

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

Thirty-sixth Legislative Day

Wednesday, February 15, 2006

1 Prayer by Representative Stafford.

2

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

4

5 Pledge of Allegiance led by Gailyn Kaveny.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Absent--Representative Paccione--1.

11 Present after roll call--Representative Paccione.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Cadman, the reading of the journal of
 17 February 14, 2006, was declared dispensed with and approved as
 18 corrected by the Chief Clerk.

19

20

21

THIRD READING OF BILLS--FINAL PASSAGE

22

23
 24 The following bills were considered on Third Reading. The titles were
 25 publicly read. Reading of the bill at length was dispensed with by
 26 unanimous consent.

27

28 **HB06-1156** by Representative(s) Welker; also Senator Brophy--
 29 Concerning increased consumer rights regarding the use of
 30 social security numbers.

31

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

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

36

YES	64	NO	01	EXCUSED	00	ABSENT	00
Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
Buescher	Y	Green	Y	Marshall	Y	Solano	Y

43

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	N	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 Carroll M, Crane, Frangas, Hall, Harvey,
 13 Hoppe, Knoedler, Marshall, Rose, Schultheis, Stafford, Stengel, and Todd.

14
 15 **HB06-1125** by Representative(s) Coleman, Larson, Riesberg,
 16 Ragsdale, Pommer, Frangas, Gallegos, Green, Judd,
 17 Lindstrom, Merrifield, Vigil; also Senator(s) Groff,
 18 Williams, Dyer, Grossman--Concerning the enforcement
 19 of an offense involving failure to use an appropriate motor
 20 vehicle restraining device.

21
 22 The question being "Shall the bill pass?".
 23 A roll call vote was taken. As shown by the following recorded vote, a
 24 majority of those elected to the House voted in the affirmative and the bill
 25 was declared **passed**.

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

45 Co-sponsors added: Representatives Borodkin, McGihon, and Todd.

46
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 48
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 50
 51 On motion of Representative Judd, the House resolved itself into
 52 Committee of the Whole for consideration of General Orders, and he was
 53 called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

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

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

HB06-1152 by Representative(s) Cadman--Concerning a requirement that the results of absentee and early voting be reported by precinct.

(Previously amended as printed in House Journal, February 6, page 224.)

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

HB06-1088 by Representative(s) Marshall; also Senator(s) Sandoval--Concerning the modification of statutes of limitations for commencing court proceedings involving unlawful sexual behavior toward children.

Amendment No. 1, Judiciary Report, dated February 2, 2006, and placed in member's bill file; Report also printed in House Journal, February 3, pages 207-208.

Amendment No. 2, by Representative Marshall.

Amend the Judiciary Committee Report, dated February 2, 2006, page 2, strike lines 17 through 19 and substitute the following:

"Page 8, strike lines 13 through 27.

Strike pages 9 through 11.

Page 12, strike lines 1 through 8.

Renumber succeeding sections accordingly."

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

HB06-1053 by Representative(s) Pommer--Concerning local government master plans for land use management.

Amendment No. 1, Local Government Report, dated January 31, 2006, and placed in member's bill file; Report also printed in House Journal, February 3, page 210.

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

1 On motion of Representative Madden, the remainder of the General
 2 Orders Calendar (**HB06-1084, 1204, SB06-034, HB06-1030, 1055, 1115,**
 3 **1119, 1144, 1174, 1079, 1126, 1309, 1076, 1159, 1165, 1181, 1183,**
 4 **1010, 1105, 1118, 1132, 1160, 1080, 1102, 1122, 1169, 1020, 1073,**
 5 **1107, 1108, 1162**) was laid over until February 16, retaining place on
 6 Calendar.

7
 8
 9
 10 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

11
 12 Representatives Larson and McCluskey moved to amend the Report of
 13 the Committee of the Whole to show that **HB06-1152**, as amended, did
 14 not pass.

15
 16 The amendment was declared **lost** by the following roll call vote:

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

36
 37 Representatives May, Stengel, and Harvey moved to amend the Report
 38 of the Committee of the Whole to show that the following May
 39 amendment, to HB06-1053, did pass, and that **HB06-1053**, as amended,
 40 did pass.

