

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

Forty-third Legislative Day

Wednesday, February 22, 2006

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian  
2 Church, Denver.

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

5  
6 Pledge of Allegiance led by Andrew LaPlante, Dove Creek High School,  
7 Dove Creek.

8  
9 The roll was called with the following result:

10  
11 Present--64.  
12 Excused--Representative Hefley--1.

13  
14 The Speaker declared a quorum present.

15  
16  
17 On motion of Representative Curry, the reading of the journal of  
18 February 21, 2006, was declared dispensed with and approved as  
19 corrected by the Chief Clerk.

20  
21  
22 **MESSAGE FROM THE SENATE**

23  
24 The Senate has adopted and transmits herewith: SJR06-010.

25  
26  
27  
28 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

29  
30 **SJR06-010** by Senator(s) Windels; also Representative(s) Benefield--  
31 Concerning support of the Colorado campaign for the civic  
32 mission of public schools, and, in connection therewith,  
33 recognizing former Congressman David Skaggs' work in  
34 the area of civic education.

35  
36 On motion of Representative Madden, the rules were suspended and the  
37 resolution given immediate consideration.

38  
39 On motion of Representative Benefield, the resolution was **adopted** by  
40 **viva voce** vote.

41  
42 Co-sponsors added: Roll call of the House.

43

**REPORTS OF COMMITTEES OF REFERENCE****EDUCATION**

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

**HB06-1261** be postponed indefinitely.

**HB06-1263** be postponed indefinitely.

**HB06-1270** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 19, strike "school".

Page 3, line 10, strike "SCHOOL";

line 13, strike "2006-07" and substitute "2007-08";

line 19, strike "JUNE 1, 2006," and substitute "SEPTEMBER 1, 2006,";

line 26, after "PEDIATRICIANS,", insert "AND";

line 27, strike "GROUP, AND THE COMMUNITY." and substitute "GROUP AND A PARENT OF A CHILD RECEIVING SERVICES UNDER THE CHILDREN'S BASIC HEALTH PLAN.".

Page 4, line 4, strike "AN" and substitute "A MODEL";

line 8, after "TO", insert "DISTRICTS THAT HAVE RECEIVED THE APPROVAL OF ANY AFFECTED COUNTIES FOR PARTICIPATION IN THE DEMONSTRATION PROJECT,";

strike lines 16 and 17 and substitute the following:

"(C) SOLICIT PROPOSALS FOR PARTICIPATION IN THE DEMONSTRATION PROJECT FROM SCHOOL DISTRICTS THAT MAY INCLUDE THE ENTIRE SCHOOL DISTRICT OR SELECTED SCHOOLS WITHIN THE SCHOOL DISTRICT;"

line 18, strike "APPLICATIONS" and substitute "PROPOSALS";

line 19, strike "JULY 15, 2006," and substitute "MARCH 1, 2007,";

line 25, after "A", insert "MODEL".

Page 5, line 1, strike "INFORMATION REQUIRED" and substitute "FEDERALLY REQUIRED INFORMATION";

strike line 6 and substitute the following:

"(C) A REQUEST FOR THE APPLICANT'S CONSENT TO SHARE INFORMATION REGARDING THE CHILD'S ELIGIBILITY TO";

1 strike lines 8 through 12 and substitute the following:

2

3 "(D) A LISTING OF ALL OTHER ELIGIBILITY REQUIREMENTS FOR  
4 MEDICAID OR THE CHILDREN'S BASIC HEALTH PLAN;"

5

6 strike line 16 and substitute the following:

7

8 "PROJECT:"

9

10 line 17, strike "BE REIMBURSED" and substitute "MAY SEEK  
11 REIMBURSEMENT";

12

13 line 19, strike "PLAN;" and substitute "PLAN FROM STATE OR FEDERAL  
14 MONEYS AVAILABLE FOR OUTREACH OR ENROLLMENT;"

15

16 line 20, strike "COMPLY" and substitute "SHALL COMPLY";

17

18 line 22, strike "AUGUST 15, 2006," and substitute "JULY 15, 2007,"

19

20 line 24, strike "SCHOOL";

21

22 after line 26, insert the following:

23

24 "(VI) THE STATE DEPARTMENT SHALL INVESTIGATE AND REPORT  
25 TO SCHOOL DISTRICTS PARTICIPATING IN THE DEMONSTRATION PROJECT  
26 WHETHER THE SCHOOL DISTRICTS MAY RECEIVE FEDERAL PARTICIPATION  
27 FOR THE COSTS ASSOCIATED WITH DETERMINING ELIGIBILITY AND  
28 ENROLLING CHILDREN IN MEDICAID OR THE CHILDREN'S BASIC HEALTH  
29 PLAN."

30

31 Renumber succeeding subparagraphs accordingly.

32

33 Page 6, line 3, strike "2009," and substitute "2010,"

34

35 line 12, strike "2009." and substitute "2010."

36

37

38

39 **HB06-1289** be amended as follows, and as so amended, be referred to  
40 the Committee of the Whole with favorable  
41 recommendation:

42

43 Amend printed bill, page 2, strike lines 2 through 20.

44

45 Strike pages 3 and 4.

46

47 Page 5, strike lines 1 through 3 and substitute the following:

48

49 "**SECTION 1. Legislative declaration.** (1) The general  
50 assembly hereby finds that:

51

52 (a) Parental choice in education has been a guiding tenet in  
53 education policy in this state for several years and is a core value of the  
54 statewide system of public education in Colorado;

55

56

1 (b) Parents are in the best position to decide what is best and  
2 appropriate for their children's education, whether the decision pertains  
3 to the educational setting in which the child should be placed, the  
4 educational services the child should receive, or the types of testing in  
5 which the child should participate;

6  
7 (c) The recent enactment of the federal "No Child Left Behind  
8 Act of 2001", 20 U.S.C. sec. 6301 et seq., imposes federal mandates on  
9 states, school districts, public schools, and parents that require, among  
10 other things, all children, regardless of their circumstances, annually to  
11 participate in a series of standardized tests, implemented in this state as  
12 the Colorado student assessment program;

13  
14 (d) For many children, especially children with disabilities or  
15 other learning challenges, participating in the Colorado student  
16 assessment program creates an extremely high level of frustration;

17  
18 (e) Because of the federal test participation mandate, a parent  
19 cannot choose whether participating in the tests is actually in his or her  
20 child's best interests without having to consider the negative  
21 consequences that may be imposed on the child's school and school  
22 district and the state as a result of the child's nonparticipation;

23  
24 (f) A parent who would like to exercise choice and keep his or her  
25 child at home during the testing period often experiences great pressure  
26 from the school district to comply with the testing requirement and may  
27 feel responsible for the penalties imposed on the child's school in the  
28 form of lower academic performance ratings as a result of the child's  
29 nonparticipation;

30  
31 (g) Under current state law, a school receives a weighting factor  
32 of -0.5 for each child who does not participate in a statewide assessment,  
33 and the school fails to make adequate yearly progress under the federal  
34 "No Child Left Behind Act of 2001", 20 U.S.C. sec. 6301 et seq., if more  
35 than five percent of the students do not participate in the statewide  
36 assessment;

37  
38 (h) Thus, the only way a parent can exercise choice with regard  
39 to whether his or her child participates in the Colorado student  
40 assessment program, without harming the child's school or school district,  
41 is to withdraw the child from public school, even though the parent must  
42 continue paying taxes in support of the public school system.

43  
44 (2) The general assembly, therefore, declares that schools should  
45 not be punished for the choices made and actions taken by parents with  
46 regard to participation by their children in the Colorado student  
47 assessment program.";

48  
49 strike line 19 and substitute the following:

50  
51 **"participation - no penalty.** (1) EACH SCHOOL DISTRICT SHALL PROVIDE  
52 INFORMATION TO THE PARENTS OF STUDENTS ENROLLED IN THE SCHOOL  
53 DISTRICT REGARDING EACH PARENT'S ABILITY TO EXERCISE CHOICE OVER  
54 WHETHER HIS OR HER CHILD PARTICIPATES IN THE STATEWIDE  
55 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-409. A SCHOOL  
56 DISTRICT OR A PUBLIC SCHOOL SHALL NOT ENCOURAGE PARENTS TO

1 REMOVE THEIR CHILDREN FROM PARTICIPATING IN THE STATEWIDE  
2 ASSESSMENTS.

3

4 (2) A SCHOOL DISTRICT OR A PUBLIC SCHOOL SHALL NOT".

5

6 Page 6, line 3, strike "(2)" and substitute "(3)".

7

8

9

10

11 **HEALTH & HUMAN SERVICES**

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

14

15 **HB06-1166** be amended as follows, and as so amended, be referred to  
16 the Committee on Appropriations with favorable  
17 recommendation:

18

19 Amend printed bill, page 6, line 16, strike "AND ADDRESS".

20

21 Page 7, line 5, strike "NAME, ADDRESS," and substitute "NAME".

22

23 Page 8, line 3, strike "NAME, SOCIAL SECURITY NUMBER, AND ADDRESS"  
24 and substitute "NAME AND SOCIAL SECURITY NUMBER".

25

26 Page 9, line 11, strike "IN" and substitute "AND MEANS BY";

27

28 after line 15, insert the following:

29

30 "SECTION 2. 12-14-103 (2) (b), Colorado Revised Statutes, is  
31 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

32

33 **12-14-103. Definitions.** As used in this article, unless the context  
34 otherwise requires:

35

36 (2) (b) "Collection agency" does not include:

37

38 (IX) A LIMITED GAMING OR RACING LICENSEE ACTING PURSUANT  
39 TO PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S."

40

41 Renumber succeeding sections accordingly.

42

43

44

45 **HB06-1193** be amended as follows, and as so amended, be referred to  
46 the Committee of the Whole with favorable  
47 recommendation:

48

49 Amend printed bill, page 3, after line 14, insert the following:

50

51 "(8) "VIOLATION OF STANDARDS OF HEALTH CARE PRACTICE"  
52 MEANS, WITH RESPECT TO PATIENT CARE, ANY PRACTICE, PROCEDURE, OR  
53 ACTION OR FAILURE TO ACT THAT VIOLATES ANY LAW, RULE, REGULATION,  
54 OR DECLARATORY RULING ADOPTED PURSUANT TO LAW OR THAT VIOLATES  
55 A PROFESSIONAL CODE OF ETHICS."

56

1 Page 5, line 27, strike "RESTITUTION" and substitute "DAMAGES".

2

3 Page 6, line 2, strike "RESTITUTION" and substitute "DAMAGES".

4

5

6

7 **HB06-1207** be amended as follows, and as so amended, be referred to  
8 the Committee of the Whole with favorable  
9 recommendation:

10

11 Amend printed bill, page 2, line 7, after "AGENCY", insert "FOR THE  
12 PURPOSES OF THE DEMONSTRATION PILOT PROGRAM AUTHORIZED  
13 PURSUANT TO SECTION 26-6-104 (1) (d) (IV), AND WHO IS EMPLOYED";

14

15 line 13, strike "**consent.**" and substitute "**consent - repeal.**";

16

17 strike lines 22 through 26 and substitute the following:

18

19 "(IV) (A) THE DEPARTMENT IS HEREBY AUTHORIZED TO CREATE  
20 AND IMPLEMENT, IN CONJUNCTION WITH THE COUNTY DEPARTMENTS OF  
21 SOCIAL SERVICES, A DEMONSTRATION PILOT PROGRAM TO ALLOW FOR THE  
22 EMPLOYMENT OF A SALARIED FOSTER PARENT BY A CHILD PLACEMENT  
23 AGENCY. A SALARIED FOSTER PARENT SHALL NOT BE A MEMBER OF THE  
24 GOVERNING BOARD OR AN OWNER, OFFICER, OR EXECUTIVE OF THE CHILD  
25 PLACEMENT AGENCY CERTIFYING THE FOSTER CARE HOME, OR A RELATIVE  
26 OF ANY SUCH PERSON.

27

28 (B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1,  
29 2009."

30

31

32

33 **HB06-1212** be amended as follows, and as so amended, be referred to  
34 the Committee of the Whole with favorable  
35 recommendation:

36

37 Amend printed bill, page 3, line 2, strike "PILLS;" and substitute "PILLS  
38 CLEARLY MARKETED FOR THE PURPOSE OF PREVENTING PREGNANCY;"

39

40

41

42 **HB06-1249** be referred to the Committee of the Whole with favorable  
43 recommendation.

44

45

46 **HB06-1277** 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 13, strike lines 11 through 13 and substitute the  
51 following:

52 "professional. ~~The application shall be kept on file by the~~  
53 ~~seventy-two-hour treatment and evaluation facility for at least five years,~~  
54 ~~and~~ A copy OF THE APPLICATION shall be furnished to the person being  
55 evaluated, AND THE APPLICATION SHALL BE RETAINED IN ACCORDANCE  
56 WITH THE PROVISIONS OF SECTION 27-10-120 (3)."

1 Page 23, strike lines 18 and 19 and substitute "records AND RETAINED IN  
2 ACCORDANCE WITH THE PROVISIONS OF SECTION 27-10-120 (3).".

3  
4 Page 34, after line 26, insert the following:

5  
6 **"SECTION 21.** 1-2-103 (5), Colorado Revised Statutes, is  
7 amended to read:

8  
9 **1-2-103. Military service - students - inmates - persons with**  
10 **mental illness.** (5) ~~No~~ A person confined in a state institution for ~~the~~  
11 ~~mentally ill~~ PERSONS WITH MENTAL ILLNESS shall NOT lose the right to  
12 vote because of the confinement.

