TO ALL
30 OR ANY PART OF A TRUST, WHICH INTEREST OR POWER IS CREATED AFTER
31 MAY 31, 2001.
32

33 (b) (I) A NONVESTED PROPERTY INTEREST IS INVALID UNLESS IT
34 EITHER VESTS OR TERMINATES WITHIN ONE THOUSAND YEARS AFTER ITS
35 CREATION.
36

37 (II) A GENERAL POWER OF APPOINTMENT NOT PRESENTLY
38 EXERCISABLE BECAUSE OF A CONDITION PRECEDENT IS INVALID UNLESS
39 THE CONDITION PRECEDENT EITHER IS SATISFIED OR BECOMES IMPOSSIBLE
40 TO SATISFY WITHIN ONE THOUSAND YEARS AFTER ITS CREATION.
41

42 (III) A NONGENERAL POWER OF APPOINTMENT OR A GENERAL
43 TESTAMENTARY POWER OF APPOINTMENT IS INVALID UNLESS THE POWER
44 IS IRREVOCABLY EXERCISED OR OTHERWISE TERMINATES WITHIN ONE
45 THOUSAND YEARS AFTER ITS CREATION.
46

47 (2) **Year 1991 rule.** (a) PARAGRAPH (b) OF THIS SUBSECTION (2)
48 SHALL APPLY TO INTERESTS AND POWERS CREATED ON OR AFTER MAY 31,
49 1991, OTHER THAN INTERESTS AND POWERS SUBJECT TO PARAGRAPH (b)
50 OF SUBSECTION (1) OF THIS SECTION.
51

52 (b) (I) A NONVESTED PROPERTY INTEREST IS INVALID UNLESS:
53

54 (A) WHEN THE INTEREST IS CREATED, IT IS CERTAIN TO VEST OR
55 TERMINATE NO LATER THAN TWENTY-ONE YEARS AFTER THE DEATH OF AN
56 INDIVIDUAL WHO IS THEN ALIVE; OR

1 (B) THE INTEREST EITHER VESTS OR TERMINATES WITHIN NINETY
2 YEARS AFTER ITS CREATION.

3

4 (II) A GENERAL POWER OF APPOINTMENT NOT PRESENTLY
5 EXERCISABLE BECAUSE OF A CONDITION PRECEDENT IS INVALID UNLESS:

6

7 (A) WHEN THE POWER IS CREATED, THE CONDITION PRECEDENT IS
8 CERTAIN TO BE SATISFIED OR BECOME IMPOSSIBLE TO SATISFY NO LATER
9 THAN TWENTY-ONE YEARS AFTER THE DEATH OF AN INDIVIDUAL WHO IS
10 THEN ALIVE; OR

11

12 (B) THE CONDITION PRECEDENT EITHER IS SATISFIED OR BECOMES
13 IMPOSSIBLE TO SATISFY WITHIN NINETY YEARS AFTER ITS CREATION.

14

15 (III) A NONGENERAL POWER OF APPOINTMENT OR A GENERAL
16 TESTAMENTARY POWER OF APPOINTMENT IS INVALID UNLESS:

17

18 (A) WHEN THE POWER IS CREATED, IT IS CERTAIN TO BE
19 IRREVOCABLY EXERCISED OR TO OTHERWISE TERMINATE NO LATER THAN
20 TWENTY-ONE YEARS AFTER THE DEATH OF AN INDIVIDUAL WHO IS THEN
21 ALIVE; OR

22

23 (B) THE POWER IS IRREVOCABLY EXERCISED OR OTHERWISE
24 TERMINATES WITHIN NINETY YEARS AFTER ITS CREATION.

25

26 (IV) IN DETERMINING WHETHER A NONVESTED PROPERTY INTEREST
27 OR A POWER OF APPOINTMENT IS VALID UNDER SUBPARAGRAPHS (I) TO (III)
28 OF PARAGRAPH (b) OF THIS SUBSECTION (2), THE POSSIBILITY THAT A
29 CHILD WILL BE BORN TO AN INDIVIDUAL AFTER THE INDIVIDUAL'S DEATH
30 IS DISREGARDED.