41
 42 Amend the Local Government Committee Report, dated January 31,
 43 2006, page 1, line 8, after the period, add "IF A COUNTY MAKES ITS
 44 MASTER PLAN ENFORCEABLE, ANY PROPERTY OWNER HAS A VESTED RIGHT
 45 TO ANY ZONING DESIGNATION IN PLACE AS WELL AS ANY DEVELOPMENTAL
 46 APPROVAL OBTAINED AS OF THE DATE THE MASTER PLAN IS MADE
 47 ENFORCEABLE.";

48
 49 line 14, after the period, add "IF A MUNICIPALITY MAKES ITS MASTER PLAN
 50 ENFORCEABLE, ANY PROPERTY OWNER HAS A VESTED RIGHT TO ANY
 51 ZONING DESIGNATION IN PLACE AS WELL AS ANY DEVELOPMENTAL
 52 APPROVAL OBTAINED AS OF THE DATE THE MASTER PLAN IS MADE
 53 ENFORCEABLE.".

54
 55 The amendment was declared **lost** by the following roll call vote:

56

	YES	31	NO	34	EXCUSED	00	ABSENT	00
1	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
2	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
3	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
4	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
5	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
6	Buescher	Y	Green	N	Marshall	N	Solano	N
7	Butcher	N	Hall	Y	Massey	Y	Soper	N
8	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
9	Carroll M	N	Hefley	Y	McCluskey	Y	Stengel	Y
10	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
11	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
12	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
13	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
14	Coleman	N	Kerr	Y	Paccione	N	Welker	Y
15	Crane	Y	King	Y	Penry	Y	White	Y
16	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
17							Speaker	N

18
19
20 Representative Harvey moved to amend the Report of the Committee of
21 the Whole to show that **HB06-1053**, as amended, did not pass.

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

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

41
42
43
44
45
46 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

47
48 Passed Second Reading: **HB06-1152 amended, 1088 amended,**
49 **1053 amended.**

50
51 Laid over until date indicated retaining place on Calendar: **HB06-1084,**
52 **1204, SB06-034, HB06-1030, 1055, 1115, 1119, 1144, 1174, 1079,**
53 **1126, 1309, 1076, 1159, 1165, 1181, 1183, 1010, 1105, 1118, 1132,**
54 **1160, 1080, 1102, 1122, 1169, 1020, 1073, 1107, 1108, 1162--February**
55 **16, 2006.**
56

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted.**

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

24
 25
 26 House in recess. House reconvened.
 27
 28

30 REPORTS OF COMMITTEES OF REFERENCE

31 EDUCATION

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

35
 36 **HB06-1285** 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 26, after "PROGRAM.", add "IF AFTER THE
 41 FIRST YEAR THE ACCOUNTABLE STUDENT CEASES TO PARTICIPATE IN HIS OR
 42 HER UNIVERSITY OF COLORADO AT DENVER AND HEALTH SCIENCES
 43 CENTER PROFESSIONAL HEALTHCARE PROGRAM FOR REASONS OTHER THAN
 44 A MEDICAL DISABILITY, HE OR SHE SHALL REPAY TO THE UNIVERSITY OF
 45 COLORADO AT DENVER AND HEALTH SCIENCES CENTER PROFESSIONAL
 46 HEALTH CARE PROGRAM THE DIFFERENCE BETWEEN THE AMOUNT PAID FOR
 47 THE SPECIAL SUPPORT FEE AND THE AMOUNT OF TUITION THAT WOULD
 48 HAVE BEEN OTHERWISE ASSESSED TO THE ACCOUNTABLE STUDENT."
 49

50
 51
 52 **HB06-1288** be referred to the Committee of the Whole with favorable
 53 recommendation.
 54
 55
 56

1 **HEALTH & HUMAN SERVICES**

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

4
5 **HB06-1170** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, strike everything below the enacting clause and
10 substitute the following:

11
12 "SECTION 1. Title 12, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW ARTICLE to read:

14
15 **ARTICLE 15.5**

16
17 **Complementary and Alternative**
18 **Health Care Practices**

19
20 **12-15.5-101. Complementary and alternative health care**
21 **practices - definitions.** (1) AS USED IN THIS ARTICLE, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23
24 (a) "ALTERNATIVE HEALTH CARE PROVIDER" MEANS A PERSON
25 ENGAGED IN PROVIDING COMPLEMENTARY AND ALTERNATIVE HEALTH
26 CARE SERVICES, INCLUDING, BUT NOT LIMITED TO, NATURAL HEALING
27 THERAPIES.

