

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

One hundredth Legislative Day

Thursday, April 20, 2006

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.

2

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

4

5 Pledge of Allegiance led by Girl Scout Troop 1689, Centennial.

6

7 The roll was called with the following result:

8

9 Present--61.

10 Excused--Representatives Hall, Hefley, Marshall, McGihon--4.

11 Present after roll call--Representatives Hefley, Marshall,
12 McGihon.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Soper, the reading of the journal of
18 April 19, 2006, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22

23 On motion of Representative Paccione, the House resolved itself into
24 Committee of the Whole for consideration of Special Orders and she was
25 called to the Chair to act as Chairman.

26

27

28

29

SPECIAL ORDERS--SECOND READING OF BILLS

30

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

35

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

38

39 **HB06-1011** by Representative(s) McCluskey; also Senator(s)
40 Sandoval--Concerning child exploitation offenses, and
41 making an appropriation in connection therewith.

42

43

1 Amendment No. 1, Judiciary Report, dated January 31, 2006, and placed
2 in member's bill file; Report also printed in House Journal, February 1,
3 page 16.

4
5 Amendment No. 2, Appropriations Report, dated April 12, 2006, and
6 placed in member's bill file; Report also printed in House Journal,
7 April 13, pages 1191-119.

8
9 Amendment No. 3, by Representative McCluskey.

10
11 Amend printed bill, page 7, after line 18, insert the following:

12
13 "SECTION 9. Title 6, Colorado Revised Statutes, is amended BY
14 THE ADDITION OF A NEW ARTICLE to read:

15
16 **ARTICLE 2.7**

17 **Internet Evidence For Law Enforcement Investigations**

18
19 **6-2.7-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21
22 (1) "COURT ORDER" MEANS AN ORDER FOR THE RELEASE OF
23 INFORMATION, INCLUDING BUT NOT LIMITED TO A SUBPOENA, COURT
24 ORDER, SEARCH WARRANT, OR SUMMONS.

25
26 (2) "INTERNET ACCESS PROVIDER" MEANS AN ENTITY THAT
27 PROVIDES INTERNET ACCESS SERVICE AS DEFINED IN 47 U.S.C. SEC. 231 (e)
28 (4), AS AMENDED, TO CUSTOMERS IN COLORADO.

29
30 **6-2.7-102. Internet evidence for law enforcement - preserve
31 and release evidence - reports - training materials.** (1) (a) AN
32 INTERNET ACCESS PROVIDER, UPON THE REQUEST OF A LAW ENFORCEMENT
33 AGENCY, SHALL TAKE ALL NECESSARY STEPS TO PRESERVE RECORDS AND
34 OTHER EVIDENCE IN ITS POSSESSION PENDING THE ISSUANCE OF A COURT
35 ORDER OR OTHER LEGAL PROCESS. THE INTERNET ACCESS PROVIDER
36 SHALL COMPLY WITH THE REQUEST AS SOON AS POSSIBLE FOLLOWING
37 RECEIPT.

38
39 (b) RECORDS REFERRED TO IN PARAGRAPH (a) OF THIS SUBSECTION
40 (1) SHALL BE RETAINED FOR A PERIOD OF NINETY DAYS, WHICH SHALL BE
41 EXTENDED FOR AN ADDITIONAL NINETY-DAY PERIOD UPON A RENEWED
42 REQUEST BY THE LAW ENFORCEMENT AGENCY.

43
44 (2) AN INTERNET ACCESS PROVIDER SHALL RELEASE EVIDENCE
45 REGARDING UNLAWFUL SEXUAL CONDUCT WITHIN FIVE DAYS AFTER
46 RECEIVING A COURT ORDER REQUIRING THE INTERNET ACCESS PROVIDER
47 TO RELEASE SUCH EVIDENCE TO THE LAW ENFORCEMENT AGENCY WITHIN
48 TEN DAYS AFTER THE RECEIPT OF THE ORDER BY THE INTERNET ACCESS
49 PROVIDER. IF THE INTERNET ACCESS PROVIDER DEMONSTRATES THAT, FOR
50 BONA FIDE TECHNICAL REASONS, IT CANNOT COMPLY WITH THE COURT
51 ORDER WITHIN TEN DAYS, IT SHALL COMPLY WITH THE COURT ORDER AS
52 SOON AS POSSIBLE.

53
54 (3) AN INTERNET ACCESS PROVIDER SHALL PROVIDE THE NATIONAL
55 CENTER FOR MISSING AND EXPLOITED CHILDREN, PURSUANT TO 42 U.S.C.
56 SEC. 13032, WITH THE INTERNET PROTOCOL ADDRESS, NAME, ADDRESS,

1 CITY AND STATE, OR ZIP CODE INFORMATION PERTAINING TO A SUBSCRIBER
2 INVOLVED IN A REPORT OR INSTANCE OF APPARENT CHILD PORNOGRAPHY.

3
4 (4) EACH INTERNET ACCESS PROVIDER WITH MORE THAN FIFTEEN
5 THOUSAND SUBSCRIBERS WHO ARE RESIDENTS OF THIS STATE SHALL, UPON
6 REQUEST, PROVIDE TRAINING MATERIALS TO LAW ENFORCEMENT
7 AGENCIES IN THIS STATE REGARDING BEST PRACTICES FOR INVESTIGATING
8 INTERNET-RELATED CRIMES INVOLVING SEXUAL EXPLOITATION OF
9 CHILDREN, THE INTERNET ACCESS PROVIDER DATA RETENTION PRACTICES,
10 AND CONTACT INFORMATION FOR THE INTERNET ACCESS PROVIDER.

11
12 (5) SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE
13 INTERPRETED CONSISTENT WITH THE REQUIREMENTS OF FEDERAL LAW
14 THAT APPLY TO INTERNET ACCESS PROVIDERS.

15
16 **6-2.7-103. Internet evidence - failure to release or preserve -**
17 **civil penalty.** (1) AN INTERNET ACCESS PROVIDER THAT FAILS TO
18 COMPLY WITH THE REQUIREMENTS IN SECTION 6-2.7-102 SHALL BE LIABLE
19 FOR PAYMENT OF A CIVIL PENALTY OF UP TO TWO THOUSAND FIVE
20 HUNDRED DOLLARS FOR EACH INCIDENCE OF NONCOMPLIANCE; EXCEPT
21 THAT THE INTERNET ACCESS PROVIDER SHALL BE LIABLE FOR PAYMENT OF
22 UP TO TEN THOUSAND DOLLARS FOR A THIRD AND SUBSEQUENT INCIDENCE
23 OF NONCOMPLIANCE THAT OCCURS WITHIN A TWELVE-MONTH PERIOD.
24 THE STATE ATTORNEY GENERAL IS AUTHORIZED TO BRING SUIT IN A COURT
25 OF COMPETENT JURISDICTION FOR ENFORCEMENT OF THE PROVISIONS OF
26 SECTION 6-2.7-102.

27
28 (2) AN INTERNET ACCESS PROVIDER SHALL NOT BE LIABLE IF,
29 NOTWITHSTANDING GOOD FAITH EFFORTS TO COMPLY, IT IS UNABLE TO
30 PROVIDE THE INFORMATION REQUESTED DUE TO A BONA FIDE TECHNICAL
31 FAILURE.

32
33 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1) OF THIS
34 SECTION, AN INTERNET ACCESS PROVIDER'S FAILURE TO COMPLY WITH THE
35 REQUIREMENTS SPECIFIED IN SECTION 6-2.7-102 SHALL NOT RESULT IN
36 FURTHER CIVIL LIABILITY."

37
38 Renumber succeeding sections accordingly.

39
40 Page 11, line 12, strike "This" and substitute "Section 9 of this act shall
41 take effect October 1, 2006, and the remainder of this".

42
43 Amendment No. 4, by Representative McCluskey.

44
45 Amend Amendment No. 3, printed in House Journal page *, line *, strike
46 "TEN" and substitute "FIVE".

47
48 As amended, ordered engrossed and placed on the Calendar for Third
49 Reading and Final Passage.

50
51 **HB06-1389** by Representative(s) McKinley, Weissmann, Benefield,
52 Butcher, Carroll M., Cerbo, Frangas, Gallegos, Green,
53 Hodge, Jahn, Lindstrom, McFadyen, Merrifield, Pommer,
54 Ragsdale, Soper, Vigil; also Senator(s) Tochtrop--
55 Concerning information to be provided to visitors at
56 Rocky Flats.

1 Amendment No. 1, Health and Human Services Report, dated April 10,
2 2006, and placed in member's bill file; Report also printed in House
3 Journal, April 11, page 113.

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

7
8 **HB06-1170** by Representative(s) Weissmann, Boyd; also Senator(s)
9 Johnson, Hagedorn--Concerning alternative health care
10 providers.

11
12 Amendment No. 1, Appropriations Report, dated April 12, 2006, and
13 placed in member's bill file; Report also printed in House Journal, April
14 13, pages 1193-119.

15
16 Amendment No. 2, by Representative Weissmann.

17
18 Amend the Appropriations Committee Report, dated April 12, 2006, page
19 2, line 25, strike "OR REGISTERED" and substitute "REGISTERED, OR
20 INCLUDED IN THE DATA BASE OF UNLICENSED PSYCHOTHERAPISTS AS
21 PROVIDED IN SECTION 12-43-702.5, C.R.S.,";

22
23 line 26, strike "COLORADO;" and substitute "COLORADO;".

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

27
28 **SB06-073** by Senator(s) Tapia; also Representative(s) Merrifield--
29 Concerning the age specifications relating to compulsory
30 school attendance.

31
32 Amendment No. 1, Education Report, dated April 13, 2006, and placed
33 in member's bill file; Report also printed in House Journal, April 14,
34 pages 1222-122.

35
36 Amendment No. 2, by Representative King.

37
38 Amend Education Committee Report, dated April 13, 2006, page 1, strike
39 lines 1 and 2 and substitute the following:

40
41 "Amend reengrossed bill, page 2, strike lines 3 through 6 and substitute
42 the following:

43
44 "(a) Colorado children at least seven years of age and less than
45 seventeen years of age shall be required to attend school;"

46
47 line 7, strike "(c)" and substitute "(b)";

48
49 line 13, strike "(d)" and substitute "(c)".

50
51 Amendment No. 3, by Representative Merrifield.

52
53 Amend Education Committee report, dated April 13, 2006, page 1, after
54 line 5, insert the following:

55
56 "line 23, strike "~~seven~~ SIX" and substitute "seven";

1 Page 1 of the committee report, strike line 8 and substitute the following:

2

3 "Page 4, line 7, strike "~~seven~~ SIX" and substitute "seven";

4

5 line 8, strike "EIGHTEEN" and substitute "SEVENTEEN".";

6

7 strike line 12 and substitute the following:

8

9 "Page 6, line 5, strike "~~seven~~ SIX" and substitute "seven";

10

11 line 6, strike "EIGHTEEN" and substitute "SEVENTEEN".".

12

13 As amended, referred to the Committee on Appropriations.

14

15 **SB06-209** by Senator(s) Windels; also Representative(s) Paccione,
16 Massey--Concerning creation of a task force to study
17 Colorado's system of higher education financing.

18

19 Amendment No. 1, Education Report, dated April 13, 2006, and placed
20 in member's bill file; Report also printed in House Journal, April 14,
21 page122.

22

23 Amendment No. 2, by Representative Penry.

24

25 Amend reengrossed bill, page 2, line 15, after the period, add "THE
26 GOVERNOR SHALL APPOINT ONE REPRESENTATIVE FROM A PRIVATE
27 INSTITUTION OF HIGHER EDUCATION AS A NONVOTING MEMBER OF THE
28 TASK FORCE.".

29

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

32

33 **HB06-1394** by Representative(s) Vigil; also Senator(s) Teck--
34 Concerning authorization for rental companies of class A
35 motor vehicles to pay two percent of rental fees in lieu of
36 paying on the vehicle's taxable value when paying specific
37 ownership taxes.

38

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

41

42 **HB06-1359** by Representative(s) McFadyen, Carroll T.--Concerning
43 creation of a false claims act.

44

45 Amendment No. 1, Judiciary Report, dated February 9, 2006, and placed
46 in member's bill file; Report also printed in House Journal, March 10,
47 pages 710-71.

48

49 Amendment No. 2, by Representative Plant.

50

51 Strike the Appropriations Committee Report, dated April 12, 2006, and
52 substitute the following:

53

54 "Amend printed bill, page 22, after line 4, insert the following:

55 **"SECTION 2. Appropriation.** In addition to any other
56 appropriation, there is hereby appropriated, out of any moneys in the

1 general fund, not otherwise appropriated, to the department of law, for the
2 fiscal year beginning July 1, 2006, the sum of three hundred ninety-four
3 thousand six hundred sixty-five dollars (\$394,665) and 5.0 FTE, or so
4 much thereof as may be necessary, for the implementation of this act."

5

6 Renumber succeeding section accordingly.

7

8 Page 1, line 101, strike "ACT." and substitute "ACT, AND MAKING AN
9 APPROPRIATION THEREFOR."."

10

11 Amendment No. 3, by Representative McFadyen.

12

13 Amend the Judiciary Committee Report, dated February 9, 2006, page 1,
14 line 9, change the semicolon to a period;

15

16 strike lines 10 through 17.

17

18 Page 2 of the committee report, after line 8, insert the following:

19

20 "Page 14, after line 5, insert the following:

21

22 "(e) A PERSON WHO KNOWS OR REASONABLY SHOULD HAVE
23 KNOWN THAT THE PERSON SHOULD NOT HAVE RECEIVED STATE FUNDS OR
24 POLITICAL SUBDIVISION FUNDS AND WHO, WITHIN THIRTY DAYS AFTER
25 ACCEPTING AN OVERPAYMENT OF STATE FUNDS OR POLITICAL SUBDIVISION
26 FUNDS, REPORTS THE OVERPAYMENT TO THE ATTORNEY GENERAL OR THE
27 PROSECUTING ATTORNEY OF THE POLITICAL SUBDIVISION SHALL NOT BE
28 LIABLE FOR CIVIL PENALTIES OR TREBLE DAMAGES UNDER THE PROVISIONS
29 THIS ARTICLE.

30

31 (f) (I) ANY PERSON WHO SHOULD NOT HAVE RECEIVED STATE
32 FUNDS OR POLITICAL SUBDIVISION FUNDS AND WHO, ON OR BEFORE
33 JANUARY 1, 2007, REPAYS THE FUNDS AND REPORTS THE RECEIPT AND
34 REPAYMENT TO THE ATTORNEY GENERAL OR TO THE PROSECUTING
35 ATTORNEY OF THE POLITICAL SUBDIVISION SHALL NOT BE LIABLE FOR CIVIL
36 PENALTIES OR TREBLE DAMAGES UNDER THE PROVISIONS OF THIS ARTICLE.

37

38 (II) THIS PARAGRAPH (f) IS REPEALED, EFFECTIVE JULY 1, 2007."."

39

40 Amendment No. 4, by Representative McFadyen.

41

42 Amend printed bill, page 3, line 27, strike "MAY" and substitute "SHALL".

43

44 Page 4, line 1, strike "UP TO TEN" and substitute "NOT LESS THAN FIVE
45 THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN ELEVEN".

46

47 Amendment No. 5, by Representative McFadyen.

48

49 Amend printed bill, page 6, line 26, strike "SIXTY" and substitute "ONE
50 HUNDRED TWENTY".

51

52 Page 7, line 17, strike "SIXTY" and substitute "ONE HUNDRED TWENTY".

53

54 Page 8, line 14, strike "SIXTIETH" and substitute "ONE HUNDRED
55 TWENTIETH".

56

1 Amendment No. 6, by Representative McFadyen.

2

3 Amend printed bill, page 16, line 25, strike "PRESENT OR FORMER
4 EMPLOYEE" and substitute "PERSON";

5

6 line 26, strike "EMPLOYEE" and substitute "PERSON".

7

8 Page 17, line 1, strike "EMPLOYEE" and substitute "PERSON";

9

10 line 5, strike "EMPLOYEE" and substitute "PERSON";

11

12 line 6, strike "PRESENT OR PAST EMPLOYEE'S" and substitute "PERSON'S";

13

14 line 7, strike "EMPLOYEE'S" and substitute "PERSON'S".

15

16 Amendment No. 7, by Representative McFadyen.

17

18 Amend printed bill, page 6, after line 19, insert the following:

19

20 "(b) (I) WHEN THE ATTORNEY GENERAL HAS REASONABLE CAUSE
21 TO BELIEVE THAT A PERSON HAS ENGAGED IN OR IS ENGAGING IN A
22 VIOLATION OF THE PROVISIONS OF THIS ARTICLE THAT MAY BE ENFORCED
23 BY THE ATTORNEY GENERAL, THE ATTORNEY GENERAL MAY:

24 (A) REQUIRE THE PERSON TO FILE A STATEMENT OR REPORT IN
25 WRITING, UNDER OATH OR OTHERWISE, ON FORMS PRESCRIBED BY THE
26 ATTORNEY GENERAL, OR TO ANSWER IN WRITING, UNDER OATH OR
27 OTHERWISE, ANY QUESTIONS PROPOUNDED BY THE ATTORNEY GENERAL,
28 AS TO ALL FACTS AND CIRCUMSTANCES REASONABLY RELATED TO THE
29 ALLEGED VIOLATION AND TO PROVIDE ANY OTHER DATA AND
30 INFORMATION THE ATTORNEY GENERAL REASONABLY DEEMS TO BE
31 NECESSARY;

32 (B) ISSUE SUBPOENAS TO REQUIRE THE ATTENDANCE OF
33 WITNESSES OR THE PRODUCTION OF RELEVANT DOCUMENTS, ADMINISTER
34 OATHS, CONDUCT HEARINGS IN AID OF AN INVESTIGATION OR INQUIRY,
35 AND PRESCRIBE FORMS AND PROMULGATE RULES AS HE OR SHE MAY
36 REASONABLY DEEM TO BE NECESSARY TO ADMINISTER THE PROVISIONS OF
37 THIS SECTION; AND

38

39 (C) MAKE A TRUE COPY, AT THE EXPENSE OF THE ATTORNEY
40 GENERAL, OF A DOCUMENT EXAMINED PURSUANT TO SUB-SUBPARAGRAPH
41 (B) OF THIS SUBPARAGRAPH (I), WHICH COPY MAY BE OFFERED INTO
42 EVIDENCE IN LIEU OF THE ORIGINAL THEREOF IN A CIVIL ACTION BROUGHT
43 PURSUANT TO THIS ARTICLE. THE PERSON PRODUCING THE DOCUMENT
44 MAY REQUIRE THAT THE ATTORNEY GENERAL MAKE A COPY OF THE
45 DOCUMENT. IF THE ATTORNEY GENERAL DETERMINES THAT THE USE OF AN
46 ORIGINAL IS NECESSARY, THE ATTORNEY GENERAL SHALL PAY TO HAVE A
47 COPY OF THE DOCUMENT MADE FOR USE BY THE PERSON PRODUCING THE
48 DOCUMENT.

49 (II) SERVICE OF A REQUEST OR SUBPOENA SHALL BE MADE IN THE
50 MANNER PRESCRIBED BY LAW.