31

32 (V) IF, IN MEASURING A PERIOD FROM THE CREATION OF A TRUST
33 OR OTHER PROPERTY ARRANGEMENT FOR PURPOSES OF INTERESTS,
34 POWERS, AND TRUSTS SUBJECT TO THIS PARAGRAPH (b), LANGUAGE IN A
35 GOVERNING INSTRUMENT SEEKS TO DISALLOW THE VESTING OR
36 TERMINATION OF ANY INTEREST OR TRUST BEYOND, SEEKS TO POSTPONE
37 THE VESTING OR TERMINATION OF ANY INTEREST OR TRUST UNTIL, OR
38 SEEKS TO OPERATE IN EFFECT IN ANY SIMILAR FASHION UPON THE LATER OF
39 THE EXPIRATION OF A PERIOD OF TIME NOT EXCEEDING TWENTY-ONE
40 YEARS AFTER THE DEATH OF THE SURVIVOR OF SPECIFIED LIVES IN BEING
41 AT THE CREATION OF THE TRUST OR OTHER PROPERTY ARRANGEMENT OR
42 THE EXPIRATION OF A PERIOD OF TIME THAT EXCEEDS OR MIGHT EXCEED
43 TWENTY-ONE YEARS AFTER THE DEATH OF THE SURVIVOR OR LIVES IN
44 BEING AT THE CREATION OF THE TRUST OR OTHER PROPERTY
45 ARRANGEMENT, THAT LANGUAGE IS INOPERATIVE TO THE EXTENT IT
46 PRODUCES A PERIOD OF TIME THAT EXCEEDS TWENTY-ONE YEARS AFTER
47 THE DEATH OF THE SURVIVOR OF THE SPECIFIED LIVES.

48

49 (3) **Nonvested interest or power created by the exercise of a**
50 **power.** (a) FOR THE PURPOSES OF PARAGRAPH (a) OF SUBSECTION (1) OF
51 THIS SECTION, PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, AND
52 SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION (3), A
53 NONVESTED PROPERTY INTEREST OR A POWER OF APPOINTMENT CREATED
54 BY THE EXERCISE OF A POWER OF APPOINTMENT IS CREATED WHEN THE
55 POWER IS IRREVOCABLY EXERCISED OR WHEN A REVOCABLE EXERCISE
56 BECOMES IRREVOCABLE.

1 (b) FOR THE PURPOSES OF PARAGRAPH (b) OF SUBSECTION (1) OF
 2 THIS SECTION AND PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, A
 3 POWER OF APPOINTMENT CREATED BY THE EXERCISE OF A NONGENERAL
 4 POWER OF APPOINTMENT SHALL BE CONSIDERED AS CREATED WHEN THE
 5 FIRST POWER OF APPOINTMENT IS CREATED. THIS PARAGRAPH (b) SHALL
 6 BE APPLIED AND CONSTRUED IN A MANNER THAT IS CONSISTENT WITH THE
 7 TREATMENT OF THE EXERCISE OF A NONGENERAL POWER OF APPOINTMENT
 8 AS NONTAXABLE FOR PURPOSES OF THE ESTATE AND GIFT TAX UNDER THE
 9 FEDERAL INTERNAL REVENUE LAWS.

10
 11 (c) (I) PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL
 12 NOT APPLY WITH RESPECT TO NONVESTED PROPERTY INTERESTS AND
 13 POWERS OF APPOINTMENT CREATED BY THE EXERCISE OF A NONGENERAL
 14 POWER OF APPOINTMENT OVER ALL OR ANY PART OF A TRUST THAT WAS
 15 IRREVOCABLE ON SEPTEMBER 25, 1985.

16
 17 (II) NONVESTED PROPERTY INTERESTS AND POWERS OF
 18 APPOINTMENT, WHICH INTERESTS OR POWERS ARE SO CREATED ON OR
 19 AFTER MAY 31, 1991, SHALL BE SUBJECT TO PARAGRAPH (b) OF
 20 SUBSECTION (2) OF THIS SECTION.