28
29 (b) "COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
30 SERVICES" MEANS HEALTH CARE AND HEALING ARTS THERAPIES THAT ARE
31 NOT PROHIBITED BY SUBSECTION (2) OF THIS SECTION AND ARE PROVIDED
32 BY AN ALTERNATIVE HEALTH CARE PROVIDER.

33
34 (c) "MASSAGE" HAS THE SAME MEANING AS SET FORTH IN SECTION
35 12-48.5-103 (5); EXCEPT THAT "MASSAGE" SHALL NOT INCLUDE THE
36 STROKING OF THE HANDS, FEET, EARS, OR OTHER PARTS OF THE BODY FOR
37 SPIRITUAL HEALING.

38
39 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
40 ALTERNATIVE HEALTH CARE PROVIDER DOES NOT VIOLATE THIS TITLE OR
41 ANY OTHER LAW REGULATING ANY HEALTH CARE PROFESSION OR
42 OCCUPATION UNLESS, WITHOUT BEING DULY AUTHORIZED TO DO SO UNDER
43 AN APPLICABLE ARTICLE OF THIS TITLE, HE OR SHE:

44
45 (a) PERFORMS SURGERY OR ANY OTHER PROCEDURE THAT
46 HARMFULLY PUNCTURES THE SKIN OF A PATIENT;

47
48 (b) PRESCRIBES OR ADMINISTERS X-RAY RADIATION TO A PATIENT;

49
50 (c) DIAGNOSES AND TREATS A MENTAL CONDITION OR PHYSICAL
51 CONDITION, OR BOTH, OF A PERSON AND, AS A DIRECT RESULT OF SUCH
52 SERVICES, WILLFULLY CAUSES THAT PERSON IMMINENT AND DISCERNABLE
53 RISK OF SIGNIFICANT PHYSICAL OR MENTAL INJURY;

54
55 (d) PROVIDES A DENTAL DIAGNOSIS OR APPLICATION OF A DENTAL
56 TREATMENT TO THE TEETH OR GUMS OF A PATIENT;

