

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

Twenty-fourth Legislative Day

Friday, February 3, 2006

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

2

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

4

5 Pledge of Allegiance led by Representative Decker.

6

7 The roll was called with the following result:

8

9 Present--52.

10 Excused--Representatives Buescher, Butcher, Garcia, Gardner,  
11 Hoppe, Judd, King, Marshall, Penry, Plant, Riesberg, Vigil,  
12 Weissmann--13.

13 Present after roll call--Representatives Buescher, Butcher, Garcia,  
14 Gardner, Hoppe, Judd, King, Marshall, Penry, Plant, Riesberg,  
15 Vigil, Weissmann.

16

17 The Speaker declared a quorum present.

18

19

20 On motion of Representative Benefield, the reading of the journal of  
21 February 2, 2006, was declared dispensed with and approved as corrected  
22 by the Chief Clerk.

23

24

25

26

**CONSIDERATION OF RESOLUTIONS**

27

28 **HJR06-1011** by Representative(s) Todd, Butcher, Borodkin, Carroll T.,  
29 Gallegos, Hodge, Larson, Massey, McCluskey, Merrifield,  
30 Solano, Soper; also Senator(s) Williams--Concerning the  
31 designation of February 2006 as "American Heart Month",  
32 and, in connection therewith, declaring February 3 to be  
33 "Go Red For Women Day".

34

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

36

37 On motion of Representative Todd, the resolution was read at length and  
38 **adopted** by **viva voce** vote.

39

40 Co-sponsors added: Representatives Benefield, Berens, Boyd, Buescher,  
41 Cadman, Carroll M, Cerbo, Clapp, Cloer, Coleman, Crane, Curry, Decker,  
42 Frangas, Garcia, Gardner, Green, Hall, Harvey, Hefley, Hoppe, Jahn, Judd,  
43 Kerr, King, Knoedler, Lindstrom, Liston, Lundberg, Madden, Marshall, May,

1 McFadyen, McGihon, McKinley, Paccione, Penry, Plant, Ragsdale, Riesberg,  
2 Rose, Schultheis, Stafford, Stengel, Sullivan, Vigil, Welker, White, Witwer, and  
3 Speaker.

4  
5 **HJR06-1010** by Representative(s) Massey and Balmer and Benefield  
6 and Berens and Buescher and Carroll M. and Curry and  
7 Gallegos and Gardner and Green and Kerr and Knoedler  
8 and Lindstrom and Liston and McKinley and Penry and  
9 Riesberg and Solano and Soper and Sullivan and Todd and  
10 Witwer; also Senator(s) Shaffer, Traylor--Concerning  
11 civility in the Colorado General Assembly.

12  
13 (Printed and placed in member's file.)

14  
15 On motion of Representative Massey, the resolution was read at length  
16 and **adopted** by **viva voce** vote.

17  
18 Co-sponsors added: Roll Call of the House.

19  
20  
21 On motion of Representative Plant, the House resolved itself into  
22 Committee of the Whole for consideration of General Orders, and he was  
23 called to the Chair to act as Chairman.

24  
25  
26 **GENERAL ORDERS--SECOND READING OF BILLS**

27  
28 The Committee of the Whole having risen, the Chairman reported the  
29 titles of the following bills had been read (reading at length had been  
30 dispensed with by unanimous consent), the bills considered and action  
31 taken thereon as follows:

32  
33 (Amendments to the committee amendment are to the printed committee  
34 report which was printed and placed in the members' bill file.)

35  
36 **HB06-1094** by Representative(s) White; also Senator Teck--  
37 Concerning the notice of valuation of taxable personal  
38 property on oil and gas leaseholds and lands.

39  
40 Amendment No. 1 Finance Report, dated January 25, 2006, and placed  
41 in member's bill file; Report also printed in House Journal, January 26,  
42 page 99.

43  
44 As amended, ordered engrossed and placed on the Calendar for Third  
45 Reading and Final Passage.

46  
47 **HB06-1074** by Representative(s) Solano, Madden; also Senator(s)  
48 Johnson--Concerning the waste tire recycling development  
49 fee.

50  
51 (Previously amended as printed in House Journal, January 31, page 144.)

52  
53 Amendment No. 2, by Representative Solano.

54  
55 Amend printed bill, page 6, line 12, after "(9)", insert "(b) and (9)" and,  
56 strike "is" and substitute "are";

1 strike lines 15 through 22 and substitute the following:

2  
3 **"to advanced technology - fund created.** (9) (b) The commission shall  
4 expend moneys in the advanced technology fund to ~~provide research~~  
5 ~~funding and technology transfer capital to individuals or public or private~~  
6 ~~entities seeking to develop or implement projects for biotechnology and~~  
7 ~~other advanced technology or for environmental research, research and~~  
8 ~~development, and technology transfer programs in the state.~~ FINANCE  
9 RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER WITH REGARD TO  
10 WASTE DIVERSION AND RECYCLING STRATEGIES OR ENVIRONMENTAL  
11 ALTERNATIVES BY PROVIDING RESEARCH FUNDING AND TECHNOLOGY  
12 TRANSFER CAPITAL TO INDIVIDUALS OR PUBLIC OR PRIVATE ENTITIES  
13 SEEKING TO DEVELOP OR IMPLEMENT WASTE DIVERSION OR RECYCLING  
14 PROJECTS FOR MATERIALS OR PRODUCTS OF ANY KIND, INCLUDING,  
15 WITHOUT LIMITATION, STRATEGIES PERTAINING TO WASTE TIRES, OR FOR  
16 ENVIRONMENTAL, RESEARCH, DEVELOPMENT, AND TECHNOLOGY  
17 TRANSFER PROGRAMS IN THE STATE FOR MATERIALS AND PRODUCTS OF  
18 ANY KIND. The commission shall adopt a policy for the expenditure of  
19 such moneys, which shall contain priorities and the criteria for providing  
20 research funding and technology transfer.

21  
22 (c) ~~Notwithstanding any other provision of this subsection (9), on~~  
23 ~~and after July 1, 2003, no less than twenty percent of any moneys~~  
24 ~~available in the advanced technology fund pursuant to section 25-17-202~~  
25 ~~(3), C.R.S., shall be used solely to finance research, development, and~~  
26 ~~technology transfer with regard to waste diversion and recycling~~  
27 ~~strategies, and shall include research, development, and technology~~  
28 ~~transfer regarding waste tires."~~

29  
30 Referred to the Committee on Appropriations.  
31 (For change in action, see Amendments to Report, page 191.)

32  
33 **HB06-1112** by Representative(s) Marshall; also Senator(s) Veiga--  
34 Concerning changes to conform Colorado juvenile law to  
35 federal law.

36  
37 Amendment No. 1, Judiciary Report, dated January 26, 2006, and placed  
38 in member's bill file; Report also printed in House Journal, January 27,  
39 page 113.

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

43  
44 **HB06-1136** by Representative(s) Witwer, Berens--Concerning a  
45 requirement to notify the state attorney general when a  
46 defendant alleges a law is unconstitutional.

47  
48 Amendment No. 1, Judiciary Report, dated January 26, 2006, and placed  
49 in member's bill file; Report also printed in House Journal, January 27,  
50 page 113.

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

54  
55

1 **HB06-1137** by Representative(s) Judd; also Senator(s) Shaffer--  
2 Concerning amendments to the Colorado probate code.  
3

4 Amendment No. 1, Judiciary Report, dated January 26, 2006, and placed  
5 in member's bill file; Report also printed in House Journal, January 27,  
6 pages 114-119.  
7

8 Amendment No. 2, by Representative Judd.  
9

10 Amend the Judiciary Committee Report, dated January 26, 2006, page 1,  
11 strike line 1 and substitute the following:  
12

13 "Amend printed bill, page 2, strike lines 17 and 18.  
14

15 Page 3, strike lines 1 through 10 and substitute the following:  
16

17 **"SECTION 2.** The introductory portions to 15-12-803 (1) (a) and  
18 (2), Colorado Revised Statutes, are amended, and the said 15-12-803 is  
19 further amended BY THE ADDITION OF THE FOLLOWING NEW  
20 SUBSECTIONS, to read:  
21

22 **15-12-803. Limitations on presentation of claims.** (1) (a) All  
23 claims against a decedent's estate ~~which~~ THAT arose before the death of  
24 the decedent, including claims of the state of Colorado and any  
25 subdivision thereof, whether due or to become due, absolute or  
26 contingent, liquidated or unliquidated, founded on contract, tort, or other  
27 legal basis, if not barred earlier by other statutes of limitations, are barred  
28 against the estate, the personal representative, ANY TRANSFEREE OR OTHER  
29 PERSON INCURRING LIABILITY UNDER SECTION 15-15-103, and the heirs  
30 and devisees of the decedent, unless presented as follows:  
31

32 (2) All claims against a decedent's estate ~~which~~ THAT arise at or  
33 after the death of the decedent, including claims of the state and any  
34 subdivision thereof, whether due or to become due, absolute or  
35 contingent, liquidated or unliquidated, founded on contract, tort, or other  
36 legal basis, are barred against the estate, the personal representative, ANY  
37 TRANSFEREE OR OTHER PERSON INCURRING LIABILITY UNDER SECTION  
38 15-15-103, and the heirs and devisees of the decedent, unless presented  
39 as follows:  
40

41 (4) THIS SECTION IS A NONCLAIM STATUTE THAT CANNOT BE  
42 WAIVED OR TOLLED, AND IT SHALL NOT BE CONSIDERED A STATUTE OF  
43 LIMITATIONS.  
44

45 (5) UNLESS SECTION 15-10-106 IS DETERMINED TO APPLY, AND,  
46 SUBJECT TO THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, CLAIMS  
47 THAT ARE NOT PRESENTED IN ACCORDANCE WITH SUBSECTIONS (1) AND (2)  
48 OF THIS SECTION ARE BARRED EVEN IF ADDRESSING THE MERITS OF THE  
49 CLAIM WOULD NOT DELAY THE SETTLEMENT AND DISTRIBUTION OF THE  
50 ESTATE."  
51

52 Page 10, strike lines 3 through 27."  
53

54 Page 6 of the committee report, strike lines 20 through 25 and substitute  
55 the following:  
56

1 "strike lines 11 and 12 and substitute the following:

2

3 "(III) PROCEEDS TRANSFERRED PURSUANT TO";

4

5 strike lines 19 through 27.

6

7 Page 25, strike lines 1 through 20 and substitute the following:

8

9 "(2) EXCEPT AS OTHERWISE PROVIDED BY PARAGRAPH (b) OF  
10 SUBSECTION (1) OF THIS SECTION, A TRANSFEREE OF A NONPROBATE  
11 TRANSFER IS SUBJECT TO LIABILITY TO ANY PROBATE ESTATE OF THE  
12 DECEDENT FOR ALLOWED CLAIMS AGAINST THE DECEDENT'S PROBATE  
13 ESTATE AND STATUTORY ALLOWANCES TO THE DECEDENT'S SPOUSE AND  
14 CHILDREN TO THE EXTENT THE ESTATE IS INSUFFICIENT TO SATISFY THOSE  
15 CLAIMS AND ALLOWANCES. THE LIABILITY OF A NONPROBATE TRANSFEREE  
16 MAY NOT EXCEED THE VALUE OF NONPROBATE TRANSFERS RECEIVED OR  
17 CONTROLLED BY THAT TRANSFEREE.".

18

19 strike lines 23 through 25.

20

21 Page 7 of the committee report, strike lines 1 and 2.

22

23 Page 8 of the committee report, line 20, strike "15-11-1102 (1) (b) (I),"

24

25 and substitute "15-11-1102.5 (1) (b) (I),".

26

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

29

30 **HB06-1140** by Representative(s) McCluskey; also Senator(s) Veiga--  
31 Concerning the registration of trademarks.

32

33 Ordered engrossed and placed on the Calendar for Third Reading and  
34 Final Passage.

35

36 **HB06-1121** by Representative(s) Todd, Benefield, Berens, Carroll M.,  
37 Decker, Green, Hodge, Marshall, Massey, McKinley,  
38 Merrifield, Paccione, Penry, Solano; also Senator(s)  
39 Williams, Windels--Concerning recognition of community  
40 service performed by students.

41

42 Amendment No. 1, Education Report, dated January 31, 2006, and placed  
43 in member's bill file; Report also printed in House Journal, February 1,  
44 page 160.

45

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

48

49 **HB06-1113** by Representative(s) McGihon, Larson, Benefield, Boyd,  
50 Carroll M., Carroll T., Cerbo, Coleman, Curry, Frangas,  
51 Green, Hodge, Lindstrom, Madden, Marshall, Merrifield,  
52 Pommer, Romanoff, Todd, Vigil, Weissmann; also  
53 Senator(s) Grossman, Fitz-Gerald, Tochtrop, Williams,  
54 Windels--Concerning increased authority to protect air  
55 quality.

1 Amendment No. 1, by Representative Curry.

2

3 Amend printed bill, page 4, line 3, strike "THE" and substitute "SUBJECT  
4 TO SUBSECTION (2) OF THIS SECTION, THE".

5

6 Page 5, line 19, after the period, add "ANY RULES OR STANDARDS TO  
7 PREVENT AND REDUCE AIR POLLUTION FROM A SOURCE LISTED IN SECTION  
8 25-7-109 (8) THAT ARE MORE STRINGENT THAN THE FEDERAL ACT OR  
9 IMPLEMENTING REGULATIONS SHALL NOT BE INCLUDED AS PART OF THE  
10 STATE IMPLEMENTATION PLAN AND SHALL BE ENFORCEABLE EXCLUSIVELY  
11 UNDER THE LAWS OF THIS STATE AND THE RULES AND STANDARDS OF THE  
12 COMMISSION."

13

14 Amendment No. 2, by Representative Curry.

15

16 Amend printed bill, page 6, line 2, after the period, add  
17 "NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE COMMISSION  
18 MAY DETERMINE THAT ANY RULES OR STANDARDS GOVERNING THE USE OF  
19 OXYGENATED BIOFUELS IN THE WINTERTIME, SUCH AS WINTERTIME  
20 ETHANOL REQUIREMENTS, THAT ARE MORE STRINGENT THAN THE FEDERAL  
21 ACT OR IMPLEMENTING REGULATIONS MAY BE INCLUDED AS PART OF THE  
22 STATE IMPLEMENTATION PLAN OR ADOPTED AS PART OF ANY OTHER STATE  
23 PROGRAM FOR APPROVAL BY THE FEDERAL ENVIRONMENTAL PROTECTION  
24 AGENCY OR SUBJECT TO ENFORCEMENT EXCLUSIVELY UNDER THE LAWS OF  
25 THIS STATE AND THE RULES AND STANDARDS OF THE COMMISSION."

26

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

29 (For change in action, see Amendments to Report, page 191.)

30

31 **HB06-1109** by Representative(s) King, Massey; also Senator(s)  
32 Grossman--Concerning measuring public school  
33 effectiveness.

34

35 Amendment No. 1, Education Report, dated January 31, 2006, and placed  
36 in member's bill file; Report also printed in House Journal, February 1,  
37 pages 159-160.

38

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

41

42 **HB06-1103** by Representative(s) Green, Benefield, Carroll M.,  
43 Coleman, Frangas, Lindstrom, McGihon, Merrifield,  
44 Todd--Concerning forfeiture provisions in agreements  
45 affecting persons in facilities providing residential care.

46

47 Amendment No. 1, Health and Human Services Report, dated January 30,  
48 2006, and placed in member's bill file; Report also printed in House  
49 Journal, February 1, pages 161-162.

50

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

53

54

55

1 On motion of Representative Madden, the remainder of the General  
 2 Orders Calendar (**HB06-1042, 1156, 1188, 1175**) was laid over until  
 3 February 6, retaining place on Calendar.

4

5

6

7 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

8

9 Representative Plant moved to amend the Report of the Committee of the  
 10 Whole to show that the Plant motion to refer HB 06-1074, as amended,  
 11 to the Appropriations Committee did not pass, and that **HB 06-1074**, as  
 12 amended, did pass.

13

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

15

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

34

35 Representatives Knoedler, Hoppe, Clapp, Gardner, Stengel, Lundberg,  
 36 Penry, White, Stafford, Rose, Berens, Schultheis, Sullivan, Crane, King,  
 37 Balmer, Cadman, Welker, Hefley, May, Decker, Cloer, Kerr, and Massey  
 38 moved to amend the Report of the Committee of the Whole to show that  
 39 **HB 06-1113**, as amended, did not pass.

40

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

42

	YES	33	NO	32	EXCUSED	00	ABSENT	00
44	Balmer	Y	Decker	Y	Larson	N	Pommer	N
45	Benefield	N	Frangas	N	Lindstrom	Y	Ragsdale	Y
46	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	N
47	Borodkin	N	Garcia	N	Lundberg	Y	Rose	Y
48	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
49	Buescher	N	Green	N	Marshall	N	Solano	N
50	Butcher	Y	Hall	Y	Massey	Y	Soper	N
51	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
52	Carroll M	N	Hefley	Y	McCluskey	Y	Stengel	Y
53	Carroll T	N	Hodge	N	McFadyen	N	Sullivan	Y
54	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
55	Clapp	Y	Jahn	N	McKinley	Y	Vigil	N
56	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N

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

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

9 Passed Second Reading: **HB06-1094 amended, 1074 amended, 1112 amended, 1136 amended, 1137 amended, 1140, 1121 amended, 1113 amended, 1109 amended, 1103 amended.**

13 Laid over until date indicated retaining place on Calendar: **HB06-1042, 1156, 1188, 1175**--February 6, 2006.

16 Lost on Second Reading--**HB06-1113 amended.**

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

23	YES	65	NO	00	EXCUSED	00	ABSENT	00
24	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
25	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
26	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
27	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
28	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
29	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
30	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
31	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
32	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
33	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
34	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
35	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
36	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
37	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
38	Crane	Y	King	Y	Penry	Y	White	Y
39	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
40							Speaker	Y

## REPORTS OF COMMITTEES OF REFERENCE

### APPROPRIATIONS

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

50 **HB06-1028** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

54 Amend printed bill, page 3, line 3, strike "**Appropriation.**" and substitute "**Appropriation.** (1)";



1 strike lines 6 through 8, and insert the following:

2  
3 "for the fiscal year beginning July 1, 2006, the sum of three million one  
4 hundred thirty-three thousand nine hundred sixty-eight dollars  
5 (\$3,133,968) and 42.5 FTE, or so much thereof as may be necessary, for  
6 the implementation of this act. Of this sum, one million two hundred  
7 sixty-three thousand thirty-four dollars (\$1,263,034) and 13.5 FTE shall  
8 be for the supreme court/court of appeals, one million two hundred thirty-  
9 six thousand six hundred twenty-two dollars (\$1,236,622) and 16.0 FTE  
10 shall be for the trial courts, and six hundred thirty-four thousand three  
11 hundred twelve dollars (\$634,312) and 13.0 FTE shall be for the public  
12 defender.  
13

14 (2) In addition to any other appropriation, there is hereby  
15 appropriated, out of any moneys in the general fund not otherwise  
16 appropriated, to the department of law, for the fiscal year beginning July  
17 1, 2006, the sum of seventy-five thousand three hundred dollars  
18 (\$75,300) and 1.0 FTE, or so much thereof as may be necessary, for the  
19 implementation of this act."  
20

21  
22  
23 **HB06-1213** be referred to the Committee of the Whole with favorable  
24 recommendation.  
25

26  
27 **HB06-1214** be referred to the Committee of the Whole with favorable  
28 recommendation.  
29

30  
31 **HB06-1215** be referred to the Committee of the Whole with favorable  
32 recommendation.  
33

34  
35 **HB06-1216** be referred to the Committee of the Whole with favorable  
36 recommendation.  
37

38  
39 **HB06-1217** be amended as follows, and as so amended, be referred to  
40 the Committee of the Whole with favorable  
41 recommendation:  
42

43 Amend printed bill, page 41, line 2, strike "IN ACCORDANCE WITH  
44 SECTION 24-75-109 (4), C.R.S. THE";  
45

46 strike lines 3 and 4.  
47

48  
49  
50 **HB06-1218** be referred to the Committee of the Whole with favorable  
51 recommendation.  
52

53  
54 **HB06-1219** be amended as follows, and as so amended, be referred to  
55 the Committee of the Whole with favorable  
56 recommendation:

- 1 Amend printed bill, page 75, line 11, strike "Overexpenditure of this  
2 appropriation is permitted, pursuant to the provisions of Section 24-75-  
3 109, C.R.S." and substitute "~~Overexpenditure of this appropriation is~~  
4 ~~permitted, pursuant to the provisions of Section 24-75-109, C.R.S.~~";  
5  
6 line 12, strike "IN ACCORDANCE WITH SECTION 24-75-109 (4), C.R.S. THE  
7 ASSOCIATED RESTRICTIONS ON FUNDS FOR THIS PROGRAM";  
8  
9 strike line 13.  
10  
11  
12  
13 **HB06-1220** be referred to the Committee of the Whole with favorable  
14 recommendation.  
15  
16  
17 **HB06-1221** be referred to the Committee of the Whole with favorable  
18 recommendation.  
19  
20  
21 **HB06-1222** be referred to the Committee of the Whole with favorable  
22 recommendation.  
23  
24  
25 **HB06-1223** be referred to the Committee of the Whole with favorable  
26 recommendation.  
27  
28  
29 **HB06-1224** be referred to the Committee of the Whole with favorable  
30 recommendation.  
31  
32  
33 **HB06-1225** be referred to the Committee of the Whole with favorable  
34 recommendation.  
35  
36  
37 **HB06-1226** be referred to the Committee of the Whole with favorable  
38 recommendation.  
39  
40  
41 **HB06-1227** be referred to the Committee of the Whole with favorable  
42 recommendation.  
43  
44  
45 **HB06-1228** be amended as follows, and as so amended, be referred to  
46 the Committee of the Whole with favorable  
47 recommendation:  
48  
49 Amend printed bill, page 3, line 9, in the GENERAL FUND column, strike  
50 "380,475" and substitute "380,475" and, in the CASH FUNDS EXEMPT  
51 column, strike "449,303<sup>d</sup>" and substitute "449,303<sup>d</sup>";  
52  
53 after line 9, in the GENERAL FUND column, insert "370,964" and, in the  
54 CASH FUNDS EXEMPT column, insert "458,814<sup>d</sup>".  
55

- 1 Page 6, line 10, strike "\$553,868(T)" and substitute "\$563,379(T)".  
2  
3 Page 15, line 13, in the ITEM & SUBTOTAL column, strike "2,526,453" and  
4 substitute "2,535,964" and, in the CASH FUNDS column, strike "1,243,488<sup>d</sup>"  
5 and substitute "1,252,999<sup>d</sup>";  
6  
7 line 15, in the ITEM & SUBTOTAL column, strike "2,869,994" and substitute  
8 "2,879,505".  
9  
10 Page 21, line 3, in the ITEM & SUBTOTAL column, strike "1,489,097" and  
11 substitute "~~1,489,097~~" and, in the CASH FUNDS column, strike "903,080<sup>a</sup>" and  
12 substitute "~~903,080~~";  
13  
14 after line 3, in the ITEM & SUBTOTAL column, insert "1,526,783" and, in the  
15 CASH FUNDS column, insert "940,766<sup>a</sup>";  
16  
17 line 4, in the CASH FUNDS column, strike "(11.4 FTE)" and substitute "~~(11.4~~  
18 ~~FTE)~~";  
19  
20 after line 4, in the CASH FUNDS column, insert "(12.1 FTE)";  
21  
22 line 5, in the ITEM & SUBTOTAL column, strike "253,481" and substitute  
23 "~~253,481~~" and, in the CASH FUNDS column, strike "253,481<sup>a</sup>" and substitute  
24 "~~253,481~~";  
25  
26 after line 5, in the ITEM & SUBTOTAL column, insert "263,190" and, in the  
27 CASH FUNDS column, insert "263,190<sup>a</sup>";  
28  
29 line 6, in the ITEM & SUBTOTAL column, strike "1,742,578" and substitute  
30 "~~1,742,578~~";  
31  
32 after line 6, in the ITEM & SUBTOTAL column, insert "1,789,973".  
33  
34 Page 23, line 10, in the TOTAL column, strike "15,660,592" and substitute  
35 "15,717,498".  
36  
37 Page 57, line 9, in the GENERAL FUND column, strike "\$15,062,378" and  
38 substitute "~~\$15,062,378~~";  
39  
40 line 10, in the TOTAL column, strike "\$314,199,184" and substitute  
41 "\$314,256,090", in the GENERAL FUND column, insert "\$15,052,867", in the  
42 CASH FUNDS column, strike "\$30,888,463" and substitute "\$30,945,369",  
43 and, in the CASH FUNDS EXEMPT column, strike "\$66,816,421<sup>a</sup>" and  
44 substitute "\$66,825,932<sup>a</sup>";  
45  
46 line 12, strike "\$20,355,280" and substitute "\$20,364,791".  
47  
48  
49  
50 **HB06-1229** be referred to the Committee of the Whole with favorable  
51 recommendation.  
52  
53  
54 **HB06-1230** be referred to the Committee of the Whole with favorable  
55 recommendation.  
56

- 1 **HB06-1231** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3  
4  
5 **HB06-1232** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7  
8  
9 **HB06-1233** be referred to the Committee of the Whole with favorable  
10 recommendation.  
11  
12  
13 **HB06-1234** be referred to the Committee of the Whole with favorable  
14 recommendation.  
15  
16  
17 **HB06-1235** be referred to the Committee of the Whole with favorable  
18 recommendation.  
19  
20  
21  
22

### **EDUCATION**

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

- 26  
27 **HB06-1004** be amended as follows, and as so amended, be referred to  
28 the Committee on Appropriations with favorable  
29 recommendation:  
30

31 Amend printed bill, strike everything below the enacting clause and  
32 substitute the following:  
33

34 **"SECTION 1.** Title 22, Colorado Revised Statutes, is amended  
35 **BY THE ADDITION OF A NEW ARTICLE** to read:

### **ARTICLE 88** **Audio Textbooks**

36  
37  
38  
39  
40 **22-88-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
41 CONTEXT OTHERWISE REQUIRES:  
42

43 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION,  
44 CREATED IN SECTION 24-1-115, C.R.S.  
45

46 (2) "ELIGIBLE FACILITY" MEANS A FACILITY APPROVED BY THE  
47 STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-107 (1) (p) TO  
48 RECEIVE REIMBURSEMENT FOR THE PROVISION OF EDUCATIONAL SERVICES  
49 TO CHILDREN WITH DISABILITIES PLACED OUTSIDE OF THEIR DISTRICTS OF  
50 RESIDENCE BUT WITHIN COLORADO.  
51

52 (3) "FUND" MEANS THE READING ASSISTANCE GRANT PROGRAM  
53 FUND CREATED IN SECTION 22-88-104.  
54

55 (4) "GRANT PROGRAM" MEANS THE READING ASSISTANCE GRANT  
56 PROGRAM CREATED IN SECTION 22-88-102.

1 (5) "ORGANIZATION" MEANS A NONPROFIT OR NOT-FOR-PROFIT  
2 ORGANIZATION THAT IS OPERATING PURSUANT TO 26 U.S.C. SEC. 501 (c)  
3 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.  
4

5 (6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION  
6 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.  
7

8 (7) "STUDENT WITH A PRINT DISABILITY" MEANS A STUDENT  
9 ENROLLED IN KINDERGARTEN OR ONE OF GRADES ONE THROUGH THREE,  
10 INCLUDING IN AN ELIGIBLE FACILITY, WHO HAS AN INDIVIDUAL LITERACY  
11 PLAN PURSUANT TO SECTION 22-7-504.  
12

13 **22-88-102. Reading assistance grant program - creation -**  
14 **rules.** (1) THERE IS HEREBY CREATED THE READING ASSISTANCE GRANT  
15 PROGRAM TO PROVIDE GRANTS TO ORGANIZATIONS THAT PROVIDE AND  
16 DISTRIBUTE TO SCHOOL DISTRICTS AND ELIGIBLE FACILITIES ACCESSIBLE  
17 EDUCATIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES. THE  
18 GRANT PROGRAM SHALL BE DESIGNED TO ASSIST ORGANIZATIONS IN THE  
19 DEVELOPMENT AND DISTRIBUTION OF COMPREHENSIVE MATERIALS AND  
20 EQUIPMENT THAT HELP A STUDENT WITH A PRINT DISABILITY EFFECTIVELY  
21 ACCESS THE WRITTEN WORD, ESPECIALLY IN THE AREAS OF READING,  
22 WRITING, MATHEMATICS, AND SCIENCE. THE MATERIALS AND EQUIPMENT  
23 SHALL INCLUDE AT A MINIMUM, DIGITAL AUDIO BOOKS, FOUR-SIDED TAPES,  
24 DIGITAL AUDIO PLAYBACK DEVICES, READING SOFTWARE, AND OTHER  
25 TECHNOLOGY TO ASSIST A STUDENT WITH A PRINT DISABILITY.  
26

27 (2) TO BE ELIGIBLE TO APPLY FOR A GRANT UNDER THE GRANT  
28 PROGRAM, AN ORGANIZATION SHALL:  
29

30 (a) HAVE A PRESENCE THROUGHOUT THE STATE;  
31

32 (b) HAVE KNOWLEDGE OF ASSISTIVE TECHNOLOGY NEEDS  
33 THROUGHOUT THE STATE; AND  
34

35 (c) HAVE A STATEWIDE INFRASTRUCTURE FOR STAFFING,  
36 EQUIPMENT, TRAINING, AND OTHER SERVICES.  
37

38 (3) (a) THE DEPARTMENT SHALL ADMINISTER THE GRANT  
39 PROGRAM. THE DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS  
40 FOR GRANTS PURSUANT TO THIS SECTION. SUBJECT TO AVAILABLE  
41 APPROPRIATIONS, BEGINNING IN FISCAL YEAR 2007-08, THE STATE BOARD  
42 SHALL AWARD GRANTS FOR TERMS OF ONE TO FIVE YEARS AS PROVIDED IN  
43 THIS ARTICLE. GRANTS SHALL BE PAID OUT OF THE READING ASSISTANCE  
44 GRANT PROGRAM FUND, CREATED PURSUANT TO SECTION 22-88-104. IN  
45 AWARDING THE GRANT, THE STATE BOARD SHALL SPECIFY THE AMOUNT  
46 AND TERM OF THE GRANT.  
47

48 (b) (I) IF AN ORGANIZATION IS AWARDED A GRANT PURSUANT TO  
49 THIS ARTICLE FOR MORE THAN ONE YEAR, THE ORGANIZATION SHALL BE  
50 ELIGIBLE FOR MONEYS IN THE SUCCESSIVE YEARS OF THE GRANT ONLY IF  
51 THE ORGANIZATION CONTINUES TO MEET THE GOALS ESTABLISHED IN ITS  
52 APPLICATION.  
53

54 (II) AN ORGANIZATION THAT HAS PREVIOUSLY RECEIVED A GRANT  
55 PURSUANT TO THIS ARTICLE SHALL BE ELIGIBLE FOR SUBSEQUENT GRANTS  
56 ONLY IF IT CONTINUES TO MEET THE CRITERIA SET FORTH IN SUBSECTION

1 (2) OF THIS SECTION AND IS ABLE TO DEMONSTRATE CONTINUED  
2 IMPROVEMENT IN READING SKILLS BY THE STUDENTS WITH PRINT  
3 DISABILITIES WHO HAVE RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS  
4 THROUGH THE GRANT PROGRAM.  
5

6 (4) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE  
7 WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THE GRANT PROGRAM  
8 IN ACCORDANCE WITH THIS ARTICLE, INCLUDING BUT NOT LIMITED TO  
9 RULES SPECIFYING TIME FRAMES FOR SUBMITTING GRANT PROGRAM  
10 APPLICATIONS, THE FORM OF THE GRANT PROGRAM APPLICATION, CRITERIA  
11 FOR AWARDED A GRANT, TIME FRAMES FOR DISTRIBUTION OF THE GRANT  
12 MONEYS, AND REPORTING REQUIREMENTS FOR AN ORGANIZATION THAT  
13 RECEIVES A GRANT.  
14

15 (5) THE DEPARTMENT SHALL SOLICIT AND MAY RECEIVE SUCH  
16 PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS AS MAY BE  
17 AVAILABLE TO FUND THE GRANT PROGRAM. ANY MONEYS RECEIVED  
18 SHALL BE TRANSFERRED TO THE STATE TREASURER FOR DEPOSIT IN THE  
19 FUND.  
20

21 **22-88-103. Reading assistance grant program - application -**  
22 **criteria.** (1) AN ORGANIZATION THAT SEEKS A GRANT PURSUANT TO THIS  
23 ARTICLE SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT IN  
24 ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD  
25 PURSUANT TO SECTION 22-88-102 (3). THE APPLICATION SHALL DESCRIBE  
26 THE ORGANIZATION'S PROPOSED PLAN TO PROVIDE AND DISTRIBUTE  
27 ACCESSIBLE EDUCATIONAL MATERIALS TO STUDENTS WITH PRINT  
28 DISABILITIES AND SHALL INCLUDE THE FOLLOWING INFORMATION:  
29

30 (a) THE NUMBER OF SCHOOL DISTRICTS AND ELIGIBLE FACILITIES  
31 TO WHICH THE ORGANIZATION PROVIDES ACCESSIBLE EDUCATIONAL  
32 MATERIALS AT THE TIME OF APPLICATION, AND THE ESTIMATED NUMBER OF  
33 SCHOOL DISTRICTS, ELIGIBLE FACILITIES, AND STUDENTS WITH PRINT  
34 DISABILITIES THE ORGANIZATION EXPECTS TO SERVE IF AWARDED A  
35 GRANT;  
36

37 (b) THE GRADE LEVELS OF THE STUDENTS WITH PRINT DISABILITIES  
38 WHO WOULD RECEIVE ACCESSIBLE EDUCATIONAL MATERIALS FROM THE  
39 ORGANIZATION IF AWARDED A GRANT;  
40

41 (c) A DESCRIPTION OF THE ACCESSIBLE EDUCATIONAL MATERIALS  
42 THE ORGANIZATION WILL PROVIDE AND DISTRIBUTE IF AWARDED A GRANT;  
43

44 (d) A DESCRIPTION OF THE METHODS USED BY THE ORGANIZATION  
45 TO MEASURE THE ACADEMIC PERFORMANCE OF A STUDENT WITH A PRINT  
46 DISABILITY, INCLUDING THE METHODS USED TO DETERMINE WHETHER A  
47 STUDENT WITH A PRINT DISABILITY IS PERFORMING AT, BELOW, OR ABOVE  
48 GRADE LEVEL AND THE METHODS, IF ANY, USED TO DETERMINE THE  
49 STUDENT'S ACADEMIC PROGRESS OVER TIME;  
50

51 (e) AN ITEMIZATION OF THE COSTS OF THE ORGANIZATION'S  
52 PROPOSED PLAN TO PROVIDE AND DISTRIBUTE ACCESSIBLE EDUCATIONAL  
53 MATERIALS AND OF OTHER SOURCES OF FUNDING RECEIVED BY THE  
54 ORGANIZATION AND USED TO PROVIDE AND DISTRIBUTE THE ACCESSIBLE  
55 EDUCATIONAL MATERIALS;  
56

1 (f) A DETAILED DESCRIPTION OF HOW THE ORGANIZATION WILL  
2 IMPLEMENT ITS PLAN TO PROVIDE AND DISTRIBUTE ACCESSIBLE  
3 EDUCATIONAL MATERIALS, INCLUDING BUT NOT LIMITED TO A TIME FRAME  
4 FOR DISTRIBUTION OF ACCESSIBLE EDUCATIONAL MATERIALS TO SCHOOL  
5 DISTRICTS AND ELIGIBLE FACILITIES;

6  
7 (g) A DESCRIPTION OF THE GOALS AND OBJECTIVES THAT THE  
8 ORGANIZATION EXPECTS TO ACHIEVE AS A RESULT OF RECEIVING THE  
9 GRANT AND THE METHOD BY WHICH THE ORGANIZATION WILL MEASURE  
10 ACHIEVEMENT OF THE GOALS AND OBJECTIVES; AND

11  
12 (h) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE  
13 STATE BOARD.

14  
15 (2) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED  
16 FROM ORGANIZATIONS PURSUANT TO THIS SECTION AND SHALL MAKE  
17 RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE AWARDING  
18 OF GRANTS AND THE AMOUNTS AND TERMS OF THE GRANTS. THE STATE  
19 BOARD SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE  
20 DEPARTMENT AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL  
21 ANNUALLY AWARD GRANTS TO ORGANIZATIONS IN AMOUNTS AND FOR  
22 TERMS SPECIFIED BY THE STATE BOARD. IN RECOMMENDING AND  
23 AWARDING GRANTS PURSUANT TO THIS ARTICLE, THE DEPARTMENT AND  
24 THE STATE BOARD SHALL, AT A MINIMUM:

25  
26 (a) CONSIDER THE GEOGRAPHIC LOCATION OF THE ORGANIZATIONS  
27 AND, TO THE EXTENT POSSIBLE, ENSURE THAT GRANT MONEYS ARE  
28 AWARDED TO ORGANIZATIONS WITH A PRESENCE THROUGHOUT THE STATE;  
29 AND

30  
31 (b) AWARD GRANTS TO ORGANIZATIONS THAT ARE IMPLEMENTING  
32 PROGRAMS TO PRODUCE, DEVELOP, AND DISTRIBUTE ACCESSIBLE  
33 EDUCATIONAL MATERIALS THAT WILL ASSIST STUDENTS WITH PRINT  
34 DISABILITIES IN IMPROVING THEIR PROFICIENCY IN THE AREAS OF READING,  
35 WRITING, MATHEMATICS, AND SCIENCE.

36  
37 **22-88-104. Reading assistance grant program fund - creation.**  
38 THERE IS HEREBY CREATED IN THE STATE TREASURY THE READING  
39 ASSISTANCE GRANT PROGRAM FUND TO PROVIDE FOR THE PAYMENT OF  
40 GRANTS AWARDED PURSUANT TO THIS ARTICLE. THE FUND SHALL CONSIST  
41 OF SUCH MONEYS AS MAY BE APPROPRIATED THERETO BY THE GENERAL  
42 ASSEMBLY FROM THE READ-TO-ACHIEVE CASH FUND CREATED PURSUANT  
43 TO SECTION 22-7-506 (4) AND ANY MONEYS RECEIVED BY THE  
44 DEPARTMENT PURSUANT TO SECTION 22-88-102 (5). THE MONEYS IN THE  
45 FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR  
46 THE PURPOSES SPECIFIED IN THIS ARTICLE; EXCEPT THAT THE GRANTS  
47 AWARDED BY THE STATE BOARD MAY NOT RESULT IN PAYMENT OF AN  
48 AGGREGATE AMOUNT OF MORE THAN SIXTY THOUSAND DOLLARS TO GRANT  
49 RECIPIENTS IN ANY FISCAL YEAR. THE DEPARTMENT MAY EXPEND UP TO  
50 ONE PERCENT OF THE MONEYS APPROPRIATED TO THE FUND TO OFFSET THE  
51 DOCUMENTED COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM.  
52 ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS  
53 ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY  
54 LAW. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF  
55 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF  
56 ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE

1 FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR  
2 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

3

4 **22-88-105. Reporting requirements.** (1) ON OR BEFORE  
5 OCTOBER 1, 2008, AND ON OR BEFORE OCTOBER 1 EACH YEAR  
6 THEREAFTER, AN ORGANIZATION THAT RECEIVES A GRANT PURSUANT TO  
7 THIS ARTICLE SHALL SUBMIT A REPORT TO THE DEPARTMENT AFTER THE  
8 COMPLETION OF EACH ACADEMIC YEAR IN WHICH THE ORGANIZATION  
9 RECEIVES A GRANT PURSUANT TO THIS ARTICLE. THE REPORT SHALL  
10 INCLUDE THE FOLLOWING INFORMATION:

11

12 (a) THE NUMBER OF SCHOOL DISTRICTS AND ELIGIBLE FACILITIES  
13 THAT RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS FOR STUDENTS  
14 WITH PRINT DISABILITIES FROM THE ORGANIZATION AS A RESULT OF THE  
15 GRANT AND THE NUMBER OF STUDENTS WITH PRINT DISABILITIES WHO  
16 RECEIVED SUCH MATERIALS FROM A SCHOOL DISTRICT OR AN ELIGIBLE  
17 FACILITY;

18

19 (b) THE LEVELS OF PERFORMANCE IN READING, WRITING,  
20 MATHEMATICS, AND SCIENCE DEMONSTRATED BY THE STUDENTS WITH  
21 PRINT DISABILITIES WHO RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS  
22 THROUGH THE GRANT PROGRAM, BOTH BEFORE PARTICIPATION IN THE  
23 GRANT PROGRAM AND DURING THE SCHOOL YEAR FOLLOWING  
24 PARTICIPATION IN THE GRANT PROGRAM. THE ORGANIZATION SHALL USE  
25 AS MEASUREMENT TOOLS THE ASSESSMENT INSTRUMENTS APPROVED AND  
26 IDENTIFIED BY THE STATE BOARD PURSUANT TO SECTION 22-7-504 (1) AND  
27 UTILIZED BY EACH SCHOOL DISTRICT TO ASSESS ANNUALLY THE READING  
28 READINESS OR LITERACY AND READING COMPREHENSION LEVEL OF EACH  
29 PUPIL ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE,  
30 AND THE COLORADO STUDENT ASSESSMENT PROGRAM SCORES FOR EACH  
31 PUPIL ENROLLED IN FOURTH THROUGH TWELFTH GRADE.

32

33 (c) A DESCRIPTION OF THE TYPE AND QUANTITY OF ACCESSIBLE  
34 EDUCATIONAL MATERIALS PRODUCED, DEVELOPED, AND DISTRIBUTED TO  
35 THE SCHOOL DISTRICTS AND ELIGIBLE FACILITIES BY THE ORGANIZATION;

36

37 (d) SUCH OTHER INFORMATION AS THE STATE BOARD MAY REQUIRE  
38 BY RULE TO ASSESS THE EFFECTIVENESS OF THE ORGANIZATION'S PLAN TO  
39 PROVIDE AND DISTRIBUTE ACCESSIBLE EDUCATIONAL MATERIALS AND THE  
40 EFFECTIVENESS OF THE GRANT PROGRAM.

41

42 (2) ON OR BEFORE JANUARY 1, 2009, AND ON OR BEFORE JANUARY  
43 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE  
44 GOVERNOR AND THE EDUCATION COMMITTEES OF THE SENATE AND THE  
45 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT  
46 ON THE READING ASSISTANCE GRANT PROGRAM. THE REPORT SHALL  
47 INCLUDE THE FOLLOWING INFORMATION:

48

49 (a) A LIST OF GRANT RECIPIENTS AND THE YEAR IN WHICH EACH  
50 GRANT WAS AWARDED;

51

52 (b) A COMPILATION AND SUMMARY OF THE NUMBER OF SCHOOL  
53 DISTRICTS AND ELIGIBLE FACILITIES AND THE NUMBER OF STUDENTS WITH  
54 PRINT DISABILITIES WHO RECEIVED ACCESSIBLE EDUCATIONAL MATERIALS  
55 FROM A GRANT RECIPIENT PURSUANT TO THIS ARTICLE; AND

56



1 (c) SUCH ADDITIONAL INFORMATION CONCERNING THE  
2 IMPLEMENTATION AND EFFECTIVENESS OF THE GRANT PROGRAM AS MAY  
3 BE DEEMED BENEFICIAL BY THE STATE BOARD, INCLUDING BUT NOT  
4 LIMITED TO ANY RECOMMENDATIONS FOR CHANGES TO THE GRANT  
5 PROGRAM.

6

7 **SECTION 2.** 22-7-506 (4) (a) (I), Colorado Revised Statutes, is  
8 amended to read:

9

10 **22-7-506. Read-to-achieve grant program - board created -**  
11 **fund - repeal.** (4) (a) (I) There is hereby established in the state treasury  
12 the read-to-achieve cash fund, referred to in this section as the "cash  
13 fund". The cash fund shall consist of moneys appropriated thereto  
14 pursuant to paragraph (b) of this subsection (4) and any other moneys that  
15 may be made available by the general assembly. Subject to appropriation  
16 by the general assembly, moneys in the cash fund shall be used to provide  
17 grants to schools pursuant to this section AND TO THE READING  
18 ASSISTANCE GRANT PROGRAM CREATED PURSUANT TO SECTION 22-88-102.  
19 Any moneys not provided as grants to schools may be invested by the  
20 state treasurer as provided in section 24-36-113, C.R.S. All interest  
21 derived from the deposit and investment of moneys in the cash fund shall  
22 be credited to the cash fund. Any amount remaining in the cash fund at  
23 the end of any fiscal year shall remain in the cash fund and shall not be  
24 credited or transferred to the general fund or to any other fund.

25

26 **SECTION 3. Appropriation.** For the fiscal year beginning July  
27 1, 2007, there is hereby appropriated, out of any moneys in the  
28 read-to-achieve cash fund created pursuant to section 22-7-506 (4),  
29 Colorado Revised Statutes, not otherwise appropriated, to the reading  
30 assistance grant program fund created pursuant to section 22-88-104,  
31 Colorado Revised Statutes, the sum of three hundred thousand dollars  
32 (\$300,000) for the implementation of this act.

33

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

37

38

39

40 **HB06-1024** be amended as follows, and as so amended, be referred to  
41 the Committee on Appropriations with favorable  
42 recommendation:

43

44 Amend printed bill, page 2, strike line 3 and substitute the following:

45

46 "amended, and the said 23-5-129 (2) is further amended BY THE  
47 ADDITION OF A NEW PARAGRAPH, to read:";

48

49 line 10, strike "AUGUST 1, 2006," and substitute "JULY 1, 2007,";

50

51 line 14, strike "SHALL" and substitute "MAY";

52

53 line 16, strike "AND SOCIAL".

54

55 Page 3, line 6, after "FACULTY", insert "AND OTHER";

56

1 after line 7, insert the following:

2

3 "(g) (I) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE  
4 TOTAL AMOUNT RECEIVED BY THE STATE INSTITUTIONS OF HIGHER  
5 EDUCATION IN THE 2007-08 FISCAL YEAR UNDER THE FEE-FOR-SERVICE  
6 CONTRACTS AUTHORIZED IN SECTION 23-5-130 BE INCREASED BY AN  
7 AMOUNT SPECIFICALLY DESIGNATED FOR THE IMPLEMENTATION OF THE  
8 REQUIREMENTS SPECIFIED IN PARAGRAPH (e) OF THIS SUBSECTION (2).

9

10 (II) DURING A SUBSEQUENT STATE FISCAL YEAR, IF A STATE  
11 INSTITUTION OF HIGHER EDUCATION DOES NOT RECEIVE MONEYS UNDER  
12 THE INSTITUTION'S FEE-FOR-SERVICE CONTRACT THAT ARE SPECIFICALLY  
13 DESIGNATED FOR THE IMPLEMENTATION OF THE REQUIREMENTS SPECIFIED  
14 IN PARAGRAPH (e) OF THIS SUBSECTION (2), THEN THE REQUIREMENTS IN  
15 PARAGRAPH (e) OF THIS SUBSECTION (2) SHALL NOT APPLY TO THE STATE  
16 INSTITUTION OF HIGHER EDUCATION FOR THAT STATE FISCAL YEAR.";

17

18 line 17, strike "SHALL" and substitute "MAY";

19

20 line 19, strike "AND SOCIAL";

21

22 line 26, after "FACULTY", insert "AND OTHER".

23

24 Page 4, line 9, strike "SHALL" and substitute "MAY";

25

26 line 11, strike "AND SOCIAL";

27

28 line 18, after "FACULTY", insert "AND OTHER";

29

30 strike lines 25 and 26 and substitute the following:

31

32 "HIGHER EDUCATION TO MAKE WORK STUDY A PRIORITY IN FINANCIAL AID  
33 AWARDS, CONTINGENT UPON THE AVAILABILITY OF FEDERAL AND STATE  
34 ALLOCATIONS FOR SUCH FUNDING.".

35

36

37

38

39 **FINANCE**

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

42

43 **HB06-1046** be referred favorably to the Committee on Appropriations.

44

45

46 **HB06-1117** be postponed indefinitely.

47

48

49 **HB06-1127** be amended as follows, and as so amended, be referred to  
50 the Committee on Appropriations with favorable  
51 recommendation:

52

53 Amend the Health and Human Services Committee Report, dated January  
54 30, 2006, page 1, strike line 1 and substitute the following:

55

56 "Amend printed bill, page 3, after line 13, insert the following:

1           "(3) "ATHLETE" MEANS A PERSON WHO PARTICIPATES IN GAMES,  
2 SPORTS, RECREATION, OR EXERCISE REQUIRING PHYSICAL STRENGTH,  
3 FLEXIBILITY, RANGE OF MOTION, SPEED, STAMINA, OR AGILITY."

4  
5 Renumber succeeding subsections accordingly.

6  
7 Page 3, line 21, strike "ILLNESSES:" and substitute "ILLNESSES SUSTAINED  
8 BY AN ATHLETE:";

9  
10 strike line 22 and substitute the following:

11           "(I) ENGAGED IN SPORTS, GAMES,";

12  
13 line 25, strike "INDIVIDUAL'S" and substitute "ATHLETE'S".";

14  
15 line 7 of the committee report, strike ""(3)," and substitute ""(4),";

16  
17 line 8 of the committee report, after "CONDITIONS", insert "IN AN  
18 ATHLETE".

19  
20  
21  
22  
23  
24 **HEALTH & HUMAN SERVICES**

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

27  
28 **HB06-1054** be amended as follows, and as so amended, be referred to  
29 the Committee of the Whole with favorable  
30 recommendation:

31  
32 Amend printed bill, page 2, strike lines 2 through 18 and substitute the  
33 following:

34  
35           "**SECTION 1.** Part 14 of article 4 of title 25, Colorado Revised  
36 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW  
37 SECTIONS to read:".

38  
39 Renumber succeeding section accordingly.

40  
41 Page 3, strike lines 1 through 3 and substitute the following:

42  
43           "**25-4-1412. Definitions.** AS USED IN THIS SECTION AND SECTIONS  
44 25-4-1413 TO 25-4-1415, UNLESS THE";

45  
46 strike lines 5 and 6.

47  
48 Renumber succeeding subsections accordingly.

49  
50 Page 3, line 8, strike "25-20.5-502." and substitute "25-4-1413.";

51  
52 line 11, strike "**25-20.5-502.**" and substitute "**25-4-1413.**";

53  
54 line 12, strike "DIVISION" and substitute "DEPARTMENT";

55  
56 line 15, strike "DIVISION" and substitute "DEPARTMENT";

1 strike line 20 and substitute the following:

2

3 ""INTERNAL REVENUE CODE" OR LOCAL HEALTH DEPARTMENTS.";

4

5 line 21, strike "WHOSE" and substitute "THAT";

6

7 line 22, strike "PRIMARY PURPOSE IS" and substitute "HAVE AS ONE OF  
8 THEIR PRIMARY PURPOSES".

9

10 Page 4, line 12, strike "**25-20.5-503.**" and substitute "**25-4-1414.**" and,  
11 after "(1)", insert "(a)";

12

13 strike lines 15 through 17 and substitute the following:

14

15 "PROCESS THAT SHALL BE OVERSEEN BY THE HIV AND AIDS PREVENTION  
16 GRANT PROGRAM ADVISORY COMMITTEE, WHICH IS HEREBY CREATED AND  
17 REFERRED TO IN THIS SECTION AS THE "ADVISORY COMMITTEE". THE  
18 ADVISORY COMMITTEE SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY  
19 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AS FOLLOWS:

20

21 (I) TWO MEMBERS REPRESENTING COMMUNITY-BASED  
22 ORGANIZATIONS WHO ARE RECOMMENDED BY AND WHO ARE EXISTING  
23 MEMBERS OF THE COLORADO ADVISORY COUNCIL ON AIDS;

24

25 (II) ONE MEMBER WHO IS RECOMMENDED BY THE DEPARTMENT'S  
26 MINORITY HEALTH ADVISORY COMMISSION;

27

28 (III) TWO MEMBERS WHO ARE RECOMMENDED BY A STATEWIDE  
29 COLLABORATIVE GROUP THAT ASSISTS THE DEPARTMENT IN THE  
30 DEPARTMENT'S COMPREHENSIVE PLAN FOR HIV AND AIDS PREVENTION;

31

32 (IV) ONE MEMBER WHO HAS EXPERTISE IN HIV AND AIDS  
33 PREVENTION AND EDUCATION; AND

34

35 (V) ONE MEMBER WHO REPRESENTS A CLINIC THAT RECEIVES  
36 MONEYS UNDER TITLE III OF THE FEDERAL "RYAN WHITE C.A.R.E. ACT OF  
37 1990", AS AMENDED.

38

39 (b) THE COMPOSITION OF THE ADVISORY COMMITTEE SHALL  
40 REFLECT, TO THE EXTENT PRACTICAL, COLORADO'S ETHNIC, RACIAL, AND  
41 GEOGRAPHIC DIVERSITY.

42

43 (c) THE GRANTS";

44

45 line 18, strike "THIS PART 5" and substitute "SECTION 25-4-1413";

46

47 line 19, strike "PART 5" and substitute "SECTION AND SECTION 25-4-1413";

48

49 line 22, strike "COUNCIL," and substitute "COMMITTEE,";

50

51 line 24, strike "(a)" and substitute "(I)";

52

53 line 26, strike "(b)" and substitute "(II)";

54

55 line 27, strike "25-20.5-502 (3);" and substitute "25-4-1413 (3);".

56

- 1 Page 5, line 1, strike "(c)" and substitute "(III)";  
2  
3 line 3, strike "(d)" and substitute "(IV)";  
4  
5 line 5, strike "(e)" and substitute "(V)";  
6  
7 line 6, strike "COUNCIL" and substitute "COMMITTEE";  
8  
9 line 10, after the period, insert "IN MAKING RECOMMENDATIONS FOR  
10 GRANTS, THE ADVISORY COMMITTEE SHALL CONSIDER THE DISTRIBUTION  
11 OF FEDERAL FUNDS IN THE AREAS OF HIV AND AIDS PREVENTION,  
12 EDUCATION, AND TREATMENT.";  
13  
14 line 11, strike "COUNCIL'S" and substitute "COMMITTEE'S";  
15  
16 line 14, strike "PART 5." and substitute "SECTION AND SECTION  
17 25-4-1413.";  
18  
19 line 16, strike "COUNCIL" and substitute "COMMITTEE";  
20  
21 line 18, strike "COUNCIL" and substitute "COMMITTEE";  
22  
23 line 19, strike "25-20.5-502." and substitute "25-4-1413.";  
24  
25 line 21, strike "COUNCIL," and substitute "COMMITTEE,";  
26  
27 line 23, strike "COUNCIL" and substitute "COMMITTEE";  
28  
29 line 26, strike "COUNCIL" and substitute "COMMITTEE".  
30  
31 Page 6, line 1, strike "COUNCIL," and substitute "COMMITTEE,";  
32  
33 line 3, strike "~~25-20.5-504.~~" and substitute "~~25-4-1415.~~";  
34  
35 line 5, strike "PART 5" and substitute "SECTION";  
36  
37 line 10, strike "THIS PART 5." and substitute "THE PROGRAM.";  
38  
39 line 11, strike "THIS PART 5" and substitute "THE PROGRAM";  
40  
41 line 17, strike "DIVISION" and substitute "DEPARTMENT" and, strike  
42 "THREE" and substitute "FIVE";  
43  
44 line 19, strike "DIVISION" and substitute "DEPARTMENT".  
45  
46  
47  
48 **HB06-1175** be amended as follows, and as so amended, be referred to  
49 the Committee of the Whole with favorable  
50 recommendation:  
51  
52 **THIS CORRECTED COMMITTEE REPORT REPLACES THE**  
53 **HOUSE COMMITTEE REPORT DATED February 1, 2006 and**  
54 **printed in the House Journal pages 163-165.**  
55  
56 Amend printed bill, page 4, after line 5, insert the following:

1           "(1) "AIRPORT SMOKING CONCESSION" MEANS A BAR OR  
2 RESTAURANT, OR BOTH, IN A PUBLIC AIRPORT WITH REGULARLY  
3 SCHEDULED DOMESTIC AND INTERNATIONAL COMMERCIAL PASSENGER  
4 FLIGHTS, IN WHICH BAR OR RESTAURANT SMOKING IS ALLOWED IN A FULLY  
5 ENCLOSED AND INDEPENDENTLY VENTILATED AREA BY THE TERMS OF THE  
6 CONCESSION."

7  
8 Renumber succeeding subsections accordingly.

9  
10 Page 5, line 5, strike "(4)," and substitute "(5),".

11  
12 Page 9, line 14, strike "FACILITIES" and substitute "FACILITIES, PUBLICLY  
13 OWNED HOUSING FACILITIES,".

14  
15 Page 10, strike lines 20 through 22 and substitute the following:

16  
17           "(f) AN AIRPORT SMOKING CONCESSION;";

18  
19 line 23, strike "BUSINESS." and substitute "BUSINESS;";

20  
21 after line 23, insert the following:

22  
23           "(h) A PLACE OF EMPLOYMENT THAT IS NOT OPEN TO THE PUBLIC  
24 AND THAT IS UNDER THE CONTROL OF AN EMPLOYER THAT EMPLOYS THREE  
25 OR FEWER EMPLOYEES;

26  
27           (i) A PRIVATE, NONRESIDENTIAL BUILDING ON A PRIVATE FARM OR  
28 RANCH; OR

29  
30           (j) THE RETAIL FLOOR PLAN, AS DEFINED IN SECTION 12-47.1-509,  
31 C.R.S., OF A LICENSED CASINO."

32  
33 Page 12, line 1, strike "**penalty.**" and substitute "**penalty - disposition of**  
34 **finances and surcharges.**";

35  
36 after line 14, insert the following:

37  
38           "(4) ALL JUDGES, CLERKS OF A COURT OF RECORD, OR OTHER  
39 OFFICERS IMPOSING OR RECEIVING FINES COLLECTED PURSUANT TO OR AS  
40 A RESULT OF A CONVICTION OF ANY PERSONS FOR A VIOLATION OF ANY  
41 PROVISION OF THIS PART 2 SHALL TRANSMIT ALL SUCH MONEYS SO  
42 COLLECTED IN THE FOLLOWING MANNER:

43  
44           (a) SEVENTY-FIVE PERCENT OF ANY SUCH FINE FOR A VIOLATION  
45 OCCURRING WITHIN THE CORPORATE LIMITS OF A CITY, TOWN, OR CITY AND  
46 COUNTY SHALL BE TRANSMITTED TO THE TREASURER OR CHIEF FINANCIAL  
47 OFFICER OF SAID CITY, TOWN, OR CITY AND COUNTY, AND THE REMAINING  
48 TWENTY-FIVE PERCENT SHALL BE TRANSMITTED TO THE STATE TREASURER,  
49 WHO SHALL CREDIT THE SAME TO THE GENERAL FUND.

50  
51           (b) SEVENTY-FIVE PERCENT OF ANY FINE FOR A VIOLATION  
52 OCCURRING OUTSIDE THE CORPORATE LIMITS OF A CITY OR TOWN SHALL  
53 BE TRANSMITTED TO THE TREASURER OF THE COUNTY IN WHICH THE CITY  
54 OR TOWN IS LOCATED, AND THE REMAINING TWENTY-FIVE PERCENT SHALL  
55 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
56 TO THE GENERAL FUND.";

1 strike lines 21 through 27.

2

3 Page 13, strike lines 1 through 22.

4

5 Renumber succeeding sections accordingly.

6

7

8

9

10 **JUDICIARY**

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

13

14 **HB06-1026** be postponed indefinitely.

15

16

17 **HB06-1057** be amended as follows, and as so amended, be referred to  
18 the Committee on Appropriations with favorable  
19 recommendation:

20

21 Amend printed bill, page 2, line 13, strike "SUBSECTON" and substitute  
22 "SUBSECTION";

23

24 line 17, strike "amended" and substitute "amended, and the said 18-9-  
25 204.5 is further amended BY THE ADDITION OF A NEW  
26 SUBSECTION,".

27

28 Page 4, after line 12, insert the following:

29

30 "(5.5) (a) ON NOVEMBER 1, 2006, AND ON NOVEMBER 1 EACH  
31 YEAR THEREAFTER, EACH MUNICIPALITY AND COUNTY SHALL SUBMIT A  
32 REPORT TO THE STATE VETERINARIAN OF THE DEPARTMENT OF  
33 AGRICULTURE CONCERNING ALL INCIDENTS OF DOG BITES THAT WERE  
34 REPORTED TO THE MUNICIPALITY OR COUNTY DURING THE TWELVE  
35 MONTHS PRECEDING THE REPORT. THE INFORMATION IN THE REPORT  
36 SUBMITTED BY THE MUNICIPALITY OR COUNTY SHALL INCLUDE THE DATE  
37 AND TIME A DOG BITE INCIDENT WAS REPORTED; THE NATURE OF THE  
38 INCIDENT; A DESCRIPTION OF THE DOG INVOLVED, INCLUDING BREED, IF  
39 KNOWN; WHETHER ANY MINOR UNDER THE AGE OF EIGHTEEN YEARS WAS  
40 INVOLVED IN THE INCIDENT; A DESCRIPTION OF BODILY INJURY OR SERIOUS  
41 BODILY INJURY; AND THE OUTCOME OF THE INCIDENT, IF KNOWN.

42

43 (b) THE STATE VETERINARIAN SHALL MAKE THE REPORTS IT  
44 RECEIVES UNDER THIS SUBSECTION (5.5) AVAILABLE FOR PUBLIC  
45 INSPECTION."

46

47

48

49 **HB06-1088** be amended as follows, and as so amended, be referred to  
50 the Committee of the Whole with favorable  
51 recommendation:

52

53 Amend printed bill, page 7, after line 13, insert the following:

54

55 "SECTION 3. 18-3-405 (2) (d), Colorado Revised Statutes, is  
56 amended to read:

1           **18-3-405. Sexual assault on a child.** (2) Sexual assault on a  
2 child is a class 4 felony, but it is a class 3 felony if:

3  
4           (d) The actor commits the offense as a part of a pattern of sexual  
5 abuse as described in subsection (1) of this section. No specific date or  
6 time must be alleged for the pattern of sexual abuse; except that the acts  
7 constituting the pattern of sexual abuse, ~~must have been committed within~~  
8 ~~ten years~~, WHETHER CHARGED IN THE INFORMATION OR INDICTMENT OR  
9 COMMITTED prior to or at any time after the offense charged in the  
10 information or indictment, SHALL BE SUBJECT TO THE PROVISIONS OF  
11 SECTION 16-5-401 (1) (a), C.R.S., CONCERNING SEX OFFENSES AGAINST  
12 CHILDREN. The offense charged in the information or indictment shall  
13 constitute one of the incidents of sexual contact involving a child  
14 necessary to form a pattern of sexual abuse as defined in section 18-3-401  
15 (2.5).

16  
17           **SECTION 4.** 18-3-405.3 (2) (b), Colorado Revised Statutes, is  
18 amended to read:

19  
20           **18-3-405.3. Sexual assault on a child by one in a position of**  
21 **trust.** (2) Sexual assault on a child by one in a position of trust is a class  
22 3 felony if:

23  
24           (b) The actor commits the offense as a part of a pattern of sexual  
25 abuse as described in subsection (1) of this section. No specific date or  
26 time need be alleged for the pattern of sexual abuse; except that the acts  
27 constituting the pattern of sexual abuse ~~must have been committed within~~  
28 ~~ten years~~, WHETHER CHARGED IN THE INFORMATION OR INDICTMENT OR  
29 COMMITTED prior to or at any time after the offense charged in the  
30 information or indictment, SHALL BE SUBJECT TO THE PROVISIONS OF  
31 SECTION 16-5-401 (1) (a), C.R.S., CONCERNING SEX OFFENSES AGAINST  
32 CHILDREN. The offense charged in the information or indictment shall  
33 constitute one of the incidents of sexual contact involving a child  
34 necessary to form a pattern of sexual abuse as defined in section 18-3-401  
35 (2.5)."

36  
37 Renumber succeeding sections accordingly.

38  
39 Page 9, line 11, strike "section," and substitute "section AND EXCEPT AS  
40 OTHERWISE PROVIDED IN SUBSECTION (3.6) OF THIS SECTION,".

41  
42 Page 11, line 17, strike "(3.7)" and substitute "(3.6)".

43  
44  
45  
46 **HB06-1089** be postponed indefinitely.

47  
48  
49 **HB06-1132** be amended as follows, and as so amended, be referred to  
50 the Committee on Finance with favorable  
51 recommendation:

52  
53 Amend printed bill, page 3, line 17, strike "AND KEEPING";

54  
55 line 18, after "OF", insert "AND PROVISION FOR".

56



1 Page 5, after line 9, insert the following:

2

3 "(VI) THE PROVISIONS OF THIS PARAGRAPH (c) SHALL NOT APPLY  
4 TO THE DISPOSITION OF AN ANIMAL FOR A FEE BY:

5

6 (A) ADOPTION OF AN ANIMAL;

7

8 (B) RELEASE OF AN ANIMAL TO A RESCUE GROUP LICENSED  
9 PURSUANT TO ARTICLE 80 OF TITLE 35, C.R.S.;

10

11 (C) RELEASE OF AN ANIMAL TO ANOTHER PET ANIMAL FACILITY  
12 LICENSED PURSUANT TO ARTICLE 80 OF TITLE 35, C.R.S.; OR

13

14 (D) RELEASE OF AN ANIMAL TO A REHABILITATOR LICENSED BY  
15 THE DIVISION OF WILDLIFE OR THE UNITED STATES FISH AND WILDLIFE  
16 SERVICE."

17

18

19

20 **HB06-1146** be postponed indefinitely.

21

22

23 **HB06-1148** be referred to the Committee of the Whole with favorable  
24 recommendation.

25

26

27 **HB06-1153** be amended as follows, and as so amended, be referred to  
28 the Committee of the Whole with favorable  
29 recommendation:

30

31 Amend printed bill, page 2, strike lines 2 through 25.

32

33 Page 3, strike lines 1 and 2.

34

35 Renumber succeeding sections accordingly.

36

37 Page 3, strike lines 23 through 27.

38

39 Page 4, strike lines 1 through 6.

40

41 Renumber succeeding sections accordingly.

42

43 Page 4, line 23, strike "MOBILE HOME,";

44

45 line 25, strike "VEHICLE," and substitute "VEHICLE AND";

46

47 strike line 26 and substitute the following:

48

49 "TRAILER.";

50

51 strike line 27.

52

53 Strike pages 5 through 7.

54

55 Page 8, strike lines 1 through 20.

56

1 Renumber succeeding sections accordingly.

2

3 Page 1, line 101, after "OFFENDER", insert "REGISTRATION".

4

5

6

7

8 **LOCAL GOVERNMENT**

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

11

12 **HB06-1053** be amended as follows, and as so amended, be referred to  
13 the Committee of the Whole with favorable  
14 recommendation:

15

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

18 "SECTION 1. 30-28-106 (3) (f), Colorado Revised Statutes, is  
19 amended to read:

20

21 **30-28-106. Adoption of master plan - contents.** (3) (f) ~~The~~  
22 ~~master plan of a county or region is advisory only.~~ A COUNTY MAY, BY  
23 RESOLUTION, ADOPT ITS MASTER PLAN IN ORDER THAT THE MASTER PLAN  
24 BE CONSISTENT WITH ITS ZONING REGULATIONS.

25

26 **SECTION 2.** 31-23-206 (3), Colorado Revised Statutes, is  
27 amended to read:

28

29 **31-23-206. Master plan.** (3) ~~The master plan of a municipality~~  
30 ~~is advisory only.~~ A MUNICIPALITY MAY, BY ORDINANCE, ADOPT ITS  
31 MASTER PLAN IN ORDER THAT THE MASTER PLAN BE CONSISTENT WITH ITS  
32 ZONING REGULATIONS.

33

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

44

45 Page 1, line 101, after "CONCERNING", insert "THE ENFORCEABILITY AS  
46 A LOCAL OPTION OF".

47

48

49

50 **HB06-1067** be postponed indefinitely.

51

52

53

54 **HB06-1139** be amended as follows, and as so amended, be referred to  
55 the Committee of the Whole with favorable  
56 recommendation:

1 Amend printed bill, page 2, line 21, strike "UTILITY" and substitute  
2 "EXISTING".

3

4

5

6 **HB06-1143** be amended as follows, and as so amended, be referred to  
7 the Committee of the Whole with favorable  
8 recommendation:

9

10 Amend printed bill, page 2, line 7, strike "ARREST HISTORY RECORDS OF"  
11 and substitute "CRIMINAL ARREST HISTORY RECORDS FROM THE PUBLIC  
12 WEBSITE MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION  
13 FOR";

14

15 line 15, strike "ARREST HISTORY RECORDS OF" and substitute "CRIMINAL  
16 ARREST HISTORY RECORDS FROM THE PUBLIC WEBSITE MAINTAINED BY THE  
17 COLORADO BUREAU OF INVESTIGATION FOR";

18

19 line 18, before "ARREST", insert "CRIMINAL";

20

21 line 19, after "STATE", insert "DIRECTLY";

22

23 strike lines 20 and 21 and substitute the following:

24

25 "PUBLIC WEBSITE MAINTAINED BY THE COLORADO BUREAU OF  
26 INVESTIGATION. A COUNTY CLERK AND RECORDER THAT DOES NOT HAVE  
27 ACCESS OR AUTHORIZATION TO USE A CREDIT CARD FOR CONDUCTING  
28 BUSINESS ON BEHALF OF THE COUNTY IN WHICH THE CLERK AND RECORDER  
29 SERVES MAY REQUEST THAT THE COUNTY SHERIFF FOR THE COUNTY  
30 ACCESS THE CRIMINAL ARREST RECORDS FROM THE PUBLIC WEBSITE  
31 MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION. CRIMINAL  
32 ARREST RECORDS SHALL NOT BE ACCESSED PURSUANT TO THIS SECTION  
33 DIRECTLY FROM THE COLORADO CRIMINAL JUSTICE COMPUTER SYSTEM OR  
34 THE NATIONAL CRIMINAL JUSTICE COMPUTER SYSTEM."

35

36

37

38

### 39 **TRANSPORTATION & ENERGY**

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

42

43 **HB06-1007** 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, page 3, strike lines 25 through 27.

48

49 Renumber succeeding subsections accordingly.

50

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

52

53 "(2) "OPERATOR" MEANS A PERSON OR A FIRM LICENSED BY THE  
54 PUBLIC UTILITIES COMMISSION AS A TOWING CARRIER.";

55

56 strike lines 5 and 6;

1 line 7, strike "**to salvage yard.** (1) (a)" and substitute "**for scrapping.**  
 2 (1)", and after "PERSON", insert "WHO IS NOT A LICENSED MOTOR VEHICLE  
 3 DEALER";

4  
 5 strike lines 9 through 27.

6  
 7 Page 5, strike lines 1 through 22 and substitute the following:

8  
 9 "OF SCRAPPING THE VEHICLE, UNLESS THE SELLER OR TRANSFEROR IS THE  
 10 OWNER ON THE CERTIFICATE OF TITLE, AN OPERATOR, OR A LICENSED  
 11 MOTOR VEHICLE DEALER."  
 12

13 Renumber succeeding subsection accordingly.

14  
 15 Page 6, strike lines 1 and 2.

16  
 17 Page 1, line 103, strike "**VEHICLE, AND, IN CONNECTION**" and substitute  
 18 "**VEHICLE.**";

19  
 20 strike lines 104 through 107.

21  
 22  
 23  
 24 **HB06-1035** be amended as follows, and as so amended, be referred to  
 25 the Committee of the Whole with favorable  
 26 recommendation:

27  
 28 Amend printed bill, page 2, line 10, strike "VEHICLE" and substitute  
 29 "VEHICLE, AS DEFINED IN SECTION 42-4-235, THAT IS";

30  
 31 after line 26, insert the following:

32  
 33 "SECTION 2. 42-1-102 (17.5), Colorado Revised Statutes, is  
 34 amended to read:

35  
 36 **42-1-102. Definitions - repeal.** As used in articles 1 to 4 of this  
 37 title, unless the context otherwise requires:

38  
 39 (17.5) "Commercial vehicle" means a vehicle used to transport  
 40 cargo or passengers for profit, hire, or otherwise to further the purposes  
 41 of a business or commercial enterprise. This subsection (17.5) shall not  
 42 apply for purposes of ~~section~~ SECTIONS 42-4-235 AND 42-4-707 (1)."  
 43

44 Renumber succeeding sections accordingly.

45  
 46  
 47  
 48 **HB06-1084** be referred to the Committee of the Whole with favorable  
 49 recommendation.

50  
 51  
 52  
 53 **HB06-1118** be amended as follows, and as so amended, be referred to  
 54 the Committee on Finance with favorable  
 55 recommendation:

56

1 Amend printed bill, page 3, line 25, strike "LICENSE" and substitute  
2 "COMMERCIAL DRIVING PRIVILEGE".

3

4 Page 4, strike lines 4 through 7 and substitute the following:

5

6 ~~"(V) The second or subsequent revocation under subparagraph (H)~~  
7 ~~or (H) of paragraph (a) of subsection (2) of this section involving a~~  
8 ~~commercial motor vehicle shall result in a cancellation or denial as~~  
9 ~~provided for under section 42-2-405 (3)."~~

10

11 Page 5, line 14, after "CONVICTION", insert "OR DEFERRED SENTENCE";

12

13 line 16, before "PERIOD", insert "MAXIMUM".

14

15 Page 6, line 6, after "CONVICTED OF", insert "OR RECEIVED A DEFERRED  
16 SENTENCE FOR".

17

18 Page 7, strike lines 4 through 6.

19

20

21

22 **HB06-1147** be amended as follows, and as so amended, be referred to  
23 the Committee on Appropriations with favorable  
24 recommendation:

25

26 Amend printed bill, page 2, line 17, after "PURCHASES", insert  
27 "NATURAL".

28

29

30

31

---

## PRINTING REPORT

32

33 The Chief Clerk reports the following bills have been correctly printed:  
34 **HB06-1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292,**  
35 **1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303,**  
36 **1304, 1305, 1306, 1307.**

37

38

39

---

## MESSAGE FROM THE SENATE

40

41 The Senate has passed on Third Reading and returns herewith  
42 HB06-1200.

43

44

45

---

## INTRODUCTION OF BILL

46

### First Reading

47

48 The following bill was read by title and referred to the committee  
49 indicated:

50

51 **HB06-1308** by Representative(s) Massey, Borodkin, Jahn, Penry,  
52 White; also Senator(s) Evans--Concerning the purchase of  
53 net operating loss from bioscience companies by the  
54 Colorado economic development commission.

55 Committee on Finance

56

---

1 House in recess. House reconvened.  
2  
3

---

4 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**  
5

6 The Speaker has signed: **HB06-1200**.  
7  
8

---

9  
10 **DELIVERY OF BILL TO GOVERNOR**  
11

12 The Chief Clerk of the House of Representatives reports the following  
13 bill has been delivered to the Office of the Governor: **HB06-1200** at  
14 12:36 p.m., on February 3, 2006.  
15

---

16  
17 **INTRODUCTION OF BILL**  
18 **First Reading**  
19

20 The following bill was read by title and referred to the committee  
21 indicated:  
22

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

26 Committee on Health and Human Services  
27

28 **HB06-1310** by Representative(s) Buescher, Plant, Hall; also Senator(s)  
29 Owen, Tapia, Keller--Concerning simplifying procedures  
30 for distributing tobacco settlement moneys among the  
31 programs currently receiving the moneys.

32 Committee on Finance  
33

34 **HB06-1311** by Representative(s) Curry, Hoppe; also Senator(s) Isgar--  
35 Concerning the species conservation trust fund, and, in  
36 connection therewith, approving the species conservation  
37 eligibility list and recapitalizing the species conservation  
38 trust fund.

39 Committee on Agriculture, Livestock, & Natural Resources  
40

41 **HB06-1312** by Representative(s) Vigil, Cloer, Garcia, Kerr; also  
42 Senator(s) Sandoval, Brophy, Teck, Veiga--Concerning  
43 written responses issued by the executive director of the  
44 department of revenue upon the request of taxpayers.

45 Committee on Finance  
46

47 **HB06-1313** by Representative(s) Curry--Concerning the funding of  
48 Colorado water conservation board projects, and, in  
49 connection therewith, making appropriations.

50 Committee on Agriculture, Livestock, & Natural Resources

51 Committee on Appropriations  
52

53  
54 **HB06-1314** by Representative(s) Cerbo--Concerning a prohibition  
55 against certain employer communications to an employee.

56 Committee on Business Affairs and Labor

1 **HB06-1315** by Representative(s) Hefley; also Senator(s) Gordon--  
2 Concerning juveniles who are convicted as adults of class  
3 1 felonies.  
4 Committee on Judiciary  
5 \_\_\_\_\_  
6  
7

8 **LAY OVER OF CALENDAR ITEMS**  
9

10 On motion of Representative Garcia, the following items on the Calendar  
11 were laid over until February 6, retaining place on Calendar:  
12

13 Consideration of Third Reading--**HB06-1038**.  
14 Consideration of Resolutions--**HJR06-1009, SJR06-005, 002**.  
15 \_\_\_\_\_  
16

17  
18 On motion of Representative Plant, the House adjourned until 10:00 a.m.,  
19 February 6, 2006.  
20

21 Approved:  
22 ANDREW ROMANOFF,  
23 Speaker

24 Attest:  
25 MARILYN EDDINS,  
26 Chief Clerk