21
 22 (III) THIS PARAGRAPH (c) SHALL BE APPLIED AND CONSTRUED IN
 23 A MANNER THAT IS CONSISTENT WITH THE TREATMENT OF SUCH A TRUST
 24 AS EXEMPT FROM THE GENERATION-SKIPPING TRANSFER TAX UNDER THE
 25 FEDERAL INTERNAL REVENUE LAWS.

26
 27 **SECTION 9.** 15-11-1104, Colorado Revised Statutes, is amended
 28 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
 29 read:

30
 31 **15-11-1104. Reformation - repeal.** (2) PURSUANT TO SECTION
 32 15-11-1106.5, SUBSECTION (1) OF THIS SECTION SHALL APPLY ONLY TO AN
 33 INTEREST IN A TRUST OR A POWER OF APPOINTMENT OVER ALL OR ANY
 34 PART OF A TRUST CREATED BEFORE JULY 1, 2006, ONLY IN THE EVENT THAT
 35 A PERSON WHO OWNS OR HOLDS SUCH INTEREST OR POWER DELIVERS A
 36 WRITTEN NOTICE OF SUCH PERSON'S ELECTION AGAINST THE RETROACTIVE
 37 APPLICATION OF SECTION 15-11-1104.5.

38
 39 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

40
 41 **SECTION 10.** Part 11 of article 11 of title 15, Colorado Revised
 42 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
 43 read:

44
 45 **15-11-1104.5. Reformation.** (1) **Year 2001 rule.** UPON THE
 46 PETITION OF AN INTERESTED PERSON, A COURT SHALL REFORM A
 47 DISPOSITION IN THE MANNER THAT MOST CLOSELY APPROXIMATES THE
 48 TRANSFEROR'S MANIFESTED PLAN OF DISTRIBUTION AND IS WITHIN THE ONE
 49 THOUSAND YEARS ALLOWED BY SECTION 15-11-1102.5 (1) (b) (I), (1) (b)
 50 (II), OR (1) (b) (III) IF:

51
 52 (a) A NONVESTED PROPERTY INTEREST OR A POWER OF
 53 APPOINTMENT BECOMES INVALID UNDER SECTION 15-11-1102.5 (1) (b); OR
 54

55 (b) A CLASS GIFT IS NOT, BUT MIGHT BECOME, INVALID UNDER
 56 SECTION 15-11-1102.5 (1) (b), AND THE TIME HAS ARRIVED WHEN THE

1 SHARE OF ANY CLASS MEMBER IS TO TAKE EFFECT IN POSSESSION OR
2 ENJOYMENT.

3

4 (2) **Year 1991 rule.** UPON THE PETITION OF AN INTERESTED
5 PERSON, A COURT SHALL REFORM A DISPOSITION IN THE MANNER THAT
6 MOST CLOSELY APPROXIMATES THE TRANSFEROR'S MANIFESTED PLAN OF
7 DISTRIBUTION AND IS WITHIN THE NINETY YEARS ALLOWED BY SECTION 15-
8 11-1102.5 (2) (b) (I) (B), (2) (b) (II) (B), OR (2) (b) (III) (B) IF:

9

10 (a) A NONVESTED PROPERTY INTEREST OR A POWER OF
11 APPOINTMENT BECOMES INVALID UNDER SECTION 15-11-1102.5 (2) (b);

12

13 (b) A CLASS GIFT IS NOT, BUT MIGHT BECOME, INVALID UNDER
14 SECTION 15-11-1102.5 (2) (b), AND THE TIME HAS ARRIVED WHEN THE
15 SHARE OF ANY CLASS MEMBER IS TO TAKE EFFECT IN POSSESSION OR
16 ENJOYMENT; OR

17

18 (c) A NONVESTED PROPERTY INTEREST THAT IS NOT VALIDATED BY
19 SECTION 15-11-1102.5 (2) (b) (I) (A) CAN VEST BUT NOT WITHIN NINETY
20 YEARS AFTER ITS CREATION.

21

22 **SECTION 11.** 15-11-1103 (1), Colorado Revised Statutes, is
23 amended to read:

24

25 **15-11-1103. When nonvested property interest or power of**
26 **appointment created.** (1) Except as provided in subsections (2) and (3)
27 of this section and in ~~section~~ SECTIONS 15-11-1102.5 (3) (a) AND 15-11-
28 1106 (1), the time of creation of a nonvested property interest or a power
29 of appointment is determined under general principles of property law."

30

31 Renumber succeeding sections accordingly.

32

33 Page 21, line 11, strike "SUBSECTION (14):" and substitute "SECTION:";

34

35 strike lines 24 through 27.

36

37 Strike page 22.

38

39 Page 23, strike lines 1 through 13.

40

41 Renumber succeeding sections accordingly.

42

43 Page 23, line 24, strike "As" and substitute "AS";

44

45 strike lines 26 and 27 and substitute the following:

46

47 "AT DEATH BY A TRANSFEROR WHOSE LAST".

48

49 Page 24, line 7, after "ESTATE;", add "AND";

50

51 line 10, strike "TRANSFEROR;" and substitute "TRANSFEROR.";

52

53 strike lines 11 through 27.

54

55 Page 25, strike lines 1 through 17;

56

1 line 18, strike "(c)" and substitute "(2)";

2

3 line 21, strike "NONPROBATE" and substitute "TO THE EXTENT THAT THE
4 DECEDENT'S PROBATE ESTATE IS INSUFFICIENT TO SATISFY ALLOWED
5 CLAIMS AGAINST THE ESTATE AND STATUTORY ALLOWANCES TO THE
6 DECEDENT'S SPOUSE AND CHILDREN, NONPROBATE";

7

8 line 22, strike "DESCRIBED IN SUBSECTION (2) OF THIS SECTION".

9

10 Page 31, strike lines 7 through 17 and substitute the following:

11

12 **"SECTION 23.** Part 11 of article 11 of title 15, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

15

16 **15-11-1106.5. Retroactive application of certain provisions -**
17 **notice of election.** (1) SECTIONS 15-11-1102.5 AND 15-11-1104.5 SHALL
18 APPLY RETROACTIVELY WITH RESPECT TO AN INTEREST IN A TRUST OR A
19 POWER OF APPOINTMENT OVER ALL OR ANY PART OF A TRUST, WHICH
20 INTEREST OR POWER WAS CREATED BEFORE JULY 1, 2006, UNLESS A
21 PERSON WHO OWNS OR HOLDS SUCH INTEREST OR POWER MAKES AND
22 DELIVERS A NOTICE OF ELECTION AS PROVIDED IN THIS SECTION.

23

24 (2) (a) THE NOTICE OF ELECTION PURSUANT TO SUBSECTION (1) OF
25 THIS SECTION SHALL BE A WRITTEN STATEMENT OF SUCH PERSON'S
26 ELECTION AGAINST THE RETROACTIVE APPLICATION OF SECTIONS 15-11-
27 1102.5 AND 15-11-1104.5. THE NOTICE OF ELECTION SHALL INCLUDE A
28 REFERENCE TO THIS SECTION, THE NAME AND DATE OF THE TRUST, THE
29 NAMES OF THE SETTLOR AND THE TRUSTEE OF THE TRUST, A DESCRIPTION
30 OF THE INTEREST OR POWER, AND THE NAME AND ADDRESS OF THE PERSON
31 MAKING THE ELECTION. THE NOTICE OF ELECTION SHALL BE SIGNED AND
32 ACKNOWLEDGED BY SUCH PERSON.

33

34 (b) THE NOTICE OF ELECTION SHALL BE DELIVERED TO A TRUSTEE
35 OF SUCH TRUST ON OR BEFORE JULY 1, 2008. IF THERE IS NO PERSON
36 SERVING AS TRUSTEE AT THE TIME DELIVERY IS TO BE MADE, THE NOTICE
37 OF ELECTION MAY INSTEAD BE DELIVERED TO A PERSON AUTHORIZED TO
38 APPOINT A SUCCESSOR TRUSTEE OF THE TRUST. WHEN THE SUCCESSOR
39 TRUSTEE IS APPOINTED, THE PERSON TO WHOM THE NOTICE OF ELECTION
40 WAS DELIVERED SHALL DELIVER IT TO THE SUCCESSOR TRUSTEE.

41

42 (c) THE NOTICE OF ELECTION SHALL BE CONSIDERED DELIVERED TO
43 THE PERSON TO WHOM DELIVERY IS REQUIRED TO BE MADE WHEN THE
44 NOTICE OF ELECTION OR A COPY THEREOF IS DELIVERED IN PERSON OR
45 WHEN MAILED BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT
46 REQUESTED, TO SUCH PERSON.

47

48 (d) THE TRUSTEE OF THE TRUST SHALL FILE THE NOTICE OF
49 ELECTION WITH THE RECORDS MAINTAINED BY THE TRUSTEE FOR THE
50 TRUST. THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE NOTICE
51 OF ELECTION WAS NOT DELIVERED AS PROVIDED IN THIS SECTION UNLESS
52 THE NOTICE OF ELECTION OR A COPY OF SUCH NOTICE IS IN THE RECORDS
53 OF THE TRUST MAINTAINED BY THE TRUSTEE.

54

55 (3) NO FIDUCIARY FOR ANY TRUST, ESTATE, INDIVIDUAL, OR OTHER
56 PERSON WITH AN INTEREST, RIGHT, OR POWER AFFECTED BY THE

1 RETROACTIVE APPLICATION OF SUCH AMENDMENTS SHALL BE REQUIRED TO
 2 MAKE SUCH ELECTION, NOR SHALL SUCH FIDUCIARY BE HELD RESPONSIBLE
 3 FOR NOT MAKING SUCH ELECTION.

4
 5 **SECTION 24.** 15-11-702 (4) (c), Colorado Revised Statutes, is
 6 amended to read:

7 **15-11-702. Requirement of survival by one hundred twenty**
 8 **hours.** (4) **Exceptions.** Survival by one hundred twenty hours is not
 9 required if:

10 (c) The imposition of a one-hundred-twenty-hour requirement of
 11 survival would cause a nonvested property interest or a power of
 12 appointment to fail to qualify for validity under section ~~15-11-1102 (1)~~
 13 ~~(a), (2) (a), or (3) (a)~~ 15-11-1102 (1) (b) (I), (1) (b) (II), (1) (b) (III), (2)
 14 (b) (I) (A), (2) (b) (II) (A), or (2) (b) (III) (A), or to become invalid under
 15 section ~~15-11-1102 (1) (b), (2) (b), or (3) (b)~~ 15-11-1102.5 (1) (b) (I), (1)
 16 (b) (II), or (1) (b) (III); but survival shall be established by clear and
 17 convincing evidence; or

18
 19 **SECTION 25. Effective date.** This act shall take effect July 1,
 20 2006.

21
 22 **SECTION 26. Safety clause.** The general assembly hereby
 23 finds, determines, and declares that this act is necessary for the immediate
 24 preservation of the public peace, health, and safety."
 25

26 PRINTING REPORT

27
 28
 29 The Chief Clerk reports the following bills have been correctly printed:
 30 **HB06-1197, 1198, 1199, 1200, 1201.**

31 MESSAGE FROM THE SENATE

32
 33
 34
 35 The Senate has adopted and transmits herewith: SJR06-005.

36
 37
 38 The Senate has adopted and returns herewith: HJR06-1003, 1005, 1007.

39
 40
 41 House in recess. House reconvened.

42 REPORT OF COMMITTEE OF REFERENCE

43 FINANCE

44
 45
 46 After consideration on the merits, the Committee recommends the
 47 following:

48
 49
 50 **HB06-1200** be amended as follows, and as so amended, be referred to
 51 the Committee on Appropriations with favorable
 52 recommendation:

53
 54 Amend printed bill, page 9, line 13, after "EMPLOYEES", insert "USING
 55 THESE MONEYS".

INTRODUCTION OF BILLS
First Reading

- 1
2
3
4 The following bills were read by title and referred to the committees
5 indicated:
6
7 **HB06-1202** by Representative(s) Carroll T.; also Senator(s) Mitchell--
8 Concerning a prohibition against implying a fiduciary
9 relationship between a financial institution and its
10 customers absent the express written consent of the
11 financial institution.
12 Committee on Business Affairs and Labor
13
14 **HB06-1203** by Representative(s) Weissmann--Concerning the public
15 utilities commission, and, in connection therewith,
16 requiring the members of the public utilities commission
17 to be elected and subjecting the rate and coverage
18 decisions of the insurance commissioner to oversight by
19 the public utilities commission.
20 Committee on Transportation & Energy
21
22 **HB06-1204** by Representative(s) McKinley, Gallegos, Hodge; also
23 Senator(s) Taylor--Concerning the regulation of persons
24 working in coal mines, and, in connection therewith,
25 continuing the coal mine board of examiners.
26 Committee on Agriculture, Livestock, & Natural Resources
27
28 **HB06-1205** by Representative(s) Rose--Concerning the applicability
29 of the physician-patient privilege in civil actions in which
30 a claim for personal injuries is brought.
31 Committee on Judiciary
32
33 **HB06-1206** by Representative(s) Lindstrom--Concerning mitigation of
34 the financial risks involved in the financing of toll
35 highways by the statewide tolling enterprise, and, in
36 connection therewith, prohibiting the enterprise from
37 issuing bonds or other debt instruments rated as junk,
38 requiring the enterprise to promptly report to the general
39 assembly any reduction in the rating of any of its
40 outstanding debt to that of junk, requiring the state auditor
41 to perform an audit and program review of the enterprise
42 within a specified period following the submission of such
43 a report, and requiring additional reporting by the
44 enterprise as a prerequisite to the issuance of new bonds
45 or other debt instruments.
46 Committee on Finance
47
48 **HB06-1207** by Representative(s) Coleman, Boyd, Stafford; also
49 Senator(s) Sandoval--Concerning the definition of a
50 salaried foster parent, and, in connection therewith,
51 allowing a salaried foster parent to be an employee of a
52 child placement agency.
53 Committee on Health and Human Services
54
55 **HB06-1208** by Representative(s) Lundberg, Schultheis, Penry; also
56 Senator(s) Mitchell, Brophy--Concerning special

1 compensation to property owners whose property has been
2 taken through exercise of the power of eminent domain.
3 Committee on State, Veterans, & Military Affairs

4
5

6 **INTRODUCTION OF RESOLUTION**

7

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

10

11 **HJR06-1009** by Representative(s) Curry, Buescher, Hall, Plant,
12 Gallegos, Larson, McFadyen, Penry, Rose; also Senator(s)
13 Entz, Keller, Owen, Tapia--Concerning support for
14 construction of an academic building at Western State
15 College of Colorado using private funding.

16

17 **SJR06-005** by Senator(s) Gordon; also Representative(s) Madden--
18 Concerning the release to the public of any proposed
19 amendment to a bill that strikes everything below the
20 enacting clause of the bill when a fiscal note has been
21 requested to be prepared on the proposed amendment in
22 accordance with the joint rules.

23

24

25 **LAY OVER OF CALENDAR ITEM**

26

27 On motion of Representative Gardner, the following item on the Calendar
28 was laid over until January 30, retaining place on Calendar:

29

30 Consideration of Resolution--**HJR06-1008**.

31

32

33

34 On motion of Representative Gardner, the House adjourned until
35 9:00 a.m., January 30, 2006.

36

37

Approved:
ANDREW ROMANOFF,
Speaker

38

39

40

41

42

Attest:
MARILYN EDDINS,
Chief Clerk