- 1 (e) PRESCRIBES OR ADMINISTERS A PRESCRIPTION DRUG,
2 PRESCRIBED MEDICAL DEVICE, OR CONTROLLED SUBSTANCE TO A PATIENT;
3
- 4 (f) PERFORMS THE PRACTICE OF CHIROPRACTIC, AS DEFINED IN
5 ARTICLE 33 OF THIS TITLE;
6
- 7 (g) PERFORMS THE PRACTICE OF PHYSICAL THERAPY AS DEFINED
8 IN ARTICLE 41 OF THIS TITLE;
9
- 10 (h) PRACTICES ON THE PREMISES OF A MASSAGE PARLOR, AS THAT
11 TERM IS DEFINED IN SECTION 12-48.5-103 (6), OR REPRESENTS THAT THE
12 PROVIDER ENGAGES IN MASSAGE;
13
- 14 (i) STATES, ADVERTISES, OR OTHERWISE HOLDS OUT TO ANY
15 PERSON THAT HE OR SHE IS A HEALTH CARE PRACTITIONER LICENSED,
16 CERTIFIED, OR REGISTERED BY THIS STATE;
17
- 18 (j) USES THE TITLE "PHYSICIAN" OR "SURGEON", THE
19 ABBREVIATION M.D., D.O., P.T., D.C., OR L.P.T., OR ANY OTHER TITLE,
20 WORD, OR ABBREVIATION THE USE OF WHICH IS LIMITED UNDER THIS TITLE
21 AND THAT TENDS TO INDICATE OR INDUCE OTHERS TO BELIEVE THAT HE OR
22 SHE IS LICENSED, CERTIFIED, OR REGISTERED AS A HEALTH CARE PROVIDER
23 IN COLORADO; OR
24
- 25 (k) RECOMMENDS THE DISCONTINUANCE OF ANY MEDICALLY
26 PRESCRIBED DRUG OR MEDICALLY PRESCRIBED TREATMENT.
27
- 28 (3) AN ALTERNATIVE HEALTH CARE PROVIDER WHO ADVERTISES OR
29 CHARGES A FEE FOR SERVICES SHALL PROVIDE THE FOLLOWING
30 INFORMATION IN WRITING TO EACH PATIENT:
31
- 32 (a) THE PROVIDER'S NAME, BUSINESS ADDRESS, AND TELEPHONE
33 NUMBER;
34
- 35 (b) A STATEMENT THAT HE OR SHE IS NOT LICENSED, CERTIFIED, OR
36 REGISTERED AS A HEALTH CARE PROVIDER IN COLORADO;
37
- 38 (c) THE NATURE OF THE SERVICES TO BE PROVIDED; AND
39
- 40 (d) ANY DEGREES, TRAINING, EXPERIENCE, CREDENTIALS, OR
41 OTHER QUALIFICATIONS OF THE PROVIDER, INCLUDING WHETHER OR NOT
42 SUCH DEGREES WERE AWARDED BY INSTITUTIONS ACCREDITED BY A
43 REGIONAL OR PROFESSIONAL ACCREDITING AGENCY RECOGNIZED BY THE
44 UNITED STATES DEPARTMENT OF EDUCATION OR THE COUNCIL ON
45 POSTSECONDARY ACCREDITATION OR RECOGNIZED AS A CANDIDATE FOR
46 ACCREDITATION BY SUCH AN AGENCY.
47
- 48 (4) AN ALTERNATIVE HEALTH CARE PROVIDER SHALL OBTAIN A
49 WRITTEN ACKNOWLEDGMENT FROM THE PATIENT STATING THAT THE
50 PATIENT HAS BEEN PROVIDED THE INFORMATION DESCRIBED IN
51 SUBSECTION (3) OF THIS SECTION. THE ACKNOWLEDGMENT SHALL BE
52 MAINTAINED BY THE PROVIDER FOR FIVE YEARS AFTER THE LAST SERVICES
53 PROVIDED TO THE PATIENT.
54
55

1 (5) A PERSON WHO VIOLATES THIS ARTICLE COMMITS A CLASS 1
2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
3 18-1.3-501, C.R.S.

4
5 **SECTION 2. Effective date.** (1) This act shall take effect
6 January 1, 2007.

7
8 (2) However, if a referendum petition is filed against this act or
9 an item, section, or part of this act during the 90-day period after final
10 adjournment of the general assembly that is allowed for submitting a
11 referendum petition pursuant to article V, section 1 (3) of the state
12 constitution, then the act, item, section, or part, shall not take effect
13 unless approved by the people at a biennial regular general election and
14 shall take effect on the date specified in subsection (1) or on the date of
15 the official declaration of the vote thereon by proclamation of the
16 governor, whichever is later."

17
18
19
20 **HB06-1177** be referred to the Committee of the Whole with favorable
21 recommendation.

22
23
24 **HB06-1186** be referred favorably to the Committee on Appropriations.

25
26
27 **HB06-1252** 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 3, line 23, strike "COLORADO OR A BUSINESS"
32 and substitute "COLORADO.";

33
34 strike lines 24 and 25;

35
36 line 27, strike "AND".

37
38 Page 4, line 3, strike "C.R.S." and substitute "C.R.S., AND WHO HAS NO
39 INSURANCE COVERAGE FOR OUTPATIENT PRESCRIPTION DRUGS; AND

40
41 (c) IS AT OR BELOW THREE HUNDRED PERCENT OF THE FEDERAL
42 POVERTY LEVEL.";

43
44 line 21, strike "ANY" and substitute "ALL".