51 (III) A WRITTEN RESPONSE, TESTIMONY, OR DOCUMENT OBTAINED
52 BY THE ATTORNEY GENERAL PURSUANT TO THIS SECTION, OR ANY
53 INFORMATION DERIVED DIRECTLY OR INDIRECTLY FROM SUCH WRITTEN

1 RESPONSE, TESTIMONY, OR DOCUMENT, SHALL NOT BE ADMISSIBLE IN
2 EVIDENCE IN A CRIMINAL PROSECUTION AGAINST THE PERSON PROVIDING
3 THE WRITTEN RESPONSE, TESTIMONY, OR DOCUMENT. THE PROVISIONS OF
4 THIS SUBPARAGRAPH (III) SHALL NOT BE CONSTRUED TO PREVENT A LAW
5 ENFORCEMENT OFFICER, HAVING AN INDEPENDENT BASIS THEREFOR, FROM
6 PRODUCING OR OBTAINING THE SAME OR SIMILAR FACTS, INFORMATION, OR
7 EVIDENCE FOR USE IN A CRIMINAL PROSECUTION.

8 (IV) NOTHING IN THIS PARAGRAPH (b) SHALL PROHIBIT THE
9 ATTORNEY GENERAL FROM DISCLOSING INFORMATION OBTAINED
10 PURSUANT TO THIS SECTION TO ANOTHER LAW ENFORCEMENT AGENCY OR
11 DEPARTMENT OF A GOVERNMENTAL OR PUBLIC ENTITY OF THIS OR
12 ANOTHER STATE OR TO THE FEDERAL GOVERNMENT IF THE OTHER LAW
13 ENFORCEMENT AGENCY OR DEPARTMENT EXECUTES AN AGREEMENT THAT
14 THE INFORMATION WILL REMAIN CONFIDENTIAL AND WILL NOT BE USED IN
15 A CRIMINAL PROSECUTION AGAINST THE PERSON PROVIDING THE WRITTEN
16 RESPONSE, TESTIMONY, OR DOCUMENT.

17 (V) IF A PERSON FAILS TO APPEAR OR FAILS TO COOPERATE WITH
18 AN INVESTIGATION OR INQUIRY PURSUANT TO A REQUEST OR SUBPOENA
19 ISSUED PURSUANT TO THIS PARAGRAPH (b), THE ATTORNEY GENERAL MAY
20 APPLY TO A DISTRICT COURT FOR AN APPROPRIATE ORDER TO EFFECT THE
21 PURPOSES OF THIS PARAGRAPH (b). THE APPLICATION SHALL STATE THAT
22 THERE IS REASONABLE CAUSE TO BELIEVE THAT THE ORDER APPLIED FOR
23 IS NECESSARY TO INVESTIGATE, PROSECUTE, OR TERMINATE A VIOLATION
24 OF THIS ARTICLE. IF THE COURT IS SATISFIED THAT REASONABLE CAUSE
25 EXISTS, THE COURT MAY:

26 (A) REQUIRE THE ATTENDANCE OF, OR THE PRODUCTION OF
27 DOCUMENTS BY, THE PERSON, OR BOTH;

28 (B) ASSESS A CIVIL PENALTY OF UP TO FIVE THOUSAND DOLLARS
29 FOR THE FAILURE TO APPEAR AND ANSWER QUESTIONS, WRITTEN OR
30 OTHERWISE, OR THE FAILURE TO PRODUCE DOCUMENTS UNLESS THE COURT
31 FINDS THAT THE FAILURE TO APPEAR, TO ANSWER QUESTIONS, OR TO
32 PRODUCE DOCUMENTS WAS SUBSTANTIALLY JUSTIFIED OR THAT OTHER
33 CIRCUMSTANCES MAKE AN ASSESSMENT OF A CIVIL PENALTY UNJUST;

34 (C) AWARD THE ATTORNEY GENERAL REASONABLE COSTS AND
35 ATTORNEY FEES IN MAKING THIS APPLICATION UNLESS THE COURT FINDS
36 THAT THE FAILURE TO APPEAR, TO ANSWER QUESTIONS, OR TO PRODUCE
37 DOCUMENTS WAS SUBSTANTIALLY JUSTIFIED OR THAT OTHER
38 CIRCUMSTANCES MAKE AN AWARD OF COSTS AND ATTORNEY FEES UNJUST;

39 (D) ENTER ANY PROTECTIVE ORDER AS PROVIDED FOR IN THE
40 COLORADO RULES OF CIVIL PROCEDURE; AND

41 (E) GRANT SUCH OTHER OR FURTHER RELIEF AS MAY BE
42 NECESSARY TO OBTAIN COMPLIANCE BY THE PERSON."

43

44 Reletter succeeding paragraphs accordingly.

45

46 Page 6, line 27, strike "(b)" and substitute "(c)".

47

48 Amendment No. 8, by Representative McFadyen.

49

50 Amend printed bill, page 20, after line 21, insert the following:

51 "24-116-107. **Retaliation.** NO PERSON OR GOVERNMENTAL

1 AGENCY SHALL RETALIATE AGAINST ANY PERSON BY DENYING OR
2 DELAYING MEDICAID OR MEDICARE BENEFITS TO THE PERSON OR A
3 MEMBER OF THE PERSON'S FAMILY BECAUSE THE PERSON HAS
4 PARTICIPATED IN A CIVIL ACTION BROUGHT UNDER THIS ARTICLE 116 BY
5 INVESTIGATING, INITIATING, TESTIFYING, OR OTHERWISE ASSISTING IN AN
6 ACTION FILED OR TO BE FILED UNDER THIS ARTICLE 116, INCLUDING BUT
7 NOT LIMITED TO GIVING TESTIMONY AT A DEPOSITION OR TRIAL."

8

9 Renumber succeeding C.R.S. sections accordingly.

10

11 Amendment No. 9, by Representative McFadyen.

12

13 Amend printed bill, page 22, after line 4, insert the following:

14

15 "SECTION 2. 18-4-412 (1) and (2) (c), Colorado Revised
16 Statutes, are amended to read:

17

18 **18-4-412. Theft of medical records or medical information -**
19 **penalty.** (1) (a) EXCEPT AS AUTHORIZED PURSUANT TO PARAGRAPH (b)
20 OF THIS SUBSECTION (1), any person who, without proper authorization,
21 knowingly obtains a medical record or medical information with the
22 intent to appropriate the medical record or medical information to his
23 own use or to the use of another, who steals or discloses to an
24 unauthorized person a medical record or medical information, or who,
25 without authority, makes or causes to be made a copy of a medical record
26 or medical information commits theft of a medical record or medical
27 information.

28

29 (b) THE OBTAINING, ACCESSING, USE, OR DISCLOSURE BY THE
30 ATTORNEY GENERAL OR A PROSECUTING AUTHORITY IN CONNECTION
31 WITH AN INVESTIGATION OR ACTION UNDER ARTICLE 116 OF TITLE 24,
32 C.R.S., SHALL NOT CONSTITUTE THEFT OF A MEDICAL RECORD OR
33 MEDICAL INFORMATION.

34

35 (2) As used in this section:

36

37 (c) "Proper authorization" means:

38

39 (I) A written authorization signed by the patient or his or her duly
40 designated representative; or

41

42 (II) An appropriate order of court; or

43

44 (III) Authorized possession pursuant to law or regulation for
45 claims processing, possession for medical audit or quality assurance
46 purposes, possession by a consulting physician to the patient, or
47 possession by hospital personnel for record-keeping and billing purposes;
48 or

49

50 (IV) Authorized possession pursuant to section 18-3-415.5,
51 18-7-201.5, 18-7-205.5, 25-1-122, or 30-10-606 (6), C.R.S.; OR

52

53 (V) IN FURTHERANCE OF A CLAIM FILED UNDER ARTICLE 116 OF
54 TITLE 24, C.R.S., INCLUDING INVESTIGATING, INITIATING, TESTIFYING, OR
55 ASSISTING IN AN ACTION FILED PURSUANT TO SECTION 24-116-104,
56 C.R.S."

1 Renumber succeeding section accordingly.

2

3 Amendment No. 10, by Representative McFadyen.

4

5 Amend printed bill, page 10, line 26, strike "THE" and substitute "IF THE
6 STATE OR POLITICAL SUBDIVISION HAS DECIDED TO PROCEED WITH THE
7 ACTION PURSUANT TO THIS SUBSECTION (3), THE".

8

9 Page 11, line 7, after "(III)", insert "(A)", and strike "THE" and substitute
10 "IF THE STATE OR POLITICAL SUBDIVISION HAS DECIDED TO PROCEED WITH
11 THE ACTION PURSUANT TO THIS SUBSECTION (3), THE";

12

13 after line 12, insert the following:

14

15 "(B) IF ONLY THE STATE OR ONLY THE POLITICAL SUBDIVISION
16 REACHES A SETTLEMENT AGREEMENT WITH A DEFENDANT, THE
17 NONSETTLING PLAINTIFF MAY PROCEED WITH THE ACTION WITHOUT THE
18 SETTLING PLAINTIFF TO THE EXTENT NECESSARY TO PROTECT THE
19 INTEREST OF THE NONSETTLING PLAINTIFF."

20

21 A motion by Representative Madden that the Committee rise, report
22 progress and beg leave to sit again at 1:30 p.m., was adopted by
23 unanimous consent. (Continued on page 1378.)

24

25

House reconvened.

26

27
28 The Committee of the Whole reported it had risen, reported progress and
29 would sit again at 1:30 p.m.

30

31

32 Pursuant to House Rule 25, the Speaker announced that the Committee
33 on Judiciary would be allowed to meet.

34

35

House in recess. House reconvened.

36

37

38

39

40 **REPORTS OF COMMITTEES OF REFERENCE**

41

42 **FINANCE**

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

45

46 **HCR06-1005** be postponed indefinitely.

47

48

49 **SB06-122** be referred favorably to the Committee on Appropriations.

50

51

52 **SB06-211** be referred to the Committee of the Whole with favorable
53 recommendation.

54

55

56

1 **HEALTH & HUMAN SERVICES**

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

4
5 **HB06-1252** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:

8
9 Strike the Health and Human Services Committee Report, dated February
10 13, 2006.

11
12 Amend printed bill, strike everything below the enacting clause and
13 substitute the following:

14 **"SECTION 1. Legislative declaration.** The general assembly
15 finds that some citizens who are uninsured are experiencing difficulty in
16 obtaining prescription pharmaceuticals. The general assembly further
17 finds that, because appropriate use of pharmaceuticals can improve a
18 patient's health outcome and quality of life, instead of more invasive and
19 expensive procedures, it is essential that uninsured Coloradans have
20 access to outpatient prescription drugs. Therefore, in an effort to promote
21 healthy communities and to protect the public health and welfare of
22 Coloradans, the general assembly finds it is necessary to establish a
23 market-based prescription drug assistance program for the uninsured who
24 are most in need of assistance.

25
26 **SECTION 2.** Article 1 of title 25.5, Colorado Revised Statutes,
27 is amended BY THE ADDITION OF A NEW PART to read:

28
29 **PART 6**
30 **COLORADO CARES RX PROGRAM**

31
32 **25.5-1-601. Definitions.** AS USED IN THIS PART 6, UNLESS THE
33 CONTEXT OTHERWISE REQUIRES:

34
35 (1) "OUTPATIENT PRESCRIPTION DRUG" MEANS A PRESCRIPTION
36 DRUG THAT IS PRESCRIBED FOR SELF-ADMINISTRATION BY A PATIENT AND
37 THAT IS DISPENSED BY A PARTICIPATING PHARMACY.

38
39 (2) "PARTICIPATING MANUFACTURER" MEANS AN ENTITY THAT
40 DISTRIBUTES GENERIC OR BRANDED PHARMACEUTICALS AND THAT ENTERS
41 INTO AN AGREEMENT WITH THE STATE DEPARTMENT TO PARTICIPATE IN
42 THE PROGRAM.

43
44 (3) "PARTICIPATING PHARMACY" MEANS AN ESTABLISHMENT
45 LOCATED IN THE UNITED STATES THAT HAS A VALID STATE LICENSE OR
46 REGISTRATION TO DISPENSE PRESCRIPTION DRUGS TO RESIDENTS OF
47 COLORADO AND THAT ENTERS INTO AN AGREEMENT WITH THE STATE
48 DEPARTMENT TO PARTICIPATE IN THE PROGRAM.

49
50 (4) "PROGRAM" MEANS THE COLORADO CARES RX PROGRAM
51 CREATED IN SECTION 25.5-1-602.

52
53 (5) "PROGRAM PARTICIPANT" MEANS AN INDIVIDUAL DETERMINED
54 ELIGIBLE FOR THE PROGRAM WHO HAS BEEN ISSUED A COLORADO CARES
55 RX PROGRAM ENROLLMENT CARD.

56

1 (6) "STATE HEALTH PLAN" MEANS A HEALTH BENEFITS PROGRAM
2 PAID FOR IN WHOLE OR IN PART BY THE STATE OF COLORADO FOR STATE
3 EMPLOYEES, ACTIVE OR RETIRED, THAT IS AUTHORIZED TO NEGOTIATE
4 PRESCRIPTION DRUG DISCOUNTS SEPARATELY AND INDEPENDENTLY FROM
5 OTHER STATE PROGRAMS.
6

7 **25.5-1-602. Creation - administration of program - rules.**

8 (1) (a) THERE IS HEREBY ESTABLISHED A DISCOUNT DRUG PROGRAM,
9 KNOWN AS THE COLORADO CARES RX PROGRAM, TO PROVIDE ELIGIBLE
10 UNINSURED PERSONS WITH ACCESS TO DISCOUNTS ON OUTPATIENT
11 PRESCRIPTION DRUGS FROM PARTICIPATING MANUFACTURERS AND
12 PHARMACIES THROUGH A STATE-SPONSORED DISCOUNT CARD PROGRAM.
13 THE PROGRAM SHALL PROVIDE PROGRAM PARTICIPANTS DISCOUNTS ON
14 OUTPATIENT PRESCRIPTION DRUGS BASED ON EXISTING NEGOTIATED
15 DISCOUNTS AVAILABLE TO STATE HEALTH PLANS ESTABLISHED THROUGH
16 AGREEMENTS BETWEEN THE EXECUTIVE DIRECTOR AND PARTICIPATING
17 PHARMACIES AND MANUFACTURERS PURSUANT TO THIS PART 6, OR, AT A
18 MANUFACTURER'S OPTION, BASED ON AN AGREEMENT TO COORDINATE
19 ENROLLMENT IN A PARTICIPATING MANUFACTURER'S EXISTING
20 PRESCRIPTION DRUG ASSISTANCE PROGRAM FOR THE UNINSURED.
21

22 (b) UNLESS WAIVED BY A PARTICIPATING PHARMACY OR THROUGH
23 AN AGREEMENT BETWEEN THE STATE DEPARTMENT AND A PARTICIPATING
24 PHARMACY, A PROGRAM PARTICIPANT SHALL BE REQUIRED TO PAY A
25 DISPENSING FEE TO THE PARTICIPATING PHARMACY OF TWO DOLLARS AND
26 FIFTY CENTS. A PROGRAM PARTICIPANT SHALL ALSO BE REQUIRED TO PAY
27 AN ADMINISTRATIVE FEE OF ONE DOLLAR PER PRESCRIPTION.
28

29 (2) THE ENTIRE REBATE OR DISCOUNT ON AN OUTPATIENT
30 PRESCRIPTION DRUG OFFERED TO THE PROGRAM BY A PARTICIPATING
31 MANUFACTURER SHALL BE GIVEN TO THE PROGRAM PARTICIPANT.
32

33 (3) CONSISTENT WITH THE PROVISIONS OF SUBSECTION (6) OF THIS
34 SECTION, THE MANUFACTURER OF A SPECIFIC DRUG PRODUCT MAY ENTER
35 INTO AN AGREEMENT WITH THE EXECUTIVE DIRECTOR TO OFFER ANY OF
36 THE FOLLOWING TO THE PROGRAM PARTICIPANTS WITH RESPECT TO AN
37 OUTPATIENT PRESCRIPTION DRUG:
38

39 (a) THE MANUFACTURER'S BEST ESTIMATE OF THE AVERAGE
40 DISCOUNT OR REBATE OFFERED FOR THE SAME DRUG TO STATE HEALTH
41 PLANS IN THE PRIOR YEAR, WHICH SHALL BE EFFECTIVE FOR NO LESS THAN
42 ONE YEAR; OR
43

44 (b) THE PRESCRIPTION DRUG ASSISTANCE PROGRAM PRICE THE
45 MANUFACTURER OFFERS FOR THE DRUG TO ELIGIBLE PROGRAM
46 PARTICIPANTS.
47

48 (4) CONSISTENT WITH THE PROVISIONS OF SUBSECTION (6) OF THIS
49 SECTION, PARTICIPATING PHARMACIES MAY ENTER INTO AN AGREEMENT
50 WITH THE EXECUTIVE DIRECTOR TO PROVIDE THE PROGRAM PARTICIPANTS
51 THE DISCOUNT PRICE ON OUTPATIENT PRESCRIPTION DRUGS AND MAY
52 OFFER PROGRAM PARTICIPANTS FURTHER DISCOUNTS ON THEIR DISPENSING
53 FEES AND ON THE AMOUNT THE PHARMACY MARKS UP THEIR PURCHASE
54 PRICE FOR OUTPATIENT PRESCRIPTION DRUGS BY CHARGING A PRICE
55 LOWER THAN THEIR USUAL AND CUSTOMARY PRICE.
56

1 (5) THE STATE BOARD SHALL ADOPT RULES TO IMPLEMENT THE
2 PROGRAM, WHICH SHALL INCLUDE AT A MINIMUM:

3
4 (a) SIMPLIFIED ELIGIBILITY DETERMINATION PROCEDURES FOR THE
5 PROGRAM, INCLUDING METHODOLOGY FOR DOCUMENTING AN APPLICANT'S
6 ATTESTATION OF INCOME, DISABILITY, AND COVERAGE STATUS, AS
7 APPROPRIATE TO THE ELIGIBILITY GROUP FOR WHICH THE APPLICATION IS
8 BEING MADE;

9
10 (b) CLAIM FORMS AND PROCESSES TO BE USED BY A PARTICIPATING
11 PHARMACY TO OBTAIN REIMBURSEMENT FOR THE INGREDIENT COST
12 DISCOUNT PROVIDED TO THE PROGRAM PARTICIPANTS AS AGREED TO BY
13 THE DRUG'S MANUFACTURER PURSUANT TO SUBSECTION (3) OF THIS
14 SECTION;

15
16 (c) A PROCESS FOR COLLECTING THE ADMINISTRATIVE FEE FROM
17 PARTICIPATING PHARMACIES BY OFFSETTING PAYMENTS FOR THE
18 REIMBURSEMENT OF THE INGREDIENT COST DISCOUNT PROVIDED TO
19 PROGRAM PARTICIPANTS;

20
21 (d) ARRANGEMENTS FOR IMPLEMENTING AGREEMENTS UNDER THE
22 PROGRAM WITH PARTICIPATING MANUFACTURERS, INCLUDING A SCHEDULE
23 FOR PARTICIPATING MANUFACTURERS TO PAY REBATES TO THE EXECUTIVE
24 DIRECTOR, WHICH SHALL BE NO LESS FREQUENTLY THAN ONCE PER
25 QUARTER;

26
27 (e) ARRANGEMENTS FOR OBTAINING FROM STATE HEALTH PLANS
28 THE ANNUAL REPORTS OF THE INFORMATION REQUIRED FOR PURPOSES OF
29 DETERMINING THE DISCOUNT PRICE TO BE CHARGED TO PROGRAM
30 PARTICIPANTS PURSUANT TO THIS SECTION.

31
32 (6) THE EXECUTIVE DIRECTOR SHALL ESTABLISH AN ANNUAL
33 PROCESS FOR DETERMINING THE DISCOUNT PRICE TO BE CHARGED TO THE
34 PROGRAM PARTICIPANTS FOR EACH DRUG, WHICH SHALL NOT EXCEED AN
35 AMOUNT EQUAL TO THE INGREDIENT COST CAP MINUS THE MANUFACTURER
36 DISCOUNT. THE DISCOUNT PRICE SHALL BE ESTABLISHED AS FOLLOWS:

37
38 (a) THE INGREDIENT COST CAP FOR PURPOSES OF THIS SECTION
39 SHALL NOT BE GREATER THAN THE AVERAGE AMOUNT PAYABLE TO
40 PHARMACIES FOR A DRUG BY THE STATE HEALTH PLANS. THE EXECUTIVE
41 DIRECTOR SHALL OBTAIN ON AN ANNUAL BASIS THE FORMULA EACH STATE
42 HEALTH PLAN USED IN THE PRIOR YEAR TO COMPUTE INGREDIENT COST
43 PAYMENTS TO A PARTICIPATING PHARMACY FOR DRUGS FURNISHED TO
44 BENEFICIARIES OF THE STATE HEALTH PLANS AND SHALL DETERMINE THE
45 AVERAGE AMOUNT PAYABLE TO PHARMACIES FOR BRAND AND GENERIC
46 DRUGS BY THE STATE HEALTH PLANS. THE AVERAGE SHALL, WITH
47 RESPECT TO EACH DRUG, BE USED TO ESTABLISH THE INGREDIENT COST
48 CAP FOR PURPOSES OF THIS PART 6.

49
50 (b) THE MANUFACTURER DISCOUNT SHALL BE THE
51 MANUFACTURER'S BEST ESTIMATE OF THE AVERAGE REBATE AVAILABLE
52 FROM THE MANUFACTURER FOR THE DRUG TO STATE HEALTH PLANS
53 DURING THE PRIOR YEAR.

54
55 (7) FOR EACH DRUG FOR WHICH THE PROGRAM PRICE IS
56 ESTABLISHED UNDER THE PROGRAM, BEGINNING IN THE YEAR THAT BEGINS

1 IN THE FOURTH YEAR AFTER IMPLEMENTATION OF THE PROGRAM:
2

3 (a) THE EXECUTIVE DIRECTOR SHALL ANNUALLY OBTAIN FROM
4 STATE HEALTH PLANS THE AMOUNT OF THE REBATE, IF ANY, OBTAINED BY
5 THE PLANS OR THE PLANS' CONTRACTORS FOR EACH PRESCRIPTION DRUG
6 FOR WHICH THE EXECUTIVE DIRECTOR HAS ENTERED INTO A REBATE
7 AGREEMENT UNDER THE PROGRAM, FOR THE YEAR THAT BEGAN FIVE
8 YEARS EARLIER THAN THE CURRENT PROGRAM YEAR. THE REBATE
9 AMOUNT REPORTED FOR EACH STATE HEALTH PLAN FOR EACH DRUG SHALL
10 BE THE FULL AMOUNT PAID BY THE PARTICIPATING MANUFACTURER TO
11 THE STATE HEALTH PLAN OR CONTRACTOR THAT ADMINISTERS THE STATE
12 HEALTH PLAN.
13

14 (b) THE EXECUTIVE DIRECTOR SHALL DETERMINE THE AVERAGE OF
15 ANY REPORTED REBATES FOR EACH OUTPATIENT PRESCRIPTION DRUG. IF
16 THE AVERAGE COMPUTED BY THE EXECUTIVE DIRECTOR WOULD HAVE
17 RESULTED IN:
18

19 (I) A LOWER REBATE THAN THE PARTICIPATING MANUFACTURER'S
20 BEST ESTIMATE OF THE AVERAGE REBATE PAYABLE TO THE STATE HEALTH
21 PLANS FOR THE YEAR THAT IS THE SUBJECT OF THE REPORTS PURSUANT TO
22 PARAGRAPH (a) OF THIS SUBSECTION (7), THE PARTICIPATING
23 MANUFACTURER SHALL BE PROMPTLY NOTIFIED, BUT NO REFUND SHALL BE
24 OWED BY THE PROGRAM TO THE PARTICIPATING MANUFACTURER.
25

26 (II) A GREATER REBATE THAN THE PARTICIPATING
27 MANUFACTURER'S BEST ESTIMATE OF THE AVERAGE REBATE PAYABLE TO
28 THE STATE HEALTH PLANS FOR THE YEAR THAT IS THE SUBJECT OF THE
29 REPORTS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7), THE
30 PARTICIPATING MANUFACTURER SHALL MAKE AN AGGREGATE PAYMENT
31 TO THE STATE DEPARTMENT IN AN AMOUNT EQUAL TO THE DIFFERENCE
32 BETWEEN THE TOTAL AMOUNT OF THE PER UNIT PAYMENTS THAT WERE
33 MADE FOR THE PRIOR YEAR AND THE TOTAL AMOUNT THAT WOULD HAVE
34 BEEN PAID BY USING THE AVERAGE REBATE COMPUTED BY THE EXECUTIVE
35 DIRECTOR. THE EXECUTIVE DIRECTOR SHALL PROMPTLY NOTIFY THE
36 PARTICIPATING MANUFACTURER OF THE AMOUNT OWED, AND THE
37 PARTICIPATING MANUFACTURER SHALL MAKE AN AGGREGATE PAYMENT
38 OF THE AMOUNT OWED NO LATER THAN THIRTY DAYS AFTER RECEIVING
39 THE NOTICE. THE PAYMENT RECEIVED BY THE STATE DEPARTMENT SHALL
40 BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL DEPOSIT THE
41 SAME INTO THE FUND CREATED IN SECTION 25.5-1-608.
42

43 (8) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE EXECUTIVE
44 DIRECTOR IS AUTHORIZED TO CONTRACT WITH A THIRD PARTY FOR
45 ADMINISTRATION OF ALL OR PART OF THE PROGRAM. IF THE EXECUTIVE
46 DIRECTOR CONTRACTS WITH A PHARMACEUTICAL BENEFITS MANAGER FOR
47 THE ADMINISTRATION OF ALL OR PART OF THE PROGRAM, THE
48 PHARMACEUTICAL BENEFITS MANAGER SHALL BE REQUIRED TO
49 PARTICIPATE IN A TRANSPARENT MANNER TO ENABLE THE STATE
50 DEPARTMENT TO REVIEW PAYMENTS AND REPORTED INFORMATION TO
51 ENSURE APPROPRIATE ADMINISTRATION OF THE PROGRAM.
52

53 (b) THE EXECUTIVE DIRECTOR IS AUTHORIZED TO CONSIDER
54 ARRANGEMENTS TO INCLUDE A MAIL-SERVICE PHARMACY OPTION FOR
55 PROGRAM PARTICIPANTS, PROVIDED THAT NO DISPENSING FEE SHALL BE
56 CHARGED FOR MAIL-SERVICE PRESCRIPTIONS. THE AVAILABILITY OF

1 MAIL-SERVICE PRESCRIPTIONS, IF ANY, SHALL BE LIMITED TO
2 PRESCRIPTIONS FOR A THREE-MONTH SUPPLY OF AN OUTPATIENT
3 PRESCRIPTION DRUG THAT THE INDIVIDUAL ALREADY HAS USED FOR A
4 MINIMUM OF THREE MONTHS.

5

6 **25.5-1-603. Eligibility - enrollment - card - discount.**

7 (1) (a) AN INDIVIDUAL WHO IS A RESIDENT OF COLORADO IS ELIGIBLE TO
8 PARTICIPATE IN THE PROGRAM IF THE INDIVIDUAL MEETS ANY OF THE
9 FOLLOWING CRITERIA AT THE COMMENCEMENT OF THE PROGRAM YEAR:

10

11 (I) THE INDIVIDUAL IS OVER SIXTY YEARS OF AGE; OR

12

13 (II) THE INDIVIDUAL IS OVER FIFTY-FIVE YEARS OF AGE AND IS
14 RECEIVING SOCIAL SECURITY DISABILITY INSURANCE; OR

15

16 (III) (A) THE INDIVIDUAL HAS A FAMILY INCOME THAT DOES NOT
17 EXCEED TWO HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY LEVEL,
18 WHICH SHALL INCLUDE ALL SOURCES OF INCOME, INCLUDING BUT NOT
19 LIMITED TO WAGES, SALARIES, INTEREST, AND DIVIDENDS; AND

20

21 (B) THE INDIVIDUAL IS NOT ELIGIBLE FOR, AND FOR THE SIX
22 MONTHS PRIOR TO APPLYING FOR THE PROGRAM HAS NOT BEEN ELIGIBLE
23 FOR, OUTPATIENT PRESCRIPTION DRUG COVERAGE UNDER A HEALTH
24 BENEFITS PROGRAM PAID FOR IN WHOLE OR IN PART BY AN EMPLOYER,
25 MEDICAID, OR ANY OTHER STATE OR FEDERAL HEALTH PLAN OR
26 PHARMACEUTICAL ASSISTANCE PROGRAM, OTHER THAN MEDICARE, THAT
27 USES STATE OR FEDERAL FUNDS TO PAY FOR PART OR ALL OF THE
28 INDIVIDUAL'S PRESCRIPTION DRUG COSTS.

29

30 (b) THE SIX-MONTH PERIOD SET FORTH IN SUB-SUBPARAGRAPH (B)
31 OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL
32 NOT APPLY WITH RESPECT TO AN INDIVIDUAL IF:

33

34 (I) THE HEALTH PLAN FOR WHICH THE INDIVIDUAL HAS BEEN
35 ELIGIBLE IS TERMINATED BECAUSE OF BANKRUPTCY OF THE SPONSOR OR
36 IF PENSION BENEFITS ARE REQUIRED TO BE CUT IN A PLAN BEING MANAGED
37 UNDER ERISA PROTECTION; OR

38

39 (II) THE INDIVIDUAL IS NO LONGER ELIGIBLE FOR MEDICAID
40 BENEFITS; OR

41

42 (III) THE INDIVIDUAL IS WITHOUT HEALTH BENEFITS AS A RESULT
43 OF A PLANT OR COMPANY CLOSING, JOB ACTION LASTING MORE THAN
44 THIRTY DAYS, OR LAYOFF.

45

46 (2) AN INDIVIDUAL SEEKING TO PARTICIPATE IN THE PROGRAM
47 SHALL APPLY TO THE STATE DEPARTMENT ON AN ANNUAL BASIS,
48 PROVIDING AN ATTESTATION OF INCOME, DISABILITY, AND COVERAGE
49 STATUS AS APPROPRIATE TO THE ELIGIBILITY CATEGORY FOR WHICH
50 APPLICATION IS MADE. FALSE ATTESTATIONS SHALL BE SUBJECT TO THE
51 PERJURY PROVISIONS SET FORTH IN SECTION 18-8-503, C.R.S.

52

53 (3) BEFORE ENROLLING THE INDIVIDUAL IN THE PROGRAM, THE
54 EXECUTIVE DIRECTOR SHALL DETERMINE WHETHER THE INDIVIDUAL IS
55 ELIGIBLE TO BE ENROLLED IN COLORADO'S MEDICAID PROGRAM OR ANY
56 OTHER STATE-FUNDED PROGRAM OFFERING PRESCRIPTION DRUG

1 COVERAGE, OR IS ELIGIBLE FOR SUBSIDIES TO PAY FOR COVERAGE UNDER
2 THE MEDICARE PART D DRUG BENEFIT.

3

4 (4) A PROGRAM PARTICIPANT SHALL RECEIVE A COLORADO CARES
5 RX PROGRAM ENROLLMENT CARD TO BE PRESENTED TO PARTICIPATING
6 PHARMACIES TO RECEIVE DISCOUNTS PROVIDED BY THE PROGRAM ON THE
7 PARTICIPANT'S PURCHASES OF OUTPATIENT PRESCRIPTION DRUGS. THERE
8 SHALL BE NO PROGRAM ENROLLMENT FEE.

9

10 (5) THE STATE DEPARTMENT SHALL ENSURE THAT THE PROGRAM
11 IS THE PAYER OF LAST RESORT. NO PROGRAM FUNDS SHALL BE EXPENDED
12 WHERE A GOVERNMENT OR PRIVATE PAYER HAS PAID FOR ALL OR PART OF
13 AN OUTPATIENT PRESCRIPTION DRUG.

14

15 (6) SUBJECT TO ANY PARTICIPATING MANUFACTURER AGREEMENTS
16 ENTERED INTO PURSUANT TO THIS PART 6, THE AMOUNT PAYABLE TO
17 PARTICIPATING PHARMACIES BY PROGRAM PARTICIPANTS FOR AN
18 OUTPATIENT PRESCRIPTION DRUG SHALL BE THE LESSER OF THE PER
19 PRESCRIPTION ADMINISTRATIVE FEE PLUS:

20

21 (a) THE TWO DOLLAR AND FIFTY CENT DISPENSING FEE PLUS THE
22 DISCOUNT PRICE FOR THE DRUG ESTABLISHED UNDER SECTION 25.5-1-602
23 (6); OR

24

25 (b) THE TWO DOLLAR AND FIFTY CENT DISPENSING FEE PLUS THE
26 PARTICIPATING PHARMACY'S USUAL AND CUSTOMARY CHARGE FOR THE
27 DRUG.

28

29 **25.5-1-604. Pharmacy reimbursement.** (1) A PARTICIPATING
30 PHARMACY THAT CHARGES A PROGRAM PARTICIPANT THE DISCOUNT PRICE
31 FOR AN OUTPATIENT PRESCRIPTION DRUG SHALL SUBMIT A CLAIM TO THE
32 EXECUTIVE DIRECTOR VERIFYING THE QUANTITY OF EACH OUTPATIENT
33 PRESCRIPTION DRUG DISPENSED TO PROGRAM PARTICIPANTS BY THE
34 PARTICIPATING PHARMACY. THE PARTICIPATING PHARMACY SHALL USE
35 THE CLAIM FORM OR PROCESS ESTABLISHED BY RULE OF THE STATE BOARD.

36

37 (2) THE EXECUTIVE DIRECTOR SHALL REIMBURSE A PARTICIPATING
38 PHARMACY THE AMOUNT OF THE REBATE A MANUFACTURER HAS AGREED
39 TO PAY FOR THE OUTPATIENT PRESCRIPTION DRUG PURSUANT TO A REBATE
40 AGREEMENT ENTERED INTO UNDER THIS PART 6 FOR EACH PRESCRIPTION
41 DRUG THE PARTICIPATING PHARMACY HAS PROVIDED TO A PROGRAM
42 PARTICIPANT AT THE DISCOUNT PRICE. THE EXECUTIVE DIRECTOR SHALL
43 MAKE THE REIMBURSEMENTS AND PAYMENTS ON A MONTHLY BASIS.

44

45 **25.5-1-605. Confidential information - business - consumers.**

46 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INFORMATION
47 DISCLOSED BY PHARMACEUTICAL MANUFACTURERS AND BY STATE HEALTH
48 PLANS UNDER THIS PART 6 IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED
49 BY THE EXECUTIVE DIRECTOR OR A STATE AGENCY OR THE AGENCY'S
50 CONTRACTOR IN A FORM THAT DISCLOSES THE IDENTITY OF A SPECIFIC
51 MANUFACTURER, PRICES CHARGED FOR PRESCRIPTION DRUGS BY THE
52 MANUFACTURER OR WHOLESALER, THE IDENTITY OF A SPECIFIC STATE
53 HEALTH PLAN OR THE STATE HEALTH PLAN'S CONTRACTOR, OR THE
54 PAYMENT METHODOLOGIES OR REBATES OF THE PLAN EXCEPT:

55

1 (a) WHEN THE EXECUTIVE DIRECTOR DETERMINES IT TO BE
2 NECESSARY TO CARRY OUT THE PROGRAM; OR

3
4 (b) TO PERMIT THE ATTORNEY GENERAL TO REVIEW THE
5 INFORMATION PROVIDED.

6
7 (2) INFORMATION ON CLAIMS SUBMITTED BY PARTICIPATING
8 PHARMACIES THAT INCLUDE CONFIDENTIAL PATIENT INFORMATION SHALL
9 BE PROTECTED AS PROVIDED UNDER THE FEDERAL "HEALTH INSURANCE
10 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED.

11
12 **25.5-1-606. Program agreements - oversight - audits -**
13 **prohibitions.** (1) EACH PHARMACEUTICAL MANUFACTURER THAT SELLS
14 OUTPATIENT PRESCRIPTION DRUGS, WHETHER BRANDED OR GENERIC, MAY
15 VOLUNTARILY ENTER INTO AN AGREEMENT WITH THE EXECUTIVE
16 DIRECTOR TO PARTICIPATE IN THE PROGRAM.

17
18 (2) IF THE AGREEMENT BETWEEN THE PARTICIPATING
19 MANUFACTURER AND THE EXECUTIVE DIRECTOR PROVIDES FOR REBATES
20 UNDER THE PROGRAM, THE EXECUTIVE DIRECTOR SHALL REPORT TO THE
21 PARTICIPATING MANUFACTURER, IN A STANDARD REPORTING FORMAT
22 ESTABLISHED BY THE EXECUTIVE DIRECTOR, INFORMATION ON THE TOTAL
23 NUMBER OF UNITS OF EACH DOSAGE FORM AND STRENGTH AND PACKAGE
24 SIZE OF EACH OUTPATIENT PRESCRIPTION DRUG DISPENSED TO THE
25 PROGRAM PARTICIPANTS BY PARTICIPATING PHARMACIES AFTER THE
26 IMPLEMENTATION DATE OF THE PROGRAM.

27
28 (3) REBATE PAYMENTS FROM THE PARTICIPATING MANUFACTURER
29 SHALL BE DUE TO THE STATE DEPARTMENT NO LATER THAN THIRTY DAYS
30 AFTER THE INVOICE IS RECEIVED BY THE PARTICIPATING MANUFACTURER,
31 WHICH SHALL BE AT LEAST ONCE PER QUARTER.

32
33 (4) THE EXECUTIVE DIRECTOR SHALL PERMIT A PARTICIPATING
34 MANUFACTURER TO AUDIT THE INFORMATION PROVIDED OR REQUIRED TO
35 BE PROVIDED UNDER SUBSECTION (2) OF THIS SECTION, INCLUDING
36 REASONABLE REQUESTS TO AUDIT PARTICIPATING PHARMACIES AS MAY BE
37 APPROPRIATE TO RESOLVE DISPUTES REGARDING UTILIZATION DATA
38 SUBMITTED FOR REBATE PAYMENT. THE EXECUTIVE DIRECTOR SHALL
39 ENSURE THAT ANY ADJUSTMENTS ARE MADE TO REFLECT MANUFACTURER
40 AND PHARMACY AGREEMENTS WITH THE PROGRAM.

41
42 (5) THE STATE DEPARTMENT MAY AUDIT PARTICIPATING
43 PHARMACIES TO ENSURE THAT THE PARTICIPATING MANUFACTURER'S
44 DISCOUNTS ARE APPROPRIATELY PASSED ON TO THE PROGRAM
45 PARTICIPANTS. AUDIT REPORTS SHALL BE RELEASED TO THE GENERAL
46 ASSEMBLY AND THE PUBLIC ONCE PER YEAR.

47
48 (6) FAILURE OF A PHARMACY OR PHARMACEUTICAL
49 MANUFACTURER TO PARTICIPATE IN THE PROGRAM SHALL NOT RESULT IN
50 EXCLUSION FROM PARTICIPATION IN ANY OTHER STATE PROGRAM OR
51 RESULT IN NON-NETWORK OR OTHER NON-PREFERRED STATUS UNDER A
52 STATE HEALTH PLAN.

53
54 **25.5-1-607. Legislative oversight.** ON AN ANNUAL BASIS, THE
55 HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF
56 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,

1 SHALL REVIEW THE PROGRAM AND SHALL CONSIDER OPTIONS FOR
2 ENHANCING THE ASSISTANCE TO PROGRAM PARTICIPANTS, INCLUDING
3 CONSIDERATION OF THE APPROPRIATENESS OF THE STATE PAYING THE
4 DISPENSING FEE, THE ADMINISTRATIVE FEE, AND SOME ADDITIONAL
5 PORTION OF THE DRUG COST FOR THE NEEDIEST PARTICIPANTS OUT OF
6 PROGRAM FUNDS.

7
8 **25.5-1-608. Colorado cares Rx program fund - use.** (1) THERE
9 IS HEREBY CREATED IN THE STATE TREASURY THE COLORADO CARES RX
10 PROGRAM FUND, REFERRED TO IN THIS PART 6 AS THE "FUND". THE FUND
11 SHALL CONSIST OF MONEYS APPROPRIATED TO THE FUND BY THE GENERAL
12 ASSEMBLY, REBATES PAID BY PARTICIPATING MANUFACTURERS, PROGRAM
13 ADMINISTRATIVE FEES, AND ANY GIFTS, GRANTS, OR DONATIONS RECEIVED
14 FOR THE PROGRAM. THE MONEYS IN THE FUND SHALL BE SUBJECT TO
15 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
16 INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE
17 PROGRAM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE
18 OF THIS PART 6 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
19 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
20 AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
21 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
22 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
23 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

24
25 (2) MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY
26 THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT TO ADMINISTER THE
27 PROGRAM, TO REIMBURSE A PARTICIPATING PHARMACY THE AMOUNT OF
28 THE PARTICIPATING MANUFACTURER'S DISCOUNT OFF THE INGREDIENT
29 COST FOR AN OUTPATIENT PRESCRIPTION DRUG THAT THE PARTICIPATING
30 PHARMACY PASSES THROUGH TO A PROGRAM PARTICIPANT, AND FOR THE
31 STATE DEPARTMENT TO UNDERTAKE OUTREACH EFFORTS TO PUBLICIZE
32 THE PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
33 DEPARTMENT SHALL ALLOW INDIVIDUALS TO APPLY FOR PARTICIPATION IN
34 THE PROGRAM BY INTERNET AND BY TELEPHONE.

35
36 **25.5-1-609. Colorado cares Rx clearinghouse.** (1) THERE IS
37 HEREBY ESTABLISHED THE COLORADO CARES RX CLEARINGHOUSE,
38 REFERRED TO IN THIS SECTION AS THE "CLEARINGHOUSE", WHICH SHALL
39 BE OPERATED BY THE STATE DEPARTMENT. THE CLEARINGHOUSE SHALL
40 SERVE AS A CENTRAL REPOSITORY OF REGISTRATION AND APPLICATION
41 INFORMATION FOR ALL PUBLIC AND PRIVATE PRESCRIPTION DRUG BENEFITS
42 NOT ASSOCIATED WITH A PARTICULAR HEALTH PLAN OR INSURER,
43 INCLUDING BUT NOT LIMITED TO DRUG MANUFACTURER PATIENT
44 ASSISTANCE PROGRAMS, PRESCRIPTION DRUG DISCOUNT CARD PROGRAMS,
45 THE COLORADO CARES RX PROGRAM, THE CHILDREN'S BASIC HEALTH
46 PLAN, MEDICARE, AND THE COLORADO MEDICAID PROGRAM.

47
48 (2) THE CLEARINGHOUSE SHALL ASSIST COLORADO RESIDENTS IN
49 IDENTIFYING BENEFITS FOR WHICH THEY MAY BE ELIGIBLE.

50
51 (3) INFORMATION DISCLOSED BY PRIVATE ENTITIES, INCLUDING
52 BUT NOT LIMITED TO DRUG MANUFACTURERS, DURING THE COORDINATION
53 AND IMPLEMENTATION OF THE CLEARINGHOUSE SHALL BE KEPT
54 CONFIDENTIAL, EXCEPT AS THE EXECUTIVE DIRECTOR DETERMINES IS
55 NECESSARY TO CARRY OUT THE PURPOSES OF THE CLEARINGHOUSE. ALL
56 INFORMATION RECEIVED BY THE STATE OR ITS CONTRACTORS FROM A

1 PRIVATE ENTITY FOR COORDINATION UNDER THE CLEARINGHOUSE SHALL
2 BE EXEMPT FROM DISCLOSURE UNDER ARTICLE 72 OF TITLE 24, C.R.S.

3
4 (4) ALL INDIVIDUAL-IDENTIFYING INFORMATION RELATING TO ANY
5 CONSUMER THAT IS RECEIVED DURING THE OPERATION OF THE
6 CLEARINGHOUSE SHALL BE KEPT CONFIDENTIAL BY THE EXECUTIVE
7 DIRECTOR, OTHER STATE ENTITIES, AND PROGRAM ADMINISTRATORS FOR
8 DRUG MANUFACTURERS' PROGRAMS. THE DIRECTOR SHALL OBTAIN ANY
9 AUTHORIZATION FROM THE CONSUMERS NECESSARY TO ENSURE THAT THE
10 INFORMATION IS USED FOR THE PURPOSE OF ADMINISTERING THE
11 CLEARINGHOUSE AND MAKING REFERRALS TO ANY PUBLIC OR PRIVATE
12 PRESCRIPTION DRUG BENEFIT PROGRAM.

13
14 **25.5-1-610. Repeal of part.** (1) THIS PART 6 IS REPEALED,
15 EFFECTIVE JULY 1, 2010.

16
17 (2) PRIOR TO SUCH REPEAL, THE PROGRAM SHALL BE REVIEWED AS
18 PROVIDED IN SECTION 24-34-104, C.R.S.

19
20 **SECTION 3.** 24-34-104 (41), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22
23 **24-34-104. General assembly review of regulatory agencies
24 and functions for termination, continuation, or reestablishment.**
25 (41) The following agencies, functions, or both, shall terminate on July
26 1, 2010:

27
28 (s) THE COLORADO CARES RX PROGRAM IMPLEMENTED BY THE
29 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING PURSUANT TO
30 PART 6 OF ARTICLE 1 OF TITLE 25.5, C.R.S.

31
32 **SECTION 4. Safety clause.** The general assembly hereby finds,
33 determines, and declares that this act is necessary for the immediate
34 preservation of the public peace, health, and safety."

35
36
37
38
39 **TRANSPORTATION & ENERGY**

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

42
43 **HB06-1003** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:

46
47 Amend printed bill, strike everything below the enacting clause and
48 substitute the following:

49
50 "SECTION 1. Article 45 of title 7, Colorado Revised Statutes, is
51 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

52
53 **ARTICLE 45**
54 **Toll Road Companies**
55

1 **7-45-101. Formation of toll road or toll highway company -**
2 **description of corridor.** (1) A TOLL ROAD OR TOLL HIGHWAY COMPANY
3 SHALL BE FORMED UNDER COLORADO LAW, AND ITS FILED FORMATION
4 DOCUMENT SHALL SPECIFY AND MAP A THREE-MILE CORRIDOR WITHIN
5 WHICH A TOLL ROAD OR TOLL HIGHWAY WILL BE LOCATED AND IDENTIFY
6 THE GENERAL LOCATION OF THE TERMINI WITHIN THE CORRIDOR. IF A
7 TOLL ROAD OR TOLL HIGHWAY COMPANY COMPLIES WITH THE PROVISIONS
8 OF THIS ARTICLE, IT SHALL HAVE THE POWER TO ERECT TOLL GATES AND
9 SET AND COLLECT TOLLS.

10
11 (2) THE SECRETARY OF STATE SHALL MAINTAIN A LIST OF ALL TOLL
12 ROAD AND TOLL HIGHWAY COMPANIES AND SHALL MAKE THE LIST AND
13 THE FILED FORMATION DOCUMENTS FOR ALL TOLL ROAD AND TOLL
14 HIGHWAY COMPANIES AVAILABLE TO THE PUBLIC.

15
16 (3) NOTHING IN ARTICLES 30 TO 52, 101 TO 117, OR 121 TO 137 OF
17 THIS TITLE SHALL BE CONSTRUED TO AUTHORIZE A TOLL ROAD OR TOLL
18 HIGHWAY COMPANY TO LOCATE ALL OR ANY PART OF ITS THREE-MILE
19 CORRIDOR, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, UPON ANY
20 EXISTING TOLL ROAD, TOLL HIGHWAY, OR PUBLIC HIGHWAY THAT IS, AT
21 THE TIME OF THE FORMATION OF THE COMPANY, USED AS SUCH, OR WITHIN
22 FIVE MILES OF THE ROUTE OR CORRIDOR FOR A FUTURE TOLL ROAD OR
23 TOLL HIGHWAY THAT HAS BEEN DESIGNATED IN ANY PREVIOUSLY FILED
24 FORMATION DOCUMENT EXCEPT AS NECESSARY TO CROSS THE TOLL ROAD,
25 TOLL HIGHWAY, ROUTE, OR CORRIDOR.

26
27 (4) UPON THE EFFECTIVE DATE OF THIS SUBSECTION (4), ANY TOLL
28 ROAD OR TOLL HIGHWAY COMPANY WHOSE EXISTING CERTIFICATE OF
29 INCORPORATION SPECIFIES THE ROUTE OF A FUTURE TOLL ROAD OR TOLL
30 HIGHWAY, OR ANY AFFILIATE OF SUCH A COMPANY, SHALL HAVE THE
31 EXCLUSIVE RIGHT FOR A PERIOD OF NINETY DAYS TO FILE NEW OR
32 AMENDED FORMATION DOCUMENTS THAN ENCOMPASS LAND WITHIN THE
33 SPECIFIED ROUTE.

34
35 **7-45-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
36 CONTEXT OTHERWISE REQUIRES:

37
38 (1) "ASSOCIATED RAIL CORRIDOR" MEANS A CORRIDOR FOR A RAIL
39 LINE TO BE THAT IS LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY OF
40 A TOLL ROAD OR TOLL HIGHWAY.

41
42 (2) "ASSOCIATED SERVICE AREA" MEANS A GAS STATION,
43 RESTAURANT, OR OTHER TRAVEL-RELATED SERVICE THAT SERVES
44 MOTORISTS USING A TOLL ROAD OR TOLL HIGHWAY.

45
46 (3) "ASSOCIATED UTILITY CORRIDOR" MEANS A UTILITY LINE OR
47 SYSTEM AND ANY RELATED INFRASTRUCTURE USED TO CONVEY GAS,
48 ELECTRICITY, WATER, SEWAGE, TELECOMMUNICATIONS SIGNALS, DATA, OR
49 OTHER MEDIA LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY OF A
50 TOLL ROAD OR TOLL HIGHWAY.

51
52 (4) "COMMENTING STATE AGENCIES" MEANS THE DEPARTMENT OF
53 TRANSPORTATION, THE DEPARTMENT OF PUBLIC HEALTH AND
54 ENVIRONMENT, THE DEPARTMENT OF NATURAL RESOURCES, THE
55 DEPARTMENT OF AGRICULTURE, AND THE DEPARTMENT OF LOCAL AFFAIRS.

56

1 (5) "COMMERCIAL, RESIDENTIAL, AND INDUSTRIAL DEVELOPMENT"
2 MEANS THE DEVELOPMENT OF OFFICES, SHOPS, STORES, HOTELS,
3 RESTAURANTS, BARS, WAREHOUSES, FACTORIES, HOUSES, APARTMENTS,
4 CONDOMINIUMS, AND OTHER BUILDINGS AND STRUCTURES USED FOR THE
5 SALE AND RENTAL OF GOODS OR SERVICES, FOR THE MANUFACTURE,
6 FABRICATION, ASSEMBLY, OR STORAGE OF PRODUCTS, OR FOR SLEEPING OR
7 DWELLING.

8
9 (6) "COMPANY" MEANS A DOMESTIC CORPORATION, GENERAL
10 PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY COMPANY,
11 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY LIMITED
12 PARTNERSHIP, LIMITED PARTNERSHIP ASSOCIATION, NONPROFIT
13 ASSOCIATION, NONPROFIT CORPORATION, COOPERATIVE, OR OTHER
14 ORGANIZATION OR ASSOCIATION THAT IS CREATED UNDER A STATUTE OR
15 COMMON LAW OF THIS STATE AND THAT IS RECOGNIZED UNDER THE LAW
16 OF THIS STATE AS A SEPARATE LEGAL ENTITY.

17
18 (7) "FILED FORMATION DOCUMENT" MEANS ARTICLES OF
19 INCORPORATION, ARTICLES OF ORGANIZATION, A CERTIFICATE OF LIMITED
20 PARTNERSHIP, ARTICLES OF ASSOCIATION, A STATEMENT OF
21 REGISTRATION, OR ANY OTHER DOCUMENT OF SIMILAR IMPORT FILED BY
22 AN ENTITY WITH THE SECRETARY OF STATE UNDER WHICH THE ENTITY IF
23 FORMED OR OBTAINS ITS LEGAL STATUS IN THIS STATE.

24
25 (8) "TOLL ROAD" OR "TOLL HIGHWAY" MEANS A SERIES OF
26 IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO PAVING, GRADING,
27 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,
28 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, FRONTAGE ROADS,
29 ACCESS ROADS, INTERCHANGES, DRAINAGE FACILITIES, MASS TRANSIT
30 LANES, PARK AND RIDE FACILITIES, TOLL COLLECTION FACILITIES,
31 ADMINISTRATIVE OR MAINTENANCE FACILITIES, AND EMERGENCY
32 RESPONSE AND LAW ENFORCEMENT SERVICES. NOTHING IN THIS ARTICLE
33 SHALL BE CONSTRUED TO AFFECT ANY COMMON CARRIER, AS DEFINED IN
34 SECTION 40-1-102 (3), C.R.S., INCLUDING, BUT NOT LIMITED TO, ANY
35 RAILROAD. ANY UTILITY LINE, SYSTEM, OR INFRASTRUCTURE SHALL BE
36 SUBJECT TO A REASONABLE FEE AND REASONABLE RELOCATION
37 PROVISIONS.

38
39 (9) "TOLL ROAD OR TOLL HIGHWAY COMPANY" MEANS A COMPANY
40 THAT PROPOSES TO CONSTRUCT A TOLL ROAD OR TOLL HIGHWAY IN THIS
41 STATE UNDER THE PROVISIONS OF THIS ARTICLE.

42
43 **7-45-103. Deadline to commence work - maintenance of effort**
44 **requirement.** A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL
45 COMMENCE WORK, INCLUDING BUT NOT LIMITED TO PLANNING, DESIGN,
46 ENVIRONMENTAL, MITIGATION, AND OTHER PRECONSTRUCTION WORK, ON
47 THE TOLL ROAD OR TOLL HIGHWAY PROPOSED IN THE FILED FORMATION
48 DOCUMENT NO LATER THAN THREE YEARS AFTER THE FILING OF THE
49 DOCUMENT, OR WITHIN ONE YEAR AFTER RECEIVING ALL NECESSARY
50 APPROVALS FOR CONSTRUCTION. IF ANY NECESSARY APPROVAL IS THE
51 SUBJECT OF ADMINISTRATIVE OR JUDICIAL REVIEW, THEN THE ONE-YEAR
52 PERIOD SHALL BE AUTOMATICALLY EXTENDED UNTIL ONE YEAR AFTER ALL
53 ADMINISTRATIVE OR JUDICIAL REVIEW HAS BEEN CONCLUDED. THE TOLL
54 ROAD OR TOLL HIGHWAY COMPANY AND ANY SUCCESSOR TOLL ROAD OR
55 TOLL HIGHWAY COMPANY SHALL CONTINUE THE WORK FROM DAY TO DAY
56 UNTIL AT LEAST FIVE HUNDRED THOUSAND DOLLARS HAVE BEEN

1 EXPENDED ON THE TOLL ROAD OR TOLL HIGHWAY. IF THE TOLL ROAD OR
2 TOLL HIGHWAY COMPANY FAILS TO PERFORM THE REQUIRED WORK, IT
3 SHALL FORFEIT ALL RIGHTS ACQUIRED UNDER ITS FILED FORMATION
4 DOCUMENT AND BE ADMINISTRATIVELY DISSOLVED. IF THE TOLL ROAD OR
5 TOLL HIGHWAY COMPANY PERFORMS THE REQUIRED WORK, IT SHALL HAVE
6 THE EXCLUSIVE RIGHT TO DEVELOP OR SEEK APPROVAL TO DEVELOP A
7 TOLL ROAD OR TOLL HIGHWAY WITHIN THE THREE-MILE CORRIDOR
8 SPECIFIED IN ITS FILED FORMATION DOCUMENT AS REQUIRED BY SECTION
9 7-45-101 (1).

10

11 **7-45-104. Acquisition of right-of-way.** NOTWITHSTANDING THE
12 PROVISIONS OF SECTION 38-2-101, C.R.S., ON AND AFTER THE EFFECTIVE
13 DATE OF THIS SECTION, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL
14 NOT HAVE THE POWER TO EXERCISE THE RIGHT OF EMINENT DOMAIN TO
15 ACQUIRE ANY PART OF THE RIGHT-OF-WAY OF THE THREE-MILE CORRIDOR
16 OF A PROPOSED TOLL ROAD OR TOLL HIGHWAY SPECIFIED IN THE FILED
17 FORMATION DOCUMENT OF THE COMPANY AS REQUIRED BY SECTION
18 7-45-101 (1). NOTHING HEREIN SHALL PROHIBIT A TOLL ROAD OR TOLL
19 HIGHWAY COMPANY FROM ENTERING INTO A PUBLIC-PRIVATE INITIATIVE
20 WITH THE DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE
21 PROVISIONS OF PART 12 OF ARTICLE 1 OF TITLE 43, C.R.S., AND AS
22 AUTHORIZED IN SECTION 7-45-111 FOR THE PURPOSE OF ENABLING THE
23 CONSTRUCTION OF SUCH A TOLL ROAD OR TOLL HIGHWAY, BUT IN SUCH A
24 CASE THE POWER OF EMINENT DOMAIN SHALL NOT BE EXERCISED BY THE
25 TOLL ROAD OR TOLL HIGHWAY COMPANY AND MAY BE EXERCISED BY THE
26 DEPARTMENT ONLY FOR PURPOSES OF ACQUIRING PROPERTY AND
27 RIGHTS-OF-WAY NECESSARY FOR THE COMPLETION OF A TOLL ROAD OR
28 TOLL HIGHWAY OPEN TO THE PUBLIC THAT IS INCORPORATED INTO THE
29 COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN PREPARED PURSUANT
30 TO SECTION 43-1-1103 (5), C.R.S. IN EXERCISING THE POWER OF EMINENT
31 DOMAIN, THE DEPARTMENT SHALL COMPLY WITH ALL LAWS AND
32 ADMINISTRATIVE RULES THAT GOVERN THE DEPARTMENT'S USE OF
33 EMINENT DOMAIN FOR STATE HIGHWAY PROJECTS, AND THE
34 RIGHTS-OF-WAY ACQUIRED SHALL FORM A CORRIDOR NO LARGER THAN
35 THAT APPROVED BY ALL AFFECTED METROPOLITAN PLANNING
36 ORGANIZATIONS, REGIONAL PLANNING COMMISSIONS, AND THE
37 TRANSPORTATION COMMISSION PURSUANT TO SECTIONS 7-45-105 AND
38 7-45-106. IN ACCORDANCE WITH SECTION 43-1-1204, (3) (b), C.R.S., THE
39 DEPARTMENT MAY NOT SELL OR OTHERWISE TRANSFER OWNERSHIP OF
40 PROPERTY OR RIGHTS-OF-WAY ACQUIRED THROUGH THE EXERCISE OF THE
41 POWER OF EMINENT DOMAIN AS AUTHORIZED BY THIS SECTION TO A TOLL
42 ROAD OR TOLL HIGHWAY COMPANY.

43

44 **7-45-105. Planning standards and project review.** (1) A TOLL
45 ROAD OR TOLL HIGHWAY COMPANY SHALL NOT COMMENCE THE
46 CONSTRUCTION OF A TOLL ROAD OR TOLL HIGHWAY, OR ANY ASSOCIATED
47 RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY
48 CORRIDOR, UNTIL THE TOLL ROAD OR TOLL HIGHWAY OR THE ASSOCIATED
49 RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY
50 CORRIDOR HAS BEEN REVIEWED BY EVERY METROPOLITAN PLANNING
51 ORGANIZATION OR REGIONAL PLANNING COMMISSION THAT IS LOCATED IN
52 WHOLE OR IN PART WITHIN THE THREE-MILE CORRIDOR DESIGNATED BY
53 THE TOLL ROAD OR TOLL HIGHWAY COMPANY AS REQUIRED BY SECTION
54 7-45-101 (1) AND HAS BEEN INCLUDED IN THE REGIONAL TRANSPORTATION
55 PLAN IN EFFECT FOR THE REGION PURSUANT TO SECTION 43-1-1103,
56 C.R.S., AND IN THE COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN

1 REQUIRED PURSUANT TO SECTION 43-1-1103 (5), C.R.S. IN DESIGNATED
2 NONATTAINMENT AREAS FOR ANY POLLUTANT PURSUANT TO THE FEDERAL
3 "CLEAN AIR ACT", 42 U.S.C. SEC. 7401 ET SEQ., AS AMENDED, A
4 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING
5 COMMISSION SHALL NOT INCLUDE A TOLL ROAD OR TOLL HIGHWAY
6 PROJECT, INCLUDING ANY ASSOCIATED RAIL CORRIDOR, ASSOCIATED
7 SERVICE AREA, OR ASSOCIATED UTILITY CORRIDOR, IN THE REGIONAL
8 TRANSPORTATION PLAN UNLESS THE ORGANIZATION OR COMMISSION HAS
9 PERFORMED AN EMISSIONS ANALYSIS THAT DEMONSTRATES THAT
10 REGIONAL EMISSIONS AND LOCAL PROJECT EMISSIONS WILL CONTINUE TO
11 CONFORM TO THE STATE IMPLEMENTATION PLAN IF THE PROJECT IS ADDED
12 TO THE REGIONAL TRANSPORTATION PLAN. THE TOLL ROAD OR TOLL
13 HIGHWAY COMPANY SHALL PAY THE REASONABLE ACTUAL COSTS FOR THE
14 EMISSIONS ANALYSIS. EACH ORGANIZATION OR COMMISSION MAY
15 CONDITION ITS ADDITION OF A TOLL ROAD OR TOLL HIGHWAY PROJECT
16 INTO THE REGIONAL TRANSPORTATION PLAN UPON ACCEPTABLE
17 ENVIRONMENTAL MITIGATION ACTIVITIES AND COMMITMENTS TO OFFSET
18 INCREMENTAL COSTS OF PUBLIC SERVICES THAT WILL BE NECESSARY AS A
19 RESULT OF DEVELOPMENT OF THE PROJECT WITHIN THE PLANNING REGION.

20

21 (2) AT LEAST THIRTY DAYS BEFORE A METROPOLITAN PLANNING
22 ORGANIZATION OR REGIONAL PLANNING COMMISSION MAY AMEND ITS
23 REGIONAL TRANSPORTATION PLAN PURSUANT TO SUBSECTION (1) OF THIS
24 SECTION, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL PROVIDE THE
25 ORGANIZATION OR COMMISSION INFORMATION ON THE TOLL ROAD OR TOLL
26 HIGHWAY PROJECT, INCLUDING ANY ASSOCIATED RAIL CORRIDOR,
27 ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY CORRIDOR, BEING
28 CONSIDERED FOR ADDITION TO THE PLAN THAT INCLUDES THE FINAL
29 ENVIRONMENTAL DOCUMENTATION REQUIRED BY SECTION 7-45-106 (1)
30 (b) (IV) THE OPERATING PLAN FOR THE TOLL ROAD OR TOLL HIGHWAY AND
31 ANY ASSOCIATED RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR
32 ASSOCIATED UTILITY CORRIDOR THE TECHNOLOGY TO BE UTILIZED, AN
33 ASSESSMENT OF PROJECT FEASIBILITY, AND AN ASSESSMENT OF THE
34 LONG-TERM VIABILITY OF THE PROJECT.

35

36 (3) (a) AT THE DISCRETION OF A METROPOLITAN PLANNING
37 ORGANIZATION OR REGIONAL PLANNING COMMISSION, A REGIONAL PLAN
38 MAY INITIALLY BE AMENDED TO INCLUDE ONLY ENVIRONMENTAL AND
39 PRECONSTRUCTION ACTIVITIES, EXCLUDING RIGHT-OF-WAY ACQUISITION,
40 RELATING TO A TOLL ROAD OR TOLL HIGHWAY PROJECT, INCLUDING ANY
41 ASSOCIATED RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED
42 UTILITY CORRIDOR, AND MAY LATER BE AMENDED TO INCLUDE ACTUAL
43 CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION OF THE PROJECT
44 FOLLOWING AGREEMENT BY THE METROPOLITAN PLANNING
45 ORGANIZATION OR REGIONAL PLANNING COMMISSION THAT ACCEPTABLE
46 ENVIRONMENTAL MITIGATION ACTIVITIES AND COMMITMENTS TO OFFSET
47 INCREMENTAL COSTS OF PUBLIC SERVICES ARE INCLUDED IN THE PROJECT
48 PLANS.

49

50 (b) UPON REQUEST OF A LOCAL GOVERNMENT LOCATED IN WHOLE
51 OR IN PART WITHIN THE THREE-MILE CORRIDOR OF A PROPOSED TOLL ROAD
52 OR TOLL HIGHWAY AS SPECIFIED PURSUANT TO SECTION 7-45-101 (1), A
53 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL CONSULT WITH
54 REPRESENTATIVES FROM THE LOCAL GOVERNMENT AND SHALL CONSIDER
55 AVAILABLE MITIGATION OF DEMONSTRABLE NEGATIVE IMPACTS ON THE
56 LOCAL GOVERNMENT OR ITS CITIZENS THAT WOULD RESULT FROM THE

1 CONSTRUCTION, OPERATION, OR FINANCING OF THE TOLL ROAD OR TOLL
2 HIGHWAY OR ANY ASSOCIATED RAIL CORRIDOR, ASSOCIATED SERVICE
3 AREA, OR ASSOCIATED UTILITY CORRIDOR.
4

5 **7-45-106. Environmental standards and review.**

6 (1) (a) BEFORE CONSTRUCTING AND OPERATING A TOLL ROAD OR TOLL
7 HIGHWAY OR ANY ASSOCIATED RAIL CORRIDOR, ASSOCIATED SERVICE
8 AREA, OR ASSOCIATED UTILITY CORRIDOR, A TOLL ROAD OR TOLL
9 HIGHWAY COMPANY SHALL PREPARE, AT ITS OWN EXPENSE,
10 ENVIRONMENTAL DOCUMENTATION THAT COMPLIES WITH THE
11 ENVIRONMENTAL STEWARDSHIP GUIDE APPROVED BY THE
12 TRANSPORTATION COMMISSION IN MAY 2005. THE DOCUMENTATION
13 SHALL DESCRIBE THE ENVIRONMENTAL, SOCIAL, AND ECONOMIC EFFECTS
14 OF THE PROPOSED TOLL ROAD OR TOLL HIGHWAY OR ASSOCIATED RAIL
15 CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY
16 CORRIDOR, IDENTIFY FEASIBLE MEASURES TO AVOID OR OTHERWISE
17 MITIGATE THE ADVERSE EFFECTS OF THE PROJECT, AND ESTIMATE THE
18 FINANCIAL COSTS TO IMPLEMENT MITIGATION MEASURES THAT ARE
19 INCLUDED IN THE PROJECT OR HAVE BEEN PREVIOUSLY RECOMMENDED IN
20 WRITING BY THE COMMENTING STATE AGENCIES OR AN AFFECTED
21 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL TRANSPORTATION
22 COMMISSION AND COMPLY WITH FEDERAL AND STATE AIR AND WATER
23 QUALITY STANDARDS, APPROVALS, AND PERMITS.
24

25 (b) (I) A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL NOT
26 BEGIN WORK ON ENVIRONMENTAL DOCUMENTATION REQUIRED BY
27 PARAGRAPH (a) OF THIS SUBSECTION (1) UNTIL IT HAS OBTAINED
28 PRELIMINARY APPROVAL FROM THE EXECUTIVE DIRECTOR OF THE
29 DEPARTMENT OF TRANSPORTATION THAT THE SCOPE OF THE PLANNED
30 ENVIRONMENTAL DOCUMENTATION IS CONSISTENT WITH THE
31 ENVIRONMENTAL STEWARDSHIP GUIDE ISSUED BY THE DEPARTMENT IN
32 MAY 2005 AND ALL OTHER REQUIREMENTS OF PARAGRAPH (a) OF THIS
33 SUBSECTION (1).
34

35 (II) A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL PROVIDE A
36 COPY OF ANY DRAFT ENVIRONMENTAL DOCUMENTATION IT PREPARES AS
37 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE
38 COMMENTING STATE AGENCIES, AFFECTED METROPOLITAN PLANNING
39 ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS, AND AFFECTED
40 LOCAL GOVERNMENTS. THE TOLL ROAD OR TOLL HIGHWAY COMPANY
41 SHALL ALSO MAKE THE DRAFT ENVIRONMENTAL DOCUMENTATION
42 ELECTRONICALLY OR OTHERWISE AVAILABLE TO THE PUBLIC. THE
43 COMMENTING STATE AGENCIES MAY, WITHIN SIXTY DAYS, PROVIDE THE
44 TOLL ROAD OR TOLL HIGHWAY COMPANY AND AFFECTED METROPOLITAN
45 PLANNING ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS WITH
46 THEIR ANALYSES OF THE ADEQUACY OF THE ENVIRONMENTAL
47 DOCUMENTATION AND SHALL MAKE THE ANALYSES AVAILABLE TO THE
48 PUBLIC.
49

50 (III) EACH OF THE COMMENTING AGENCIES MAY CHARGE A FEE TO
51 A TOLL ROAD OR TOLL HIGHWAY COMPANY TO COVER THE REASONABLE
52 EXPENSES THAT IT INCURRED IN FULFILLING THE REQUIREMENTS OF
53 SUBPARAGRAPHS (I) AND (II), AS APPLICABLE, OF THIS PARAGRAPH (b).
54

55 (IV) A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL PREPARE
56 FINAL ENVIRONMENTAL DOCUMENTATION THAT ADDRESSES COMMENTS

1 RECEIVED FROM THE COMMENTING STATE AGENCIES, METROPOLITAN
2 PLANNING ORGANIZATIONS, REGIONAL PLANNING COMMISSIONS, AND
3 OTHER INTERESTED PARTIES. THE FINAL ENVIRONMENTAL
4 DOCUMENTATION SHALL BE MADE AVAILABLE TO THE DEPARTMENT OF
5 TRANSPORTATION AND THE PUBLIC AT LEAST THIRTY DAYS PRIOR TO
6 PUBLICATION OF ANY NOTICE OF HEARING SCHEDULED BY THE
7 COMMISSION PURSUANT TO SUBSECTION (2) OF THIS SECTION.

8
9 (2) THE TRANSPORTATION COMMISSION CREATED IN SECTION
10 43-1-106, C.R.S., SHALL NOT REVISE THE COMPREHENSIVE STATEWIDE
11 TRANSPORTATION PLAN PREPARED PURSUANT TO SECTION 43-1-1103 (5),
12 C.R.S., TO INCLUDE A TOLL ROAD OR TOLL HIGHWAY PROJECT SUBJECT TO
13 THE REQUIREMENTS OF THIS SECTION UNLESS THE COMMISSION, AFTER
14 HOLDING A PUBLIC HEARING, DETERMINES THAT:

15
16 (a) THE REQUIREMENTS OF SECTION 7-45-105 AND SUBSECTION (1)
17 OF THIS SECTION HAVE BEEN MET;

18
19 (b) THE PROJECT IS:

20
21 (I) NECESSARY TO MEET THE TRANSPORTATION NEEDS OF THE
22 STATE;

23
24 (II) CONSISTENT WITH SECTION 43-1-1103 (5), C.R.S., AND THE
25 POLICIES OF THE TRANSPORTATION COMMISSION;

26
27 (III) CONSISTENT WITH SECTION 23 U.S.C. SEC. 135; AND

28
29 (IV) IN THE PUBLIC INTEREST.

30
31 (c) THE PROJECT SPONSOR HAS ESTABLISHED A RESERVE FUND,
32 PERFORMANCE BOND, OR OTHER APPROPRIATE MECHANISM TO ENSURE
33 FULL PAYMENT OF THE COSTS OF COMPLIANCE WITH FEDERAL AND STATE
34 AIR AND WATER QUALITY STANDARDS, OTHER FEDERAL AND STATE
35 ENVIRONMENTAL REQUIREMENTS, AND MITIGATION MEASURES INCLUDED
36 IN THE PROJECT OR REQUIRED BY THE TRANSPORTATION COMMISSION, A
37 METROPOLITAN PLANNING ORGANIZATION, OR A REGIONAL PLANNING
38 COMMISSION; AND

39
40 (d) THE PROJECT SPONSOR HAS ENTERED INTO ENFORCEABLE
41 AGREEMENTS WITH THE DEPARTMENT OF TRANSPORTATION, OR
42 AGREEMENTS WITH AFFECTED LOCAL GOVERNMENTS THAT ARE
43 ACCEPTABLE TO THE TRANSPORTATION COMMISSION, TO ENSURE THAT
44 MITIGATION MEASURES INCLUDED IN THE PROJECT OR REQUIRED BY THE
45 TRANSPORTATION COMMISSION, A METROPOLITAN PLANNING
46 ORGANIZATION, OR A REGIONAL PLANNING COMMISSION WILL BE
47 IMPLEMENTED.

48
49 (3) THE TRANSPORTATION COMMISSION MAY CONDITION ITS
50 ADDITION OF A TOLL ROAD OR TOLL HIGHWAY PROJECT INTO THE
51 COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN UPON ADDITIONAL
52 MITIGATION MEASURES IF THE COMMISSION DETERMINES THAT THE
53 MITIGATION MEASURES ARE IN THE BEST OVERALL PUBLIC INTEREST
54 TAKING INTO CONSIDERATION:

55

- 1 (a) THE NEED FOR FAST, SAFE, AND EFFICIENT TRANSPORTATION;
2
3 (b) PUBLIC SERVICES;
4
5 (c) THE COSTS OF ELIMINATING OR MINIMIZING THE ADVERSE
6 EFFECTS FOR WHICH THE MITIGATION MEASURES ARE PROPOSED;
7
8 (d) ENVIRONMENTAL, SOCIAL, AND ECONOMIC VALUES; AND
9
10 (e) THE FINANCIAL FEASIBILITY OF THE PROJECT.
11

12 **7-45-107. Construction safety standards.** WHEN CONSTRUCTING
13 AND MAINTAINING A TOLL ROAD OR TOLL HIGHWAY OR ANY ASSOCIATED
14 RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY
15 CORRIDOR A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL COMPLY
16 WITH ALL DEPARTMENT OF TRANSPORTATION SAFETY STANDARDS FOR
17 STATE TRANSPORTATION PROJECTS.
18

19 **7-45-108. County clerk notification.** (1) WITHIN NINETY DAYS
20 OF FILING A FORMATION DOCUMENT PURSUANT TO SECTION 7-45-101, A
21 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL:
22

23 (a) CAUSE WRITTEN NOTICE TO BE SENT TO THE CLERK AND
24 RECORDER OF EACH COUNTY THAT INCLUDES TERRITORY THAT IS
25 INCLUDED WITHIN THE THREE-MILE CORRIDOR SPECIFIED IN THE FILED
26 FORMATION DOCUMENT OF THE INTENT OF THE TOLL ROAD OR TOLL
27 HIGHWAY COMPANY TO CONSTRUCT A TOLL ROAD OR TOLL HIGHWAY
28 WITHIN THAT CORRIDOR AND SHALL MAIL THE WRITTEN NOTICE TO EACH
29 PERSON WHO OWNS REAL PROPERTY WITHIN THE THREE-MILE CORRIDOR.
30 THE TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL SEND THE NOTICE BY
31 CERTIFIED MAIL AND SHALL GENERALLY DESCRIBE THE PROPOSED TOLL
32 ROAD OR TOLL HIGHWAY PROJECT, INCLUDING ITS LOCATION, TERMINI,
33 IMPROVEMENTS, AND OPERATION. THE NOTICE SHALL ALSO EXPLAIN THAT
34 THE PROJECT MAY NOT GO FORWARD UNTIL THE PROCESS FOR APPROVING
35 THE PROJECT REQUIRED BY THIS ARTICLE HAS BEEN COMPLETED,
36 SUMMARIZE THE APPROVAL PROCESS, IDENTIFY OPPORTUNITIES DURING
37 THE PROCESS FOR PUBLIC INVOLVEMENT, AND PROVIDE A CONTACT FOR
38 ADDITIONAL INFORMATION.
39

40 (b) FILE A DISCLAIMER OF INTEREST WITH THE CLERK AND
41 RECORDER'S OFFICE IN THE COUNTY OF RESIDENCE OF EACH PERSON TO
42 WHOM THE COMPANY PROVIDED WRITTEN NOTICE PURSUANT TO
43 PARAGRAPH (a) OF THIS SUBSECTION (1) THAT EXPRESSLY STATES THAT
44 THE FILED FORMATION DOCUMENT DOES NOT EFFECT AN INTEREST IN THE
45 PERSON'S REAL PROPERTY WITHIN THE THREE-MILE CORRIDOR SPECIFIED
46 IN THE FILED FORMATION DOCUMENT.
47

48 (2) A TOLL ROAD OR TOLL HIGHWAY COMPANY THAT HAS FILED A
49 FORMATION DOCUMENT PRIOR TO THE EFFECTIVE DATE OF THIS
50 SUBSECTION (2) AND THAT HAS NOT SATISFIED THE NOTICE REQUIREMENTS
51 OF SUBSECTION (1) OF THIS SECTION SHALL FILE A NEW OR AMENDED
52 FORMATION DOCUMENT WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF
53 THIS SUBSECTION (2) THAT INCLUDES THE INFORMATION REQUIRED BY
54 SECTION 7-45-101 (1) AND THAT CERTIFIES THAT THE COMPANY HAS
55 COMPLIED WITH OR WILL COMPLY WITH THE REQUIREMENTS OF SAID
56 SUBSECTION (1) WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS

1 SUBSECTION (2).
2

3 **7-45-109. Use of land by toll road or toll highway company -**
4 **right to repurchase unneeded condemned property.** ANY INTEREST IN
5 REAL PROPERTY THAT IS OBTAINED BY A TOLL ROAD OR TOLL HIGHWAY
6 COMPANY, OTHER THAN A LEASEHOLD INTEREST IN PROPERTY OR
7 RIGHTS-OF-WAY ACQUIRED AND OWNED BY THE DEPARTMENT OF
8 TRANSPORTATION AS AUTHORIZED IN SECTION 7-45-104, WITHIN THE
9 THREE-MILE CORRIDOR SPECIFIED IN ITS FILED FORMATION DOCUMENT AND
10 THAT IS NOT USED FOR A TOLL ROAD OR TOLL HIGHWAY SHALL NOT BE
11 USED FOR COMMERCIAL, RESIDENTIAL, OR INDUSTRIAL DEVELOPMENT;
12 EXCEPT THAT, THIS LIMITATION ON USE SHALL APPLY ONLY DURING THE
13 PERIOD IN WHICH THE TOLL ROAD OR TOLL HIGHWAY COMPANY IS
14 DEVELOPING OR OPERATING A TOLL ROAD OR TOLL HIGHWAY WITHIN THE
15 CORRIDOR. IF THE DEVELOPMENT OR OPERATION OF A TOLL ROAD OR TOLL
16 HIGHWAY CEASES AFTER THE DEPARTMENT HAS EXERCISED THE POWER OF
17 EMINENT DOMAIN TO ACQUIRE PROPERTY DEEMED AT THE TIME OF
18 ACQUISITION TO BE NECESSARY FOR THE COMPLETION OF THE TOLL ROAD
19 OR TOLL HIGHWAY AS AUTHORIZED IN SECTION 7-45-104, A PERSON FROM
20 WHOM THE DEPARTMENT ACQUIRED PROPERTY THROUGH THE EXERCISE OF
21 EMINENT DOMAIN HAS AN EXCLUSIVE OPTION TO REPURCHASE THE
22 PROPERTY ACQUIRED AT THE PRICE PAID FOR THE PROPERTY AS JUST
23 COMPENSATION BY THE DEPARTMENT. THE PERSON MAY EXERCISE THE
24 OPTION WITHIN EIGHTEEN MONTHS FOLLOWING THE CESSATION OF THE
25 DEVELOPMENT OR OPERATION OF THE TOLL ROAD OR TOLL HIGHWAY.
26

27 **7-45-110. Sale of interest in or assets of a toll road or toll**
28 **highway company.** (1) IF ANY INTEREST IN A TOLL ROAD OR TOLL
29 HIGHWAY COMPANY IS SOLD OR TRANSFERRED, THE TOLL ROAD OR TOLL
30 HIGHWAY COMPANY SHALL CONTINUE TO COMPLY WITH THE LIMITATIONS
31 SET FORTH IN SECTION 7-45-109.
32

33 (2) IF A TOLL ROAD OR TOLL HIGHWAY COMPANY SELLS OR
34 TRANSFERS ANY INTEREST IN ITS REAL PROPERTY WITHIN THE THREE-MILE
35 CORRIDOR SPECIFIED IN ITS FILED FORMATION DOCUMENT THAT IS NOT
36 USED FOR THE TOLL ROAD OR TOLL HIGHWAY, THEN THE PURCHASER
37 SHALL COMPLY WITH THE LIMITATIONS SET FORTH IN SECTION 7-45-109.
38

39 (3) IF A TOLL ROAD OR TOLL HIGHWAY IS INCLUDED IN THE
40 COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN REQUIRED PURSUANT
41 TO SECTION 43-1-1103 (5), C.R.S., BEFORE THE TOLL ROAD OR TOLL
42 HIGHWAY COMPANY COMPLETES A SUBSEQUENT SALE OR TRANSFER OF
43 ASSETS OR RIGHTS GENERATING MORE THAN TWENTY PERCENT OF THE
44 CURRENT REVENUE FROM THE TOLL ROAD OR TOLL HIGHWAY, THE
45 PURCHASER MUST DEMONSTRATE TO THE TRANSPORTATION COMMISSION,
46 AND THE COMMISSION MUST DETERMINE, THAT FOLLOWING THE SALE OR
47 TRANSFER THE RESOURCES NEEDED TO COMPLY WITH FEDERAL AND STATE
48 WATER QUALITY STANDARDS AND OTHER FEDERAL AND STATE
49 ENVIRONMENTAL REQUIREMENTS AND TO IMPLEMENT MITIGATION
50 MEASURES THAT WERE INCLUDED IN THE TOLL ROAD OR TOLL HIGHWAY
51 PROJECT DESCRIPTION OR REQUIRED BY A METROPOLITAN PLANNING
52 ORGANIZATION, A REGIONAL PLANNING COMMISSION, OR THE
53 TRANSPORTATION COMMISSION WILL STILL BE AVAILABLE FOR THOSE
54 PURPOSES.
55

1 **7-45-111. Public-private initiatives.** NOTHING CONTAINED IN
 2 THIS ARTICLE SHALL PROHIBIT A TOLL ROAD OR TOLL HIGHWAY COMPANY
 3 FROM ENTERING INTO A PUBLIC-PRIVATE INITIATIVE WITH THE
 4 DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE PROVISIONS
 5 OF PART 12 OF ARTICLE 1 OF TITLE 43, C.R.S., FOR THE PURPOSE OF
 6 ENABLING THE CONSTRUCTION OF A TOLL ROAD OR TOLL HIGHWAY. ANY
 7 SUCH PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE.

8
 9 **SECTION 2.** Part 3 of article 3 of title 43, Colorado Revised
 10 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,
 11 to read:

12
 13 PART 3

14
 15 TOLL ROADS AND TOLL HIGHWAYS - PRIVATE

16
 17 **43-3-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
 18 CONTEXT OTHERWISE REQUIRES:

19
 20 (1) "TOLL ROAD" OR "TOLL HIGHWAY" SHALL HAVE THE MEANING
 21 AS SET FORTH IN SECTION 7-45-102 (8), C.R.S.

22
 23 (2) "TOLL ROAD OR TOLL HIGHWAY COMPANY" SHALL HAVE THE
 24 MEANING AS SET FORTH IN SECTION 7-45-102 (9), C.R.S.

25
 26 **43-3-302. Traffic laws - toll collection - definitions.** (1)(a) THE
 27 TRANSPORTATION COMMISSION SHALL REVIEW A TOLL ROAD OR TOLL
 28 HIGHWAY COMPANY'S TOLL SCHEDULE AS PART OF THE PROJECT
 29 DESCRIPTION SUBMITTED FOR APPROVAL AS PART OF THE STATEWIDE
 30 TRANSPORTATION PLAN AND EVERY FIVE YEARS THEREAFTER. THE
 31 REVIEW SHALL BE LIMITED TO ENSURING THAT A REDUCED TOLL IS
 32 IMPOSED ON HIGH OCCUPANCY VEHICLES AND PUBLIC MASS TRANSIT
 33 VEHICLES IN ORDER TO ENCOURAGE THE USE OF SUCH VEHICLES ON THE
 34 TOLL ROAD OR TOLL HIGHWAY.

35
 36 (b) AS USED IN THIS SUBSECTION (1):

37
 38 (I) "HIGH OCCUPANCY VEHICLES" MEANS VEHICLES THAT CARRY
 39 AT LEAST THE NUMBER OF PERSONS SPECIFIED BY THE TRANSPORTATION
 40 COMMISSION.

41
 42 (II) "PUBLIC MASS TRANSIT VEHICLES" MEANS VEHICLES OTHER
 43 THAN CHARTER OR SIGHTSEEING VEHICLES THAT:

44
 45 (A) ARE OPERATED BY OR UNDER CONTRACT WITH THE REGIONAL
 46 TRANSPORTATION DISTRICT CREATED PURSUANT TO ARTICLE 9 OF TITLE
 47 32, C.R.S., OR A REGIONAL TRANSPORTATION AUTHORITY CREATED
 48 PURSUANT TO PART 6 OF ARTICLE 4 OF THIS TITLE; AND

49
 50 (B) PROVIDE REGULAR AND CONTINUING GENERAL OR SPECIAL
 51 TRANSPORTATION TO THE PUBLIC.

52
 53 (2) STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE
 54 AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT
 55 AGREEMENTS WITH A TOLL ROAD OR TOLL HIGHWAY COMPANY. ANY
 56 FUNDS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT

1 TO A TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL
2 APPROPRIATIONS BY THE GENERAL ASSEMBLY TO THE LAW ENFORCEMENT
3 AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO
4 THE AGREEMENT.

5
6 (3) A TOLL ROAD OR TOLL HIGHWAY COMPANY MAY ADOPT RULES
7 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND EVASION
8 AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY
9 ESTABLISHED BY A TOLL ROAD OR TOLL HIGHWAY COMPANY FOR ANY
10 TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN
11 TWO HUNDRED FIFTY DOLLARS, IN ADDITION TO ANY COSTS IMPOSED BY A
12 COURT. A COMPANY MAY USE STATE OF THE ART TECHNOLOGY,
13 INCLUDING BUT NOT LIMITED TO AUTOMATIC VEHICLE IDENTIFICATION
14 PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT
15 OF TOLL VIOLATIONS. THE USE OF STATE OF THE ART TECHNOLOGY TO AID
16 IN ENFORCEMENT OF TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY
17 THIS SECTION.

18
19 (4) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY A TOLL
20 ROAD OR TOLL HIGHWAY COMPANY SHALL BE SUBJECT TO THE CIVIL
21 PENALTY ESTABLISHED BY THAT COMPANY FOR TOLL EVASION. ANY
22 PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE
23 THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS OR MUNICIPAL
24 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL
25 ORDINANCE FOR THE TOLL EVASION.

26
27 (b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE
28 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN
29 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE
30 OR A MUNICIPAL SUMMONS AND COMPLAINT. IF A CIVIL PENALTY
31 ASSESSMENT IS ISSUED, THE NOTICE SHALL BE TENDERED BY A PEACE
32 OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., AND SHALL
33 CONTAIN THE NAME AND ADDRESS OF THE PERSON, THE LICENSE NUMBER
34 OF THE MOTOR VEHICLE INVOLVED, THE NUMBER OF THE PERSON'S
35 DRIVER'S LICENSE, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE
36 PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A
37 PLACE FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF THE
38 PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE
39 FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY
40 FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE
41 REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO
42 APPEAR FOR ADJUDICATION OF TOLL EVASION PURSUANT TO THIS SECTION
43 IF THE PRESCRIBED TOLL, FEE, AND CIVIL PENALTY ARE NOT PAID WITHIN
44 TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED
45 ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY
46 ASSESSMENT NOTICE.

47
48 (c) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT
49 THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON
50 CITED SHALL PAY THE TOLL, FEE, AND CIVIL PENALTY AUTHORIZED BY THE
51 TOLL ROAD OR TOLL HIGHWAY COMPANY INVOLVED AT THE OFFICE OF THE
52 COMPANY, EITHER IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN
53 TWENTY DAYS OF THE CITATION. IF THE PERSON CITED DOES NOT PAY THE
54 PRESCRIBED TOLL, FEE, AND CIVIL PENALTY WITHIN TWENTY DAYS OF THE
55 NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A
56 COMPLAINT TO APPEAR FOR ADJUDICATION OF TOLL EVASION IN COURT OR

1 IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING, AND THE
2 PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY
3 ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT IN THE
4 MANNER SPECIFIED IN THE NOTICE.

5
6 (d) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE
7 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT
8 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO
9 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF
10 SUCH A SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON
11 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL
12 EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (3) OF THIS
13 SECTION.

14
15 (5) (a) THE RESPECTIVE COURTS OF THE MUNICIPALITIES,
16 COUNTIES, AND CITIES AND COUNTIES ARE GIVEN JURISDICTION TO TRY ALL
17 CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS
18 GOVERNING THE USE OF A TOLL ROAD OR TOLL HIGHWAY OPERATED BY A
19 TOLL ROAD OR TOLL HIGHWAY COMPANY AND ARISING UNDER THE TOLL
20 EVASION CIVIL PENALTY REGULATIONS ENACTED BY A TOLL ROAD OR TOLL
21 HIGHWAY COMPANY. VENUE FOR SUCH CASES SHALL BE IN THE
22 MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE THE ALLEGED
23 VIOLATION OF MUNICIPAL ORDINANCE OR STATE LAW OR OF THE
24 CORPORATE REGULATION OCCURRED.

25
26 (b) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, A TOLL ROAD
27 OR TOLL HIGHWAY COMPANY SHALL CONSIDER ESTABLISHING AN
28 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND MAY, BY RESOLUTION,
29 ADOPT RULES CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE
30 ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE
31 TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN
32 OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN
33 IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL
34 ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY
35 COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

36
37 (c) IF A TOLL ROAD OR TOLL HIGHWAY COMPANY ESTABLISHES AN
38 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A
39 MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION
40 TO HEAR TOLL EVASION CASES ARISING ON A PUBLIC HIGHWAY OPERATED
41 BY THE COMPANY.

42
43 (d) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN IMPARTIAL
44 HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED PURSUANT
45 TO THIS SECTION AND THE RULES PROMULGATED BY A TOLL ROAD OR TOLL
46 HIGHWAY COMPANY. THE HEARING OFFICER SHALL BE AN INDEPENDENT
47 CONTRACTOR OF THE TOLL ROAD OR TOLL HIGHWAY COMPANY.

48
49 (e) A TOLL ROAD OR TOLL HIGHWAY COMPANY MAY FILE A
50 CERTIFIED COPY OF AN ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY
51 THAT IS ENTERED BY THE HEARING OFFICER IN AN ADJUDICATION OF A
52 TOLL EVASION WITH THE CLERK OF THE COUNTY COURT IN THE COUNTY IN
53 WHICH THE VIOLATION OCCURRED AT ANY TIME AFTER THE ORDER IS
54 ENTERED. THE CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK
55 OF THE COURT AND ENTER IT IN THE JUDGMENT DOCKET. THE ORDER
56 SHALL HAVE THE EFFECT OF A JUDGMENT OF THE COUNTY COURT, AND THE

1 COURT MAY EXECUTE THE ORDER AS IN THE OTHER CASES.

2

3 (f) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY A
4 TOLL ROAD OR TOLL HIGHWAY COMPANY IS SUBJECT TO JUDICIAL REVIEW.
5 THE ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS
6 OF LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE
7 VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD
8 OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

9

10 (g) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY THIS
11 SECTION, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL HAVE EVERY
12 REMEDY AVAILABLE UNDER THE LAW TO ENFORCE UNPAID TOLLS AND FEES
13 AS DEBTS OWED TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY.

14

15 (6) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT
16 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT
17 TO RULES AUTHORIZED IN SUBSECTION (3) OF THIS SECTION SHALL BE
18 REMITTED TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY IN WHOSE
19 NAME THE CIVIL PENALTY ASSESSMENT NOTICE WAS ISSUED AND SHALL BE
20 APPLIED BY THE COMPANY TO DEFRAY THE COSTS AND EXPENSES OF
21 ENFORCING THE LAWS OF THE STATE AND THE RULES OF THE COMPANY. IF
22 A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE
23 PENALTY SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY
24 ENFORCEMENT AGREEMENT.

25

26 (7) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE
27 PROVIDED FOR IN SUBSECTION (4) OF THIS SECTION, WHERE AN INSTANCE
28 OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION
29 PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER,
30 A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY
31 FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN
32 ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS
33 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO
34 DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TOLL ROAD OR TOLL
35 HIGHWAY COMPANY TO THE REGISTERED OWNER OF THE MOTOR VEHICLE
36 INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE
37 REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF
38 THE VEHICLE INVOLVED, THE TIME AND LOCATION OF THE VIOLATION, THE
39 AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR
40 THE REGISTERED OWNER OF THE VEHICLE TO EXECUTE A SIGNED
41 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH
42 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE
43 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL
44 EVASION CIVIL PENALTY ASSESSMENT. THE REGISTERED OWNER OF THE
45 VEHICLE INVOLVED IN A TOLL EVASION SHALL BE LIABLE FOR THE TOLL,
46 FEE, AND CIVIL PENALTY IMPOSED BY THE COMPANY, EXCEPT AS
47 OTHERWISE PROVIDED BY PARAGRAPH (b) OF THIS SUBSECTION (7).

48

49 (b) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS
50 SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE
51 BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR
52 PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT,
53 AT THE DISCRETION OF THE OWNER:

54

55 (I) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION
56 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED

1 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A
2 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT ON TO THE
3 TOLL ROAD OR TOLL HIGHWAY COMPANY; OR

4
5 (II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL
6 EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR
7 RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT
8 THE TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR
9 RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE
10 OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER
11 RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH
12 TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY AN AFFIDAVIT
13 CONTAINING THE NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER
14 OF THE PERSON OR COMPANY WHO LEASED OR RENTED THE VEHICLE. AS
15 A CONDITION TO AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION
16 VIOLATION CIVIL PENALTY, ANY PERSON OR COMPANY WHO LEASES OR
17 RENTS MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE
18 LEASING OR RENTAL AGREEMENT STATING THAT, PURSUANT TO THE
19 REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR LEASING THE
20 VEHICLE IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL
21 PENALTY INCURRED ON OR AFTER THE DATE THE PERSON RENTING OR
22 LEASING THE VEHICLE TAKES POSSESSION OF THE MOTOR VEHICLE. THE
23 NOTICE SHALL INFORM THE PERSON RENTING OR LEASING THE VEHICLE
24 THAT THE PERSON'S NAME, ADDRESS, AND STATE DRIVER'S LICENSE
25 NUMBER SHALL BE FURNISHED TO THE TOLL ROAD OR TOLL HIGHWAY
26 COMPANY WHEN A TOLL EVASION VIOLATION CIVIL PENALTY IS INCURRED
27 DURING THE TERM OF THE LEASE OR RENTAL AGREEMENT.

28
29 (c) IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY
30 DAYS, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, A
31 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL SEND A SECOND PENALTY
32 ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR
33 BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE
34 UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO
35 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH RESPECT TO RECEIPT
36 VERIFICATION AND DELIVERY SPEED, RELIABILITY, AND PRICE, CONTAINING
37 THE SAME INFORMATION AS IS SPECIFIED IN PARAGRAPH (a) OF THIS
38 SUBSECTION (7). THE NOTICE SHALL SPECIFY THAT THE REGISTERED
39 OWNER OF THE VEHICLE MAY PAY THE SAME PENALTY ASSESSMENT AT
40 ANY TIME PRIOR TO THE SCHEDULED HEARING. IF THE REGISTERED OWNER
41 OF THE VEHICLE DOES NOT PAY THE PRESCRIBED TOLL, FEE, AND CIVIL
42 PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY
43 ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR
44 ADJUDICATION OF A TOLL EVASION IN COURT OR IN AN ADMINISTRATIVE
45 TOLL ENFORCEMENT PROCEEDING AND THE REGISTERED OWNER OF THE
46 VEHICLE SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY
47 ASSESSMENT NOTICE, FILE AN ANSWER TO THE COMPLAINT IN THE MANNER
48 SPECIFIED IN THE NOTICE. IF THE REGISTERED OWNER OF THE VEHICLE
49 FAILS TO PAY IN FULL THE OUTSTANDING TOLL, FEE, AND CIVIL PENALTY
50 SET FORTH IN THE NOTICE OR TO APPEAR AND ANSWER THE NOTICE AS
51 SPECIFIED IN THE NOTICE, THE REGISTERED OWNER OF THE VEHICLE SHALL
52 BE DEEMED TO HAVE ADMITTED LIABILITY AND TO HAVE WAIVED THE
53 RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY IN DEFAULT
54 AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE ENTERED.

55

1 (8) A COURT WITH JURISDICTION IN A TOLL EVASION CASE
 2 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION OR A
 3 TOLL ROAD OR TOLL HIGHWAY COMPANY WITH JURISDICTION IN A TOLL
 4 EVASION CASE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (5) OF THIS
 5 SECTION MAY REPORT TO THE DEPARTMENT OF REVENUE ANY
 6 OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE
 7 TOLL, FEE, AND CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF
 8 A CERTIFIED REPORT FROM A COURT OR A TOLL ROAD OR TOLL HIGHWAY
 9 COMPANY STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS
 10 FAILED TO PAY A TOLL, FEE, AND CIVIL PENALTY RESULTING FROM A FINAL
 11 ORDER ENTERED BY THE TOLL ROAD OR TOLL HIGHWAY COMPANY, THE
 12 DEPARTMENT SHALL NOT RENEW THE VEHICLE REGISTRATION OF THE
 13 VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY ARE PAID IN FULL. THE
 14 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL CONTRACT WITH AND
 15 COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR THE DIRECT
 16 COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE REGISTRATION
 17 PURSUANT TO THIS SUBSECTION (8). THE DEPARTMENT HAS NO
 18 AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION
 19 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY
 20 TOLL EVASION.

21
 22 **43-3-303. Toll roads must be kept in repair.** IT IS THE DUTY OF
 23 ALL OWNERS OR OPERATORS OF ROADS UPON WHICH TOLLS ARE CHARGED
 24 TO KEEP THEIR ROADS IN GOOD REPAIR AT ALL POINTS, AND THE
 25 CONDITION OF THE ROADS SHALL BE DETERMINED BY THE GRADE THEREOF
 26 AND THE SEASON OF THE YEAR IN WHICH THEY ARE USED.

27
 28 **43-3-304. Noncompete agreements.** A TOLL ROAD OR TOLL
 29 HIGHWAY COMPANY MAY NOT ENTER INTO A NONCOMPETE AGREEMENT
 30 WITH A PUBLIC ENTITY IF THE AGREEMENT WOULD DEGRADE AN EXISTING
 31 ROADWAY OR EITHER DELAY OR PREVENT THE CONSTRUCTION OR
 32 UPGRADING OF A ROAD OR HIGHWAY THAT IS INCLUDED IN THE FISCALLY
 33 CONSTRAINED REGIONAL TRANSPORTATION PLAN REQUIRED BY SECTION
 34 43-1-1103 (1) OR THE FISCALLY CONSTRAINED COMPREHENSIVE
 35 STATEWIDE TRANSPORTATION PLAN REQUIRED BY SECTION 43-1-1103 (5).

36
 37 **SECTION 4. Safety clause.** The general assembly hereby finds,
 38 determines, and declares that this act is necessary for the immediate
 39 preservation of the public peace, health, and safety."

40
 41

42 PRINTING REPORT

43
 44
 45 The Chief Clerk reports the following bills have been correctly printed:
 46 **HB06-1402, HCR06-1008.**

47
 48
 49

50 MESSAGES FROM THE SENATE

51
 52 The Senate has adopted and transmits herewith: SJR06-030.

53
 54

55 The Senate has passed on Third Reading and transmitted to the Revisor
 56 of Statutes:

1 SB06-046 amended as printed in Senate Journal, April 19, 2006,
2 page 963,
3 SB06-081 amended as printed in Senate Journal, April 19, 2006,
4 page 963,
5 SB06-069 amended as printed in Senate Journal, April 19, 2006,
6 page 963.

7
8
9 The Senate has voted not to concur in House Amendments to SB06-051,
10 and requests that a Conference Committee be appointed. The President
11 appointed Senators Tupa, Chair, Groff and Mitchell as members of the
12 First Conference Committee on the part of the Senate. The bill is
13 transmitted herewith.

14
15
16 **MESSAGE FROM THE REVISOR**

17
18 We herewith transmit:
19 Without comment, as amended, SB06-046, 081, and 069.

20
21
22 **APPOINTMENTS TO CONFERENCE COMMITTEE**

23
24 Pursuant to a request from the Senate, the Speaker appointed House
25 conferees to the First Conference Committees as follows:

26
27 **SB06-051**--Representatives Weissmann, Chairman, Carroll M., Larson.

28
29
30 On motion of Representative Madden, **HB06-1322, 111, SB06-066, 049**
31 were added to the Special Orders Calendar on Thursday, April 20, 2006.

32
33
34 On motion of Representative Paccione, the House resolved itself into
35 Committee of the Whole for continuation of consideration of Special
36 Orders, and she returned to the Chair to act as Chairman.

37
38
39
40 **SPECIAL ORDERS--SECOND READING OF BILLS**

41 (Continued from page 1354)

42
43 **SB06-049** by Senator(s) Bacon, Evans, Tapia; also Representative(s)
44 Lindstrom, Borodkin, Massey--Concerning the transfer of
45 the state council on the arts from the department of higher
46 education to the Colorado office of economic
47 development.

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

51
52 **HB06-1322** by Representative(s) Buescher; also Senator(s) Tapia--
53 Concerning support for the development of clean energy
54 resources using proceeds of the operational account of the
55 severance tax trust fund.

56

1 Amendment No. 1, Finance Report, dated February 22, 2006, and placed
2 in member's bill file; Report also printed in House Journal, February 24,
3 page 520.

4
5 Amendment No. 2, Appropriations Report, dated March 17, 2006, and
6 placed in member's bill file; Report also printed in House Journal, March
7 20, pages 829-830.

8
9 Amendment No. 3, by Representative Buescher.

10
11 Amend the Appropriations Committee Report, dated March 17, 2006,
12 page 1, strike lines 1 through 19 and substitute the following:

13
14 "Amend printed bill, page 5, after line 23, insert the following:"

15
16 Page 2, strike lines 13 through 26;

17
18 line 27, strike "(4)" and substitute "(2)".

19
20 As amended, ordered engrossed and placed on the Calendar for Third
21 Reading and Final Passage.

22
23 **HB06-1382** by Representative(s) Merrifield, McFadyen, Penry, Cloer,
24 Larson, White, Stafford, Gallegos, Balmer, Benefield,
25 Butcher, Carroll T., Cerbo, Clapp, Coleman, Decker,
26 Frangas, Green, Hodge, Lindstrom, Madden, Marshall,
27 Massey, May M., McKinley, Paccione, Plant, Ragsdale,
28 Riesberg, Rose, Solano, Soper, Stengel, Todd, Vigil; also
29 Senator(s) Shaffer, Jones--Concerning the creation of the
30 "Right to Rest in Peace Act".

31
32 Amendment No. 1, Judiciary Report, dated April 13, 2006, and placed in
33 member's bill file; Report also printed in House Journal, April 17,
34 pages 1279-128.

35
36 Amendment No. 2, by Representative Judd.

37
38 Amend the Judiciary Committee Report, dated April 13, 2006, page 7,
39 strike lines 5 and 6.

40
41 Amendment No. 3, by Representative Judd.

42
43 Amend the Judiciary Committee Report, dated April 13, 2006, page 3,
44 line 3, after "CAUSE", insert "SEVERE".

45
46 Page 5, strike lines 18 through 21 and substitute the following:

47
48 **"13-21-125. Funeral picketing - legislative declaration -**
49 **definitions - damages.** (1) THE GENERAL ASSEMBLY FINDS AND
50 DECLARES THAT:"

51
52 Renumber succeeding subsections accordingly.

53
54 Page 6, line 9, strike "AT A FUNERAL SITE";

55
56 line 27, strike "(5)" and substitute "(4)";

1 line 30, strike "(5)" and substitute "(4)".

2

3 Page 7, line 4, strike "(5)" and substitute "(4)".

4

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

7

8 **HB06-1111** by Representative(s) Clapp, Jahn--Concerning the award
9 of attorney fees against a party for engaging in
10 unjustifiable conduct in an action brought under the
11 "Uniform Dissolution of Marriage Act".

12

13 Amendment No. 1, Judiciary Report, dated February 9, 2006, and placed
14 in member's bill file; Report also printed in House Journal, February 10,
15 page 297.

16

17 Amendment No. 2, Appropriations Report, dated March 31, 2006, and
18 placed in member's bill file; Report also printed in House Journal,
19 March 31, pages 991-992.

20

21 As amended, declared **lost** on Second Reading.

22

23 **SB06-066** by Senator(s) Groff; also Representative(s) Todd--
24 Concerning parental involvement in kindergarten through
25 twelfth grade education.

26

27 Amendment No. 1, Business Affairs and Labor Report, dated March 20,
28 2006, and placed in member's bill file; Report also printed in House
29 Journal, March 22, pages 867-868.

30

31 Amendment No. 2, by Representative Weissmann.

32

33 Amend the Business Affairs and Labor Committee Report, dated March
34 20, 2006, page 1, line 14, strike "ALLOWING" and substitute "REGARDING
35 THE ABILITY OF";

36

37 line 16, strike "TO";

38

39 line 17, strike "ALLOW" and substitute "REGARDING".

40

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

43

44 **HB06-1280** by Representative(s) McGihon, Benefield; also Senator(s)
45 Grossman--Concerning the regulation of debt-management
46 services, and, in connection therewith, enacting the
47 "Uniform Debt-Management Services Act".

48

49 Amendment No. 1, Business Affairs and Labor Report, dated February
50 20, 2006, and placed in member's bill file; Report also printed in House
51 Journal, February 21, page 44.

52

53 Amendment No. 2, Appropriations Report, dated March 3, 2006, and
54 placed in member's bill file; Report also printed in House Journal, March
55 3, pages 619-62.

56

1 Amendment No. 3, by Representative McGihon.

2

3 Amend printed bill, page 15, line 10, strike "YEAR." and substitute "YEAR
4 FROM JULY 1 TO JUNE 30.";

5

6 line 12, strike "ANNUALLY." and substitute "ANNUALLY ON OR BEFORE
7 JULY 1.".

8

9 Page 17, after line 26, insert the following:

10

11 "(f) IF A REGISTERED PROVIDER FAILS TO FILE BY JULY 1 A
12 COMPLETE APPLICATION FOR RENEWAL OF REGISTRATION AND THE
13 REQUIRED RENEWAL FEE, THE REGISTRATION SHALL AUTOMATICALLY
14 EXPIRE ON THAT DATE.".

15

16 Page 18, line 14, strike "AND";

17

18 line 18, strike "CURRENT." and substitute "CURRENT; AND

19

20 (4) THE APPLICATION IS ACCOMPANIED BY THE ITEMS REQUIRED IN
21 SECTION 12-14.5-205 (b).".

22

23 Page 21, strike lines 11 through 20 and substitute the following:

24

25 "(2) WITH THE APPROVAL OF THE ADMINISTRATOR, AN
26 IRREVOCABLE LETTER OF CREDIT, ISSUED OR CONFIRMED BY A BANK
27 APPROVED BY THE ADMINISTRATOR, PAYABLE UPON PRESENTATION OF A
28 CERTIFICATE BY THE ADMINISTRATOR STATING THAT THE PROVIDER OR ITS
29 AGENT HAS NOT COMPLIED WITH THIS PART 2.".

30

31 Page 44, line 17, after the comma, insert "COLLECTION ACTIVITY,".

32

33 Amendment No. 4, by Representative McGihon.

34

35 Amend printed bill, page 9, line 14, strike "NO DEDUCTIBLE;" and
36 substitute "A MAXIMUM DEDUCTIBLE OF FIVE THOUSAND DOLLARS;".

37

38 Page 11, line 17, strike "INDIVIDUALS;" and substitute "INDIVIDUALS. THE
39 DESCRIPTION SHALL BE DEEMED TO BE CONFIDENTIAL COMMERCIAL DATA
40 UNDER SECTION 24-72-204 (3) (a) (IV), C.R.S.".

41

42 Page 12, line 6, after the semicolon, add "EXCEPT THAT IF A DIRECTOR
43 RECEIVES NO COMPENSATION FROM THE PROVIDER, THE APPLICABLE
44 PERIOD SHALL BE FIVE YEARS. THE NAMES AND ADDRESSES SHALL BE
45 DEEMED TO BE CONFIDENTIAL COMMERCIAL DATA UNDER SECTION
46 24-72-204 (3) (a) (IV), C.R.S.".

47

48 Page 13, line 5, strike "(14)," and substitute "(11), (14), (15),".

49

50 Page 16, line 3, after "BALANCE", insert "ATTRIBUTABLE TO RESIDENTS OF
51 COLORADO";

52

53 line 12, strike "NO DEDUCTIBLE;" and substitute "A MAXIMUM DEDUCTIBLE
54 OF FIVE THOUSAND DOLLARS;".

55

56 Page 17, line 5, strike "(14)," and substitute "(11), (14), (15),".

1 Page 21, line 9, strike "NO" and substitute "A MAXIMUM DEDUCTIBLE OF
2 FIVE THOUSAND DOLLARS; OR";

3
4 strike line 10;

5
6 after line 11, insert the following:

7
8 "(A) A CERTIFICATE OF DEPOSIT;"

9
10 Reletter succeeding subparagraphs accordingly.

11
12 Amendment No. 5, by Representative McGihon.

13
14 Amend printed bill, page 8, after line 18, insert the following:

15
16 "(d) A PROVIDER MAY BE REGISTERED ONLY IF IT IS:

17
18 (1) ORGANIZED AND PROPERLY OPERATING AS A NOT-FOR-PROFIT
19 ENTITY UNDER THE LAW OF THE STATE IN WHICH IT WAS FORMED; AND

20
21 (2) EXEMPT FROM TAXATION UNDER THE FEDERAL "INTERNAL
22 REVENUE CODE", 26 U.S.C. SEC. 501, AS AMENDED."

23
24 Page 9, strike lines 23 and 24 and substitute the following:

25
26 "(6) EVIDENCE OF NOT-FOR-PROFIT AND"

27
28 Page 14, strike lines 5 through 8 and substitute the following:

29
30 "(2) THE APPLICANT'S BOARD OF DIRECTORS IS NOT INDEPENDENT".

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

34
35
36 **HB06-1359** (continued from page 1354)
37 by Representative(s) McFadyen, Carroll T.--Concerning creation
38 of a false claims act.

39
40 Amendment No. 11, by Representative Stengel.

41
42 Amend printed bill, page 2, line 17, strike "(a)";

43
44 line 19, strike "(I)" and substitute "(a)";

45
46 line 20, strike "(II)" and substitute "(b)";

47
48 line 22, strike "(III)" and substitute "(c)";

49
50 strike line 24.

51
52 Page 3, strike line 1.

53
54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.

56

1

1 **HB06-1336** by Representative(s) McGihon, Riesberg; also Senator(s)
 2 Grossman--Concerning the enactment of the "Uniform
 3 Athlete Agents Act", and, in connection therewith,
 4 conforming existing statutes governing the conduct of
 5 athlete agents.
 6

7 Amendment No. 1, Education Report, dated March 2, 2006, and placed
 8 in member's bill file; Report also printed in House Journal, March 3,
 9 page 62.
 10

11 Amendment No. 2, Finance Report, dated March 22, 2006, and placed in
 12 member's bill file; Report also printed in House Journal, March 23,
 13 pages 880-88.
 14

15 Amendment No. 3, Appropriations Report, dated April 11, 2006, and
 16 placed in member's bill file; Report also printed in House Journal,
 17 April 11, page 112.
 18

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

22
 23
 24 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
 25

26 Representatives Cadman, Balmer, Harvey, King, Liston, M. May, Rose,
 27 Schultheis, Stengel, and Welker moved to amend the Report of the
 28 Committee of the Whole to show that **HB06-1322**, as amended, did not
 29 pass.
 30

31 The amendment was declared **lost** by the following roll call vote:
 32

	YES	16	NO	47	EXCUSED	02	ABSENT	00
34 Balmer	Y		Frangas	N	Larson	N	Pommer	N
35 Benefield	N		Gallegos	N	Lindstrom	N	Ragsdale	N
36 Berens	N		Garcia	N	Liston	Y	Riesberg	N
37 Borodkin	N		Gardner	N	Lundberg	E	Rose	Y
38 Buescher	N		Green	N	Madden	N	Schultheis	Y
39 Butcher	N		Hall	E	Marshall	N	Solano	N
40 Cadman	Y		Harvey	Y	Massey	N	Soper	N
41 Carroll M	N		Hefley	Y	May	Y	Stafford	Y
42 Carroll T	N		Hodge	N	McCluskey	N	Stengel	Y
43 Cerbo	N		Hoppe	N	McFadyen	N	Sullivan	Y
44 Clapp	Y		Jahn	N	McGihon	N	Todd	N
45 Cloer	Y		Judd	N	McKinley	N	Vigil	N
46 Coleman	N		Kerr A	N	Merrifield	N	Weissmann	N
47 Crane	N		Kerr J	N	Paccione	N	Welker	Y
48 Curry	N		King	Y	Penry	N	White	N
49 Decker	N		Knoedler	Y	Plant	N	Witwer	N
50							Speaker	N

51
 52
 53
 54
 55

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB06-1011 amended, 1389 amended,**
4 **1170 amended, SB06-209 amended, HB06-1394, SB06-049,**
5 **HB06-1322 amended, 1382 amended, SB06-066 amended,**
6 **HB06-1280 amended, 1359 amended, 1336 amended.**

7
8 Lost on Second Reading: **HB06-1111 amended.**

9
10 Referred to Committee indicated: **SB06-073 amended--Appropriations.**

11
12 The Chairman moved the adoption of the Committee of the Whole
13 Report. As shown by the following roll call vote, a majority of those
14 elected to the House voted in the affirmative, and the Report was
15 **adopted.**

	YES	63	NO	00	EXCUSED	02	ABSENT	00
18	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
19	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
20	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
21	Borodkin	Y	Gardner	Y	Lundberg	E	Rose	Y
22	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
23	Butcher	Y	Hall	E	Marshall	Y	Solano	Y
24	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
25	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
26	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
27	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
28	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
29	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
30	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
31	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
32	Curry	Y	King	Y	Penry	Y	White	Y
33	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
34							Speaker	Y

35
36
37
38
39 **HOUSE RECEDES ON HB06-1251**

40
41 **HB06-1251** by Representative(s) Green; also Senator(s) Tochtrop--
42 Concerning a prohibition on price gouging.

43
44 (Amended as printed in Senate Journal, March 30, page 691.)

45
46 Representative Green moved that the House discharge the Conference
47 Committee and **recede** from its position on HB06-1251. A substitute
48 motion by Representative Harvey that the House adhere to its position
49 was declared **lost** by the following roll call vote:

	YES	28	NO	35	EXCUSED	02	ABSENT	00
52	Balmer	Y	Frangas	N	Larson	Y	Pommer	N
53	Benefield	N	Gallegos	N	Lindstrom	N	Ragsdale	N
54	Berens	Y	Garcia	N	Liston	Y	Riesberg	N
55	Borodkin	N	Gardner	Y	Lundberg	E	Rose	Y
56	Buescher	N	Green	N	Madden	N	Schultheis	Y

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

13
14 Representative Green's motion that the House discharge the Conference
15 Committee and **recede** from its position on HB06-1251 was declared
16 **passed** by the following roll call vote:

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

36
37 Representative Green moved that the House **concur** in Senate
38 amendments. The motion was declared **passed** by the following roll call
39 vote:

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

1	Decker	N	Knoedler	N	Plant	Y	Witwer	N
2							Speaker	Y

3
4 The question being, "Shall the bill, as amended, pass?".
5 A roll call vote was taken. As shown by the following recorded vote, a
6 majority of those elected to the House voted in the affirmative, and the
7 bill, as amended, was declared **repassed**.

8	9	YES	33	NO	30	EXCUSED	02	ABSENT	00
10	Balmer	N	Frangas	Y	Larson	N	Pommer	Y	
11	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y	
12	Berens	N	Garcia	Y	Liston	N	Riesberg	Y	
13	Borodkin	Y	Gardner	N	Lundberg	E	Rose	N	
14	Buescher	Y	Green	Y	Madden	Y	Schultheis	N	
15	Butcher	Y	Hall	E	Marshall	Y	Solano	Y	
16	Cadman	N	Harvey	N	Massey	N	Soper	Y	
17	Carroll M	Y	Hefley	N	May	N	Stafford	N	
18	Carroll T	Y	Hodge	Y	McCluskey	N	Stengel	N	
19	Cerbo	Y	Hoppe	N	McFadyen	Y	Sullivan	N	
20	Clapp	N	Jahn	N	McGihon	Y	Todd	Y	
21	Cloer	N	Judd	Y	McKinley	Y	Vigil	N	
22	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y	
23	Crane	N	Kerr J	N	Paccione	Y	Welker	N	
24	Curry	Y	King	N	Penry	N	White	N	
25	Decker	N	Knoedler	N	Plant	Y	Witwer	N	
26							Speaker	Y	

27 28 29 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

30
31 Representative Decker moved that the First Conference Committee on
32 **HB06-1169** be granted permission to go beyond the scope of the
33 difference between the House and the Senate. The motion was passed by
34 the following roll call vote:

35	36	YES	62	NO	00	EXCUSED	03	ABSENT	00
37	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y	
38	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y	
39	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y	
40	Borodkin	Y	Gardner	Y	Lundberg	E	Rose	Y	
41	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y	
42	Butcher	Y	Hall	E	Marshall	Y	Solano	Y	
43	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y	
44	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y	
45	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y	
46	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y	
47	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y	
48	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y	
49	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y	
50	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y	
51	Curry	Y	King	Y	Penry	Y	White	Y	
52	Decker	Y	Knoedler	Y	Plant	E	Witwer	Y	
53							Speaker	Y	

54
55
56

REPORTS OF COMMITTEES OF REFERENCE**JUDICIARY**

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

HB06-1391 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 10, strike lines 22 and 23 and substitute the following: "WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM. If such notification is placed on the";

Page 55, after line 19, insert the following:

SECTION 86. The introductory portion to 26-6-104 (7) (a) (I), Colorado Revised Statutes, as amended by Senate Bill 06-199, enacted at the Second Regular Session of the Sixty-fifth General Assembly, is amended to read:

26-6-104. Licenses - out-of-state notices and consent. (7) (a) (I) The state department, a county department, or a child placement agency licensed under the provisions of this part 1 shall not issue a license or certificate to operate a family child care home, a foster care home, a child care center, a residential child care facility, a secure residential treatment center, or a child placement agency, and any license or certificate issued prior to the effective date of ~~Senate Bill 06-199~~ SENATE BILL 06-199 shall be revoked or suspended, if the applicant for the license or certificate, an affiliate of the applicant, a person employed by the applicant, or a person who resides with the applicant at the facility has been convicted of:

SECTION 87. 8-70-141 (1) (b) (I) and the introductory portion to 8-70-141 (1) (d) (I), Colorado Revised Statutes, are amended to read:

8-70-141. Wages - definition. (1) "Wages" means:

(b) (I) Any employer contribution under a qualified cash or deferred arrangement, as defined in 26 U.S.C. section 401 (k), to the extent not included in gross income by reason of ~~26 U.S.C. section 402 (a) (8)~~ 26 U.S.C. SECTION 402 (e) (3); and

(d) (I) With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work paid for previously uncovered services. For the purposes of this paragraph (d), "previously uncovered services" means services which were not employment as defined in sections 8-70-126 to ~~8-70-140.7~~ 8-70-140.8 and were not services covered pursuant to section 8-76-107 at any time during the one-year period ending December 31, 1975, and:

SECTION 88. 8-76-103 (3) (b) (II) (B), Colorado Revised Statutes, is amended to read:

8-76-103. Future rates based on benefit experience. (3) (b) (II) (B)

**TAX RATE SCHEDULE - POSITIVE EXCESS EMPLOYERS
Fund Level in Millions of Dollars**

	Percent	450	396 to	342 to	306 to	270 to	234 to	198 to	162 to	126 to	90 to	More than Zero to 90 Million	0
6	Percent	450	396 to	342 to	306 to	270 to	234 to	198 to	162 to	126 to	90 to	More than Zero to 90 Million	0
7													
8	of												
9		Million	450	396	342	306	270	234	198	162	126		
10	Excess	plus	Million	Million	Million	Million	Million	Million	Million	Million	Million		or Deficit
11	+20 or	.000	.000	.000	.000	.001	.002	.003	.003	.003	.003	.003	.010
12	more												
13	+19	.000	.000	.000	.001	.002	.003	.003	.003	.003	.003	.003	.010
14	+18	.000	.000	.000	.001	.002	.003	.003	.003	.003	.003	.003	.010
15	+17	.000	.000	.001	.001	.003	.003	.003	.003	.003	.003	.003	.010
16	+16	.000	.000	.001	.001	.003	.003	.003	.003	.003	.003	.004	.011
17	+15	.000	.001	.001	.001	.003	.003	.003	.003	.003	.003	.005	.012
18	+14	.000	.001	.001	.001	.003	.003	.003	.003	.003	.004	.006	.013
19	+13	.001	.001	.001	.001	.003	.003	.003	.003	.004	.005	.007	.014
20	+12	.001	.001	.001	.001	.003	.003	.003	.004	.005	.006	.008	.015
21	+11	.001	.001	.001	.001	.003	.003	.004	.005	.006	.007	.009	.016
22	+10	.001	.001	.001	.002	.003	.004	.005	.006	.007	.008	.010	.017

1	+9	.001	.001	.002	.003	.004	.005	.006	.007	.008	.009	.011	.018
2	+8	.001	.002	.003	.004	.005	.006	.007	.008	.009	.010	.012	.019
3	+7	.002	.003	.004	.005	.006	.007	.008	.009	.010	.011	.013	.020
4	+6	.002	.004	.005	.006	.007	.008	.009	.010	.011	.012	.014	.021
5	+5	.003	.005	.006	.007	.008	.009	.010	.011	.012	.013	.015	.022
6	+4	.004	.006	.007	.008	.009	.010	.011	.012	.013	.014	.016	.023
7	+3	.007	.009	.010	.011	.012	.013	.014	.015	.016	.017	.019	.024
8	+2	.011	.012	.013	.014	.015	.016	.017	.018	.019	.020	.022	.025
9	+1	.015	.016	.017	.018	.019	.020	.020	.021	.022	.023	.025	.026
10	+0	.020	.021	.022	.023	.023	.024	.024	.025	.025	.026	.027	.027
11	Unrated	.027 .017	.027 .017	.027 .017	.027 .017	.027 .017	.027 .017	.027 .017	.027 .017	.027 .017	.027 .017	.027 .017	.027 .017
12													.017".

13 Renumber succeeding sections accordingly.

14 Page 56, after line 1, insert the following:

15 "(d) Section 86 of this act shall only take effect if Senate Bill 06-199 is enacted at the second regular session of the sixty-fifth
16 general assembly and becomes law and said section 86 shall become effective on the same date as Senate Bill 06-199."
17

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB06-1390** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

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

11
12 "SECTION 1. 42-4-510 (1), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14
15 **42-4-510. Permits for excess size and weight and for**
16 **manufactured homes.** (1) (c) (I) A SINGLE TRIP OR ANNUAL PERMIT
17 SHALL BE ISSUED PURSUANT TO THIS SECTION FOR A SELF-PROPELLED
18 FIXED LOAD CRANE THAT EXCEEDS LEGAL WEIGHT LIMITS IF IT DOES NOT
19 EXCEED THE WEIGHT LIMITS AUTHORIZED BY THE DEPARTMENT OF
20 TRANSPORTATION. A BOOM TRAILER OR BOOM DOLLY SHALL NOT BE
21 PERMITTED UNLESS THE BOOM TRAILER OR BOOM DOLLY IS ATTACHED TO
22 THE CRANE IN A MANNER AND FOR THE PURPOSE OF DISTRIBUTING LOAD
23 TO MEET THE WEIGHT REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.
24 A SELF-PROPELLED FIXED LOAD CRANE MAY BE PERMITTED WITH
25 COUNTERWEIGHTS WHEN A BOOM TRAILER OR BOOM DOLLY IS USED IF THE
26 COUNTERWEIGHTS DO NOT EXCEED THE MANUFACTURER'S RATED
27 CAPACITY OF THE SELF-PROPELLED FIXED LOAD CRANE AND DO NOT CAUSE
28 THE VEHICLE TO EXCEED PERMITTED AXLE OR GROSS WEIGHT LIMITS. A
29 PERMIT ISSUED PURSUANT TO THIS PARAGRAPH (c) SHALL NOT AUTHORIZE
30 MOVEMENT ON INTERSTATE HIGHWAYS IF NOT APPROVED BY FEDERAL
31 LAW.

32
33 (II) FOR THE PURPOSES OF THIS PARAGRAPH (c), "SELF-PROPELLED
34 FIXED LOAD CRANE" MEANS A SELF-POWERED MOBILE CRANE DESIGNED
35 WITH EQUIPMENT OR PARTS PERMANENTLY ATTACHED TO THE BODY OF
36 THE CRANE. A SELF-PROPELLED FIXED LOAD CRANE INCLUDES, WITHOUT
37 LIMITATION, THE CRANE'S SHACKLES AND SLINGS.

38
39 **SECTION 2. Effective date.** This act shall take effect at 12:01
40 a.m. on the day following the expiration of the ninety-day period after
41 final adjournment of the general assembly that is allowed for submitting
42 a referendum petition pursuant to article V, section 1 (3) of the state
43 constitution (August 9, 2006, if adjournment sine die is on May 10,
44 2006); except that, if a referendum petition is filed against this act or an
45 item, section, or part of this act within such period, then the act, item,
46 section, or part, if approved by the people, shall take effect on the date of
47 the official declaration of the vote thereon by proclamation of the
48 governor."

49
50
51
52 **MESSAGE FROM THE SENATE**

53
54 The Senate has postponed indefinitely HB06-1105. The bill is returned
55 herewith.

56

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 20th day of April, 2006, at 2:15 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,
Chief Clerk of the House

April 19, 2006

To the Honorable
House of Representatives
Sixty-fifth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

HB06-1076 Concerning Immunity From Civil Liability Under The "Volunteer Service Act".

Approved April 19, 2006 at 4:35 p.m.

Sincerely,
(signed)
Bill Owens
Governor

**INTRODUCTION OF BILLS
First Reading**

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

HB06-1403 by Representative(s) Kerr A.--Concerning incentives for a school district to realign public education within the school district.

Committee on Education

SB06-046 by Senator(s) Tupa, Bacon, Windels, Williams; also Representative(s) Merrifield, Benefield, Pommer-- Concerning the study of an education system ranging from pre-kindergarten through higher education, and, in connection therewith, creating a legislative oversight committee and special council, and making an appropriation.

Committee on Education
Committee on Appropriations

SB06-069 by Senator(s) Windels; also Representative(s) Merrifield-- Concerning school accountability.

Committee on Education

1 **SB06-081** by Senator(s) Veiga; also Representative(s) Madden--
 2 Concerning the expansion of employment
 3 nondiscrimination protections, and making an
 4 appropriation therefor.

5 Committee on Judiciary
 6 Committee on Appropriations

7
 8
 9

10 INTRODUCTION OF CONCURRENT RESOLUTIONS

11
 12 The following resolutions were read by title and referred to the
 13 committees indicated:

14
 15 **HCR06-1009** by Representative(s) Schultheis, Gardner, Penry, Balmer,
 16 Berens, Cadman, Clapp, Cloer, Crane, Decker, Harvey,
 17 Hefley, Hoppe, Kerr J., King, Knoedler, Larson, Liston,
 18 Lundberg, Massey, May M., McCluskey, Rose, Stengel,
 19 Sullivan, Welker, White, Witwer; also Senator(s)
 20 McElhany--Submitting to the registered electors of the
 21 state of Colorado an amendment to article VII of the
 22 constitution of the state of Colorado, concerning
 23 verification of United States citizenship for voting
 24 purposes, and, in connection therewith, requiring a person
 25 to present proof of citizenship when registering to vote or
 26 voting in an election in this state for the first time, except
 27 as otherwise required by federal law, and requiring all
 28 persons voting in the first general election held after the
 29 effective date of the amendment to present proof of United
 30 States citizenship.

31 Committee on State, Veterans, & Military Affairs

32
 33 **HCR06-1010** by Representative(s) Penry, Carroll M., Garcia, Knoedler,
 34 Witwer--Submitting to the registered electors of the state
 35 of Colorado amendments to sections 2 and 3 of article
 36 XXVIII of the constitution of the state of Colorado,
 37 concerning campaign finance, and, in connection
 38 therewith, clarifying that the definitions of "political
 39 committee" and "person" include certain federal entities
 40 described in or organized under the federal "Internal
 41 Revenue Code of 1986", as amended, that are involved in
 42 elections in the state, placing limits on the amount of
 43 moneys that persons may contribute to such entities, and
 44 increasing the limits on the amount of moneys that may be
 45 contributed to candidates for state office in Colorado.

46 Committee on State, Veterans, & Military Affairs

47
 48 **HCR06-1011** by Representative(s) Butcher, Romanoff, Madden,
 49 Gallegos, Coleman, Vigil, Carroll M., Frangas, Garcia,
 50 Green, Lindstrom, McKinley, Merrifield, Plant, Soper;
 51 also Senator(s) Tapia, Groff, Grossman--Submitting to the
 52 registered electors of the state of Colorado amendments to
 53 sections 1, 4, 6 (2), and 23 of article IV of the constitution
 54 of the state of Colorado, concerning the popular election
 55 of the state office of the commissioner of insurance.

56 Committee on Business Affairs and Labor

1 **HCR06-1012** by Representative(s) Carroll M., Garcia, Rose; also
2 Senator(s) Teck--Submitting to the registered electors of
3 the state of Colorado amendments to articles V and XIX of
4 the constitution of the state of Colorado, concerning the
5 exemption from the single-subject requirement of
6 proposed measures that repeal constitutional or statutory
7 provisions initially adopted prior to January 1, 1995, as a
8 measure or part of a measure containing more than one
9 subject at the time of initial adoption.
10 Committee on State, Veterans, & Military Affairs

INTRODUCTION OF RESOLUTIONS

16 The following resolutions were read by title and referred to the
17 committees indicated:

18
19 **HR06-1010** by Representative(s) Cloer--Concerning repeal of the
20 requirement that volunteer lobbyists register with the chief
21 clerk of the House of Representatives.
22 Committee on State, Veterans, & Military Affairs

23
24
25 **HJR06-1026** by Representative(s) Cloer--Concerning elimination of the
26 requirement that volunteer lobbyists register with the chief
27 clerk of the House of Representatives.
28 Committee on State, Veterans, & Military Affairs

29
30
31 **HJR06-1027** by Representative(s) Schultheis, Harvey, Cadman, Clapp,
32 Crane, Decker, Gardner, Kerr J., Liston, Lundberg, Rose,
33 Welker--Concerning urging support from the United States
34 government for enforcement of federal immigration laws.
35 Committee on State, Veterans, & Military Affairs

36
37
38 **HJR06-1028** by Representative(s) Lindstrom--Concerning the
39 protection of national forest roadless areas.
40 Committee on Agriculture, Livestock, & Natural Resources

41
42
43 **HJR06-1029** by Representative(s) Stafford, Buescher, Garcia, Kerr J.,
44 Liston, Todd; also Senator(s) Johnson--Concerning an
45 interim committee to study the regulation of mortuary
46 science practitioners.
47 Committee on Business Affairs and Labor

48
49
50 **HJR06-1030** by Representative(s) Stafford, Berens, Carroll M., Kerr J.,
51 Lundberg, Todd; also Senator(s) Boyd--Concerning the
52 creation of an interim committee on domestic violence
53 offenders.
54 Committee on Judiciary

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INTRODUCTION OF RESOLUTIONS1
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The following resolutions were read by title and laid over one day under the rules:

HJR06-1024 by Representative(s) McCluskey, Balmer, Cadman, Carroll M., Jahn, Larson, Liston, Paccione, Witwer; also Senator(s) Veiga, Boyd, Kester, Owen, Tochtrop, Wiens-- Concerning opposition to federal preemption of the regulation of insurance.

HJR06-1025 by Representative(s) Decker, Cerbo, Cloer, Lindstrom; also Senator(s) Tapia--Concerning sleep disorders, and, in connection therewith, encouraging persons with sleep difficulties to seek diagnosis and treatment.

SJR06-030 by Senator(s) Sandoval; also Representative(s) Merrifield and Rose--Concerning support of the goals and ideals of "The Year of the Museum".

LAY OVER OF CALENDAR ITEMS

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

Consideration of Third Reading--**HB06-1352, HCR06-1001.**
Consideration of General Orders--**SB06-114, HB06-1302, SB06-037, HB06-1283, SB06-089, HCR06-1002.**
Consideration of Resolutions--**HJR06-1022, HR06-1009, SJR06-020, HJR06-1023.**
Consideration of Senate Amendments--**HB06-1125, 1386.**
Consideration of Adherence--**SB06-067.**
Consideration of Governor's Vetoes--**HB06-1216, 1005, 1023, 1369, 1371, 1374, 1010, 1056, 1077, 1148, 1174, 1212.**

On motion of Representative Curry, the House adjourned until 9:00 a.m., April 21, 2006.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk