

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

Forty-fifth Legislative Day

Friday, February 24, 2006

1 Prayer by Father Tom Carzon, Holy Ghost Church, Denver.
2
3 The Speaker *Pro Tempore* called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Alexandra Clawson, Legacy Point
6 Elementary, Parker.
7
8 The roll was called with the following result:
9
10 Present--58.
11 Excused--Representatives Butcher, Hefley, Hoppe, McCluskey,
12 Plant, Riesberg, Romanoff--7.
13 Present after roll call--Representatives Butcher, Hoppe, Plant,
14 Riesberg.
15

16 The Speaker declared a quorum present.
17
18

19 On motion of Representative Curry, the reading of the journal of
20 February 23, 2006, was declared dispensed with and approved as
21 corrected by the Chief Clerk.
22
23

CONSIDERATION OF RESOLUTION

24
25
26 **SJR06-002** by Senator(s) Isgar; also Representative(s) Curry--
27 Concerning approval of water project revolving fund
28 eligibility lists administered by the Colorado water
29 resources and power development authority.
30

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

33 On motion of Representative Curry, the resolution was **adopted** by **viva**
34 **voce** vote.
35

36 Co-sponsors added: Roll call of the House.
37
38

39 On motion of Representative McGihon, the House resolved itself into
40 Committee of the Whole for consideration of General Orders, and she
41 was called to the Chair to act as Chairman.
42
43

GENERAL ORDERS--SECOND READING OF BILLS

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.)

HB06-1075 by Representative(s) Todd--Concerning the sale of surplus state property.

Amendment No. 1, State, Veterans, & Military Affairs Report, dated February 14, 2006, and placed in member's bill file; Report also printed in House Journal, February 16, pages 374-375.

Amendment No. 2, by Representative Todd.

Amend the State, Veterans, & Military Affairs Committee Report, dated February 14, 2006, page 1, strike lines 1 through 8 and substitute the following:

"Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 17-24-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-24-104. Creation of division of correctional industries and advisory committee - enterprise status of division - duties of committee - sunset review of committee. (6) (a) THE ADVISORY COMMITTEE AND THE DEPARTMENT OF HIGHER EDUCATION SHALL, NO LATER THAN SEPTEMBER 1, 2006, COMPLETE THE JOINT DEVELOPMENT OF A PROCESS GOVERNING THE WAIVER OF INSTITUTIONS OF HIGHER EDUCATION, BY CAMPUS, FROM THE SURPLUS STATE PROPERTY PROCEDURES DESCRIBED IN SECTION 17-24-106.6 CONCERNING PROPERTY ITEMS THAT THE ADVISORY COMMITTEE AND DEPARTMENT OF HIGHER EDUCATION JOINTLY DETERMINE ARE UNIQUE AND OF INTEREST TO INSTITUTIONS OF HIGHER EDUCATION.

(b) THE DIRECTOR OF THE DIVISION OF CORRECTIONAL INDUSTRIES SHALL, IN ACCORDANCE WITH SECTION 17-24-106.6 (2), PROMULGATE RULES THAT IMPLEMENT THE WAIVER PROCESS DEVELOPED PURSUANT TO THIS SUBSECTION (6).

SECTION 2. 17-24-106.6 (2) (c), Colorado Revised Statutes, is amended, and the said 17-24-106.6 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17-24-106.6. Surplus state property. (2) The director shall promulgate rules to be utilized by the division in governing:

(c) The circumstances under which a public employee may purchase surplus state property; AND

1 (d) THE IMPLEMENTATION OF THE WAIVER PROCESS FOR UNIQUE
2 PROPERTY ITEMS OF INTEREST TO INSTITUTIONS OF HIGHER EDUCATION, AS
3 DESCRIBED IN SECTION 17-24-104 (6).
4

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety."."
8

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

12 **HB06-1071** by Representative(s) Massey; also Senator(s) Kester--
13 Concerning juvenile court proceedings, and, in connection
14 therewith, eliminating jury trials in dependency and
15 neglect proceedings and clarifying the role and rights of
16 county departments of human services.
17

18 Amendment No. 1, Judiciary Report, dated February 16, 2006, and placed
19 in member's bill file; Report also printed in House Journal, February 17,
20 page 400.
21

22 As amended, ordered engrossed and placed on the Calendar for Third
23 Reading and Final Passage.
24

25 **SB06-003** by Senator(s) Kester, Entz, Fitz-Gerald, Isgar, Shaffer;
26 also Representative(s) Rose, Gallegos, Gardner, Hodge--
27 Concerning the use of biofuels in state buildings.
28

29 Ordered revised and placed on the Calendar for Third Reading and Final
30 Passage.
31

32 **SB06-016** by Senator(s) Entz, Fitz-Gerald, Kester, Shaffer; also
33 Representative(s) Rose, Gallegos, Gardner, Hodge--
34 Concerning the use of biodiesel fuel for all state-owned
35 diesel vehicles.
36

37 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
38 dated February 20, 2006, and placed in member's bill file; Report also
39 printed in House Journal, February 21, page 443.
40

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

44 **HB06-1321** by Representative(s) Jahn, Marshall; also Senator(s)
45 Sandoval--Concerning a shortened period for completion
46 of sunrise review reports by the department of regulatory
47 agencies.
48

49 Ordered engrossed and placed on the Calendar for Third Reading and
50 Final Passage.
51

52
53 **SB06-084** by Senator(s) Entz; also Representative(s) Curry--
54 Concerning the hiring of a guide who does not possess a
55 first aid card in the event of an emergency situation.
56

1 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
2 dated February 22, 2006, and placed in member's bill file; Report also
3 printed in House Journal, February 22, page 486..
4

5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.
7

8 **HB06-1256** by Representative(s) Buescher, Plant, Hall; also Senator(s)
9 Keller, Tapia, Owen--Concerning modifications to certain
10 provisions of total compensation for employees in the state
11 personnel system.
12

13 Ordered engrossed and placed on the Calendar for Third Reading and
14 Final Passage.
15

16 **HB06-1340** by Representative(s) Benefield, Marshall, Borodkin; also
17 Senator(s) Taylor--Concerning an exemption for federally
18 regulated mining operations from the Colorado
19 "Explosives Act".
20

21 Ordered engrossed and placed on the Calendar for Third Reading and
22 Final Passage.
23

24 **HB06-1207** by Representative(s) Coleman, Boyd, Stafford; also
25 Senator(s) Sandoval--Concerning the definition of a
26 salaried foster parent, and, in connection therewith,
27 allowing a salaried foster parent to be an employee of a
28 child placement agency.
29

30 Amendment No. 1, Health and Human Services Report, dated February
31 20, 2006, and placed in member's bill file; Report also printed in House
32 Journal, February 22, page 454.
33

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

37 **HB06-1243** by Representative(s) Sullivan; also Senator(s) Hanna--
38 Concerning the practice of chiropractic, and, in connection
39 therewith, requiring liability insurance to cover all acts
40 within the scope of chiropractic practice and allowing the
41 state board of chiropractic examiners to impose a fine on
42 a licensee in lieu of suspending a license.
43

44 Amendment No. 1, Health and Human Services Report, dated February
45 22, 2006, and placed in member's bill file; Report also printed in House
46 Journal, February 22, page 487.
47

48 As amended, ordered engrossed and placed on the Calendar for Third
49 Reading and Final Passage.
50

51 **HB06-1341** by Representative(s) McFadyen; also Senator(s) Takis--
52 Concerning the unlawful use of commercial driver's
53 licenses.
54

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

1 **HB06-1328** by Representative(s) Boyd; also Senator(s) Hagedorn--
 2 Concerning a requirement that the joint budget committee
 3 and the health and human services committees of the
 4 general assembly meet jointly to review the use of tobacco
 5 litigation settlement moneys on or before a specified date.
 6

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

10 **HB06-1249** by Representative(s) Judd, Larson, Massey, Sullivan; also
 11 Senator(s) Takis--Concerning granting authority to a
 12 pregnant minor to approve perinatal medical care for the
 13 minor's pregnancy intended to result in a live birth of a
 14 child, and, in connection therewith, limiting the authority
 15 to approving prenatal, delivery, and post-delivery medical
 16 care related to the intended live birth of a child.
 17

18 Laid over until February 27, retaining place on Calendar.
 19

20 On motion of Representative Madden, the remainder of the General
 21 Orders Calendar (**HB06-1102, 1264, 1127, 1320, 1157, 1251, 1291,**
 22 **1202, 1289, 1193, 1212, 1269, 1277, 1299, 1238, 1295, 1332**) was laid
 23 over until February 27, retaining place on Calendar.
 24

27 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

28
 29 Passed Second Reading: **HB06-1075 amended, 1071 amended,**
 30 **SB06-003, 016 amended, HB06-1321, SB06-084 amended, HB06-1256,**
 31 **1340, 1207 amended, 1243 amended, 1341, 1328.**
 32

33 Laid over until date indicated retaining place on Calendar: **HB06-1102,**
 34 **1264, 1127, 1320, 1157, 1251, 1291, 1202, 1289, 1193, 1212, 1249,**
 35 **1269, 1277, 1299, 1238, 1295, 1332--February 27, 2006.**
 36

37 The Chairman moved the adoption of the Committee of the Whole
 38 Report. As shown by the following roll call vote, a majority of those
 39 elected to the House voted in the affirmative, and the Report was
 40 **adopted.**
 41

42	YES	61	NO	00	EXCUSED	03	ABSENT	01
43	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
44	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
45	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
46	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
47	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
48	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
49	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
50	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
51	Carroll M	Y	Hefley	E	McCluskey	E	Stengel	Y
52	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
53	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	-
54	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
55	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
56	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y

1	Crane	Y	King	Y	Penry	Y	White	Y
2	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
3							Speaker	E

7 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

9 **HB06-1094** by Representative(s) White; also Senator(s) Teck--
 10 Concerning the notice of valuation of taxable personal
 11 property on oil and gas leaseholds and lands.

13 (Amended as printed in Senate Journal, February 22.

15 Representative White moved that the House **concur** in Senate
 16 amendments. The motion was declared **passed** by the following roll call
 17 vote:

19	YES	60	NO	00	EXCUSED	04	ABSENT	01
20	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
21	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
22	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
23	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
24	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
25	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
26	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
27	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
28	Carroll M	Y	Hefley	E	McCluskey	E	Stengel	Y
29	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
30	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	-
31	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
32	Cloer	E	Judd	Y	Merrifield	Y	Weissmann	Y
33	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
34	Crane	Y	King	Y	Penry	Y	White	Y
35	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
36							Speaker	E

38 The question being, "Shall the bill, as amended, pass?"

39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative, and the
 41 bill, as amended, was declared **repassed**.

43	YES	61	NO	00	EXCUSED	04	ABSENT	00
44	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
45	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
46	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
47	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
48	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
49	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
50	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
51	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
52	Carroll M	Y	Hefley	E	McCluskey	E	Stengel	Y
53	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
54	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
55	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
56	Cloer	E	Judd	Y	Merrifield	Y	Weissmann	Y

1	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
2	Crane	Y	King	Y	Penry	Y	White	Y
3	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
4							Speaker	E

5 Co-sponsors added: Representatives Berens, Gardner, Hoppe, Kerr, Liston,
6 Stafford, Welker.

7
8
9

10 **REPORTS OF COMMITTEES OF REFERENCE**

11

12 **APPROPRIATIONS**

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

15

16 **HB06-1085** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:

19

20 Amend printed bill, page 3, after line 20, insert the following:

21

22 **"SECTION 2. Appropriation.** (1) In addition to any other
23 appropriation, there is hereby appropriated to the department of local
24 affairs, for the fiscal year beginning July 1, 2006, the sum of three
25 hundred eleven thousand three hundred two dollars (\$311,302) cash
26 funds and 1.1 FTE, or so much thereof as may be necessary, for the
27 implementation of this act. Said sum shall be from the building
28 regulation fund created pursuant to section 24-32-3309, Colorado
29 Revised Statutes.

30

31 (2) In addition to any other appropriation, there is hereby
32 appropriated to the department of law, for the fiscal year beginning July
33 1, 2006, the sum of two thousand five hundred seventy-eight dollars
34 (\$2,578) cash funds exempt, or so much thereof as may be necessary, for
35 the provision of legal services to the department of local affairs related to
36 the implementation of this act. Said sum shall be from cash funds exempt
37 received from the department of local affairs out of the appropriation
38 made in subsection (1) of this section."

39

40 Renumber succeeding section accordingly.

41

42 Page 1, line 102, strike "**EXPENDED.**" and substitute "**EXPENDED, AND**
43 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

44

45

46

47 **HB06-1091** be referred to the Committee of the Whole with favorable
48 recommendation.

49

50

51 **HB06-1124** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54

55 Amend printed bill, page 9, after line 4, insert the following:

56

1 **"SECTION 6. Appropriation.** In addition to any other
2 appropriation, there is hereby appropriated, out of any moneys in the
3 division of water resources ground water management cash fund created
4 in section 37-80-111.5 (1) (d), Colorado Revised Statutes, not otherwise
5 appropriated, to the department of natural resources, division of water
6 resources, for the fiscal year beginning July 1, 2006, the sum of eleven
7 thousand five hundred twenty-four dollars (\$11,524) and 0.2 FTE, or so
8 much thereof as may be necessary, for the implementation of this act."

9
10 Renumber succeeding sections accordingly.

11
12 Page 1, line 102, strike "CONTRACT." and substitute "CONTRACT, AND
13 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

14
15

16
17 **HB06-1130** be postponed indefinitely.

18
19

20 **HB06-1196** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:

23
24

Amend printed bill, page 38, after line 4, insert the following:

25
26

"SECTION 25. Appropriation. In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the
28 division of registrations cash fund created in section 24-34-105 (2)(b)(I),
29 Colorado Revised Statutes, not otherwise appropriated, to the department
30 of regulatory agencies, for allocation to the division of registrations, for
31 the fiscal year beginning July 1, 2006, the sum of two thousand five
32 hundred forty-two dollars (\$2,542), or so much thereof as may be
33 necessary, for the implementation of this act."

34
35

Renumber succeeding sections accordingly.

36
37

Page 2, line 105, strike "REQUIREMENTS." and substitute
38 "REQUIREMENTS, AND MAKING AN APPROPRIATION IN CONNECTION
39 THEREWITH."

40
41

42
43

HB06-1281 be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:

46
47

Amend the House Transportation and Energy Committee Report, dated
48 February 15, 2006, page 1, strike lines 6 and 7, and substitute the
49 following:

50
51

"Page 8, line 17, strike "section _____," and substitute "section 24-22-
52 118,";

53
54

line 18, strike "department of" and substitute "office of the governor, for
55 allocation to the office of energy management and conservation, for";

56

1 strike line 19;"
2
3 line 8, strike "Page 8,"
4
5 strike lines 9 and 10.
6
7
8
9

10 **BUSINESS AFFAIRS & LABOR**

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

14 **HB06-1316** be postponed indefinitely.
15
16
17
18

19 **EDUCATION**

20 After consideration on the merits, the Committee recommends the
21 following:
22

23 **HB06-1236** be postponed indefinitely.
24
25
26
27

28 **FINANCE**

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

32 **HB06-1184** The committee returns herewith HB06-1184 and reports
33 that said bill has been considered on its merits and voted
34 upon by the committee in accordance with House Rules,
35 that the deadline applicable to committees under Joint
36 Rule 23 (a) (1) has passed, that final action has not been
37 taken by this committee within said deadline, and that the
38 Committee on Delayed Bills has not waived said deadline.
39 Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed
40 to be postponed indefinitely.
41
42

43 **HB06-1278** be referred favorably to the Committee on Appropriations.
44
45

46 **HB06-1287** 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 13, strike "~~and~~" and substitute "and";
51

52 line 15, strike "foregoing; AND" and substitute "foregoing.";
53

54 strike lines 16 and 17.
55

56 Page 4, line 5, strike everything after the period;

1 strike lines 6 through 8.

2

3 Page 8, after line 23, insert the following:

4

5 "(V) THE SECURITIES SUBJECT TO THE REPURCHASE AGREEMENT
6 MAY HAVE A MATURITY IN EXCESS OF FIVE YEARS.

7

8 (VI) THE PERIOD FROM THE DATE OF SETTLEMENT OF A
9 REPURCHASE AGREEMENT TO ITS MATURITY DATE SHALL BE NO MORE THAN
10 FIVE YEARS UNLESS THE GOVERNING BODY OF THE PUBLIC ENTITY
11 AUTHORIZES INVESTMENT FOR A PERIOD IN EXCESS OF FIVE YEARS."

12

13 Page 9, line 9, before "PERCENT", insert "AND FIVE".

14

15

16

17 **HB06-1322** be amended as follows, and as so amended, be referred to
18 the Committee on Appropriations with favorable
19 recommendation:

20

21 Amend printed bill, page 4, line 9, strike "LIQUID".

22

23 Page 5, line 14, strike "FOSSIL";

24

25 strike line 23 and substitute the following:

26

27 "OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED
28 IN SECTION 39-29-109, C.R.S."

29

30

31

32

33 **JUDICIARY**

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

36

37 **HB06-1066** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40

41 Amend printed bill, strike everything below the enacting clause and
42 substitute the following:

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

45

46

47

ARTICLE 14.1

48

Colorado Child Support Collection Consumer Protection Act

49

50 **12-14.1-101. Legislative declaration.** THE GENERAL ASSEMBLY
51 HEREBY FINDS AND DETERMINES THAT, TO ENSURE THAT FAMILIES RECEIVE
52 THE MAXIMUM AMOUNT OF CHILD SUPPORT ESTABLISHED BY COURT OR
53 ADMINISTRATIVE ORDER, ADDITIONAL CONSUMER PROTECTIONS ARE
54 NEEDED FOR PARENTS ENTITLED TO RECEIVE CHILD SUPPORT WHO
55 CONTRACT WITH PRIVATE COLLECTION AGENCIES FOR THE COLLECTION OF
56 CHILD SUPPORT.

1 **12-14.1-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3
4 (1) "ARREARS" OR "ARREARAGES" SHALL HAVE THE SAME
5 MEANING AS PROVIDED IN SECTION 26-13.5-102 (2), C.R.S.

6
7 (2) "CHILD SUPPORT" MEANS ANY AMOUNT REQUIRED TO BE PAID
8 PURSUANT TO A JUDICIAL OR ADMINISTRATIVE CHILD SUPPORT ORDER.

9
10 (3) "CHILD SUPPORT DEBT" SHALL HAVE THE SAME MEANING AS
11 PROVIDED IN SECTION 26-13.5-102 (3), C.R.S.

12
13 (4) "CHILD SUPPORT ENFORCEMENT SERVICE" MEANS A SERVICE,
14 INCLUDING RELATED FINANCIAL ACCOUNTING SERVICES, PERFORMED
15 DIRECTLY OR INDIRECTLY FOR THE PURPOSE OF CAUSING A PAYMENT
16 REQUIRED, OR ALLEGEDLY REQUIRED, BY A CHILD SUPPORT ORDER TO BE
17 MADE TO THE OBLIGEE TO WHOM THE PAYMENT IS OWED OR TO AN AGENT
18 OF THAT INDIVIDUAL.

19
20 (5) "CHILD SUPPORT ORDER" MEANS ANY JUDGMENT, DECREE,
21 ORDER, OR ADMINISTRATIVE ORDER OF SUPPORT IN FAVOR OF A OBLIGEE,
22 WHETHER TEMPORARY, PERMANENT, FINAL, OR SUBJECT TO MODIFICATION,
23 REVOCATION, OR REMISSION, REGARDLESS OF THE KIND OF ACTION OR
24 PROCEEDING IN WHICH IT IS ENTERED, REQUIRING THE PAYMENT OF
25 CURRENT CHILD SUPPORT, CHILD SUPPORT ARREARS, CHILD SUPPORT DEBT,
26 RETROACTIVE SUPPORT, OR MEDICAL SUPPORT, WHETHER OR NOT SUCH
27 ORDER IS COMBINED WITH AN ORDER FOR MAINTENANCE.

28
29 (6) "CURRENT CHILD SUPPORT" MEANS THE ONGOING PERIODIC
30 SUPPORT OBLIGATION THAT AN OBLIGOR IS REQUIRED TO PAY PURSUANT
31 TO A CHILD SUPPORT ORDER.

32
33 (7) "OBLIGEE" MEANS AN INDIVIDUAL WHO IS OWED CHILD
34 SUPPORT UNDER A CHILD SUPPORT ORDER AND WHO HAS ENTERED OR MAY
35 ENTER INTO A CONTRACT WITH A COLLECTOR.

36
37 (8) "OBLIGOR" MEANS ANY PERSON OWING OR ALLEGED TO OWE
38 A DUTY OF CHILD SUPPORT OR AGAINST WHOM A PROCEEDING FOR THE
39 ESTABLISHMENT OR ENFORCEMENT OF A DUTY TO PAY CHILD SUPPORT IS
40 COMMENCED.

41
42 (9) (a) "PRIVATE CHILD SUPPORT COLLECTOR" OR "COLLECTOR",
43 EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (9), MEANS
44 A PERSON OR ENTITY WHO PERFORMS, OR OFFERS TO PERFORM, A CHILD
45 SUPPORT ENFORCEMENT SERVICE FOR AN OBLIGEE UNDER ONE OR MORE OF
46 THE FOLLOWING CONDITIONS:

47
48 (I) THE OBLIGEE LIVES IN COLORADO AT THE TIME THE CONTRACT
49 IS SIGNED;

50
51 (II) THE COLLECTOR HAS A PLACE OF BUSINESS OR IS LICENSED TO
52 CONDUCT BUSINESS IN COLORADO; OR

53
54 (III) THE COLLECTOR CONTACTS MORE THAN TWENTY-FIVE
55 OBLIGORS PER YEAR WHO LIVE IN COLORADO.

56

1 (b) THE TERM "PRIVATE CHILD SUPPORT COLLECTOR" DOES NOT
2 INCLUDE:

3
4 (I) A PERSON OR ENTITY DESCRIBED IN SECTION 12-14-103 (2) (b);

5
6 (II) A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION
7 UNDER SECTION 501(C)(3) OF THE FEDERAL "INTERNAL REVENUE CODE OF
8 1986" AND CHARGES NO MORE THAN A NOMINAL FEE FOR PROVIDING
9 ASSISTANCE TO ANY OBLIGEE WITH REGARD TO THE COLLECTION OF CHILD
10 SUPPORT;

11
12 (III) AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF
13 COLORADO;

14
15 (IV) AN ENTITY OPERATING AS AN INDEPENDENT CONTRACTOR
16 WITH A COUNTY GOVERNMENT AGENCY THAT CONTRACTS TO PROVIDE
17 SERVICES THAT A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS
18 REQUIRED BY LAW TO PROVIDE; OR

19
20 (V) A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT ACTING
21 PURSUANT TO ARTICLE 13.5 OF TITLE 26, C.R.S.

22
23 (10) "PRIVATE CHILD SUPPORT ENFORCEMENT SERVICE CONTRACT"
24 OR "CONTRACT" MEANS A CONTRACT OR AGREEMENT, AS DESCRIBED IN
25 SECTION 12-14.1-106, PURSUANT TO WHICH A COLLECTOR AGREES TO
26 PERFORM A CHILD SUPPORT ENFORCEMENT SERVICE FOR AN OBLIGEE FOR
27 A FEE.

28
29 (11) "STATE AGENCY" MEANS A GOVERNMENT AGENCY OR ITS
30 CONTRACTUAL AGENT ADMINISTERING A STATE PLAN APPROVED UNDER
31 TITLE IV-D OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED.

32
33 **12-14.1-103. Application of the "Colorado Fair Debt Collection
34 Practices Act".** (1) EXCEPT AS OTHERWISE PROVIDED BY THE
35 PARTICULAR PROVISIONS OF THIS ARTICLE, THIS ARTICLE SUPPLEMENTS
36 THE REQUIREMENTS OF THE "COLORADO FAIR DEBT COLLECTION
37 PRACTICES ACT", ARTICLE 14 OF THIS TITLE, INCLUDING BUT NOT LIMITED
38 TO PROHIBITED PRACTICES, LICENSING, AND ADMINISTRATIVE AND LEGAL
39 ENFORCEMENT AS IT IS APPLIED TO PRIVATE CHILD SUPPORT COLLECTORS.

40
41 (2) ARTICLE 14 OF THIS TITLE ALSO APPLIES TO PRIVATE CHILD
42 SUPPORT COLLECTORS.

43
44 **12-14.1-104. Prohibited practices.** (1) A COLLECTOR MAY NOT
45 ENGAGE IN ANY FRAUDULENT, UNFAIR, DECEPTIVE, OR MISLEADING ACT OR
46 PRACTICE IN SOLICITING AN OBLIGEE TO ENTER INTO A CONTRACT FOR THE
47 PROVISION OF CHILD SUPPORT ENFORCEMENT SERVICES OR IN OFFERING OR
48 PERFORMING A SERVICE PURSUANT TO SUCH A CONTRACT, INCLUDING BUT
49 NOT LIMITED TO THE FOLLOWING:

50
51 (a) IMPOSING A FEE OR CHARGE, INCLUDING COSTS, FOR ANY
52 PAYMENT COLLECTED THROUGH THE EFFORTS OF A FEDERAL, STATE, OR
53 COUNTY AGENCY, INCLUDING BUT NOT LIMITED TO SUPPORT COLLECTED
54 FROM FEDERAL OR STATE INCOME TAX REFUNDS, UNEMPLOYMENT
55 BENEFITS OR SOCIAL SECURITY BENEFITS;

56

1 (b) DESIGNATING A CURRENT CHILD SUPPORT PAYMENT AS
2 ARREARS, INTEREST OR OTHER AMOUNT OWED;
3

4 (c) INTERCEPTING OR REDIRECTING TO THE COLLECTOR ANY
5 CURRENT CHILD SUPPORT OR ARREARS PAID TO THE OBLIGEE IF PAYMENT
6 IS ORDERED TO BE MADE THROUGH A CENTRAL PAYMENT REGISTRY;
7

8 (d) INTERCEPTING, REDIRECTING, OR COLLECTING ANY AMOUNTS
9 OWED TO A GOVERNMENT AGENCY UNDER AN ASSIGNMENT OF RIGHTS
10 RESULTING FROM THE PAYMENT OF PUBLIC ASSISTANCE TO THE OBLIGEE
11 OR OWED TO A STATE AGENCY;
12

13 (e) WHEN A CHILD SUPPORT ORDER DIRECTS THAT PAYMENT BE
14 MADE THROUGH A CENTRAL PAYMENT REGISTRY, SUGGESTING OR
15 INSTRUCTING THAT THE OBLIGOR OR THE OBLIGOR'S EMPLOYER SEND THE
16 PAYMENT TO THE COLLECTOR;
17

18 (f) MAKING A MISLEADING REPRESENTATION OR OMITTING A
19 MATERIAL DISCLOSURE THAT, AS A RESULT, IS MISLEADING WITH RESPECT
20 TO THE IDENTITY OF ANY ENTITY THAT HAS PERFORMED OR MAY PERFORM
21 A CHILD SUPPORT ENFORCEMENT SERVICE FOR ANY OBLIGEE;
22

23 (g) REQUIRING AN OBLIGEE TO SIGN A PRIVATE CHILD SUPPORT
24 ENFORCEMENT CONTRACT THAT DOES NOT CONFORM TO THE PROVISIONS
25 OF SECTION 12-14.1-106;
26

27 (h) SENDING AN INCOME-WITHHOLDING ORDER TO AN ENTITY,
28 UNLESS THE COLLECTOR IS AUTHORIZED BY STATE LAW TO SEND THE
29 INCOME-WITHHOLDING ORDER;
30

31 (i) ACCEPTING A SETTLEMENT OFFER MADE BY AN OBLIGOR
32 BEFORE;
33

34 (I) THE COLLECTOR HAS REVIEWED ALL SETTLEMENT OFFERS WITH
35 THE OBLIGEE; AND
36

37 (II) THE OBLIGEE HAS EXPRESSLY AUTHORIZED THE COLLECTOR TO
38 ACCEPT THE SETTLEMENT OFFER;
39

40 (j) REQUESTING OR REQUIRING AN OBLIGEE TO WAIVE THE RIGHT
41 OF THE OBLIGEE TO ACCEPT A SETTLEMENT OFFER; OR
42

43 (k) COLLECTING OR ATTEMPTING TO COLLECT CURRENT CHILD
44 SUPPORT OR ARREARS AFTER THE OBLIGOR NOTIFIES THE COLLECTOR
45 PURSUANT TO THE PROCEDURE PROVIDED IN SECTION 12-14.1-108 (1) (a)
46 (III) AND (IV) THAT THE OBLIGOR DISPUTES THE EXISTENCE OR AMOUNT OF
47 THE CHILD SUPPORT OBLIGATION AND THE COLLECTOR HAS NOT OBTAINED
48 WRITTEN VERIFICATION OF THE EXISTENCE OR AMOUNT OF THE
49 OBLIGATION OR A COPY OF THE JUDGMENT AGAINST THE OBLIGOR AND
50 MAILED THE OBLIGOR A COPY OF THE VERIFICATION OF JUDGMENT.
51

52 **12-14.1-105. Fees.** (1) A PRIVATE CHILD SUPPORT COLLECTOR
53 MAY NOT CHARGE AN OBLIGEE A FEE UNLESS:
54

55 (a) BEFORE THE OBLIGEE AUTHORIZES THE FEE, THE AMOUNT OF
56 THE FEE, INCLUDING THE BASIS UPON WHICH THE AMOUNT OF THE FEE IS

1 CALCULATED, IS DESCRIBED ACCURATELY TO THE OBLIGEE IN SIMPLE,
2 EASY-TO-UNDERSTAND LANGUAGE; AND

3

4 (b) BEFORE THE OBLIGEE INCURS THE FEE, THE OBLIGEE HAS
5 AUTHORIZED THE FEE IN WRITING.

6

7 (2) A COLLECTOR MAY NOT CHARGE AN OBLIGEE A FEE FOR THE
8 COLLECTION OF CURRENT CHILD SUPPORT THAT IS BASED ON A
9 PERCENTAGE OF THE CURRENT CHILD SUPPORT THAT IS COLLECTED. ANY
10 FEE THAT A COLLECTOR CHARGES FOR THE COLLECTION OF CURRENT
11 SUPPORT SHALL BE BASED ON AN HOURLY RATE FOR SERVICES PERFORMED
12 THAT RESULT IN THE COLLECTION OF CURRENT CHILD SUPPORT. THE
13 HOURLY RATE SHALL BE REASONABLE IN RELATION TO THE SERVICES
14 PERFORMED AND THE AMOUNT COLLECTED, SPECIFIED IN WRITING IN THE
15 CONTRACT, AND SHALL BE SUBJECT TO THE RULEMAKING AUTHORITY OF
16 THE ADMINISTRATOR SET FORTH IN SECTION 12-14.1-113. IF THE
17 COLLECTOR AGREES TO COLLECT CURRENT CHILD SUPPORT FOR THE
18 OBLIGEE, THE COLLECTOR SHALL PROVIDE THE OBLIGEE WITH A WRITTEN
19 ESTIMATE OF FEES FOR THE COLLECTION OF CURRENT CHILD SUPPORT.

20

21 (3) A FEE CHARGED FOR COLLECTION OF ARREARS MUST BE BASED
22 ON THE AMOUNT OF ARREARS COLLECTED. THE AMOUNT OF THE FEE
23 SHALL NOT EXCEED THIRTY PERCENT OF THE ARREARS COLLECTED OR
24 THIRTY PERCENT OF THE LEGALLY AUTHORIZED INTEREST ON THE ARREARS
25 COLLECTED BY THE PRIVATE CHILD SUPPORT COLLECTOR.

26

27 (4) NO OTHER FEES, CHARGES, OR COSTS MAY BE ASSESSED
28 AGAINST THE OBLIGEE, INCLUDING AN APPLICATION FEE.

29

30 (5) A COLLECTOR MAY NOT DEDUCT OR RESERVE FROM CURRENT
31 CHILD SUPPORT ANY AMOUNT OWED BY THE OBLIGEE TO THE COLLECTOR.

32

33 **12-14.1-106. Requirements relating to private child support**
34 **enforcement service contracts.** (1) IN ORDER TO PERFORM A CHILD
35 SUPPORT ENFORCEMENT SERVICE FOR AN OBLIGEE, A COLLECTOR SHALL
36 ENTER INTO A WRITTEN PRIVATE CHILD SUPPORT ENFORCEMENT SERVICE
37 CONTRACT THAT:

38

39 (a) MEETS THE REQUIREMENTS OF THIS SECTION;

40

41 (b) HAS BEEN DELIVERED TO THE OBLIGEE IN A FORM THAT THE
42 OBLIGEE MAY KEEP;

43

44 (c) IS DATED AND SIGNED BY THE OBLIGEE AND AN AUTHORIZED
45 REPRESENTATIVE OF THE COLLECTOR;

46

47 (d) FULLY DISCLOSES EACH TERM OF THE CONTRACT, ANY FEES
48 THAT MAY BE IMPOSED PURSUANT TO THE CONTRACT, AND ANY AMOUNT
49 THAT THE OBLIGEE WOULD BE REQUIRED TO PAY TO THE COLLECTOR FOR
50 SERVICES PERFORMED UNDER SECTION 12.14.1-109 IF THE CONTRACT
51 WERE TO BE CANCELED OR TERMINATED BY THE OBLIGEE; AND

52

53 (e) INCLUDES A COPY OF ANY OTHER DOCUMENT THE COLLECTOR
54 REQUIRES THE OBLIGEE TO SIGN.

55

56

1 (2) BEFORE A COLLECTOR OFFERS OR PROPOSES TO PERFORM A
2 CHILD SUPPORT ENFORCEMENT SERVICE FOR AN OBLIGEE, THE COLLECTOR
3 SHALL DELIVER TO THE OBLIGEE THE NOTICE DEVELOPED PURSUANT TO
4 THE RULE-MAKING DESCRIBED IN SECTION 12-14.1-113 AND SHALL OBTAIN
5 SIGNED VERIFICATION FROM THE OBLIGEE THAT THE OBLIGEE RECEIVED
6 THE NOTICE DESCRIBED IN SECTION 12-14.1-113.

7
8 (3) A PRIVATE CHILD SUPPORT ENFORCEMENT SERVICE CONTRACT
9 SHALL CONTAIN THE FOLLOWING:

10
11 (a) A CLEAR AND ACCURATE STATEMENT ITEMIZING THE PERIODIC
12 AMOUNT OF CURRENT CHILD SUPPORT OWED AND THE AMOUNT OF CHILD
13 SUPPORT ARREARS, INCLUDING ANY ASSOCIATED INTEREST, LATE PAYMENT
14 FEE, OR OTHER COST AUTHORIZED BY LAW, THAT IS TO BE SUBJECT TO
15 COLLECTION PURSUANT TO THE CONTRACT;

16
17 (b) A CLEAR DESCRIPTION OF THE CHILD SUPPORT ENFORCEMENT
18 SERVICES THAT MAY BE PROVIDED PURSUANT TO THE CONTRACT;

19
20 (c) A SCHEDULE OF THE FEES THAT WILL BE CHARGED FOR EACH
21 TYPE OF CHILD SUPPORT ENFORCEMENT SERVICE PERFORMED PURSUANT
22 TO THE CONTRACT;

23
24 (d) A DESCRIPTION OF THE FEES IN SIMPLE, EASY-TO-UNDERSTAND
25 LANGUAGE, INCLUDING ANY TIME LIMITS, MINIMUM OR MAXIMUM FEE
26 AMOUNTS TO BE CHARGED, AND ANY OTHER CONDITIONS APPLICABLE TO
27 THE FEES;

28
29 (e) A GOOD FAITH ESTIMATE OF THE TOTAL AMOUNT OF FEES THAT
30 WILL BE CHARGED PURSUANT TO THE CONTRACT;

31
32 (f) A DESCRIPTION OF THE MONTHLY ACCOUNTING METHOD;

33
34 (g) A BLANK COPY OF THE FORM THAT WILL BE USED TO MAKE THE
35 MONTHLY ACCOUNTING;

36
37 (h) THE FULL LEGAL NAME, PRINCIPAL BUSINESS ADDRESS, AND
38 TELEPHONE NUMBER OF THE COLLECTOR AND ANY AGENTS WHO ASSIST
39 THE COLLECTOR IN PROVIDING A CHILD SUPPORT ENFORCEMENT SERVICE,
40 AND ANY SEPARATE NAME, ADDRESS, AND TELEPHONE NUMBER THAT THE
41 OBLIGEE MAY NEED FOR COMMUNICATION ABOUT THE CASE;

42
43 (i) A COMPLETE AND ACCURATE COPY OF EACH DISCLOSURE AND
44 NOTICE REQUIRED BY THIS ARTICLE SHALL BE PROVIDED TO THE OBLIGEE
45 BEFORE THE OBLIGEE SIGNS THE CONTRACT; AND

46
47 (j) A CONSPICUOUS STATEMENT IN BOLD-FACE TYPE, IN IMMEDIATE
48 PROXIMITY TO AND ON THE SAME PAGE AS THE SPACE RESERVED FOR THE
49 SIGNATURE OF THE OBLIGEE, WHICH SHALL READ AS FOLLOWS:

50
51 YOU MAY CANCEL THIS CONTRACT AT ANY TIME.
52 HOWEVER, IF, AS A RESULT OF OUR EFFORTS, YOU
53 SUBSEQUENTLY RECEIVE CHILD SUPPORT ARREARS, YOU
54 MAY BE OBLIGATED TO PAY A FEE TO US FOR WORK
55 PERFORMED UNDER THE TERMS OF THE CONTRACT.
56

1 (4) A PRIVATE CHILD SUPPORT ENFORCEMENT SERVICE CONTRACT
2 SHALL NOT INCLUDE:

3
4 (a) A MANDATORY ARBITRATION CLAUSE THAT LIMITS THE RIGHTS
5 OF A PERSON TO SEEK JUDICIAL RELIEF FOR A CLAIM ARISING UNDER THE
6 CONTRACT OR THIS ARTICLE;

7
8 (b) A CLAUSE THAT REQUIRES THE OBLIGEE TO CHANGE THE PAYEE
9 OR REDIRECT CHILD SUPPORT PAYMENTS THAT WOULD OTHERWISE BE
10 PAYABLE TO THE OBLIGEE, A STATE AGENCY ADMINISTERING A STATE PLAN
11 APPROVED UNDER TITLE IV-D OF THE FEDERAL "SOCIAL SECURITY ACT",
12 AS AMENDED, OR A CENTRAL PAYMENT REGISTRY, IF PAYMENT IS ORDERED
13 TO BE MADE THROUGH A CENTRAL PAYMENT REGISTRY;

14
15 (c) A CLAUSE THAT REQUIRES THE OBLIGEE TO CLOSE, OR NOT
16 OPEN, A CHILD SUPPORT CASE WITH A COUNTY DELEGATE CHILD SUPPORT
17 ENFORCEMENT UNIT OR STATE AGENCY ADMINISTERING A STATE PLAN
18 APPROVED UNDER TITLE IV-D OF THE FEDERAL "SOCIAL SECURITY ACT",
19 AS AMENDED; AND

20
21 (d) A CLAUSE THAT REQUIRES THE OBLIGEE TO WAIVE HIS OR HER
22 RIGHTS TO REVIEW AND CONSENT TO ANY MODIFICATION OF A CONTRACT
23 ENTERED INTO BY THE OBLIGEE.

24
25 (5) A PRIVATE CHILD SUPPORT ENFORCEMENT CONTRACT MAY NOT
26 BE MODIFIED BY SUBSEQUENT AGREEMENT UNLESS THE OBLIGEE HAS
27 SIGNED THE SUBSEQUENT AGREEMENT AFTER RECEIVING A WRITTEN COPY
28 OF THE MODIFICATIONS.

29
30 (6) A PRIVATE CHILD SUPPORT ENFORCEMENT SERVICE CONTRACT
31 SHALL BE ACCOMPANIED BY A FORM, IN DUPLICATE, THAT HAS THE
32 HEADING "NOTICE OF CANCELLATION" AND CONTAINS A DESCRIPTION OF,
33 IN EASY-TO-UNDERSTAND LANGUAGE, THE CANCELLATION AND
34 TERMINATION PROVISIONS CONTAINED IN SECTION 12-14.1-109, THE
35 CANCELLATION RIGHTS OF THE CONSUMER OBLIGEE CONTAINED IN
36 SECTION 12-14.1-109, AND THE PRINCIPAL BUSINESS ADDRESS OF THE
37 COLLECTOR.

38
39 (7) A COLLECTOR WHO ENTERS INTO A CONTRACT WITH AN
40 OBLIGEE SHALL RETAIN A COPY OF THE SIGNED CONTRACT AND THE
41 STATEMENT SIGNED BY THE OBLIGEE ACKNOWLEDGING RECEIPT OF THE
42 PRELIMINARY NOTICE REQUIRED BY SUBSECTION (2) OF THIS SECTION FOR
43 A PERIOD OF FIVE YEARS AFTER THE COMPLETION OR SETTLEMENT OF THE
44 COLLECTION EFFORTS BY THE COLLECTOR OR TERMINATION OF THE
45 CONTRACT, WHICHEVER EVENT OCCURS FIRST.

46
47 **12-14.1-107. Accounting for collections.** (1) IF AN OBLIGOR
48 OWES CURRENT CHILD SUPPORT PURSUANT TO A CHILD SUPPORT ORDER,
49 AND A COLLECTOR COLLECTS AN AMOUNT OWED BY THE OBLIGOR, THE
50 AMOUNT SHALL FIRST BE CONSIDERED THE COLLECTION OF CURRENT CHILD
51 SUPPORT OWED AT THE TIME THE PAYMENT IS COLLECTED.

52
53 (2) A COLLECTOR SHALL, ON A MONTHLY BASIS, PROVIDE IN
54 WRITING TO THE OBLIGEE AN ACCURATE AND UP-TO-DATE ACCOUNTING
55 THAT MEETS THE REQUIREMENTS OF RULES PROMULGATED BY THE
56 ADMINISTRATOR UNDER SECTION 12.14.1-113. THE ACCOUNTING SHALL BE

1 PROVIDED TO THE OBLIGEE BY MAIL UNLESS THE OBLIGEE REQUESTS IN
2 WRITING THAT THE COLLECTOR PROVIDE THE ACCOUNTING TO THE
3 OBLIGEE THROUGH A SECURE INTERNET CONNECTION.
4

5 (3) IN ADDITION TO THE MONTHLY ACCOUNTING REQUIRED
6 PURSUANT TO SUBSECTION (2) OF THIS SECTION, ON REQUEST OF THE
7 OBLIGEE AT ANY TIME, THE COLLECTOR SHALL PROVIDE THE OBLIGEE WITH
8 ANY INFORMATION PERTAINING TO THE CASE OF THE OBLIGEE, INCLUDING
9 THE INFORMATION DESCRIBED IN THIS SECTION, NOT MORE THAN FIVE
10 BUSINESS DAYS AFTER THE DATE THE COLLECTOR RECEIVES THE REQUEST.
11

12 **12-14.1-108. Verification of account information.** (1) IN LIEU
13 OF SECTION 12-14-109, THE FOLLOWING VERIFICATION PROVISIONS SHALL
14 APPLY TO THE COLLECTION OF CHILD SUPPORT BY A COLLECTOR:
15

16 (a) NOT LATER THAN FIVE DAYS AFTER A COLLECTOR INITIALLY
17 COMMUNICATES WITH AN OBLIGOR ON BEHALF OF AN OBLIGEE WITH
18 RESPECT TO THE COLLECTION OF CHILD SUPPORT DUE, UNLESS THE
19 OBLIGOR HAS PAID THE CHILD SUPPORT, THE COLLECTOR SHALL SEND THE
20 OBLIGOR A WRITTEN NOTICE CONTAINING THE FOLLOWING:
21

22 (I) THE NAME OF THE OBLIGEE;
23

24 (II) A STATEMENT OF THE AMOUNT OF THE CHILD SUPPORT
25 ARREARS, INCLUDING ANY ASSOCIATED INTEREST, LATE PAYMENT FEE, OR
26 OTHER CHARGE AUTHORIZED BY LAW, AND OF THE AMOUNT OF THE
27 CURRENT CHILD SUPPORT OWED BY THE OBLIGOR TO THE OBLIGEE;
28

29 (III) A STATEMENT THAT THE COLLECTOR ASSUMES THAT THE
30 OBLIGOR OWES CURRENT CHILD SUPPORT AND ARREARS TO THE OBLIGEE
31 AND THAT THE AMOUNTS OWED AS DESCRIBED IN THE STATEMENT
32 PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) ARE CORRECT,
33 UNLESS THE OBLIGOR DISPUTES THE EXISTENCE OR AMOUNT OF THE CHILD
34 SUPPORT OBLIGATION WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTICE;
35

36 (IV) A STATEMENT THAT IF, WITHIN THE THIRTY-DAY PERIOD
37 DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), THE OBLIGOR
38 NOTIFIES THE COLLECTOR IN WRITING THAT THE OBLIGOR DISPUTES THE
39 EXISTENCE OR AMOUNT OF THE CHILD SUPPORT OBLIGATION, THE
40 COLLECTOR WILL CEASE EFFORTS TO COLLECT THE CHILD SUPPORT,
41 SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (1), UNTIL THE
42 COLLECTOR:
43

44 (A) OBTAINS WRITTEN VERIFICATION OF THE EXISTENCE OR
45 AMOUNT OF THE OBLIGATION OR A COPY OF THE JUDGMENT AGAINST THE
46 OBLIGOR; AND
47

48 (B) MAILES TO THE OBLIGOR A COPY OF THE VERIFICATION OR
49 JUDGMENT; AND
50

51 (V) A STATEMENT THAT THE ARREARS BALANCE REFLECTED DOES
52 NOT INCLUDE ANY AMOUNTS OWED TO A COUNTY DELEGATE CHILD
53 SUPPORT ENFORCEMENT UNIT OR STATE AGENCY ADMINISTERING A STATE
54 PLAN APPROVED UNDER TITLE IV-D OF THE FEDERAL "SOCIAL SECURITY
55 ACT", AS AMENDED.
56

1 (b) A STATEMENT MADE BY A COLLECTOR PURSUANT TO
2 SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL
3 NOT AFFECT THE ENFORCEABILITY OF A VALID INCOME-WITHHOLDING
4 ORDER OR ASSIGNMENT ISSUED BY AN APPROPRIATE AUTHORITY UNDER
5 STATE LAW FOR CHILD SUPPORT COLLECTION PURPOSES.

6
7 (c) THE FAILURE OF AN OBLIGOR TO DISPUTE THE AMOUNT OR
8 EXISTENCE OF CHILD SUPPORT PURSUANT TO SUBPARAGRAPH (IV) OF
9 PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NOT BE CONSTRUED AS AN
10 ADMISSION OF LIABILITY BY THE OBLIGOR.

11
12 **12-14.1-109. Cancellation or termination of private child**
13 **support enforcement service contract.** (1) AN OBLIGEE MAY CANCEL
14 A PRIVATE CHILD SUPPORT ENFORCEMENT SERVICE CONTRACT WITH A
15 COLLECTOR AT ANY TIME BY NOTIFYING THE COLLECTOR IN WRITING OF
16 THE OBLIGEE'S INTENTION TO DO SO. THE CANCELLATION SHALL BE
17 EFFECTIVE THIRTY DAYS AFTER THE DATE THE NOTICE IS MAILED.

18
19 (2) SUBJECT TO THE PROVISIONS OF SUBSECTION (3) OF THIS
20 SECTION, A PRIVATE CHILD SUPPORT ENFORCEMENT SERVICE CONTRACT
21 MAY PROVIDE THAT, NOTWITHSTANDING THE CANCELLATION OF THE
22 CONTRACT BY THE OBLIGEE, THE COLLECTOR SHALL HAVE THE RIGHT TO
23 RECEIVE A FEE FOR ARREARS COLLECTED UNDER THE CONTRACT IF, AS A
24 RESULT OF THE EFFORTS OF THE COLLECTOR, THE OBLIGEE SUBSEQUENTLY
25 RECEIVES CHILD SUPPORT ARREARS OR INTEREST SUBJECT TO COLLECTION
26 PURSUANT TO THE CONTRACT. NO OTHER FEES OR COSTS SHALL BE
27 ASSESSED FOR THE CANCELLATION OF THE CONTRACT.

28
29 (3) AN OBLIGEE SHALL HAVE NO OBLIGATION PURSUANT TO THE
30 PRIVATE CHILD SUPPORT ENFORCEMENT SERVICE CONTRACT IF:

31
32 (a) THE OBLIGEE CANCELS THE CONTRACT:

33
34 (I) AT ANY TIME BEFORE MIDNIGHT OF THE THIRTIETH BUSINESS
35 DAY AFTER SIGNING THE CONTRACT; OR

36
37 (II) WITHIN TWELVE MONTHS AFTER THE DATE THE CONTRACT WAS
38 ENTERED INTO, AND THE PRIVATE CHILD SUPPORT COLLECTOR HAS FAILED
39 TO COLLECT AT LEAST TWENTY PERCENT OF THE TOTAL AMOUNT OF ANY
40 ARREARS OR INTEREST THAT, AT THE TIME THE CONTRACT WAS ENTERED
41 INTO, WAS SUBJECT TO COLLECTION PURSUANT TO THE CONTRACT OR
42 TWO-THOUSAND DOLLARS WHICHEVER IS LESS; OR

43
44 (b) THE COLLECTOR VIOLATES THIS ARTICLE WITH RESPECT TO THE
45 CONTRACT.

46
47 (4) A CONTRACT SHALL TERMINATE WITHOUT ACTION BY EITHER
48 PARTY ON THE EARLIER OF:

49
50 (a) THE DATE THAT IS THREE YEARS AFTER THE DATE THE OBLIGEE
51 SIGNED THE CONTRACT; OR

52
53 (b) THE DATE ON WHICH ANY CHILD SUPPORT ARREARS SUBJECT TO
54 THE CONTRACT HAVE BEEN PAID IN FULL.

55
56

1 **12-14.1-110. Civil liability.** THE PROVISIONS OF SECTION
2 12-14-113, WITH THE EXCEPTION OF THE STATUTE OF LIMITATIONS SET
3 FORTH IN SUBSECTION (4) OF SAID SECTION, SHALL APPLY TO ANY
4 VIOLATION OF THIS ARTICLE AND ARE IN ADDITION TO AND NOT EXCLUSIVE
5 OF ANY OTHER REMEDIES PROVIDED BY LAW.

6
7 **12-14.1-111. Administrative enforcement.** THIS ARTICLE SHALL
8 BE ENFORCED BY THE ADMINISTRATOR, AS DEFINED IN SECTION 12-14-103
9 (1), AND MAY BE ENFORCED AS PROVIDED IN ARTICLE 14 OF THIS TITLE.
10 EXCEPT AS OTHERWISE PROVIDED IN OR LIMITED BY THIS ARTICLE, ALL
11 RULES ADOPTED PURSUANT TO SECTION 12-14-114 SHALL APPLY TO THIS
12 ARTICLE.

13
14 **12-14.1-112. Statute of limitations.** (1) AN ACTION TO ENFORCE
15 ANY LIABILITY UNDER THIS ARTICLE MAY BE BROUGHT BEFORE THE LATER
16 OF:

17
18 (a) THE END OF THE FIVE-YEAR PERIOD BEGINNING ON THE DATE OF
19 THE OCCURRENCE OF THE VIOLATION INVOLVED; OR

20
21 (b) IN A CASE IN WHICH A COLLECTOR WILLFULLY MISREPRESENTS
22 ANY INFORMATION THAT THE COLLECTOR IS REQUIRED BY ANY PROVISION
23 OF THIS ARTICLE TO DISCLOSE TO AN OBLIGEE AND THE
24 MISREPRESENTATION IS MATERIAL TO THE ESTABLISHMENT OF THE
25 LIABILITY OF THE COLLECTOR TO THE OBLIGEE UNDER THIS ARTICLE, FIVE
26 YEARS AFTER THE DATE THE OBLIGEE DISCOVERS THE
27 MISREPRESENTATION.

28
29 **12-14.1-113. Notice - rules.** (1) THE ADMINISTRATOR SHALL
30 PROMULGATE RULES RELATED TO FEES FOR THE COLLECTION OF CURRENT
31 CHILD SUPPORT IN SECTION 12-14.1-105 (2), THE NOTICE REQUIRED TO BE
32 PROVIDED TO THE OBLIGEE IN SECTION 12-14.1-106 (2), AND THE
33 ACCOUNTING REQUIRED TO BE PROVIDED IN SECTION 12-14.1-107.

34
35 (2) THE NOTICE REQUIRED BY SECTION 12-14.1-106 (2) SHALL, AT
36 A MINIMUM, ADDRESS THE FOLLOWING:

37
38 (a) THE OPTION THAT CHILD SUPPORT COLLECTION SERVICES ARE
39 OFFERED THROUGH GOVERNMENT CHILD SUPPORT COLLECTION SERVICES
40 IN EVERY COUNTY IN COLORADO AND IN EVERY STATE, THE TYPES OF
41 SERVICES AVAILABLE, AND THE AMOUNT OF FEES CHARGED FOR THOSE
42 SERVICES;

43
44 (b) A STATEMENT THAT THE COLLECTOR CANNOT REQUIRE A
45 GOVERNMENT CHILD SUPPORT COLLECTION SERVICE TO SEND PAYMENTS
46 TO ANY PERSON BUT THE OBLIGEE;

47
48 (c) A STATEMENT THAT THE COLLECTOR WILL NOT PROVIDE LEGAL
49 ADVICE OR ACT AS LEGAL COUNSEL FOR THE OBLIGEE;

50
51 (d) A STATEMENT RELATED TO THE RIGHTS THE OBLIGEE HAS
52 PURSUANT TO ARTICLE 14.1 OF THIS TITLE; AND

53
54 (e) A STATEMENT THAT THE OBLIGEE MAY HAVE THE PRIVATE
55 CHILD SUPPORT ENFORCEMENT SERVICE CONTRACT REVIEWED BY AN
56 ATTORNEY AND THAT THE OBLIGEE MAY CANCEL THE CONTRACT AT ANY

1 TIME.

2

3 **SECTION 2.** The introductory portion to 12-14-113 (1) and
4 12-14-113 (3) and (8), Colorado Revised Statutes, are amended to read:

5

6 **12-14-113. Civil liability.** (1) In addition to administrative
7 enforcement pursuant to section 12-14-114 and subject to section
8 12-14-134 and the limitations provided by subsection (9) of this section,
9 and except as otherwise provided by this section, any debt collector or
10 collection agency who fails to comply with any provision of this article
11 OR PRIVATE CHILD SUPPORT COLLECTOR, AS DEFINED IN SECTION
12 12-14.1-102 (9), WHO FAILS TO COMPLY WITH ANY PROVISION OF THIS
13 ARTICLE OR ARTICLE 14.1 OF THIS TITLE, with respect to a consumer is
14 liable to such consumer in an amount equal to the sum of:

15

16 (3) A debt collector, PRIVATE CHILD SUPPORT COLLECTOR, AS
17 DEFINED IN SECTION 12-14.1-102 (9), or collection agency may not be
18 held liable in any action brought pursuant to the provisions of this article
19 if the debt collector or collection agency shows by a preponderance of
20 evidence that the violation was not intentional or grossly negligent and
21 which violation resulted from a bona fide error, notwithstanding the
22 maintenance of procedures reasonably adapted to avoid any such error.

23

24 (8) It shall be an affirmative defense to any action based upon
25 failure of a debt collector, PRIVATE CHILD SUPPORT COLLECTOR, AS
26 DEFINED IN SECTION 12-14.1-102 (9), or collection agency to comply with
27 this section that the debt collector or collection agency believed, in good
28 faith, that the debtor was other than a natural person.

29

30 **SECTION 3.** 12-14-117, Colorado Revised Statutes, is amended
31 BY THE ADDITION OF A NEW SUBSECTION to read:

32

33 **12-14-117. Powers and duties of the administrator.** (5) THE
34 ADMINISTRATOR SHALL ENFORCE THE PROVISIONS OF ARTICLE 14.1 OF THIS
35 TITLE PURSUANT TO SECTION 12-14.1-111.

36

37 **SECTION 4. Effective date - applicability.** This act shall take
38 effect July 1, 2006, and shall apply to contracts entered into on or after
39 said date.

40

41 **SECTION 5. Safety clause.** The general assembly hereby finds,
42 determines, and declares that this act is necessary for the immediate
43 preservation of the public peace, health, and safety."

44

45

46

47 **HB06-1205** be postponed indefinitely.

48

49

50 **HB06-1246** be postponed indefinitely.

51

52

53 **HB06-1248** be postponed indefinitely.

54

55

56

1 **HB06-1273** 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 6, line 3, strike "OR CRIMINAL".
6

7 Page 7, strike line 27 and substitute the following:
8

9 "(a) The decedent if acting through a declaration; ~~instrument~~;"
10

11 Page 8, strike lines 1 through 23 and substitute the following:
12

13 "(b) (I) Either the appointed personal representative or special
14 administrator of the decedent's estate if such person has been appointed;
15 or
16

17 (II) The nominee for appointment as personal representative under
18 the decedent's will if a personal representative or special administrator
19 has not been appointed;
20

21 (c) The surviving spouse of the decedent, if not legally separated
22 from the decedent;
23

24 (d) A majority of the surviving adult children of the decedent;
25 ~~whose whereabouts are reasonably ascertainable~~;
26

27 (e) ~~The~~ A MAJORITY OF THE surviving parents or legal guardians
28 of the decedent, ~~whose whereabouts are reasonably ascertainable~~ WHO
29 SHALL ACT IN WRITING;
30

31 (f) A majority of the surviving adult siblings of the decedent;
32 ~~whose whereabouts are reasonably ascertainable~~;
33

34 (g) The public administrator responsible for the decedent's
35 estate;"
36

37 Reletter succeeding paragraph accordingly.
38

39 Page 10, line 26, strike "CRIMINAL AND".
40

41 Page 13, strike lines 6 through 12.
42

43 Page 14, strike lines 7 and 8 and substitute the following:
44

45 "~~instrument~~ if the wording of the form complies substantially with
46 subsection (1) of this section, the form is properly completed, and the";
47

48 line 25, strike "remains, ~~or ceremonies after the declarant's death~~," and
49 substitute "remains or ceremonies after the declarant's death,".
50

51

52

53 **HB06-1323** be referred favorably to the Committee on Finance.
54

55

56

1 **HB06-1326** 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 9, line 10, strike "A PERSON." and substitute
 6 "ANOTHER."
 7

8
 9 **HB06-1334** be referred to the Committee of the Whole with favorable
 10 recommendation.
 11

12
 13 **HB06-1344** be referred favorably to the Committee on Finance.
 14

15
 16 **HB06-1345** be postponed indefinitely.
 17

18
 19
 20
 21 **STATE, VETERANS, & MILITARY AFFAIRS**

22 After consideration on the merits, the Committee recommends the
 23 following:
 24

25 **HB06-1286** The committee returns herewith HB06-1286 and reports
 26 that said bill has been considered on its merits and voted
 27 upon by the committee in accordance with House Rules,
 28 that the deadline applicable to committees under Joint
 29 Rule 23 (a) (1) has passed, that final action has not been
 30 taken by this committee within said deadline, and that the
 31 Committee on Delayed Bills has not waived said deadline.
 32 Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed
 33 to be postponed indefinitely.
 34

35
 36 **HB06-1290** be postponed indefinitely.
 37

38
 39 **PRINTING REPORT**

40
 41 The Chief Clerk reports the following bills have been correctly printed:
 42 **HB06-1353, 1354, 1355, 1356, 1357.**
 43

44
 45 **MESSAGE FROM THE SENATE**

46
 47 The Senate has passed on Third Reading and returns herewith
 48 HB06-1063.
 49

50 The Senate has passed on Third Reading and transmitted to the Revisor
 51 of Statutes: SB06-154,
 52

53 SB06-068, amended as printed in Senate Journal, February 23, 2006,
 54 page 320.
 55
 56

1 House in recess. House reconvened.
2

3

4

MESSAGE FROM THE SENATE

5

6 Upon announcement of President Fitz-Gerald, Senator Dyer was removed
7 as a sponsor on HB06-1125.

8

9

10

11

MESSAGE FROM THE REVISOR

12

13 We herewith transmit:

14 Without comment, SB06-154.

15 Without comment, as amended, SB06-068.

16

17

18

19

LAY OVER OF CALENDAR ITEMS

20

21 On motion of Representative Madden, the following items on the
22 Calendar were laid over until February 27, retaining place on Calendar:

23

24 Consideration of Third Reading--**HB06-1255, 1309, 1318, 1267.**

25 Consideration of Resolutions--**HJR06-1013, HR06-1006.**

26

27

28

29 On motion of Representative Coleman, the House adjourned until
30 10:00 a.m., February 27, 2006.

31

32

33

34

Approved:
ANDREW ROMANOFF,
Speaker

35 Attest:

36 MARILYN EDDINS,

37 Chief Clerk