13  
14 **SECTION 22.** 2-5-119, Colorado Revised Statutes, is amended  
15 to read:

16  
17 **2-5-119. Tax levy on civil actions.** In lieu of the tax imposed by  
18 section 135-4-29, C.R.S. 1963, a tax of one dollar is imposed upon each  
19 action filed in the office of each clerk of a court of record of the state of  
20 Colorado, except criminal actions, cases filed for reviews of findings and  
21 orders of the industrial claim appeals office, petitions relating to the  
22 distribution of estates under sections 15-12-1203 and 15-12-1204, C.R.S.,  
23 petitions relating to ~~the mentally ill or deficient~~ A PERSON WITH A MENTAL  
24 ILLNESS filed under articles 10 to 16 of title 27, C.R.S., cases filed by the  
25 state of Colorado, cases filed by the United States of America or any of  
26 its agencies in any matter under articles 10 to 20 of title 15, C.R.S., and  
27 cases where a party is allowed to sue as a poor person. The tax shall be  
28 paid to the clerk by the party filing the action at the time of such filing.  
29 Each clerk shall keep the taxes so received in a separate fund and remit  
30 them to the state treasurer on the first day of each month for the purpose  
31 of reimbursing the general fund for appropriations made for the use of the  
32 committee on legal services for statutory revision purposes.

33  
34 **SECTION 23.** 12-42-102 (4), Colorado Revised Statutes, is  
35 amended to read:

36  
37 **12-42-102. Definitions.** As used in this article, unless the context  
38 otherwise requires:

39  
40 (4) The practice as a "psychiatric technician" means the  
41 performance for compensation of selected acts requiring interpersonal  
42 and technical skills and includes the administering of selected treatments  
43 and selected medications prescribed by a licensed physician or dentist, in  
44 the care of and in the observation and recognition of symptoms and  
45 reactions of ~~the mentally ill patient or developmentally disabled~~  
46 ~~individual~~ A PATIENT WITH A MENTAL ILLNESS OR DEVELOPMENTAL  
47 DISABILITY under the direction of a licensed physician and the supervision  
48 of a registered professional nurse. The selected acts in the care of ~~the~~  
49 ~~mentally ill patient or developmentally disabled individual~~ A PATIENT  
50 WITH A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY shall not require  
51 the substantial specialized skill, judgment, and knowledge required in  
52 professional nursing.

53  
54 **SECTION 24.** 12-42-111 (3), Colorado Revised Statutes, is  
55 amended to read:

56

1           **12-42-111. Accredited psychiatric technician educational**  
2 **program.** (3) If the requirements of this article for an accredited  
3 psychiatric technician educational program are met, the institution shall  
4 be accredited as a psychiatric technician educational program for  
5 psychiatric technicians for work with ~~mentally ill patients or with~~  
6 ~~developmentally disabled individuals~~ PATIENTS WITH MENTAL ILLNESS OR  
7 DEVELOPMENTAL DISABILITIES, for so long as such institution meets the  
8 requirements of this article.  
9

10           **SECTION 25.** 12-42-116 (1), Colorado Revised Statutes, is  
11 amended to read:  
12

13           **12-42-116. Exclusions.** (1) This article shall not be construed to  
14 affect or apply to the gratuitous care of ~~the mentally ill~~ A PERSON WITH A  
15 MENTAL ILLNESS by friends or members of the family or to any person  
16 taking care of ~~the mentally ill~~ A PERSON WITH A MENTAL ILLNESS for hire  
17 who does not represent himself OR HERSELF or hold himself OR HERSELF  
18 out to the public as a trained or licensed psychiatric technician; but no  
19 one for hire shall hold himself OR HERSELF out as or perform the full  
20 duties of a psychiatric technician who is not a psychiatric technician  
21 licensed under the provisions of this article.  
22

23           **SECTION 26.** 12-43-224 (2) (c), Colorado Revised Statutes, is  
24 amended to read:  
25

26           **12-43-224. Disciplinary proceedings - judicial review - mental**  
27 **and physical examinations - multiple licenses.** (2) (c) ~~No~~ A licensee's  
28 or registrant's right to use a title shall NOT be denied, revoked, or  
29 suspended by any board, ~~nor shall~~ AND a licensee, registrant, or  
30 unlicensed psychotherapist SHALL NOT be placed on probation by any  
31 board pursuant to the grounds established in sections 12-43-222 and  
32 12-43-226, until after a hearing has been conducted if so required  
33 pursuant to section 24-4-105, C.R.S., except as provided for in  
34 emergency situations by section 24-4-104, C.R.S., or except in the event  
35 that a licensee, registrant, or unlicensed psychotherapist has been  
36 adjudicated as ~~mentally ill~~ BEING gravely disabled, mentally retarded,  
37 mentally incompetent, or insane OR AS HAVING A MENTAL ILLNESS by a  
38 court of competent jurisdiction, or except in the event that a licensee,  
39 registrant, or unlicensed psychotherapist violates paragraph (e) of this  
40 subsection (2), in which case, the board that licenses, registers, or  
41 regulates such licensee, registrant, or unlicensed psychotherapist pursuant  
42 to this article is empowered to summarily suspend such person's license,  
43 registration, or listing subject to the limitation of section 24-4-104, C.R.S.  
44

45           **SECTION 27.** 13-9-103 (1) (f), Colorado Revised Statutes, is  
46 amended to read:  
47

48           **13-9-103. Jurisdiction.** (1) The probate court of the city and  
49 county of Denver has original and exclusive jurisdiction in said city and  
50 county of:  
51

52           (f) The administration of guardianships of minors and of mentally  
53 competent persons and of conservatorships of ~~mentally ill~~ PERSONS WITH  
54 MENTAL ILLNESS or mentally deficient persons and of absentees;  
55  
56



1           **SECTION 28.** 13-20-401 (2), Colorado Revised Statutes, is  
2 amended to read:

3  
4           **13-20-401. Definitions.** As used in this part 4, unless the context  
5 otherwise requires:

6  
7           (2) "Patient" means the person upon whom a proposed  
8 electroconvulsive treatment is to be performed; except that nothing in this  
9 part 4 shall be construed to supersede the provisions of article 10 of title  
10 27, C.R.S., or any rule or regulation adopted by the department of human  
11 services pursuant to section 27-10-116 (2), C.R.S., with regard to the care  
12 and treatment of any person unable to exercise written informed consent  
13 or of a ~~mentally ill~~ person WITH A MENTAL ILLNESS.

14  
15           **SECTION 29.** 13-21-117, Colorado Revised Statutes, is amended  
16 to read:

17  
18           **13-21-117. Civil liability - mental health care providers - no**  
19 **duty.** ~~No~~ A physician, social worker, psychiatric nurse, psychologist, or  
20 other mental health professional and ~~no~~ A mental health hospital,  
21 community mental health center or clinic, institution, or their staff shall  
22 NOT be liable for damages in any civil action for failure to warn or protect  
23 any person against a mental health patient's violent behavior, ~~nor shall~~  
24 AND any such person SHALL NOT be held civilly liable for failure to  
25 predict such violent behavior, except where the patient has communicated  
26 to the mental health care provider a serious threat of imminent physical  
27 violence against a specific person or persons. When there is a duty to  
28 warn and protect under the circumstances specified above, the duty shall  
29 be discharged by the mental health care provider making reasonable and  
30 timely efforts to notify any person or persons specifically threatened, as  
31 well as notifying an appropriate law enforcement agency or by taking  
32 other appropriate action including, but not limited to, hospitalizing the  
33 patient. ~~No~~ A physician, social worker, psychiatric nurse, psychologist,  
34 or other mental health professional and ~~no~~ A mental health hospital,  
35 community mental health center or clinic, institution, or their staff shall  
36 NOT be liable for damages in any civil action for warning any person  
37 against or predicting a mental health patient's violent behavior, ~~nor shall~~  
38 AND any such person SHALL NOT be subject to professional discipline for  
39 such warning or prediction. For the purposes of this section, "psychiatric  
40 nurse" means a registered professional nurse as defined in section  
41 12-38-103 (11), C.R.S., who by virtue of postgraduate education and  
42 additional nursing preparation has gained knowledge, judgment, and skill  
43 in psychiatric or mental health nursing. The provisions of this section  
44 shall not apply to the negligent release of a mental health patient from  
45 any mental HEALTH hospital or ward or to the negligent failure to initiate  
46 involuntary seventy-two-hour treatment and evaluation after a personal  
47 patient evaluation determining that the person appears to ~~be mentally ill~~  
48 HAVE A MENTAL ILLNESS and, as a result of ~~such~~ THE mental illness,  
49 appears to be an imminent danger to others.

50  
51           **SECTION 30.** 13-90-107 (1) (m) (IV) (D), Colorado Revised  
52 Statutes, is amended to read:

53  
54           **13-90-107. Who may not testify without consent.** (1) There are  
55 particular relations in which it is the policy of the law to encourage  
56 confidence and to preserve it inviolate; therefore, a person shall not be

1 examined as a witness in the following cases:

2

3

(m) (IV) This paragraph (m) shall not apply in cases in which:

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**SECTION 31.** 14-7-104, Colorado Revised Statutes, is amended to read:

**14-7-104. Application of article.** This article shall not apply to liability for the support of children admitted, committed, or transferred to any public institution of this state supervised by the department of human services for the care, support, maintenance, education, or treatment of ~~the mentally ill~~ or PERSONS WITH MENTAL ILLNESS OR WHO ARE mentally deficient.

**SECTION 32.** 15-14-118 (2) (c), Colorado Revised Statutes, is amended to read:

**15-14-118. Small estate - person under disability - no personal representative.** (2) Such petition shall state so far as known to petitioner:

(c) ~~If mentally ill,~~ THE DATE UPON WHICH AND THE COURT BY WHICH THE PERSON UNDER DISABILITY WAS ADJUDGED AS HAVING A MENTAL ILLNESS, BEING mentally deficient, or BEING disabled; ~~the date upon which, and the court by which the person under disability was so adjudged;~~

**SECTION 33.** 16-5-402 (2) (c), Colorado Revised Statutes, is amended to read:

**16-5-402. Limitation for collateral attack upon trial judgment.** (2) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in subsection (1) of this section shall be:

(c) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the defendant or juvenile to an institution for treatment as a ~~mentally ill~~ person WITH A MENTAL ILLNESS; or

**SECTION 34.** 16-8-121 (1), Colorado Revised Statutes, is amended to read:

**16-8-121. Escape - return to institution.** (1) If any defendant, confined in an institution for the care and treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS or ~~retarded~~ DEVELOPMENTAL DISABILITIES ~~which is~~ under the supervision of the executive director of the department

1 of human services, escapes from such institution, it is the duty of the  
2 chief officer thereof to apply forthwith to the district court for the county  
3 in which the hospital or institution is located for a warrant of arrest  
4 directed to the sheriff of the county, commanding him OR HER forthwith  
5 to take all necessary legal action to effect the arrest of such defendant and  
6 to return him OR HER promptly to the institution; and the fact of an escape  
7 becomes a part of the official record of a defendant and shall be certified  
8 to the committing court as part of the record in any proceeding to  
9 determine whether the defendant is eligible for release from commitment  
10 or eligible for conditional release.

11  
12 **SECTION 35.** 16-20-102 (3), Colorado Revised Statutes, is  
13 amended to read:

14  
15 **16-20-102. Definitions.** As used in this article, unless the context  
16 otherwise requires:

17  
18 (3) "Person of unsound mind" includes the terms "insane person",  
19 "mentally ill person", "PERSON WITH A MENTAL ILLNESS", "mentally  
20 incompetent person", and "lunatic".

21  
22 **SECTION 36.** 17-1-102 (7.5) (a) (I), Colorado Revised Statutes,  
23 is amended to read:

24  
25 **17-1-102. Definitions.** As used in this title, unless the context  
26 otherwise requires:

27  
28 (7.5) (a) "Special needs offender" means a person in the custody  
29 of the department:

30  
31 (I) Who is physically handicapped, ~~mentally ill,~~ or IS  
32 developmentally disabled, OR HAS A MENTAL ILLNESS; or

33  
34 **SECTION 37.** 17-2-209, Colorado Revised Statutes, is amended  
35 to read:

36  
37 **17-2-209. Civil proceedings - inmate subject to parole.** When  
38 an inmate has met all of the requirements to be eligible for parole, but the  
39 board has reason to believe that the offender may ~~be mentally ill~~ HAVE A  
40 MENTAL ILLNESS pursuant to article 10 of title 27, C.R.S., the board shall  
41 initiate civil proceedings pursuant to article 23 of this title and articles 10  
42 to 15 of title 27, C.R.S.

43  
44 **SECTION 38.** 17-23-101 (1) and (3), Colorado Revised Statutes,  
45 are amended to read:

46  
47 **17-23-101. Transfer of inmates who have a mental illness or a  
48 developmental disability.** (1) The executive director, in coordination  
49 with the executive director of the department of human services, is  
50 empowered to transfer an inmate who ~~is mentally ill~~ HAS A MENTAL  
51 ILLNESS or ~~developmentally disabled~~ DEVELOPMENTAL DISABILITY and  
52 cannot be safely confined in a correctional facility to an appropriate  
53 facility operated by the department of human services for observation and  
54 stabilization. The costs associated with care provided in the facility  
55 operated by the department of human services shall continue to be  
56 charged to the department of human services.

1 (3) Except when a person is serving a sentence to the department  
 2 concurrently with a commitment to the department of human services, ~~no~~  
 3 A person who is adjudged to ~~be mentally ill~~ HAVE A MENTAL ILLNESS by  
 4 a court of competent jurisdiction shall NOT be transferred to any  
 5 correctional facility, except upon a finding that the person is so dangerous  
 6 that he or she cannot be safely confined in the Colorado mental health  
 7 institute at Pueblo or Fort Logan. A hearing on the dangerousness of the  
 8 patient shall be conducted pursuant to the provisions of section  
 9 17-23-103.

10

11 **SECTION 39.** 17-27.1-101 (2) (d), Colorado Revised Statutes,  
 12 is amended to read:

13

14 **17-27.1-101. Nongovernmental facilities for offenders -**  
 15 **registration - notifications - penalties.** (2) As used in this section,  
 16 unless the context otherwise requires:

17

18 (d) "Private treatment program" means any residential or  
 19 nonresidential program that provides services, treatment, rehabilitation,  
 20 education, or criminal history-related treatment for supervised or  
 21 unsupervised persons but does not include a private contract prison  
 22 facility, a prison facility operated by a political subdivision of the state,  
 23 a facility providing treatment for ~~the mentally ill or developmentally~~  
 24 ~~disabled~~ PERSONS WITH MENTAL ILLNESS OR DEVELOPMENTAL  
 25 DISABILITIES, or a community corrections program established pursuant  
 26 to article 27 of this title.

27

28 **SECTION 40.** 17-40-101 (2), Colorado Revised Statutes, is  
 29 amended to read:

30

31 **17-40-101. Definitions.** As used in this article, unless the context  
 32 otherwise requires:

33

34 (2) "Diagnostic services" means diagnostic examination and  
 35 evaluation programs, including medical and dental evaluations,  
 36 psychological testing, and academic and vocational assessment.  
 37 "Diagnostic services" also includes identification of special needs, such  
 38 as protective custody, services for ~~the mentally ill or for~~ persons WHO  
 39 HAVE MENTAL ILLNESS OR ~~with~~ developmental disabilities, and special  
 40 arrangements for those deemed potentially disruptive to institutional  
 41 safety and operation.

42

43 **SECTION 41.** The introductory portion to 18-1.3-407 (5) (b) (I),  
 44 Colorado Revised Statutes, is amended to read:

45

46 **18-1.3-407. Sentences - youthful offenders - legislative**  
 47 **declaration - powers and duties of district court - authorization for**  
 48 **youthful offender system - powers and duties of department of**  
 49 **corrections.** (5) (b) (I) An offender who is thought to ~~be mentally ill or~~  
 50 ~~developmentally disabled~~ HAVE A MENTAL ILLNESS OR DEVELOPMENTAL  
 51 DISABILITY by a mental health clinician, as defined by regulation of the  
 52 department of corrections, may be transferred to another facility for a  
 53 period not to exceed sixty days for diagnostic validation of said illness or  
 54 disability. At the conclusion of the sixty-day period, the psychiatrists or  
 55 other appropriate professionals conducting the diagnosis shall forward to  
 56 the executive director of the department of corrections their findings,

1 which at a minimum shall include a statement of whether the offender has  
2 the ability to withstand the rigors of the youthful offender system. If the  
3 diagnosis determines that the offender is incapable of completing the  
4 youthful offender program due to a mental illness or developmental  
5 disability, the executive director shall forward such determination to the  
6 sentencing court. Based on the determination, the sentencing court shall  
7 review the offender's sentence to the youthful offender system and may:

8  
9 **SECTION 42.** 18-8-201.1, Colorado Revised Statutes, is  
10 amended to read:

11  
12 **18-8-201.1. Aiding escape from an institution for the care and**  
13 **treatment of persons with mental illness.** Any person who knowingly  
14 aids the escape of a person who is an inmate of an institution for the care  
15 and treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS and who  
16 knows the person aided is confined in such institution pursuant to a  
17 commitment under article 8 of title 16, C.R.S., commits the offense of  
18 aiding escape from ~~a mental~~ AN INSTITUTION FOR THE CARE AND TREATMENT  
19 OF PERSONS WITH MENTAL ILLNESS, which is a class 5 felony.

20  
21 **SECTION 43.** 19-1-104 (1) (I), Colorado Revised Statutes, is  
22 amended to read:

23  
24 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by  
25 law, the juvenile court shall have exclusive original jurisdiction in  
26 proceedings:

27  
28 (I) For the treatment or commitment pursuant to article 23 of title  
29 17 and articles 10 to 15 of title 27, C.R.S., of a ~~mentally ill or~~  
30 ~~developmentally disabled~~ child WHO HAS A MENTAL ILLNESS OR  
31 DEVELOPMENTAL DISABILITY AND who comes within the court's  
32 jurisdiction under other provisions of this section;

33  
34 **SECTION 44.** 19-1-111 (2) (c), Colorado Revised Statutes, is  
35 amended to read:

36  
37 **19-1-111. Appointment of guardian ad litem.** (2) The court  
38 may appoint a guardian ad litem in the following cases:

39  
40 (c) For a parent, guardian, legal custodian, custodian, person to  
41 whom parental responsibilities have been allocated, stepparent, or spousal  
42 equivalent in dependency or neglect proceedings who has been  
43 determined to ~~be mentally ill or developmentally disabled~~ HAVE A  
44 MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY by a court of competent  
45 jurisdiction; except that, if a conservator has been appointed, the  
46 conservator shall serve as the guardian ad litem. If the conservator does  
47 not serve as guardian ad litem, the conservator shall be informed that a  
48 guardian ad litem has been appointed.

49  
50 **SECTION 45.** 19-2-508 (3) (b) (I), (3) (b) (II), and (3) (b) (III),  
51 Colorado Revised Statutes, are amended to read:

52  
53 **19-2-508. Detention and shelter - hearing - time limits -**  
54 **findings - review - confinement with adult offenders - restrictions.**  
55 (3) (b) (I) If it appears that any juvenile being held in detention or shelter  
56 may be developmentally disabled, as provided in article 10.5 of title 27,

1 C.R.S., the court or detention personnel shall refer the juvenile to the  
 2 nearest community centered board for an eligibility determination. If it  
 3 appears that any juvenile being held in a detention or shelter facility  
 4 pursuant to the provisions of this article may ~~be mentally ill~~ HAVE A  
 5 MENTAL ILLNESS, as provided in sections 27-10-105 and 27-10-106,  
 6 C.R.S., the intake personnel or other appropriate personnel shall contact  
 7 a mental health professional to do a mental health hospital placement  
 8 prescreening on the juvenile. The court shall be notified of the contact  
 9 and may take appropriate action. If a mental health hospital placement  
 10 prescreening is requested, it shall be conducted in an appropriate place  
 11 accessible to the juvenile and the mental health professional. A request  
 12 for a mental health hospital placement prescreening shall not extend the  
 13 time within which a detention hearing shall be held pursuant to this  
 14 section. If a detention hearing has been set but has not yet occurred, the  
 15 mental health hospital placement prescreening shall be conducted prior  
 16 to the hearing; except that the prescreening shall not extend the time  
 17 within which a detention hearing shall be held.

18  
 19 (II) If a juvenile has been ordered detained pending an  
 20 adjudication, disposition, or other court hearing and the juvenile  
 21 subsequently appears to ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as  
 22 provided in section 27-10-105 or 27-10-106, C.R.S., the intake personnel  
 23 or other appropriate personnel shall contact the court with a  
 24 recommendation for a mental health hospital placement prescreening. A  
 25 mental health hospital placement prescreening shall be conducted at any  
 26 appropriate place accessible to the juvenile and the mental health  
 27 professional within twenty-four hours of the request, excluding  
 28 Saturdays, Sundays, and legal holidays.

29  
 30 (III) When the mental health professional finds, as a result of the  
 31 prescreening, that the juvenile may ~~be mentally ill~~ HAVE A MENTAL  
 32 ILLNESS, the mental health professional shall recommend to the court that  
 33 the juvenile be evaluated pursuant to section 27-10-105 or 27-10-106,  
 34 C.R.S.

35  
 36 **SECTION 46.** 19-2-906 (2), Colorado Revised Statutes, is  
 37 amended to read:

38  
 39 **19-2-906. Sentencing hearing.** (2) If the court has reason to  
 40 believe that the juvenile may have A developmental ~~disabilities~~  
 41 DISABILITY, the court shall refer the juvenile to the community centered  
 42 board in the designated service area where the action is pending for an  
 43 eligibility determination pursuant to article 10.5 of title 27, C.R.S. If the  
 44 court has reason to believe that the juvenile may ~~be mentally ill~~ HAVE A  
 45 MENTAL ILLNESS, the court shall order a mental health hospital placement  
 46 prescreening to be conducted in any appropriate place.

47  
 48 **SECTION 47.** 19-2-922 (3) (b) (III), Colorado Revised Statutes,  
 49 is amended to read:

50  
 51 **19-2-922. Juveniles committed to the department of human  
 52 services - evaluation and placement.** (3) (b) (III) If the evaluation  
 53 report states that the juvenile ~~is mentally ill~~ HAS A MENTAL ILLNESS, as  
 54 provided in sections 27-10-105 and 27-10-106, C.R.S., the department of  
 55 human services shall initiate proceedings under article 10 of title 27,  
 56 C.R.S., and notify the court thereof.

1           **SECTION 48.** 19-2-923 (3) (a) and (3) (d), Colorado Revised  
2 Statutes, are amended to read:

3  
4           **19-2-923. Juveniles committed to the department of human**  
5 **services - transfers.** (3) (a) Any juvenile committed to the department  
6 of human services may be transferred temporarily to any state treatment  
7 facility for ~~the mentally ill or for~~ persons with MENTAL ILLNESS OR  
8 developmental disabilities for purposes of diagnosis, evaluation, and  
9 emergency treatment; except that no juvenile may be transferred to a  
10 mental health facility until the juvenile has received a mental health  
11 hospital placement prescreening resulting in a recommendation that the  
12 juvenile be placed in a facility for evaluation pursuant to section  
13 27-10-105 or 27-10-106, C.R.S. No juvenile committed to the  
14 department as an aggravated juvenile offender or violent juvenile offender  
15 shall be transferred until the treatment facility has a secure setting in  
16 which to house the juvenile. The period of temporary transfer pursuant  
17 to this paragraph (a) shall not exceed sixty days.

18  
19           (d) When a juvenile is in continued transferred placement and the  
20 treatment facility and the sending facility agree that the need for  
21 placement of the juvenile is likely to continue beyond the original period  
22 of commitment to the department of human services, the treatment facility  
23 shall initiate proceedings with the court having jurisdiction over the  
24 juvenile under article 10 of title 27, C.R.S., if the juvenile ~~is mentally ill~~  
25 HAS A MENTAL ILLNESS or under article 10.5 of title 27, C.R.S., if the  
26 juvenile has developmental disabilities.

27  
28           **SECTION 49.** 19-3-403 (4), Colorado Revised Statutes, is  
29 amended to read:

30  
31           **19-3-403. Temporary custody - hearing - time limits -**  
32 **restriction.** (4) (a) If it appears that any child being held in a shelter  
33 facility may be developmentally disabled, as provided in article 10.5 of  
34 title 27, C.R.S., the court shall refer the child to the nearest community  
35 centered board for an eligibility determination. If it appears that any  
36 child being held in a shelter facility pursuant to the provisions of this  
37 article may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as provided in  
38 sections 27-10-105 and 27-10-106, C.R.S., the intake personnel or other  
39 appropriate personnel shall contact a mental health professional to do a  
40 mental health prescreening on the child. The court shall be notified of the  
41 contact and may take appropriate action. If a mental health prescreening  
42 is requested, it shall be conducted in an appropriate place accessible to  
43 the child and the mental health professional. A request for a mental health  
44 prescreening shall not extend the time within which a hearing shall be  
45 held pursuant to this section. If a hearing has been set but has not yet  
46 occurred, the mental health prescreening shall be conducted prior to the  
47 hearing; except that the prescreening shall not extend the time within  
48 which a hearing shall be held pursuant to this section.

49  
50           (b) If a child has been ordered detained pending an adjudication,  
51 disposition, or other court hearing and the child subsequently appears to  
52 ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as provided in section 27-10-105  
53 or 27-10-106, C.R.S., the intake personnel or other appropriate personnel  
54 shall contact the court with a recommendation for a mental health  
55 prescreening. A mental health prescreening shall be conducted at any  
56 appropriate place accessible to the child and the mental health

1 professional within twenty-four hours of the request, excluding  
2 Saturdays, Sundays, and legal holidays.

3  
4 (c) When the mental health professional finds, as a result of the  
5 prescreening, that the child may ~~be mentally ill~~ HAVE A MENTAL ILLNESS,  
6 the mental health professional shall recommend to the court that the child  
7 be evaluated pursuant to section 27-10-105 or 27-10-106, C.R.S., and the  
8 court shall proceed as provided in section 19-3-506.

9  
10 (d) Nothing in this subsection (4) shall be construed to preclude  
11 the use of emergency procedures pursuant to section 27-10-105 (1),  
12 C.R.S.

13  
14 **SECTION 50.** 19-3-505 (4) (d), Colorado Revised Statutes, is  
15 amended to read:

16  
17 **19-3-505. Adjudicatory hearing - findings - adjudication.**

18 (4) (d) If it appears from the evidence that the child may ~~be mentally ill~~  
19 ~~or developmentally disabled~~ HAVE A MENTAL ILLNESS OR  
20 DEVELOPMENTAL DISABILITY as these terms are defined in articles 10 and  
21 10.5 of title 27, C.R.S., paragraphs (a) to (c) of this subsection (4) shall  
22 not apply, and the court shall proceed under section 19-3-506.

23  
24 **SECTION 51.** 19-3-506 (1) (b), (1) (c), (1) (e), (2) (a), (3) (a),  
25 and (4), Colorado Revised Statutes, are amended to read:

26  
27 **19-3-506. Child with a mental illness or developmental**  
28 **disability - procedure.** (1) (b) If it appears from the evidence presented  
29 at an adjudicatory hearing or otherwise that a child may ~~be mentally ill~~  
30 HAVE A MENTAL ILLNESS, as defined in sections 27-10-105 and  
31 27-10-106, C.R.S., and the child has not had a mental health prescreening  
32 pursuant to section 19-3-403 (4), the court shall order a prescreening to  
33 determine whether the child requires further evaluation. Such  
34 prescreening shall be conducted as expeditiously as possible, and a  
35 prescreening report shall be provided to the court within twenty-four  
36 hours of the prescreening, excluding Saturdays, Sundays, and legal  
37 holidays.

38  
39 (c) When the mental health professional finds, based upon a  
40 prescreening done pursuant to section 19-3-403 (4) or under this section,  
41 that the child may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as defined in  
42 sections 27-10-105 and 27-10-106, C.R.S., the court shall review the  
43 prescreening report within twenty-four hours, excluding Saturdays,  
44 Sundays, and legal holidays, and order the child placed for an evaluation  
45 at a facility designated by the executive director of the department of  
46 human services for a seventy-two-hour treatment and evaluation pursuant  
47 to section 27-10-105 or 27-10-106, C.R.S. On and after January 1, 1986,  
48 if the child to be placed is in a detention facility, the designated facility  
49 shall admit the child within twenty-four hours after the court orders an  
50 evaluation, excluding Saturdays, Sundays, and legal holidays.

51  
52 (e) If the mental health professional finds, based upon the  
53 prescreening, that the child is ~~not mentally ill~~ DOES NOT HAVE A MENTAL  
54 ILLNESS, the court shall review the prescreening report within twenty-four  
55 hours, excluding Saturdays, Sundays, and legal holidays, and copies of  
56 the report shall be furnished to all parties and their attorneys. Any



1 interested party may request a hearing on the issue of the child's mental  
2 illness, and the court may order additional prescreenings as deemed  
3 appropriate. ~~NO~~ AN order for a seventy-two-hour treatment and  
4 evaluation shall NOT be entered unless a hearing is held and evidence  
5 indicates that the prescreening report is inadequate, incomplete, or  
6 incorrect and that competent professional evidence is presented from a  
7 mental health professional which indicates that mental illness is present  
8 in the child. The court shall make, prior to the hearing, such orders  
9 regarding temporary custody of the child as are deemed appropriate.

10

11 (2) (a) When an evaluation is ordered by the court pursuant to  
12 subsection (1) of this section, the order shall specify the person or agency  
13 to whom the child shall be released when the evaluation indicates that the  
14 child ~~is not mentally ill~~ DOES NOT HAVE A MENTAL ILLNESS.

15

16 (3) (a) When the evaluation conducted pursuant to subsection (1)  
17 of this section states that the child ~~is mentally ill~~ HAS A MENTAL ILLNESS,  
18 as defined in sections 27-10-105 and 27-10-106, C.R.S., the court shall  
19 treat the evaluation report as a certification under section 27-10-107,  
20 C.R.S., and shall proceed pursuant to article 10 of title 27, C.R.S.,  
21 assuming all of the powers granted to a court in such proceedings.

22

23 (4) (a) When the report of the evaluation or eligibility  
24 determination conducted pursuant to subsection (1) of this section states  
25 that the child ~~is not mentally ill or does not have~~ DOES NOT HAVE A  
26 MENTAL ILLNESS OR developmental ~~disabilities~~ DISABILITY, the child shall  
27 be released to the person or agency specified pursuant to subsection (2)  
28 of this section within twenty-four hours after the evaluation has been  
29 completed, excluding Saturdays, Sundays, and legal holidays. The child  
30 shall not be detained unless a new detention hearing is held within  
31 twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and  
32 the court finds at that hearing that secure detention is necessary.

33

34 (b) When the evaluation report or eligibility determination states  
35 that the child ~~is not mentally ill or does not have~~ DOES NOT HAVE A  
36 MENTAL ILLNESS OR developmental ~~disabilities~~ DISABILITY, the court shall  
37 set a time for resuming the hearing on the petition or any other pending  
38 matters.

39

40 **SECTION 52.** 19-3-507 (2), Colorado Revised Statutes, is  
41 amended to read:

42

43 **19-3-507. Dispositional hearing.** (2) If the court has reason to  
44 believe that the child may have developmental disabilities, the court shall  
45 refer the child to the community centered board in the designated service  
46 area where the action is pending for an eligibility determination pursuant  
47 to article 10.5 of title 27, C.R.S. If the court has reason to believe that the  
48 child may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, the court shall order  
49 a mental health prescreening to be conducted in any appropriate place.

50

51 **SECTION 53.** 22-1-102.5 (2) (a) (II) (A), Colorado Revised  
52 Statutes, is amended to read:

53

54 **22-1-102.5. Definition of homeless child.** (2) (a) As used in this  
55 article, unless the context otherwise requires, "homeless child" means:

56

1 (II) A school-aged child who has a primary nighttime residence  
2 that is:

3  
4 (A) A supervised, publicly or privately operated shelter designed  
5 to provide temporary living accommodations, including welfare hotels,  
6 congregate shelters, and transitional housing for ~~the mentally ill~~ PERSONS  
7 WITH MENTAL ILLNESS;

8  
9 **SECTION 54.** 23-23-103 (1) (b), Colorado Revised Statutes, is  
10 amended to read:

11  
12 **23-23-103. Evaluations made - when.** (1) A child may be  
13 referred to the medical center for diagnostic evaluation and study under  
14 the following conditions:

15  
16 (b) Any such judge, for the purpose of determining whether or not  
17 a child under sixteen years of age is ~~mentally ill or developmentally~~  
18 ~~disabled~~ HAS A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY, may  
19 cause any such child to be sent to the center for diagnostic evaluation.

20  
21 **SECTION 55.** 25-1.5-103 (2) (a), Colorado Revised Statutes, is  
22 amended to read:

23  
24 **25-1.5-103. Hospitals and community mental health centers -**  
25 **powers and duties of the department - limitations on rules**  
26 **promulgated by the department.** (2) For purposes of this section,  
27 unless the context otherwise requires:

28  
29 (a) "Community mental health center" means either a physical  
30 plant or a group of services under unified administration and including at  
31 least the following: Inpatient services; outpatient services; day  
32 hospitalization; emergency services; and consultation and educational  
33 services, which services are provided principally for ~~mentally ill~~ persons  
34 WITH MENTAL ILLNESS residing in a particular community in or near  
35 which the facility is situated.

36  
37 **SECTION 56.** 25-1.5-301 (2) (g), Colorado Revised Statutes, is  
38 amended to read:

39  
40 **25-1.5-301. Definitions.** As used in this part 3, unless the context  
41 otherwise requires:

42  
43 (2) "Facility" means:

44  
45 (g) Facilities that provide treatment for ~~mentally ill~~ persons WITH  
46 MENTAL ILLNESS as defined in section 27-10-102 (4.5), C.R.S., except for  
47 those facilities which are publicly or privately licensed hospitals;

48  
49 **SECTION 57.** 25-4-405 (1), Colorado Revised Statutes, is  
50 amended to read:

51  
52 **25-4-405. Examination of persons confined.** (1) All persons  
53 who are confined, detained, or imprisoned in any state, county, or city  
54 hospital OR INSTITUTION for ~~the mentally ill, any institution for the~~  
55 ~~mentally deficient~~ PERSONS WITH MENTAL ILLNESS, the Mount View  
56 school or Lookout Mountain school, any home for dependent children,

1 any reformatory or prison, or any private or charitable institution where  
2 any person may be confined, detained, or imprisoned by order of court in  
3 this state shall be examined for and, if infected, treated for venereal  
4 diseases by the health authorities having jurisdiction. The managing  
5 authorities of any such institutions are directed to make available to the  
6 health authorities such portion of their respective institutions as may be  
7 necessary for a clinic or hospital, wherein all persons who may be  
8 confined or detained or imprisoned in any such institution and who are  
9 infected with venereal diseases may be treated in a manner as prescribed  
10 by the director of the agency within the department of public health and  
11 environment responsible for control of venereal diseases.

12  
13 **SECTION 58.** 26-1-201 (1) (x), Colorado Revised Statutes, is  
14 amended to read:

15  
16 **26-1-201. Programs administered - services provided -**  
17 **department of human services.** (1) This section specifies the programs  
18 to be administered and the services to be provided by the department of  
19 human services. These programs and services include the following:

20  
21 (x) Programs for the care and treatment of ~~the mentally ill~~  
22 PERSONS WITH MENTAL ILLNESS, as specified in article 10 of title 27,  
23 C.R.S.;

24  
25 **SECTION 59.** 27-1-103 (1) (k), Colorado Revised Statutes, is  
26 amended to read:

27  
28 **27-1-103. Duties of executive director - governor acquire water**  
29 **rights.** (1) The duties of the executive director of the department of  
30 human services shall be:

31  
32 (k) To implement the procedures regarding children who are in  
33 detention or who ~~are or may be mentally ill or who~~ have or may have  
34 MENTAL ILLNESS OR developmental disabilities specified in the provisions  
35 of the "Colorado Children's Code" contained in articles 1, 2, and 3 of title  
36 19, C.R.S.;

37  
38 **SECTION 60.** 27-1-109, Colorado Revised Statutes, is amended  
39 to read:

40  
41 **27-1-109. Rules and regulations.** Pursuant to section 24-4-103,  
42 C.R.S., the executive director of the department of human services shall  
43 promulgate such rules and regulations as are necessary to implement the  
44 provisions of this part 1 and the procedures specified in sections  
45 19-2-508, 19-2-906, 19-2-922, 19-2-923, 19-3-403, 19-3-506, 19-3-507,  
46 and 19-3-508, C.R.S., regarding children who are in detention or who ~~are~~  
47 ~~or may be mentally ill or who~~ have or may have MENTAL ILLNESS OR  
48 developmental disabilities.

49  
50 **SECTION 61.** 27-1-110 (1.7) (a), Colorado Revised Statutes, is  
51 amended to read:

52  
53 **27-1-110. Employment of personnel - screening of applicants**  
54 **- disqualifications from employment.** (1.7) The employment screening  
55 and disqualification requirements in this section apply to the following  
56 facilities or programs operated by the state department:

1 (a) Any facility operated by the state department for the care and  
 2 treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS pursuant to  
 3 article 10 of this title;

4  
 5 **SECTION 62.** 27-1-205 (2) (e), Colorado Revised Statutes, is  
 6 amended to read:

7  
 8 **27-1-205. Standards for approval.** (2) In approving or rejecting  
 9 local general or psychiatric hospitals, community mental health centers,  
 10 and other agencies for the purchase of services not provided by local  
 11 mental health clinics, including, but not limited to, twenty-four-hour and  
 12 partial hospitalization, the executive director of the department of human  
 13 services shall consider the following factors:

14  
 15 (e) The methods by which the agency coordinates its services with  
 16 those rendered by other agencies to ~~assure to the mentally ill person an~~  
 17 ~~uninterrupted chain of care~~ ENSURE AN UNINTERRUPTED CONTINUUM OF  
 18 CARE TO PERSONS WITH MENTAL ILLNESS;

19  
 20 **SECTION 63.** 27-10.3-103 (1), Colorado Revised Statutes, is  
 21 amended to read:

22  
 23 **27-10.3-103. Definitions.** As used in this article, unless the  
 24 context otherwise requires:

25  
 26 (1) "Child at risk of out-of-home placement" means a child who  
 27 has been diagnosed as ~~a mentally ill person~~ HAVING A MENTAL ILLNESS,  
 28 as defined in section 27-10-102 (7), and who requires the level of care  
 29 provided in a residential child care facility pursuant to section 26-4-527,  
 30 C.R.S., and who, although not otherwise categorically eligible for  
 31 medicaid, is determined to be eligible for social security income and  
 32 therefore medicaid-eligible because of the child's need for mental health  
 33 services and for whom it is not appropriate or warranted to file an action  
 34 in dependency or neglect pursuant to article 3 of title 19, C.R.S.

35  
 36 **SECTION 64.** 27-10.5-135 (1), Colorado Revised Statutes, is  
 37 amended to read:

38  
 39 **27-10.5-135. Terminology.** (1) Whenever the terms "insane",  
 40 "insanity", "mentally or mental incompetent", "mental incompetency", or  
 41 "of unsound mind" are used in the laws of the state of Colorado, they  
 42 shall be deemed to refer to the insane, as defined in section 16-8-101,  
 43 C.R.S., ~~mentally ill or gravely disabled, as defined in section 27-10-102,~~  
 44 or TO a person with a developmental disability, as defined in section  
 45 27-10.5-102, as the context of the particular law requires.

46  
 47 **SECTION 65.** 27-12-101 (1), Colorado Revised Statutes, is  
 48 amended to read:

49  
 50 **27-12-101. Liability.** (1) When any person is admitted,  
 51 committed, or transferred to any public institution of this state supervised  
 52 by the department of human services for the care, support, maintenance,  
 53 education, or treatment of ~~the mentally ill or mentally deficient, such~~  
 54 PERSONS WITH MENTAL ILLNESS, THE person, his OR HER spouse, and his  
 55 OR HER parents shall be liable for the costs of ~~the~~ HIS OR HER care,  
 56 support, maintenance, and treatment ~~of such person~~ to the extent and in

1 the manner provided in this article. No other relatives of ~~such~~ THE person  
2 shall be liable to any extent for such costs.

3

4 **SECTION 66.** 27-13-101 (1), Colorado Revised Statutes, is  
5 amended to read:

6

7 **27-13-101. Institute established.** (1) There is hereby established  
8 the Colorado mental health institute at Pueblo for the treatment and cure  
9 of ~~such persons as may become mentally ill~~ WHO MAY HAVE MENTAL  
10 ILLNESS from any cause and ~~such~~ FOR other persons in state institutions  
11 on an inpatient and outpatient basis and in state programs relating to the  
12 treatment of alcoholism and drugs who may require medical care and  
13 treatment within the capabilities of the staff and facilities of the institute.

14

15 **SECTION 67.** 30-28-115 (2) (b.5), Colorado Revised Statutes,  
16 is amended to read:

17

18 **30-28-115. Public welfare to be promoted - legislative**  
19 **declaration - construction.** (2) (b.5) The general assembly declares that  
20 the establishment of state-licensed group homes for the exclusive use of  
21 persons with mental illness as that term is defined in section 27-10-102,  
22 C.R.S., is a matter of statewide concern and that a state-licensed group  
23 home for eight persons with mental illness is a residential use of property  
24 for zoning purposes, as defined in section 31-23-301 (4), C.R.S. A group  
25 home for persons with mental illness established under this paragraph  
26 (b.5) shall not be located within seven hundred fifty feet of another such  
27 group home or of another group home as defined in paragraphs (a) and  
28 (b) of this subsection (2), unless otherwise provided for by the county.  
29 ~~No~~ A person shall NOT be placed in a group home without being screened  
30 by either a professional person, as defined in section 27-10-102 (11),  
31 C.R.S., or any other such mental health professional designated by the  
32 director of a facility, which facility is approved by the executive director  
33 of the department of human services pursuant to section 27-1-103, C.R.S.  
34 Persons determined to be not guilty by reason of insanity to a violent  
35 offense shall not be placed in such group homes, ~~nor shall~~ AND any  
36 person who has been convicted of a felony involving a violent offense  
37 SHALL NOT be eligible for placement in such group homes. The  
38 provisions of this paragraph (b.5) shall be implemented, where  
39 appropriate, by the rules of the department of public health and  
40 environment concerning residential treatment facilities for ~~the mentally~~  
41 ~~ill~~ PERSONS WITH MENTAL ILLNESS. Nothing in this paragraph (b.5) shall  
42 be construed to exempt such group homes from compliance with any  
43 state, county, or municipal health, safety, and fire codes.

44

45 **SECTION 68.** 31-23-301 (4), Colorado Revised Statutes, is  
46 amended to read:

47

48 **31-23-301. Grant of power.** (4) ~~No~~ A statutory or home rule  
49 city or town or city and county shall NOT enact an ordinance prohibiting  
50 the use of a state-licensed group home for either ~~the developmentally~~  
51 ~~disabled or the mentally ill which~~ PERSONS WITH DEVELOPMENTAL  
52 DISABILITIES OR MENTAL ILLNESS THAT serves not more than eight  
53 ~~developmentally disabled~~ persons WITH DEVELOPMENTAL DISABILITIES or  
54 eight ~~mentally ill~~ persons WITH MENTAL ILLNESS and appropriate staff as  
55 a residential use of property for zoning purposes. As used in this  
56 subsection (4), the phrase "residential use of property for zoning

1 purposes" includes all forms of residential zoning and specifically,  
2 although not exclusively, single-family residential zoning.

3

4 **SECTION 69.** 31-23-303 (2) (b.5), Colorado Revised Statutes,  
5 is amended to read:

6

7 **31-23-303. Legislative declaration.** (2) (b.5) The general  
8 assembly declares that the establishment of state-licensed group homes  
9 for the exclusive use of ~~mentally ill~~ persons WITH MENTAL ILLNESS as that  
10 term is defined in section 27-10-102, C.R.S., is a matter of statewide  
11 concern and that a state-licensed group home for eight persons with  
12 mental illness is a residential use of property for zoning purposes, as  
13 defined in section 31-23-301 (4). A group home for persons with mental  
14 illness established under this paragraph (b.5) shall not be located within  
15 seven hundred fifty feet of another such group home, unless otherwise  
16 provided for by the municipality. ~~No~~ A person shall NOT be placed in a  
17 group home without being screened by either a professional person, as  
18 defined in section 27-10-102 (11), C.R.S., or any other such mental  
19 health professional designated by the director of a facility, which facility  
20 is approved by the executive director of the department of human services  
21 pursuant to section 27-1-103, C.R.S. Persons determined to be not guilty  
22 by reason of insanity to a violent offense shall not be placed in such  
23 group homes, ~~nor shall~~ AND any person who has been convicted of a  
24 felony involving a violent offense SHALL NOT be eligible for placement  
25 in such group homes. The provisions of this paragraph (b.5) shall be  
26 implemented, where appropriate, by the rules of the department of public  
27 health and environment concerning residential treatment facilities for ~~the~~  
28 ~~mentally ill~~ PERSONS WITH MENTAL ILLNESS. Nothing in this paragraph  
29 (b.5) shall be construed to exempt such group homes from compliance  
30 with any state, county, or municipal health, safety, and fire codes.

31

32 **SECTION 70.** 33-4-104 (1), Colorado Revised Statutes, is  
33 amended to read:

34

35 **33-4-104. Free licenses issued - when.** (1) Any active or retired  
36 member of the United States armed forces while stationed as a resident  
37 patient at any United States armed forces hospital or convalescent station  
38 located within Colorado, any resident patient at a veterans administration  
39 hospital and resident patients of any state ~~mental~~ institution FOR THE  
40 TREATMENT OF PERSONS WITH MENTAL ILLNESS or other mental health  
41 institution in Colorado while under supervision of a proper staff member  
42 thereof, and any resident who is totally and permanently disabled as  
43 determined by the social security administration or the division of labor  
44 or pursuant to rule or regulation of the commission may obtain a fishing  
45 license free of charge, valid for taking fish during the period of residency  
46 only, under rules and regulations of the commission.

47

48 **SECTION 71.** 42-2-116 (5), Colorado Revised Statutes, is  
49 amended to read:

50

51 **42-2-116. Restricted license.** (5) The department is authorized  
52 after examination to issue a restricted license to a ~~mentally ill or~~  
53 ~~developmentally disabled~~ person WITH A MENTAL ILLNESS OR A  
54 DEVELOPMENTAL DISABILITY, containing such restrictions as may be  
55 imposed upon said person by a court pursuant to part 3 or part 4 of article  
56 14 of title 15, C.R.S., or section 27-10-109 (4) or 27-10-125, C.R.S.

1           **SECTION 72.** 42-4-1702 (2) (c), Colorado Revised Statutes, is  
2 amended to read:

3  
4           **42-4-1702. Alcohol- or drug-related traffic offenses - collateral**  
5 **attack.** (2) In recognition of the difficulties attending the litigation of  
6 stale claims and the potential for frustrating various statutory provisions  
7 directed at repeat offenders, former offenders, and habitual offenders, the  
8 only exceptions to the time limitations specified in paragraph (a) of this  
9 subsection (1) shall be:

10  
11           (c) Where the court hearing the collateral attack finds by a  
12 preponderance of the evidence that the failure to seek relief within the  
13 applicable time period was caused by an adjudication of incompetence or  
14 by commitment of the violator to an institution for treatment as a ~~mentally~~  
15 ~~ill~~ person WITH A MENTAL ILLNESS; or

16  
17           **SECTION 73.** 42-4-1708 (5) (b) (III), Colorado Revised Statutes,  
18 is amended to read:

19  
20           **42-4-1708. Traffic infractions - proper court for hearing,**  
21 **burden of proof - appeal - collateral attack.** (5) (b) In recognition of  
22 the difficulties attending the litigation of stale claims and the potential for  
23 frustrating various statutory provisions directed at repeat offenders,  
24 former offenders, and habitual offenders, the only exceptions to the time  
25 limitations specified in paragraph (a) of this subsection (5) shall be:

26  
27           (III) Where the court hearing the collateral attack finds by a  
28 preponderance of the evidence that the failure to seek relief within the  
29 applicable time period was caused by an adjudication of incompetence or  
30 by commitment of the violator to an institution for treatment as a ~~mentally~~  
31 ~~ill~~ person WITH A MENTAL ILLNESS; or".

32  
33 Renumber succeeding section accordingly.

34  
35  
36  
37 **HB06-1299** be amended as follows, and as so amended, be referred to  
38 the Committee of the Whole with favorable  
39 recommendation:

40  
41 Amend printed bill, page 2, strike line 6 and substitute the following:

42  
43 **"requirements.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
44 OTHERWISE REQUIRES, "PROVIDER" MEANS A PERSON OR ENTITY THAT  
45 DELIVERS DISPOSABLE MEDICAL SUPPLIES OR DURABLE MEDICAL  
46 EQUIPMENT PRODUCTS OR SERVICES DIRECTLY TO A RECIPIENT.

47  
48           (2) ON AND AFTER JANUARY 1, 2007, THE STATE BOARD ".  
49

50 Renumber succeeding subsection accordingly.

51  
52 line 11, after "(a)", insert "(I)";

53  
54 line 19, strike "(b)" and substitute "(II)";

55  
56 line 22, strike "(c)" and substitute "(III)";

1 line 24, strike "(d)" and substitute "(IV)";

2

3 line 25, strike "BOARD." and substitute "BOARD; OR";

4

5 after line 25, insert the following:

6

7 "(b) CONTRACTS WITH A PROVIDER WHO MEETS THE CRITERIA  
8 ESTABLISHED IN SUBPARAGRAPH (a) OF THIS SUBSECTION (2).".

9

10

11

12

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### PRINTING REPORT

13

14 The Chief Clerk reports the following bills have been correctly printed:

15 **HB06-1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352; HCR06-1003.**

16

17

18

---

House in recess. House reconvened.

19

20

21 On motion of Representative M. Carroll, the House resolved itself into  
22 Committee of the Whole for consideration of General Orders, and she  
23 was called to the Chair to act as Chairman.

24

25

26

27

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### GENERAL ORDERS--SECOND READING OF BILLS

28

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

33

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

36

37 **HB06-1126** by Representative(s) Green, Benefield, Butcher, Coleman,  
38 Frangas, Garcia, Lindstrom, Solano; also Senator(s)  
39 Tochtrop--Concerning the safety of children's products.

40

41 (Previously amended as printed in House Journal, February 17, pages  
42 385-386.)

43

44 Amendment No. 2, by Representative Green.

45

46 Amend printed bill, page 4, line 26, strike "(a)".

47

48 Page 5, strike lines 7 through 10;

49

50 line 11, strike "AFFIX A LABEL TO ALL CHILDREN'S";

51

52 line 12, strike "PRODUCTS" and substitute "PROVIDE TO THE COMMERCIAL  
53 DEALER, AND THE COMMERCIAL DEALER SHALL PROMPTLY MAKE  
54 AVAILABLE, INFORMATION THAT INCLUDES WHETHER THERE IS A  
55 WARRANTY FOR A CHILDREN'S PRODUCT, AND, IF SO, DETAILS OF THE  
56 WARRANTY AND".



1 Page 7, strike line 5 and 6 and substitute the following:

2

3 "SHALL PAY A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE  
4 THAN TWO HUNDRED FIFTY DOLLARS."

5

6 As amended, referred to the Committee on Appropriations.

7

8 **HB06-1309** by Representative(s) McGihon, Madden, Plant, Romanoff;  
9 also Senator(s) Grossman, Fitz-Gerald, Groff--Concerning  
10 increased authority to protect air quality.

11

12 Amendment No. 1, by Representative McGihon.

13

14 Amend printed bill, page 3, line 25, strike "ARE MORE" and substitute  
15 "HAVE BEEN PROMULGATED PURSUANT TO SECTION 25-7-105.1 (1), and  
16 an";

17

18 strike line 26.

19

20 Page 4, strike lines 1 through 8 and substitute the following:

21

22 "SECTION 3. 25-7-105.1 (1), Colorado Revised Statutes, is  
23 amended to read:

24

25 **25-7-105.1. Federal enforceability - anti-backsliding.** (1) To  
26 the extent that any provision of this article or any";

27

28 strike lines 20 through 27.

29

30 Strike page 5.

31

32 Page 6, strike lines 1 through 19 and substitute the following:

33

34 "state authority shall not constitute part of the state implementation plan;  
35 EXCEPT THAT, IF A CHANGE IN FEDERAL LAW CAUSES A COLORADO RULE  
36 OR STANDARD TO NO LONGER BE REQUIRED BY OR TO BECOME OTHERWISE  
37 MORE STRINGENT THAN FEDERAL LAW AS SPECIFIED IN THIS SUBSECTION  
38 (1), THE COMMISSION MAY RETAIN SUCH RULE OR STANDARD IF IT IS  
39 ALREADY PART OF THE STATE IMPLEMENTATION PLAN OR OTHER  
40 FEDERALLY-APPROVED PROGRAM AND MAY PROMULGATE A RULE OR  
41 STANDARD TO BE SUBMITTED AS A FEDERALLY-APPROVED PROGRAM TO  
42 THE EXTENT THAT THE RULE OR STANDARD PREVENTS THE CHANGE IN  
43 FEDERAL LAW FROM CAUSING AN INCREASE IN EMISSIONS OVER CURRENT  
44 LEVELS OR A VIOLATION OF A STANDARD."

45

46 Amendment No. 2, by Representative McGihon.

47

48 Amend proposed floor amendment, (HB1309\_L.012), page 1, strike line  
49 7 and substitute the following:

50

51 "amended, and the said 25-7-105.1 is further amended BY THE  
52 ADDITION OF A NEW SUBSECTION, to read:";

53

54 line 12, strike "19" and substitute "11";

55

56 line 23, strike "STANDARD." and substitute the following:

1 "STANDARD.

2  
3 (4) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A  
4 RULE OR STANDARD TO PREVENT OR REDUCE AIR POLLUTION FROM A  
5 SOURCE LISTED IN SECTION 25-7-109 (8), A LOCOMOTIVE THAT IS NOT A  
6 NEW LOCOMOTIVE, OR A STEAM LOCOMOTIVE, AS THOSE TERMS ARE  
7 DEFINED IN THE REGULATIONS IMPLEMENTING THE FEDERAL ACT, THAT IS  
8 MORE STRINGENT THAN OR IS OTHERWISE NOT REQUIRED BY THE FEDERAL  
9 ACT OR IMPLEMENTING REGULATIONS AS SPECIFIED IN SUBSECTION (1) OF  
10 THIS SECTION, SHALL NOT BE INCLUDED OR RETAINED AS PART OF THE  
11 STATE IMPLEMENTATION PLAN OR OTHER FEDERALLY-APPROVED  
12 PROGRAM.

13  
14 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (4),  
15 THE COMMISSION".".

16  
17 As amended, ordered engrossed and placed on the Calendar for Third  
18 Reading and Final Passage.

19  
20 **HB06-1090** by Representative(s) Green; also Senator(s) Tupa --  
21 Concerning unlawful sexual behavior.

22  
23 Amendment No. 1, Judiciary Report, dated February 14, 2006, and placed  
24 in member's bill file; Report also printed in House Journal, February 15,  
25 pages 348-351.

26  
27 Amendment No. 2, by Representatives Gardner and Madden.

28  
29 Amend the Judiciary Committee Report, dated February 14, 2006, page  
30 5, line 9, strike "AWARD." and substitute "AWARD. ANY DAMAGES  
31 AWARDED SHALL BE AWARDED CONSISTENT WITH THE LIMITATIONS ON  
32 DAMAGES FOR NONECONOMIC LOSS OR INJURY AS SPECIFIED IN SECTION  
33 13-21-102.5 AND THE LIMITATIONS ON EXEMPLARY DAMAGES AS SPECIFIED  
34 IN SECTION 13-21-102.".

35  
36 Amendment No. 3, by Representative Marshall.

37  
38 Amend the Judiciary Committee Report, dated February 14, 2006, page  
39 1, strike lines 1 through 17 and substitute the following:

40  
41 "Amend printed bill, page 4, strike lines 22 through 27.

42  
43 Strike pages 5 through 9.

44  
45 Page 10, strike lines 1 through 19.

46  
47 Renumber succeeding sections accordingly."

48  
49 Page 2 of the committee report, strike lines 1 through 20.

50  
51 Amendment No. 4, by Representative Gardner.

52  
53 Amend printed bill, page 14, after line 24, insert the following:

54  
55 "(4.5) (a) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY  
56 CAUSE OF ACTION BASED ON VICARIOUS LIABILITY THAT IS BROUGHT

1 AGAINST A PERSON OR ENTITY THAT IS NOT THE PERPETRATOR OF THE  
2 SEXUAL ASSAULT OR THE SEXUAL OFFENSE AGAINST A CHILD ON WHICH  
3 THE CAUSE OF ACTION IS BASED IF:

4  
5 (I) THE PERSON OR ENTITY KNEW, HAD REASON TO KNOW, OR WAS  
6 OTHERWISE ON NOTICE OF ANY UNLAWFUL SEXUAL CONDUCT BY THE  
7 PERPETRATOR WHO, AT THE TIME OF THE CONDUCT, WAS AN EMPLOYEE,  
8 VOLUNTEER, REPRESENTATIVE, OR AGENT OF THE PERSON OR ENTITY; AND  
9

10 (II) THE PERSON OR ENTITY FAILED TO TAKE REASONABLE STEPS  
11 AND IMPLEMENT REASONABLE SAFEGUARDS TO AVOID PROSPECTIVE ACTS  
12 OF UNLAWFUL SEXUAL CONDUCT BY THE PERPETRATOR, INCLUDING BUT  
13 NOT LIMITED TO PREVENTING OR AVOIDING PLACEMENT OF THE  
14 PERPETRATOR IN A POSITION, FUNCTION, OR ENVIRONMENT IN WHICH  
15 CONTACT WITH CHILDREN IS AN ESSENTIAL PART OF THE POSITION,  
16 FUNCTION, OR ENVIRONMENT.

17  
18 (b) FOR PURPOSES OF THIS SUBSECTION (4.5), MERELY PROVIDING  
19 OR REQUIRING COUNSELING SHALL BE DEEMED INSUFFICIENT TO  
20 CONSTITUTE A REASONABLE STEP OR REASONABLE SAFEGUARD TO AVOID  
21 PROSPECTIVE ACTS OF UNLAWFUL SEXUAL CONDUCT.

22  
23 (c) THE PROVISIONS OF THIS SUBSECTION (4.5) SHALL APPLY TO  
24 CAUSES OF ACTION ACCRUING ON OR AFTER JULY 1, 2006, AND TO CAUSES  
25 OF ACTION ACCRUING BEFORE JULY 1, 2006, IF THE APPLICABLE STATUTE  
26 OF LIMITATIONS, AS IT EXISTED PRIOR TO JULY 1, 2006, HAS NOT YET RUN  
27 ON JULY 1, 2006."

28  
29 As amended, ordered engrossed and placed on the Calendar for Third  
30 Reading and Final Passage.

31  
32 **HB06-1123** by Representative(s) Harvey; also Senator(s) Wiens--  
33 Concerning criminalizing running away from home.

34  
35 Amendment No. 1, Judiciary Report, dated February 14, 2006, and placed  
36 in member's bill file; Report also printed in House Journal, February 15,  
37 pages 351-352.

38  
39 As amended, ordered engrossed and placed on the Calendar for Third  
40 Reading and Final Passage.

41  
42 **HB06-1268** by Representative(s) Riesberg; also Senator(s) Bacon --  
43 Concerning the right of cemeteries to reclaim abandoned  
44 interment sites.

45  
46 Amendment No. 1, by Representative May.

47  
48 Amend printed bill, page 3, after line 2, insert the following:

49 "(c) REPORT INFORMATION ON THE LOT, GRAVE SPACE, NICHE, OR  
50 CRYPT TO THE STATE TREASURER IN ACCORDANCE WITH SECTION  
51 38-13-110, C.R.S.";

52  
53 line 11, strike "SIXTY";

54  
55 strike line 12 and substitute the following:  
56 "THE TWO-YEAR PERIOD DESCRIBED IN";

1 line 13, strike "(b)" and substitute "(c)".

2

3 Page 4, after line 15, insert the following:

4

5 "(c) REPORT INFORMATION ON THE LOT, GRAVE SPACE, NICHE, OR  
6 CRYPT TO THE STATE TREASURER IN ACCORDANCE WITH SECTION  
7 38-13-110, C.R.S.";

8

9 strike line 25 and substitute the following:

10

11 "WITHIN THE TWO-YEAR PERIOD DESCRIBED IN";

12

13 line 26, strike "REQUIRED BY PARAGRAPH (b)" and substitute "PARAGRAPH  
14 (c)".

15

16 Page 6, after line 2, insert the following:

17

18 "(c) REPORT INFORMATION ON THE LOT, GRAVE SPACE, NICHE, OR  
19 CRYPT TO THE STATE TREASURER IN ACCORDANCE WITH SECTION  
20 38-13-110, C.R.S.";

21

22 strike line 12;

23

24 line 13, strike "REQUIRED BY PARAGRAPH (b)" and substitute "WITHIN THE  
25 TWO-YEAR PERIOD DESCRIBED IN PARAGRAPH (c)".

26

27 Page 7, after line 16, insert the following:

28

29 "(c) REPORT INFORMATION ON THE BURIAL SPACE TO THE STATE  
30 TREASURER IN ACCORDANCE WITH SECTION 38-13-110, C.R.S.";

31

32 line 25, strike "SIXTY DAYS AFTER THE";

33

34 strike line 26 and substitute the following:

35

36 "THE TWO-YEAR PERIOD DESCRIBED IN PARAGRAPH (c) OF".

37

38 Page 8, after line 9, insert the following:

39

40 "**SECTION 5.** 38-13-111, Colorado Revised Statutes, is amended  
41 BY THE ADDITION OF A NEW SUBSECTION to read:

42

43 **38-13-111. Electronic notice of abandoned property.** (8) THE  
44 ADMINISTRATOR SHALL LIST PROPERTY REPORTED PURSUANT TO SECTIONS  
45 7-47-109 (2) (c), 12-12-116 (2) (c), 30-20-808 (2) (c), AND 31-25-708 (2)  
46 (c), C.R.S., ON THE LIST OF UNCLAIMED PROPERTY FOR A PERIOD OF TWO  
47 YEARS. THE PROVISIONS OF SECTION 38-13-112 SHALL NOT APPLY TO  
48 PROPERTY LISTED PURSUANT TO THIS SUBSECTION (8)."

49

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

52

53

54

1 **HB06-1271** by Representative(s) Jahn; also Senator Johnson--  
2 Concerning types of specialized foster care.  
3

4 Amendment No. 1, Health and Human Services Report, dated February  
5 15, 2006, and placed in member's bill file; Report also printed in House  
6 Journal, February 16, pages 373-374.  
7

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

11 **HB06-1318** by Representative(s) Cloer--Concerning clinical practice  
12 hours required in order to receive a marriage and family  
13 therapist license.  
14

15 Amendment No. 1, Health and Human Services Report, dated February  
16 15, 2006, and placed in member's bill file; Report also printed in House  
17 Journal, February 16, page 374.  
18

19 As amended, declared **lost** on Second Reading.  
20 (For change in action, see Amendments to Report, page 482.)  
21

22 **HB06-1191** by Representative(s) Kerr, Schultheis, Balmer, Berens,  
23 Crane, Gallegos, Knoedler, Liston, Massey, Stafford,  
24 White, Witwer; also Senator(s) Keller--Concerning a  
25 mandatory recount in an election in which more than one  
26 candidate is to be elected.  
27

28 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
29 February 14, 2006, and placed in member's bill file; Report also printed  
30 in House Journal, February 16, page 375.  
31

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

35 **HB06-1192** by Representative(s) Jahn, Hodge, Massey, Solano,  
36 Stafford, Witwer; also Senator(s) Takis--Concerning the  
37 authority of a state governmental entity to enter into an  
38 agreement to share personnel services with any political  
39 subdivision of the state.  
40

41 Ordered engrossed and placed on the Calendar for Third Reading and  
42 Final Passage.  
43

44 **HB06-1198** by Representative(s) Liston; also Senator(s) Hanna--  
45 Concerning provisional ballots cast by electors in a county  
46 other than their county of residence.  
47

48 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
49 February 14, 2006, and placed in member's bill file; Report also printed  
50 in House Journal, February 16, page 375.  
51

52 As amended, declared **lost** on Second Reading.  
53 (For change in action, see Amendments to Report, page 483.)  
54  
55

1 **HB06-1244** by Representative(s) Hall, Plant, Buescher; also Senator(s)  
2 Owen, Tapia, Keller--Concerning a grant of authority to  
3 the transportation commission to allocate moneys from the  
4 aviation fund for the administrative costs of the  
5 aeronautics division in the department of transportation.  
6

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

10 **HB06-1072** by Representative(s) Vigil--Concerning the issuance of  
11 special license plates honoring service in the armed forces  
12 of the United States, and, in connection therewith,  
13 authorizing family members of a person who has died  
14 serving in the United States armed forces to be issued a  
15 fallen service member special license plate.  
16

17 Amendment No. 1, Appropriations Report, dated February 17, 2006, and  
18 placed in member's bill file; Report also printed in House Journal,  
19 February 17, page 394.  
20

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

24 **HB06-1086** by Representative(s) Crane; also Senator(s) Johnson--  
25 Concerning the regulation of games of chance by the  
26 secretary of state.  
27

28 Amendment No. 1, Appropriations Report, dated February 17, 2006, and  
29 placed in member's bill file; Report also printed in House Journal,  
30 February 17, pages 394-395.  
31

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

35 **HB06-1147** by Representative(s) Plant, Coleman, Curry, Larson,  
36 Pommer, White; also Senator(s) Johnson, Gordon, Groff,  
37 Grossman, Tochtrop, Windels--Concerning measures to  
38 promote energy efficiency.  
39

40 Amendment No. 1, Transportation & Energy Report, dated February 2,  
41 2006, and placed in member's bill file; Report also printed in House  
42 Journal, February 3, page 213.  
43

44 Amendment No. 2, Appropriations Report, dated February 17, 2006, and  
45 placed in member's bill file; Report also printed in House Journal,  
46 February 17, page 396.  
47

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

51 **HB06-1185** by Representative(s) Curry, Borodkin, Lindstrom,  
52 Madden, McFadyen, Pommer, Sullivan, Lundberg,  
53 Merrifield, Weissmann; also Senator(s) Isgar--Concerning  
54 the provision of compensation to a surface owner for a  
55 decrease in fair market value of a surface estate reasonably  
56 expected to result from oil and gas operations, and, in

1 connection therewith, modifying notification procedures  
2 for applications for surface development.  
3

4 Amendment No. 1, Transportation & Energy Report, dated February 8,  
5 2006, and placed in member's bill file; Report also printed in House  
6 Journal, February 10, pages 304-313.  
7

8 Amendment No. 2, Appropriations Report, dated February 17, 2006, and  
9 placed in member's bill file; Report also printed in House Journal,  
10 February 17, page 396.  
11

12 As amended, ordered engrossed and placed on the Calendar for Third  
13 Reading and Final Passage.  
14

15 **HB06-1240** by Representative(s) Marshall; also Senator(s) Groff--  
16 Concerning measures to improve the academic  
17 performance of unsatisfactory public schools.  
18

19 Amendment No. 1, Education Report, dated February 16, 2006, and  
20 placed in member's bill file; Report also printed in House Journal,  
21 February 17, page 399.  
22

23 As amended, ordered engrossed and placed on the Calendar for Third  
24 Reading and Final Passage.  
25

26 **HB06-1260** by Representative(s) Jahn; also Senator(s) Veiga--  
27 Concerning student loan programs in the department of  
28 higher education.  
29

30 Amendment No. 1, Education Report, dated February 16, 2006, and  
31 placed in member's bill file; Report also printed in House Journal,  
32 February 17, page 399.  
33

34 Amendment No. 2, by Representative Buescher.  
35

36 Amend printed bill, page 8, after line 3, insert the following:  
37

38 "SECTION 12. 23-3.1-111 (4), Colorado Revised Statutes, is  
39 amended to read:  
40

41 **23-3.1-111. Authority of division to enter into agreements to**  
42 **provide administrative and guarantee services.** (4) (a) EXCEPT AS  
43 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), all income and  
44 interest thereon earned pursuant to the exercise of the power established  
45 in subsections (1) and (2) of this section are continuously available and  
46 are hereby appropriated to the division and may be used to pay the  
47 operating expenses thereof, or a portion of such income or interest may  
48 be deposited into any applicable reserve or guarantee account.  
49

50 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
51 THIS SUBSECTION (4), IF THE DIVISION SELLS, TRANSFERS, OR ENTERS INTO  
52 A CONTRACT WITH ANOTHER ENTITY CONCERNING ALL OR A SUBSTANTIAL  
53 PORTION OF THE DIVISION'S AUTHORITY TO MAKE, ORIGINATE, DISBURSE,  
54 OR SERVICE LOANS, THE PROCEEDS OF THE SALE, TRANSFER, OR CONTRACT  
55 SHALL NOT BE USED BY THE DIVISION WITHOUT FURTHER APPROPRIATION  
56 BY THE GENERAL ASSEMBLY."

1 Renumber succeeding sections accordingly.

2

3 Amendment No. 3, by Representative Buescher.

4

5 Amend printed bill, page 8, before line 4, insert the following:

6

7 "SECTION 12. 23-3.1-205.4 (1), Colorado Revised Statutes, is  
8 amended to read:

9

10 **23-3.1-205.4. Collegeinvest fund - creation - control - use.**

11 (1) (a) There is hereby created in the state treasury the Colorado student  
12 obligation bond authority fund, to be known and referred to on and after  
13 July 1, 2004, as the collegeinvest fund, which shall be under the control  
14 of the authority in accordance with the provisions of this part 2 and part  
15 3 of this article. The moneys in the collegeinvest fund shall be invested  
16 by the state treasurer. Except as otherwise allowed by section 24-36-103  
17 (2), C.R.S., and except for amounts received in connection with the  
18 prepaid expense program and the program in part 3 of this article, all  
19 moneys received or acquired by the authority, whether by appropriation,  
20 grant, contract, gift, sale or lease of surplus real or personal property, or  
21 any other means, whose disposition is not otherwise provided for by law  
22 or by a trust indenture, and all interest derived from the deposit and  
23 investment of moneys in the fund shall be credited to said fund, including  
24 moneys received pursuant to sections 23-3.1-206 (1) (k) and 23-3.1-304  
25 (1) (h). EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1),  
26 the moneys in the fund are hereby continuously appropriated to the  
27 authority and shall remain in the fund and shall not be transferred or  
28 revert to the general fund of the state at the end of any fiscal year.

29

30 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
31 THIS SUBSECTION (1), IF THE AUTHORITY SELLS, TRANSFERS, OR ENTERS  
32 INTO A CONTRACT WITH ANOTHER ENTITY CONCERNING ALL OR A  
33 SUBSTANTIAL PORTION OF THE AUTHORITY'S POWER TO MAKE, ORIGINATE,  
34 DISBURSE, OR SERVICE LOANS, THE PROCEEDS OF THE SALE, TRANSFER, OR  
35 CONTRACT SHALL NOT BE USED BY THE AUTHORITY WITHOUT FURTHER  
36 APPROPRIATION BY THE GENERAL ASSEMBLY."

37

38 Renumber succeeding sections accordingly.

39

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

42

43

44 **HB06-1189** by Representative(s) Cadman; also Senator(s) Veiga--  
45 Concerning civil actions brought against public entities  
46 and employees to recover damages paid for injuries  
47 governed by the "Colorado Governmental Immunity Act".

48

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

51

52

53



1 **HB06-1190** by Representative(s) Crane; also Senator(s) Jones--  
2 Concerning strengthening extradition laws.  
3

4 Amendment No. 1, Judiciary Report, dated February 16, 2006, and placed  
5 in member's bill file; Report also printed in House Journal, February 17,  
6 pages 400-401.  
7

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

11 **HB06-1237** by Representative(s) Carroll T.; also Senator(s) Dyer--  
12 Concerning defenses for landowners in premises liability  
13 actions.  
14

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

18 **HB06-1267** by Representative(s) Riesberg--Concerning child support.  
19

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

23 On motion of Representative Madden, the remainder of the General  
24 Orders Calendar (**HB06-1102, 1264, 1075, 1127, 1320, 1071, 1157**) was  
25 laid over until February 23, retaining place on Calendar.  
26

---

27  
28 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**  
29

30 Representatives Stafford and Clapp moved to amend the Report of the  
31 Committee of the Whole to show that the following Stafford amendment,  
32 to HB06-1268, did pass, and that **HB06-1268**, as amended, did pass.  
33

34 Amend printed bill, page 3, after line 24, insert the following:  
35

36 "(6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
37 CONTRARY, ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A  
38 CORPORATION SHALL NOT CONVEY TITLE TO THE REAL PROPERTY  
39 SURVEYED AS A LOT IN A CEMETERY FOR USE AS A BURIAL SPACE. A  
40 CORPORATION MAY GRANT INTERMENT RIGHTS TO A LOT, GRAVE SPACE,  
41 NICHE, OR CRYPT IN A CEMETERY."  
42

43 Page 5, after line 10, insert the following:  
44

45 "(6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
46 CONTRARY, ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A  
47 CEMETERY AUTHORITY SHALL NOT CONVEY TITLE TO THE REAL PROPERTY  
48 SURVEYED AS A LOT IN A CEMETERY FOR USE AS A BURIAL SPACE. A  
49 CEMETERY AUTHORITY MAY GRANT INTERMENT RIGHTS TO A LOT, GRAVE  
50 SPACE, NICHE, OR CRYPT IN A CEMETERY."  
51

52 Page 6, after line 24, insert the following:  
53

54 "(6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
55 CONTRARY, ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A  
56 CEMETERY DISTRICT SHALL NOT CONVEY TITLE TO THE REAL PROPERTY

1 SURVEYED AS A LOT IN A CEMETERY FOR USE AS A BURIAL SPACE. A  
 2 CEMETERY DISTRICT MAY GRANT INTERMENT RIGHTS TO A LOT, GRAVE  
 3 SPACE, NICHE, OR CRYPT IN A CEMETERY."

4  
 5 Page 8, after line 9, insert the following:

6  
 7 "(6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
 8 CONTRARY, ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE  
 9 GOVERNING BODY OF A MUNICIPALITY SHALL NOT CONVEY TITLE TO THE  
 10 REAL PROPERTY SURVEYED AS A LOT IN A CEMETERY FOR USE AS A BURIAL  
 11 SPACE. THE GOVERNING BODY OF A MUNICIPALITY MAY GRANT  
 12 INTERMENT RIGHTS TO A BURIAL SPACE IN A CEMETERY."

13  
 14 The amendment was declared **lost** by the following roll call vote:

	YES	31	NO	32	EXCUSED	02	ABSENT	00
17	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
18	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
19	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
20	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
21	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
22	Buescher	N	Green	N	Marshall	N	Solano	N
23	Butcher	Y	Hall	Y	Massey	E	Soper	N
24	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
25	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
26	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
27	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
28	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
29	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
30	Coleman	N	Kerr	Y	Paccione	N	Welker	Y
31	Crane	Y	King	Y	Penry	Y	White	Y
32	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
33							Speaker	N

34  
 35 Representative Cloer moved to amend the Report of the Committee of the  
 36 Whole to show that **HB06-1318**, as amended, did pass.

37  
 38 The amendment was declared **passed** by the following roll call vote:

	YES	54	NO	09	EXCUSED	02	ABSENT	00
40	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
41	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
42	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
43	Borodkin	Y	Garcia	N	Lundberg	N	Rose	Y
44	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
45	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
46	Butcher	Y	Hall	Y	Massey	E	Soper	Y
47	Cadman	Y	Harvey	Y	May	Y	Stafford	N
48	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
49	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
50	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
51	Clapp	N	Jahn	Y	McKinley	Y	Vigil	Y
52	Cloer	Y	Judd	N	Merrifield	Y	Weissmann	N
53	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
54	Crane	N	King	Y	Penry	Y	White	Y
55	Curry	Y	Knoedler	Y	Plant	Y	Witwer	N
56							Speaker	Y

1 Representative Liston moved to amend the Report of the Committee of  
2 the Whole to show that **HB06-1198**, as amended, did pass.

3

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

5

	YES	47	NO	16	EXCUSED	02	ABSENT	00
7	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
8	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
9	Berens	Y	Gallegos	N	Liston	Y	Riesberg	Y
10	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
11	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
12	Buescher	Y	Green	Y	Marshall	N	Solano	Y
13	Butcher	N	Hall	Y	Massey	E	Soper	N
14	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
15	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
16	Carroll T	N	Hodge	Y	McFadyen	Y	Sullivan	Y
17	Cerbo	N	Hoppe	Y	McGihon	N	Todd	Y
18	Clapp	Y	Jahn	Y	McKinley	N	Vigil	Y
19	Cloer	Y	Judd	Y	Merrifield	N	Weissmann	N
20	Coleman	N	Kerr	Y	Paccione	Y	Welker	Y
21	Crane	Y	King	Y	Penry	Y	White	Y
22	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
23							Speaker	Y

24

25 Representatives Knoedler, Stafford, Penry, and Gardner moved to amend  
26 the Report of the Committee of the Whole to show that **HB06-1309**, as  
27 amended, did not pass.

28

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

30

	YES	29	NO	33	EXCUSED	03	ABSENT	00
32	Balmer	Y	Decker	Y	Larson	N	Pommer	N
33	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	Y
34	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	N
35	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
36	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
37	Buescher	N	Green	N	Marshall	N	Solano	N
38	Butcher	Y	Hall	Y	Massey	E	Soper	N
39	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
40	Carroll M	N	Hefley	E	McCluskey	N	Stengel	Y
41	Carroll T	N	Hodge	N	McFadyen	E	Sullivan	Y
42	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
43	Clapp	Y	Jahn	N	McKinley	Y	Vigil	N
44	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
45	Coleman	N	Kerr	Y	Paccione	N	Welker	Y
46	Crane	Y	King	Y	Penry	Y	White	Y
47	Curry	N	Knoedler	Y	Plant	N	Witwer	N
48							Speaker	N

49 Representative McFadyen excused from voting under House Rule 21(c).

50

51 Representative Penry moved to amend the Report of the Committee of the  
52 Whole to show that the following Penry amendment, to HB06-1147, did  
53 pass, and that **HB06-1147**, as amended, did pass.

54

55 Amend printed bill, page 4, strike lines 3 through 23.

56

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

	YES	27	NO	36	EXCUSED	02	ABSENT	00
4	Balmer	Y	Decker	Y	Larson	N	Pommer	N
5	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	Y
6	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
7	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
8	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
9	Buescher	N	Green	N	Marshall	N	Solano	N
10	Butcher	N	Hall	Y	Massey	E	Soper	N
11	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
12	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
13	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
14	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
15	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
16	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
17	Coleman	N	Kerr	Y	Paccione	N	Welker	Y
18	Crane	Y	King	Y	Penry	Y	White	N
19	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
20							Speaker	N

21  
22 Representative Judd moved to amend the Report of the Committee of the  
23 Whole to show that the following Judd amendment, to HB06-1189, did  
24 pass, and that **HB06-1189**, as amended, did pass.

25  
26 Amend printed bill, page 4, line 4, strike "AND";

27  
28 line 7, strike "JUDGMENTS." and substitute "JUDGMENTS; AND";

29  
30 after line 7, insert the following:

31  
32 "(III) NO CLAIM OF AN ASSIGNEE OR SUBROGEE SHALL BE PAID TO  
33 THE EXTENT THAT PAYMENT WILL DIMINISH THE DIRECT RECOVERY OF AN  
34 INJURED PERSON FOR HIS OR HER PERSONAL INJURIES.".

35  
36 The amendment was declared **lost** by the following roll call vote:

	YES	29	NO	34	EXCUSED	02	ABSENT	00
39	Balmer	N	Decker	N	Larson	N	Pommer	Y
40	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	N
41	Berens	N	Gallegos	Y	Liston	N	Riesberg	N
42	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
43	Boyd	N	Gardner	N	Madden	Y	Schultheis	N
44	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
45	Butcher	Y	Hall	N	Massey	E	Soper	Y
46	Cadman	N	Harvey	N	May	N	Stafford	N
47	Carroll M	Y	Hefley	E	McCluskey	N	Stengel	N
48	Carroll T	N	Hodge	Y	McFadyen	Y	Sullivan	N
49	Cerbo	Y	Hoppe	N	McGihon	Y	Todd	Y
50	Clapp	N	Jahn	N	McKinley	Y	Vigil	Y
51	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y
52	Coleman	N	Kerr	N	Paccione	Y	Welker	N
53	Crane	N	King	N	Penry	N	White	N
54	Curry	Y	Knoedler	N	Plant	Y	Witwer	N
55							Speaker	Y

56

1 Representatives Hall and Harvey moved to amend the Report of the  
 2 Committee of the Whole to show that Amendment No. 2 by  
 3 Representatives Gardner and Madden (printed in House Journal page 474,  
 4 lines 27-34 to HB06-1090, did not pass, that the following Hall  
 5 amendment, to HB06-1090, did pass, and that **HB06-1090**, as amended,  
 6 did pass.

7  
 8 Amend the Judiciary Committee Report, dated February 14, 2006, page  
 9 3, after line 19, insert the following:

10  
 11 "after line 7, insert the following:

12  
 13 "(3.8) A JUDGMENT AWARDED TO A PLAINTIFF IN A CASE BROUGHT  
 14 PURSUANT TO THIS SECTION, INCLUDING A JUDGMENT FOR ACTUAL  
 15 DAMAGES, DAMAGES FOR NONECONOMIC LOSS OR INJURY, EXEMPLARY  
 16 DAMAGES, OR INTEREST, SHALL NOT EXCEED A TOTAL OF TWO HUNDRED  
 17 FIFTY THOUSAND DOLLARS."."

18  
 19 Page 5 of the committee report, line 9, strike "AWARD." and substitute  
 20 "AWARD; EXCEPT THAT THE TOTAL AMOUNT OF A JUDGMENT AWARDED TO  
 21 A PLAINTIFF IN A CASE BROUGHT PURSUANT TO THIS SECTION SHALL NOT  
 22 EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS."."

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

25	YES	26	NO	37	EXCUSED	02	ABSENT	00
26	Balmer	Y	Decker	Y	Larson	Y	Pommer	N
27	Benefield	Y	Frangas	N	Lindstrom	N	Ragsdale	N
28	Berens	Y	Gallegos	N	Liston	Y	Riesberg	N
29	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
30	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
31	Buescher	N	Green	N	Marshall	N	Solano	N
32	Butcher	N	Hall	Y	Massey	E	Soper	N
33	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
34	Carroll M	N	Hefley	E	McCluskey	Y	Stengel	Y
35	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
36	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
37	Clapp	N	Jahn	N	McKinley	N	Vigil	N
38	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
39	Coleman	N	Kerr	Y	Paccione	N	Welker	Y
40	Crane	N	King	Y	Penry	Y	White	N
41	Curry	N	Knoedler	Y	Plant	N	Witwer	Y
42							Speaker	N

43  
 44  
 45 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

46  
 47 Passed Second Reading: **HB06-1309 amended, 1090 amended, 1123**  
 48 **amended, 1268 amended, 1271 amended, 1318 amended, 1191**  
 49 **amended, 1192, 1198 amended, 1244, 1072 amended, 1086 amended,**  
 50 **1147 amended, 1185 amended, 1240 amended, 1260 amended, 1189,**  
 51 **1190 amended, 1237, 1267.**

52  
 53 Laid over until date indicated retaining place on Calendar: **HB06-1102,**  
 54 **1264, 1075, 1127, 1320, 1071, 1157--February 23, 2006.**

55  
 56 Referred to Committee indicated: **HB06-1126 amended--Appropriations.**

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	63	NO	00	EXCUSED	02	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	E	Soper	Y
14	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
15	Carroll M	Y	Hefley	E	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

## REPORTS OF COMMITTEES OF REFERENCE

### AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

34 **SB06-084** be amended as follows, and as so amended, be referred to  
 35 the Committee of the Whole with favorable  
 36 recommendation:

38 Amend reengrossed bill, page 2, line 8, after "DEFINED", insert "BY RULES  
 39 PROMULGATED".

### BUSINESS AFFAIRS & LABOR

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

48 **HB06-1182** be postponed indefinitely.

51 **HB06-1202** be amended as follows, and as so amended, be referred to  
 52 the Committee of the Whole with favorable  
 53 recommendation:

55 Amend printed bill, page 2, line 16, strike "OR";

1 line 17, strike "UNION" and substitute "UNION, OR AN OPERATING  
2 SUBSIDIARY OR AFFILIATE OF SUCH BANK, SAVINGS AND LOAN  
3 ASSOCIATION, OR CREDIT UNION".

4

5

6

7 **HB06-1256** be referred to the Committee of the Whole with favorable  
8 recommendation.

9

10

11 **HB06-1300** be postponed indefinitely.

12

13

14 **HB06-1329** be postponed indefinitely.

15

16

17 **HB06-1340** be referred to the Committee of the Whole with favorable  
18 recommendation.

19

20

21

22

### 23 **HEALTH & HUMAN SERVICES**

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

26

27 **HB06-1243** be amended as follows, and as so amended, be referred to  
28 the Committee of the Whole with favorable  
29 recommendation:

30

31 Amend printed bill, page 2, line 20, after the period, add "ALL FINES  
32 COLLECTED PURSUANT TO THIS SUBSECTION (1.5) SHALL BE TRANSFERRED  
33 TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE  
34 GENERAL FUND.".

35

36

37

38 **HB06-1269** be amended as follows, and as so amended, be referred to  
39 the Committee of the Whole with favorable  
40 recommendation:

41

42 Amend printed bill, page 2, line 26, strike "SHALL" and substitute "MAY".

43

44 Page 3, line 4, strike "APPROPRIATIONS." and substitute "GIFTS, GRANTS,  
45 AND DONATIONS.";

46

47 strike line 19 and substitute "GIFTS, GRANTS, AND DONATIONS RECEIVED.  
48 IF THE AMOUNT OF GIFTS, GRANTS, AND DONATIONS DOES NOT COVER THE  
49 COSTS OF THE PROGRAM, THE COMMISSION SHALL NOT IMPLEMENT THE  
50 PROGRAM.".

51

52 Page 4, line 25, strike "THE";

53

54 strike line 26;

55

56 line 27, strike "TO THE FUND BY THE GENERAL ASSEMBLY.".

- 1 **HB06-1278** be amended as follows, and as so amended, be referred to  
2 the Committee on Finance with favorable  
3 recommendation:  
4
- 5 Amend printed bill, page 2, line 23, strike "PERFORMANCE OUTCOME" and  
6 substitute "CLINICAL OUTCOMES".  
7
- 8 Page 3, line 9, strike "PERFORMANCE OUTCOME" and substitute "CLINICAL  
9 OUTCOMES";  
10
- 11 line 13, strike "ALL PAYER DATA" and substitute "DATA ON ALL PATIENTS  
12 REGARDLESS OF THE PAYER SOURCE";  
13
- 14 line 16, strike "OUTCOME PERFORMANCE" and substitute "CLINICAL  
15 OUTCOMES".  
16
- 17 Page 4, strike lines 19 through 21.  
18
- 19 Renumber the succeeding subparagraphs accordingly.  
20
- 21 Page 7, line 12, strike "EQUALLY APPORTION" and substitute "APPORTION,  
22 ACCORDING TO NET PATIENT SERVICE REVENUES,".  
23  
24  
25
- 26 **HB06-1328** be referred to the Committee of the Whole with favorable  
27 recommendation.  
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- 32 **JUDICIARY**  
33 After consideration on the merits, the Committee recommends the  
34 following:  
35
- 36 **HB06-1238** be referred to the Committee of the Whole with favorable  
37 recommendation.  
38  
39
- 40 **HB06-1282** be postponed indefinitely.  
41  
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44
- 45 **LOCAL GOVERNMENT**  
46 After consideration on the merits, the Committee recommends the  
47 following:  
48
- 49 **HB06-1168** be postponed indefinitely.  
50  
51
- 52 **HB06-1259** be postponed indefinitely.  
53  
54
- 55 **HB06-1295** be referred to the Committee of the Whole with favorable  
56 recommendation.



1 **HB06-1332** be referred to the Committee of the Whole with favorable  
2 recommendation.  
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**STATE, VETERANS, & MILITARY AFFAIRS**

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

10

11 **HB06-1062** be postponed indefinitely.  
12

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15 **HB06-1082** be postponed indefinitely.  
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19 **HB06-1101** be postponed indefinitely.  
20

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22

23 **HB06-1131** be amended as follows, and as so amended, be referred to  
24 the Committee on Appropriations with favorable  
25 recommendation:  
26

27

28 Amend printed bill, page 2, strike lines 2 through 12.  
29

30

31 Renumber succeeding sections accordingly.  
32

33

34 Page 7, strike lines 16 through 18.  
35

36

37 Reletter succeeding paragraph accordingly.  
38

39

40 Page 2, strike lines 15 and 16 and substitute the following:  
41

42

43 **"12-7-114. Citizen or immigration status - check.** (1) IF IT IS  
44 DETERMINED THAT A DEFENDANT IS ILLEGALLY PRESENT IN THE UNITED  
45 STATES AFTER A BAIL BOND IS POSTED BY A LICENSED BAIL BONDING  
46 AGENT, THE STATE SHALL".  
47

48

49 Page 3, strike lines 1 though 9;  
50

51

52 strike lines 13 through 15 and substitute the following:  
53

54

55 **"(2) (a) THE FOLLOWING METHODS SHALL BE USED TO DETERMINE  
56 A DEFENDANT'S PROBABLE IMMIGRATION OR CITIZENSHIP STATUS:".**  
57

58

59 Page 7, strike lines 23 and 24 and substitute the following:  
60

61

62 "Statutes, are amended to read:".  
63

64

65 Page 8, line 7, strike "EXTENSION; OR" and substitute "EXTENSION.";  
66

67

68 strike lines 8 though 12.  
69

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72

73 **HB06-1133** be postponed indefinitely.  
74

75

1 **HB06-1134** be postponed indefinitely.

2

3

4 **HB06-1306** be amended as follows, and as so amended, be referred to  
5 the Committee on Appropriations with favorable  
6 recommendation:

7

8 Amend printed bill, page 2, line 5, after "ARTICLE.", insert "THE STUDY  
9 SHALL ALSO INCLUDE AN EXAMINATION OF WHETHER A BIRTH CERTIFICATE  
10 ISSUED IN COLORADO SHOULD QUALIFY AS A SECURE AND VERIFIABLE  
11 DOCUMENT.";

12

13 after line 12, insert the following:

14

15 **"SECTION 2. No appropriation.** The general assembly has  
16 determined that this act can be implemented within existing  
17 appropriations, and therefore no separate appropriation of state moneys  
18 is necessary to carry out the purposes of this act."

19

20 Renumber succeeding section accordingly.

21

22

23

24

25 **TRANSPORTATION & ENERGY**

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

28

29 **HB06-1257** be amended as follows, and as so amended, be referred to  
30 the Committee on Appropriations with favorable  
31 recommendation:

32

33 Amend printed bill, page 3, line 14, strike "HIGHWAY;" and substitute  
34 "HIGHWAY; AND";

35

36 strike lines 15 and 16.

37

38 Reletter succeeding paragraph accordingly.

39

40 Page 4, after line 24, insert the following:

41

42 "(3) IF LOCAL GOVERNMENTS IN AN ELIGIBLE AREA HAVE NOT  
43 AGREED TO PROVIDE AT LEAST FIFTY PERCENT OF THE MONEYS NECESSARY  
44 TO CONSTRUCT THE PROPOSED NOISE MITIGATION MEASURES IN THE  
45 ELIGIBLE AREA, AN APPLICANT MAY SUBMIT AN APPLICATION FOR NOISE  
46 MITIGATION MEASURES UNDER THIS SECTION ONLY IF THE ELIGIBLE AREA  
47 EXISTED AS A RESIDENTIAL AREA BEFORE THE STATE HIGHWAY WAS  
48 CONSTRUCTED OR WIDENED."

49

50 Renumber succeeding subsections accordingly.

51

52 Page 5, line 19, strike "(3)" and substitute "(4)";

53

54 line 23, strike "(4)," and substitute "(5),";

55

56 line 26, strike "(3)" and substitute "(4)".

1 Page 6, line 14, after the period, add "THE DEPARTMENT MAY RETAIN  
2 FROM THE MONEYS IN THE NOISE MITIGATION FUND AN ADMINISTRATIVE  
3 FEE IN THE AMOUNT OF TWO PERCENT OF THE MONEYS FROM THE FUND  
4 USED BY THE DEPARTMENT TO CONSTRUCT NOISE MITIGATION MEASURES  
5 IN ACCORDANCE WITH THIS PART 4."  
6  
7  
8

9 **HB06-1272** be postponed indefinitely.  
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11  
12 **HB06-1341** be referred to the Committee of the Whole with favorable  
13 recommendation.  
14

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15  
16 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**  
17

18 The Speaker has signed: **HB06-1015**.  
19

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20  
21 **MESSAGE FROM THE SENATE**  
22

23 The Senate has adopted and returns herewith: HJR06-1009.  
24 The Senate has passed on Third Reading and returns herewith:  
25 HB06-1049.

26 The Senate has passed on Third Reading and transmitted to the Revisor  
27 of Statutes: SB06-119,

28 SB06-091, amended as printed in the Senate Journal, February 21, 2006,  
29 pages 282-284,

30 SB06-137, amended as printed in the Senate Journal, February 21, 2006,  
31 page 284,

32 SB06-100, amended as printed in Senate Journal, February 21, 2006,  
33 page 284,

34 SB06-080, amended as printed in Senate Journal, February 21, 2006,  
35 page 285,

36 SB06-028, amended as printed in Senate Journal, February 21, 2006,  
37 page 285,

38 SB06-115, amended as printed in Senate Journal, February 21, 2006,  
39 page 286,

40 SB06-010, amended as printed in Senate Journal, February 21, 2006,  
41 page 286.

42 HB06-1094, amended as printed in the Senate Journal, February 20,  
43 2006, page 274.

44 In response to the request of the House for a Conference Committee on  
45 HB06-1215, the President appointed Senators Tapia, Keller, and Owen  
46 as Senate conferees of the First Conference Committee on HB06-1215.  
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48  
49 **MESSAGE FROM THE REVISOR**  
50

51 We herewith transmit:

52 Without comment, SB06-119.

53 Without comment, as amended, HB06-1094.

54 Without comment, as amended, SB06-091, 137, 100, 080, 028, 115, and  
55 010.  
56

**INTRODUCTION OF BILLS**  
**First Reading**

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

**SB06-010** by Senator(s) Isgar; also Representative(s) Ragsdale, Larson, McFadyen, Pommer--Concerning the appearance of a commercial vehicle's owner in a court hearing concerning a permit or documentation violation.

Committee on Transportation & Energy

**SB06-028** by Senator(s) Lamborn; also Representative(s) Frangas--Concerning the creation of a bronze star special license plate, and making an appropriation therefor.

Committee on Transportation & Energy

Committee on Appropriations

**SB06-080** by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the creation of the support the troops special license plate for motor vehicles, and making an appropriation therefor.

Committee on Transportation & Energy

Committee on Appropriations

**SB06-091** by Senator(s) Tupa, Groff; also Representative(s) Riesberg, Coleman, Gallegos, Todd--Concerning a prohibition against using telephone records without authorization.

Committee on Business Affairs and Labor

**SB06-100** by Senator(s) Sandoval, Gordon, Tochtrop, Williams, Isgar; also Representative(s) Pommer, Cerbo, Madden--Concerning the creation of a Colorado "Kids First" special license plate.

Committee on Transportation & Energy

**SB06-137** by Senator(s) Williams; also Representative(s) Massey--Concerning the elimination of outdated provisions of law related to the elementary and secondary education system resulting from the law's obsolescence or infrequency of use, and, in connection therewith, repealing or amending various provisions of law.

Committee on Education

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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 23, retaining place on Calendar:

Consideration of Third Reading--**HB06-1255**.

Consideration of Resolutions--**SJR06-002, HJR06-1013, HR06-1006**.

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1 On motion of Representative Butcher, the House adjourned until  
2 9:00 a.m., February 23, 2006.

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7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:  
ANDREW ROMANOFF,  
Speaker