45
46 **HB06-1255** 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 6, line 19, after "LONGER," insert "A COURT OF
51 COMPETENT JURISDICTION, OR AN ADMINISTRATIVE BODY APPOINTED OR
52 APPROVED BY THE COURT THAT IS NOT UNDER THE SUPERVISION OF THE
53 DEPARTMENT SHALL CONDUCT";

54
55 line 20, strike "SHALL BE CONDUCTED";

56

1 strike line 25 and substitute the following:

2

3 "SHALL MAKE THE FOLLOWING DETERMINATIONS:

4

5 (I) WHETHER CONTINUED COMMUNITY PLACEMENT IS IN THE BEST
6 INTERESTS OF THE JUVENILE AND THE COMMUNITY;

7

8 (II) WHETHER THE JUVENILE'S SAFETY IS PROTECTED IN THE
9 COMMUNITY PLACEMENT;

10

11 (III) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO
12 FINALIZE THE JUVENILE'S PERMANENCY PLAN THAT IS IN EFFECT AT THAT
13 TIME;

14

15 (IV) WHETHER CONTINUED COMMUNITY PLACEMENT IS
16 NECESSARY AND APPROPRIATE;

17

18 (V) WHETHER THERE HAS BEEN COMPLIANCE WITH THE JUVENILE'S
19 CASE PLAN;

20

21 (VI) WHETHER PROGRESS HAS BEEN MADE TOWARD ALLEVIATING
22 OR MITIGATING THE CAUSES THAT NECESSITATED THE COMMUNITY
23 PLACEMENT;

24

25 (VII) WHETHER THERE IS A DATE PROJECTED BY WHICH THE
26 JUVENILE WILL BE RETURNED AND SAFELY MAINTAINED IN HIS OR HER
27 HOME, PLACED FOR LEGAL GUARDIANSHIP, OR PLACED IN A PLANNED AND
28 PERMANENT LIVING ARRANGEMENT; AND

29

30 (VIII) WHETHER PROCEDURAL SAFEGUARDS TO PRESERVE
31 PARENTAL RIGHTS HAVE BEEN APPLIED IN CONNECTION WITH THE
32 REMOVAL OF THE JUVENILE FROM THE HOME, ANY CHANGE IN THE
33 JUVENILE'S COMMUNITY PLACEMENT, OR ANY DETERMINATION AFFECTING
34 PARENTAL VISITATION."

35

36

37

38 **HB06-1265** be referred to the Committee of the Whole with favorable
39 recommendation.

40

41

42

43

44 **JUDICIARY**

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

47

48 **HB06-1090** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51

52 Amend printed bill, page 6, line 2, after "C.R.S.", insert "WHEN THE
53 VICTIM AT THE TIME OF COMMISSION OF THE ACT IS A JUVENILE,";

54

55 strike line 5 and substitute the following:

56

1 "YEARS OF AGE, OR SECTION 18-6-301, C.R.S., WHEN THE VICTIM AT THE
2 TIME OF COMMISSION OF THE ACT IS A JUVENILE, OR UNDER SECTION
3 18-3-405, 18-3-405.3,"

4

5 Page 7, after line 18, insert the following:

6

7 "(a.1) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
8 SUBSECTION (1) OF THIS SECTION, AND EXCEPT AS OTHERWISE PROVIDED
9 IN PARAGRAPH (a.5) OF THIS SUBSECTION (8), THE PERIOD OF TIME DURING
10 WHICH AN ADULT MAY BE PROSECUTED SHALL BE TEN YEARS AFTER THE
11 COMMISSION OF THE OFFENSE AS TO ANY OFFENSE:

12

13 (I) COMMITTED AGAINST A PERSON WHO IS AT LEAST EIGHTEEN
14 YEARS OF AGE; AND

15

16 (II) CHARGED UNDER SECTION 18-3-402 OR 18-6-301, C.R.S., OR
17 SECTION 18-3-403, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000, OR
18 CHARGED AS A FELONY UNDER SECTION 18-3-404, C.R.S.";

19

20 line 19, strike "an offense or" and substitute "~~an offense or~~ A";

21

22 line 22, strike "offense" and substitute "~~offense or~~";

23

24 line 23, strike "or".

25

26 Page 8, line 19, after "(9)", insert "(a)";

27

28 line 22, strike "offense or" and substitute "~~offense or~~";

29

30 strike lines 24 and 25 and substitute the following:

31

32 "commit such a misdemeanor. ~~This subsection (9) shall apply to offenses~~
33 ~~and delinquent acts committed on or after January 1, 1986.~~

34

35 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
36 SUBSECTION (1) OF THIS SECTION, THE PERIOD OF TIME DURING WHICH AN
37 ADULT MAY BE PROSECUTED SHALL BE FIVE YEARS AFTER THE COMMISSION
38 OF THE OFFENSE AS TO A MISDEMEANOR COMMITTED AGAINST A PERSON
39 EIGHTEEN YEARS OF AGE OR OLDER AND CHARGED UNDER SECTION
40 18-3-404, C.R.S., OR CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION
41 TO COMMIT SUCH A MISDEMEANOR AGAINST SUCH A VICTIM.

42

43 (c) THIS SUBSECTION (9) SHALL APPLY TO OFFENSES AND
44 DELINQUENT ACTS COMMITTED ON OR AFTER JULY 1, 2006, AND TO ANY
45 OFFENSES AND DELINQUENT ACTS COMMITTED PRIOR TO JULY 1, 2006, FOR
46 WHICH THE STATUTE OF LIMITATIONS HAS NOT RUN ON JULY 1, 2006."

47

48 Page 10, strike lines 26 and 27 and substitute the following:

49

50 "any civil action based on a sexual assault ~~or a sexual offense against a~~
51 ~~child~~ shall be commenced".

52

53 Page 11, line 9, strike "A SEXUAL ASSAULT OR";

54

55 line 10, strike "THAT IS ALLEGEDLY COMMITTED BY AN ADULT";

56

1 line 14, after the first "TO", insert "EXTEND THE STATUTE OF LIMITATIONS
2 AS TO CIVIL ACTIONS DESCRIBED IN THIS PARAGRAPH (b) ACCRUING ON OR
3 AFTER JULY 1, 2006, AND TO".

4
5 Page 12, strike lines 2 and 3 and substitute the following:

6
7 "a sexual assault when the victim is in a special relationship with the
8 perpetrator of the assault or is a victim of a sexual offense against a
9 child";

10
11 strike lines 9 through 18 and substitute the following:

12
13 "For the purpose of this subsection (3.5), "special relationship" means a
14 relationship between the victim and the perpetrator of the sexual assault
15 which is a confidential, trust-based relationship, such as attorney-client,
16 doctor-patient, psychotherapist-patient, minister-parishioner,
17 teacher-student, or familial relationship. It is the intent of the general
18 assembly to leave in place the six-year limitation for adults subjected to
19 a sexual assault except in the situations described in this paragraph (a) in
20 which the victim is in a special relationship with the perpetrator of the
21 assault. In the circumstances in which a victim is in a special relationship
22 with the perpetrator of the assault or is a victim of".

23
24 Page 14, strike lines 5 through 7 and substitute the following:

25
26 ~~"(3.7) An action may not be brought pursuant to subsection (3.5)~~
27 ~~of this section if the defendant is deceased or is incapacitated to the~~
28 ~~extent that the defendant is incapable of rendering a defense to the~~
29 ~~action."~~

30
31 Page 15, after line 5, insert the following:

32
33 **"SECTION 8.** Part 1 of article 21 of title 13, Colorado Revised
34 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
35 read:

36
37 **13-21-125. Damages against public institutions and employees**
38 **- sexual offense against a child.** (1) AS USED IN THIS SECTION, UNLESS
39 THE CONTEXT OTHERWISE REQUIRES:

40
41 (a) "PUBLIC EMPLOYEE" SHALL HAVE THE SAME MEANING AS
42 PROVIDED FOR SAID TERM IN SECTION 24-10-103 (4), C.R.S., AND SHALL
43 INCLUDE AN "EMPLOYEE", AS DEFINED IN SECTION 22-12-103 (2), C.R.S.

44
45 (b) "PUBLIC ENTITY" SHALL HAVE THE SAME MEANING AS
46 PROVIDED FOR SAID TERM IN SECTION 24-10-103 (5), C.R.S., AND SHALL
47 INCLUDE AN "EDUCATIONAL ENTITY", AS DEFINED IN SECTION 22-12-103
48 (1), C.R.S.

49
50 (c) "SEXUAL OFFENSE AGAINST A CHILD" SHALL HAVE THE SAME
51 MEANING AS PROVIDED FOR THE TERM "UNLAWFUL SEXUAL OFFENSE" IN
52 SECTION 18-3-411 (1), C.R.S.

53
54 (2) NOTWITHSTANDING THE PROVISIONS OF THE "COLORADO
55 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., OR THE
56 PROVISIONS OF THE "TEACHER AND SCHOOL ADMINISTRATOR PROTECTION

1 ACT", ARTICLE 12 OF TITLE 22, C.R.S., OR ANY OTHER STATUTORY
2 PROVISION THAT LIMITS OR PROHIBITS CIVIL ACTIONS AGAINST PUBLIC
3 ENTITIES AND PUBLIC EMPLOYEES, A PERSON MAY BRING A CIVIL ACTION
4 BASED ON COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD AGAINST
5 A PUBLIC ENTITY AND AGAINST A PUBLIC EMPLOYEE IN THE SAME MANNER
6 THAT A PERSON MAY BRING SUCH AN ACTION AGAINST A PRIVATE ENTITY
7 OR PERSON.

8
9 (3) (a) THE PROVISIONS OF THIS SECTION SHALL APPLY TO A CAUSE
10 OF ACTION BASED ON VICARIOUS LIABILITY THAT IS BROUGHT AGAINST A
11 PUBLIC ENTITY OR PUBLIC EMPLOYEE THAT IS NOT THE PERPETRATOR OF
12 THE SEXUAL OFFENSE AGAINST A CHILD ON WHICH THE CAUSE OF ACTION
13 IS BASED IF:

14
15 (I) THE PUBLIC ENTITY OR PUBLIC EMPLOYEE KNEW, HAD REASON
16 TO KNOW, OR WAS OTHERWISE ON NOTICE OF ANY UNLAWFUL SEXUAL
17 CONDUCT BY THE PERPETRATOR WHO, AT THE TIME OF THE CONDUCT, WAS
18 AN EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE
19 OF THE PUBLIC ENTITY OR PUBLIC EMPLOYEE; AND

20
21 (II) THE PUBLIC ENTITY OR PUBLIC EMPLOYEE FAILED TO TAKE
22 REASONABLE STEPS AND IMPLEMENT REASONABLE SAFEGUARDS TO AVOID
23 PROSPECTIVE ACTS OF UNLAWFUL SEXUAL CONDUCT BY THE PERPETRATOR,
24 INCLUDING BUT NOT LIMITED TO PREVENTING OR AVOIDING PLACEMENT OF
25 THE PERPETRATOR IN A POSITION, FUNCTION, OR ENVIRONMENT IN WHICH
26 CONTACT WITH CHILDREN IS AN ESSENTIAL PART OF THE POSITION,
27 FUNCTION, OR ENVIRONMENT.

28
29 (b) FOR PURPOSES OF THIS SUBSECTION (3), MERELY PROVIDING OR
30 REQUIRING COUNSELING SHALL BE DEEMED INSUFFICIENT TO CONSTITUTE
31 A REASONABLE STEP OR REASONABLE SAFEGUARD TO AVOID PROSPECTIVE
32 ACTS OF UNLAWFUL SEXUAL CONDUCT.

33
34 (4) THE STATUTE OF LIMITATIONS SPECIFIED IN SECTION
35 13-80-103.7 SHALL APPLY TO ANY CIVIL ACTION BROUGHT AGAINST A
36 PUBLIC ENTITY OR A PUBLIC EMPLOYEE PURSUANT TO THIS SECTION.

37
38 (5) A PERSON WHO BRINGS AN ACTION AGAINST A PUBLIC ENTITY
39 OR A PUBLIC EMPLOYEE PURSUANT TO THIS SECTION MAY RECOVER
40 ACTUAL DAMAGES, DAMAGES FOR NONECONOMIC LOSS OR INJURY, AND
41 EXEMPLARY DAMAGES AS PROVIDED IN THIS ARTICLE, IN ADDITION TO
42 SUCH COSTS AND ATTORNEY FEES AS THE COURT MAY AWARD."

43
44 Renumber succeeding sections accordingly.

45
46
47
48 **HB06-1123** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51
52 Amend printed bill, strike everything below the enacting clause and
53 substitute the following:

54
55 "SECTION 1. 19-3-401 (1) (b), Colorado Revised Statutes, is
56 amended, and the said 19-3-401 is further amended BY THE ADDITION

1 OF A NEW SUBSECTION, to read:

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19-3-401. Taking children into custody. (1) A child may be taken into temporary custody by a law enforcement officer without order of the court:

(b) When there are reasonable grounds to believe that such child has run away or escaped from such child's parents, guardian, or legal custodian AND THE CHILD'S PARENTS, GUARDIAN, OR LEGAL CUSTODIAN HAS NOT MADE A REPORT TO A LAW ENFORCEMENT AGENCY THAT THE CHILD HAS RUN AWAY FROM HOME; or

(1.3) A CHILD SHALL BE TAKEN INTO TEMPORARY CUSTODY BY A LAW ENFORCEMENT OFFICER WITHOUT ORDER OF THE COURT WHEN THERE ARE REASONABLE GROUNDS TO BELIEVE THE CHILD HAS RUN AWAY FROM THE CHILD'S PARENTS, GUARDIAN, OR LEGAL CUSTODIAN AND THE CHILD'S PARENTS, GUARDIAN, OR LEGAL CUSTODIAN HAS MADE A REPORT TO A LAW ENFORCEMENT AGENCY THAT THE CHILD HAS RUN AWAY FROM HOME.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, strike line 101 and substitute the following:

"CONCERNING SITUATIONS IN WHICH A LAW ENFORCEMENT OFFICER SHALL TAKE A RUNAWAY CHILD INTO CUSTODY."

HB06-1179 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, after line 18, insert the following:

"(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXPAND THE AUTHORITY OF FEDERAL LAW ENFORCEMENT OFFICERS TO INITIATE OR CONDUCT AN INDEPENDENT INVESTIGATION INTO VIOLATIONS OF COLORADO LAW."

LOCAL GOVERNMENT

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

HB06-1242 be referred to the Committee of the Whole with favorable recommendation.

HB06-1250 be referred to the Committee of the Whole with favorable recommendation.

- 1 **HB06-1253** be postponed indefinitely.
2
3
4 **HB06-1254** be referred to the Committee of the Whole with favorable
5 recommendation.
6
7
8 **HB06-1268** be referred to the Committee of the Whole with favorable
9 recommendation.
10
11
12 **HB06-1304** be referred favorably to the Committee on Appropriations.
13
14

PRINTING REPORT

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18
19 The Chief Clerk reports the following bills have been correctly printed:
20 **HB06-1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335; HCR06-1001,**
21 **1002.**
22

MESSAGE FROM THE SENATE

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24
25
26 The Senate has adopted and returns herewith: HJR06-1012.
27

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

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29
30
31 The Speaker has signed: **HJR06-1012.**
32

INTRODUCTION OF BILLS First Reading

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35
36
37 The following bills were read by title and referred to the committees
38 indicated:
39

40 **HB06-1336** by Representative(s) McGihon, Riesberg; also Senator(s)
41 Grossman--Concerning the enactment of the "Uniform
42 Athlete Agents Act", and, in connection therewith,
43 conforming existing statutes governing the conduct of
44 athlete agents.

45 Committee on Education
46

47 **HB06-1337** by Representative(s) Butcher, Gallegos, McKinley; also
48 Senator(s) Entz, Taylor--Concerning penalties levied
49 against a person who violates water quality control
50 provisions.

51 Committee on Agriculture, Livestock, & Natural Resources
52

53 **HB06-1338** by Representative(s) Plant; also Senator(s) Fitz-Gerald--
54 Concerning the inclusion of contiguous counties in the
55 regional transportation district.

56 Committee on Transportation & Energy

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LAY OVER OF CALENDAR ITEMS

On motion of Representative Madden, the following items on the Calendar were laid over until February 16, retaining place on Calendar:

- Consideration of Resolutions--**SJR06-002, HJR06-1013.**
- Consideration of Senate Amendments--**HB06-1012.**

On motion of Representative McFadyen, the House adjourned until 9:00 a.m., February 16, 2006.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk