

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

Thirty-first Legislative Day

Friday, February 10, 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 Gardner.

6

7 The roll was called with the following result:

8

9 Present--59.

10 Excused--Representatives Buescher, Cloer, Madden, Plant,  
 11 Stafford--5.

12 Absent--Representative Pommer--1.

13 Present after roll call--Representatives Buescher, Cloer, Madden,  
 14 Pommer, Plant, Stafford.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Berens, the reading of the journal of  
 20 February 9, 2006, was declared dispensed with and approved as corrected  
 21 by the Chief Clerk.

22

23

24

**CONSIDERATION OF RESOLUTION**

25

26 **HJR06-1012** by Representative(s) Plant, Buescher, Hall; also Senator(s)  
 27 Tapia, Keller, Owen--Concerning the certification by the  
 28 general assembly of the amount of state education fund  
 29 revenues that should be considered available for  
 30 appropriation for the 2006-07 state fiscal year.

31

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

33

34 On motion of Representative Plant, the resolution was **adopted** by he  
 35 following roll call vote:

36

	YES	64	NO	00	EXCUSED	01	ABSENT	00
37	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
38	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
39	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
40	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
41	Boyd	Y	Gardner	Y	Madden	E	Schultheis	Y
42	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
43	Butcher	Y	Hall	Y	Massey	Y	Soper	Y

1	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
2	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
3	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
4	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
5	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
6	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
7	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
8	Crane	Y	King	Y	Penry	Y	White	Y
9	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
10							Speaker	Y

11 Co-sponsors added: Representatives Benefield, Borodkin, Carroll M, Cerbo,  
12 Merrifield, Ragsdale, Todd, and Vigil.

13

14

15

16 On motion of Representative Marshall, the House resolved itself into  
17 Committee of the Whole for consideration of General Orders, and she  
18 was called to the Chair to act as Chairman.

19

20

21

## 22 GENERAL ORDERS--SECOND READING OF BILLS

23

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

28

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

31

32 **HB06-1188** by Representative(s) Lindstrom--Concerning the  
33 requirement that mechanical conveyances be inspected in  
34 accordance with a national safety standard.

35

36 Amendment No. 1, Business Affairs and Labor Report, dated January 30,  
37 2006, and placed in member's bill file; Report also printed in House  
38 Journal, January 31, page 156.

39

40 Amendment No. 2, by Representative Lindstrom.

41

42 Amend printed bill, page 4, line 9, strike "OR";

43

44 line 13, strike "AMENDED." and substitute "AMENDED; OR

45

46 (V) PASSENGER TRAMWAYS AS DEFINED IN SECTION 25-5-702 (4),  
47 C.R.S."

48

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

51

52 **HB06-1175** by Representative(s) May M., Pommer, Larson, Balmer,  
53 Benefield, Berens, Boyd, Carroll T., Frangas, Hall,  
54 Lindstrom, McCluskey, McGihon, Riesberg, Soper,  
55 Stengel, Sullivan, Todd, Vigil; also Senator(s) Grossman,  
56 Evans, Fitz-Gerald, Groff, Johnson, Tupa, Windels--

1 Concerning enactment of the "Colorado Clean Indoor Air  
2 Act", and, in connection therewith, prohibiting smoking in  
3 indoor enclosed areas, including places of employment.  
4

5 Amendment No. 1, Health and Human Services Report, dated January 30,  
6 2006, and placed in member's bill file; Report also printed in House  
7 Journal, February 1, pages 163-165.  
8

9 Amendment No. 2, by Representative Boyd.

10 Amend the corrected Health and Human Services Committee Report,  
11 dated January 30, 2006, page 2, strike line 4 and substitute the following:  
12

13 "RANCH."";  
14

15 strike lines 5 and 6.  
16

17 Amendment No. 3, by Representatives May, Lundberg.  
18

19 Amend the corrected Health and Human Services Committee Report,  
20 dated January 30, 2006, page 2, strike lines 3 and 4 and substitute the  
21 following:  
22

23 "(i) A PRIVATE, NONRESIDENTIAL BUILDING ON A FARM OR RANCH,  
24 AS DEFINED IN SECTION 39-1-102, C.R.S., THAT HAS ANNUAL GROSS  
25 INCOME OF LESS THAN FIVE HUNDRED THOUSAND DOLLARS; OR".  
26

27 Amendment No. 4, by Representative Clapp.  
28

29 Amend the corrected Health and Human Services Committee Report,  
30 dated January 30, 2006, page 2, line 4, strike "OR";  
31

32 line 6, strike "CASINO." and substitute "CASINO; OR  
33

34 (k) UNION HALLS."".  
35

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

39 (For change in action, see Amendments to Report, pages 285 and 287.)  
40

41 **HB06-1153** by Representative(s) Berens, Hefley, Balmer, Cloer,  
42 Crane, Frangas, Gardner, Hall, Harvey, Kerr, King,  
43 Knoedler, Lindstrom, Liston, Lundberg, Massey, May M.,  
44 McFadyen, Penry, Rose, Schultheis, Soper, Stafford,  
45 Sullivan, Todd, Welker, White, Witwer; also Senator(s)  
46 Mitchell--Concerning changes to Colorado's sex offender  
47 laws.  
48

49 Referred to the Committee on Appropriations.  
50

51 **HB06-1036** by Representative(s) Carroll M., Coleman; also Senator(s)  
52 Tochtrop--Concerning the requirement that automobile  
53 insurance carriers offer medical payments coverage in  
54 connection with an automobile insurance policy issued in  
55 Colorado.  
56

1 Amendment No. 1, Business Affairs and Labor Report, dated February  
 2 6, 2006, and placed in member's bill file; Report also printed in House  
 3 Journal, February 7, pages 239-240.

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

7  
 8 On motion of Representative Madden, the remainder of the General  
 9 Orders Calendar (**HB06-1141, 1081, 1104, 1152, 1125, 1028, 1054,**  
 10 **1088, 1148, 1053, 1139, 1143, 1007, 1035, 1084, 1204, SB06-034,**  
 11 **HB06-1030, 1055, 1115, 1119, 1144, 1174, 1079, 1126, 1309, 1076,**  
 12 **1159, 1165, 1181, 1183, 1010, 1156**) was laid over until February 13,  
 13 retaining place on Calendar.

14  
 15  
 16  
 17 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

18  
 19 Representatives Cloer, Stafford, and Liston moved to amend the Report  
 20 of the Committee of the Whole to show that the following Cloer, Berens,  
 21 Stafford, Liston, Schultheis, and Sullivan amendment, to HB06-1175, did  
 22 pass, and that **HB06-1175**, as amended, did pass.

23  
 24 Amend the corrected Health and Human Services Committee Report,  
 25 dated January 30, 2006, page 2, line 4, strike "OR";

26  
 27 line 6, strike "CASINO." and substitute "CASINO; OR

28  
 29 (k) THE CLUBHOUSE OR REGULAR MEETING PLACE OF A BONA FIDE  
 30 CHARTERED BRANCH, LODGE, OR CHAPTER OF A VETERANS' ORGANIZATION  
 31 OPERATING WITHOUT PROFIT TO ITS MEMBERS THAT WAS IN EXISTENCE ON  
 32 DECEMBER 31, 2005, AND HAS A DUES-PAYING MEMBERSHIP ENGAGED IN  
 33 CARRYING OUT THE OBJECTIVES OF SAID ORGANIZATION. FOR THE  
 34 PURPOSES OF THIS PARAGRAPH (k):

35  
 36 (I) A BUILDING OR FACILITY THAT IS USED PRIMARILY FOR THE  
 37 CONDUCTING OF GAMES OF CHANCE IS NOT A "CLUBHOUSE OR REGULAR  
 38 MEETING PLACE"; AND

39  
 40 (II) IF GAMES OF CHANCE ARE CONDUCTED AT A CLUBHOUSE OR  
 41 REGULAR MEETING PLACE, THE CLUBHOUSE OR REGULAR MEETING PLACE  
 42 SHALL NOT BE EXEMPT FROM THIS PART 2 DURING THE TIME SUCH GAMES  
 43 OF CHANCE ARE CONDUCTED.".

44  
 45 The amendment was declared **lost** by the following roll call vote:

46  
 47

	YES	31	NO	32	EXCUSED	02	ABSENT	00
48	Balmer	Y	Decker	Y	Larson	N	Pommer	N
49	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
50	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	N
51	Borodkin	N	Garcia	Y	Lundberg	E	Rose	Y
52	Boyd	N	Gardner	Y	Madden	Y	Schultheis	Y
53	Buescher	N	Green	N	Marshall	Y	Solano	N
54	Butcher	N	Hall	Y	Massey	Y	Soper	N
55	Cadman	Y	Harvey	Y	May	N	Stafford	Y
56	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	N

1	Carroll T	N	Hodge	Y	McFadyen	N	Sullivan	Y
2	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
3	Clapp	Y	Jahn	N	McKinley	Y	Vigil	N
4	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
5	Coleman	N	Kerr	N	Paccione	N	Welker	Y
6	Crane	N	King	E	Penry	Y	White	Y
7	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
8							Speaker	N

9  
10 Representative Clapp moved to amend the Report of the Committee of  
11 the Whole to show that the following Clapp amendment, to HB06-1175,  
12 did pass, and that **HB06-1175**, as amended, did pass.

13  
14 Amend the corrected Health and Human Services Committee Report,  
15 dated January 30, 2006, page 2, line 4, strike "OR";

16  
17 line 6, strike "CASINO." and substitute "CASINO; OR";

18  
19 after line 6, insert the following:

20  
21 "(k) AN ESTABLISHMENT THAT IS LICENSED UNDER ARTICLE 47 OF  
22 TITLE 12, C.R.S., AND DERIVES TWENTY-FIVE PERCENT OR LESS OF ITS  
23 ANNUAL GROSS REVENUE FROM THE SALE OF FOOD.".

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

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

45  
46 Representative Sullivan moved to amend the Report of the Committee of  
47 the Whole to show that Amendment No. 2, by Representative Boyd,  
48 (printed in House Journal page 273, lines 9-16) to HB06-1175, did not  
49 pass, and that **HB06-1175**, as amended, did pass.

50  
51 The amendment was declared **passed** by the following roll call vote:

53	YES	34	NO	27	EXCUSED	04	ABSENT	00
54	Balmer	Y	Decker	Y	Larson	N	Pommer	N
55	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	Y
56	Berens	Y	Gallegos	Y	Liston	E	Riesberg	N

1	Borodkin	N	Garcia	Y	Lundberg	E	Rose	Y
2	Boyd	N	Gardner	Y	Madden	Y	Schultheis	Y
3	Buescher	N	Green	N	Marshall	Y	Solano	N
4	Butcher	Y	Hall	Y	Massey	Y	Soper	N
5	Cadman	Y	Harvey	N	May	N	Stafford	Y
6	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
7	Carroll T	E	Hodge	N	McFadyen	N	Sullivan	Y
8	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
9	Clapp	Y	Jahn	N	McKinley	Y	Vigil	Y
10	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
11	Coleman	Y	Kerr	Y	Paccione	N	Welker	Y
12	Crane	Y	King	E	Penry	Y	White	Y
13	Curry	Y	Knoedler	Y	Plant	N	Witwer	N
14							Speaker	N

15 Representative T Carroll was excused from voting under House Rule  
16 21(c).

17  
18 Representative Hoppe moved to amend the Report of the Committee of  
19 the Whole to show that the following Hoppe amendment, to HB06-1175,  
20 did pass, and that **HB06-1175**, as amended, did pass.

21  
22 Amend the corrected Health and Human Services Committee Report,  
23 dated January 30, 2006, page 2, line 4, strike "OR";

24  
25 line 6, strike "CASINO." and substitute "CASINO; OR";

26  
27 after line 6, insert the following:

28  
29 "(k) THE BUSINESS PREMISES OF A RACETRACK OR OTHER FACILITY  
30 LICENSED UNDER ARTICLE 60 OF TITLE 12, C.R.S., OTHER THAN ANY  
31 PORTION OF THE PREMISES THAT IS IDENTIFIED AS A RESTAURANT.".

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

35	YES	31	NO	31	EXCUSED	03	ABSENT	00
36	Balmer	N	Decker	Y	Larson	N	Pommer	N
37	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	Y
38	Berens	Y	Gallegos	Y	Liston	E	Riesberg	N
39	Borodkin	N	Garcia	Y	Lundberg	E	Rose	Y
40	Boyd	N	Gardner	Y	Madden	Y	Schultheis	Y
41	Buescher	N	Green	N	Marshall	N	Solano	N
42	Butcher	Y	Hall	Y	Massey	Y	Soper	N
43	Cadman	Y	Harvey	N	May	N	Stafford	Y
44	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
45	Carroll T	N	Hodge	Y	McFadyen	N	Sullivan	Y
46	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
47	Clapp	Y	Jahn	N	McKinley	Y	Vigil	Y
48	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
49	Coleman	N	Kerr	N	Paccione	Y	Welker	Y
50	Crane	N	King	E	Penry	Y	White	Y
51	Curry	Y	Knoedler	Y	Plant	N	Witwer	N
52							Speaker	N

53  
54 Representative Crane moved to amend the Report of the Committee of  
55 the Whole to show that the following Crane amendment, to HB06-1175,  
56 did pass, and that **HB06-1175**, as amended, did pass.

1 Amend the corrected Health and Human Services Committee Report,  
2 dated January 30, 2006, page 2, line 4, strike "OR";

3  
4 line 6, strike "CASINO." and substitute "CASINO; OR";

5  
6 after line 6, insert the following:

7  
8 "(k) PREMISES OWNED OR RENTED BY A BINGO-RAFFLE LICENSEE  
9 FOR THE CONDUCT OF GAMES OF CHANCE PURSUANT TO ARTICLE 9 OF TITLE  
10 12, C.R.S., WHILE THE PREMISES ARE BEING USED FOR THE CONDUCT OF  
11 GAMES OF CHANCE; EXCEPT THAT THIS EXEMPTION SHALL BE SUBJECT TO  
12 ANY VALIDLY ADOPTED ORDINANCE OF A LOCAL AUTHORITY REQUIRING  
13 THE USE OF FILTRATION OR VENTILATION SYSTEMS ON SUCH PREMISES.".

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

	YES	27	NO	35	EXCUSED	03	ABSENT	00
18	Balmer	N	Decker	Y	Larson	N	Pommer	N
19	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	Y
20	Berens	N	Gallegos	Y	Liston	E	Riesberg	N
21	Borodkin	N	Garcia	Y	Lundberg	E	Rose	Y
22	Boyd	N	Gardner	Y	Madden	Y	Schultheis	Y
23	Buescher	N	Green	N	Marshall	N	Solano	N
24	Butcher	Y	Hall	N	Massey	Y	Soper	N
25	Cadman	Y	Harvey	N	May	N	Stafford	Y
26	Carroll M	Y	Hefley	Y	McCluskey	N	Stengel	Y
27	Carroll T	N	Hodge	Y	McFadyen	N	Sullivan	Y
28	Cerbo	Y	Hoppe	Y	McGihon	N	Todd	N
29	Clapp	Y	Jahn	N	McKinley	Y	Vigil	N
30	Cloer	Y	Judd	N	Merrifield	N	Weissmann	N
31	Coleman	N	Kerr	N	Paccione	N	Welker	Y
32	Crane	Y	King	E	Penry	N	White	Y
33	Curry	Y	Knoedler	Y	Plant	N	Witwer	N
34							Speaker	N

35  
36 Representatives Larson and Soper moved to amend the Report of the  
37 Committee of the Whole to show that Amendment No. 4, by  
38 Representative Clapp (printed in House Journal page 283, lines 28-35) to  
39 HB06-1175, did not pass, and that **HB06-1175**, as amended, did pass.

40  
41 The amendment was declared **passed** by the following roll call vote:

	YES	39	NO	23	EXCUSED	03	ABSENT	00
44	Balmer	N	Decker	N	Larson	Y	Pommer	Y
45	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
46	Berens	N	Gallegos	Y	Liston	E	Riesberg	Y
47	Borodkin	Y	Garcia	N	Lundberg	E	Rose	N
48	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
49	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
50	Butcher	Y	Hall	Y	Massey	N	Soper	Y
51	Cadman	N	Harvey	N	May	Y	Stafford	N
52	Carroll M	Y	Hefley	N	McCluskey	N	Stengel	N
53	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	N
54	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
55	Clapp	N	Jahn	Y	McKinley	Y	Vigil	N
56	Cloer	N	Judd	Y	Merrifield	Y	Weissmann	Y

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

5  
6 Representatives Stafford and Decker moved to amend the Report of the  
7 Committee of the Whole to show that the following Decker and  
8 Schultheis amendment, to HB06-1175, did pass, and that **HB06-1175**, as  
9 amended, did pass.

10  
11 Amend printed bill, strike page 19 and substitute the following:

12  
13 **"SECTION 13. Effective date.** This act shall take effect at 12:01  
14 a.m. on the day following the expiration of the ninety-day period after  
15 final adjournment of the general assembly that is allowed for submitting  
16 a referendum petition pursuant to article V, section 1 (3) of the state  
17 constitution (August 9, 2006, if adjournment sine die is on May 10,  
18 2006); except that, if a referendum petition is filed against this act or an  
19 item, section, or part of this act within such period, then the act, item,  
20 section, or part, if approved by the people, shall take effect on the date of  
21 the official declaration of the vote thereon by proclamation of the  
22 governor.".

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

26	YES	19	NO	43	EXCUSED	03	ABSENT	00
27	Balmer	N	Decker	Y	Larson	N	Pommer	N
28	Benefield	N	Frangas	N	Lindstrom	N	Ragsdale	N
29	Berens	N	Gallegos	N	Liston	E	Riesberg	N
30	Borodkin	N	Garcia	Y	Lundberg	E	Rose	N
31	Boyd	N	Gardner	Y	Madden	N	Schultheis	Y
32	Buescher	N	Green	N	Marshall	N	Solano	N
33	Butcher	N	Hall	N	Massey	Y	Soper	N
34	Cadman	Y	Harvey	Y	May	N	Stafford	Y
35	Carroll M	Y	Hefley	Y	McCluskey	N	Stengel	N
36	Carroll T	N	Hodge	Y	McFadyen	N	Sullivan	N
37	Cerbo	N	Hoppe	Y	McGihon	N	Todd	N
38	Clapp	Y	Jahn	N	McKinley	N	Vigil	N
39	Cloer	N	Judd	N	Merrifield	N	Weissmann	Y
40	Coleman	N	Kerr	N	Paccione	N	Welker	Y
41	Crane	N	King	E	Penry	N	White	Y
42	Curry	Y	Knoedler	Y	Plant	N	Witwer	Y
43							Speaker	N

44  
45 Representatives Stafford and Clapp moved to amend the Report of the  
46 Committee of the Whole to show that the following Stafford amendment,  
47 to HB06-1036, did pass, and that **HB06-1036**, as amended, did pass.

48  
49 Amend printed bill, page 3, line 8, strike "WITHOUT" and substitute  
50 "WITH";

51  
52 line 11, strike "REJECTS" and substitute "ACCEPTS";

53  
54 line 15, strike "REJECTED" and substitute "ACCEPTED";

55  
56 line 17, after "PRESUMED", insert "NOT".



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

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

21  
22 Representatives Clapp, Rose, Stafford, Hoppe, Hefley, and Butcher  
23 moved to amend the Report of the Committee of the Whole to show that  
24 **HB06-1036**, as amended, did not pass.

25  
26 The amendment was declared **lost** by the following roll call vote:

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

#### 45 46 47 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

48  
49 Passed Second Reading: **HB06-1188 amended, 1175 amended, 1036**  
50 **amended.**

51  
52 Laid over until date indicated retaining place on Calendar: **HB06-1141,**  
53 **1081, 1104, 1152, 1125, 1028, 1054, 1088, 11418, 1053, 1139, 1143,**  
54 **1007, 1035, 1084, 1204, SB06-034, HB06-1030, 1055, 1115, 1119,**  
55 **1144, 1174, 1079, 1126, 1309, 1076, 1159, 1165, 1181, 1183, 1010,**  
56 **1156--February 13, 2006.**

1 Referred to Committee indicated: **HB06-1153**--Appropriations.

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

	YES	56	NO	07	EXCUSED	02	ABSENT	00
9 Balmer	Y		Decker	Y	Larson	Y	Pommer	Y
10 Benefield	Y		Frangas	Y	Lindstrom	Y	Ragsdale	Y
11 Berens	Y		Gallegos	Y	Liston	Y	Riesberg	Y
12 Borodkin	Y		Garcia	Y	Lundberg	E	Rose	N
13 Boyd	Y		Gardner	N	Madden	Y	Schultheis	N
14 Buescher	Y		Green	Y	Marshall	Y	Solano	Y
15 Butcher	Y		Hall	Y	Massey	Y	Soper	Y
16 Cadman	N		Harvey	Y	May	Y	Stafford	N
17 Carroll M	Y		Hefley	Y	McCluskey	Y	Stengel	Y
18 Carroll T	Y		Hodge	Y	McFadyen	Y	Sullivan	Y
19 Cerbo	Y		Hoppe	N	McGihon	Y	Todd	Y
20 Clapp	N		Jahn	Y	McKinley	Y	Vigil	Y
21 Cloer	Y		Judd	Y	Merrifield	Y	Weissmann	Y
22 Coleman	Y		Kerr	Y	Paccione	Y	Welker	Y
23 Crane	Y		King	E	Penry	Y	White	Y
24 Curry	Y		Knoedler	Y	Plant	Y	Witwer	Y
25							Speaker	Y

---

## 27 APPOINTMENTS

28  
29  
30 Minority Leader Stengel announced the following change in committee  
31 assignments:

32 Health & Human Services

33 Representative Kerr to replace Representative Clapp

34  
35  
36 Speaker Romanoff announced the following appointments:

37  
38 House Select Committee on Strategic Renewable Energy:

39 Representatives Solano, Chair; Gallegos, Vice-Chair; Madden,  
40 Rose, Lundberg

41  
42 Joint Select Committee on Homeland Security:

43 Representatives T. Carroll Vice-Chair, Benefield, May, McKinley,  
44 Stengel.

---

## 48 REPORTS OF COMMITTEES OF REFERENCE

### 49 EDUCATION

50  
51 After consideration on the merits, the Committee recommends the  
52 following:

53  
54 **HB06-1001** be amended as follows, and as so amended, be referred to  
55 the Committee on Appropriations with favorable  
56 recommendation:

1 Amend printed bill, page 4, after line 8, insert the following:

2

3 "(c) THE COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING  
4 THIS SUBSECTION (7) SHALL BE PAID FROM MONEYS APPROPRIATED FROM  
5 THE EDUCATOR LICENSURE CASH FUND CREATED IN SECTION 22-60.5-112  
6 (1).".

7

8 Page 7, strike lines 15 and 16 and substitute the following:

9

10 "(ii) TO IDENTIFY ANY AREAS IN WHICH ONE OR MORE";  
11  
12 line 20, strike "ATTENDING" and substitute "PARTICIPATING IN";  
13  
14 strike lines 22 through 24 and substitute the following:

15

16 "AREAS.".

17

18 Page 8, strike lines 11 and 12 and substitute the following:

19

20 "(IV) IDENTIFICATION OF AREAS IN WHICH ONE OR MORE OF".

21

22 Page 9, strike lines 13 and 14 and substitute the following:

23

24 "(I) Probationary teachers receive at least two";

25

26 line 17, strike "and" and substitute "~~and~~";

27

28 strike lines 18 and 19 and substitute the following:

29

30 "(II) Nonprobationary teachers receive";

31

32 strike line 22 and substitute the following:

33

34 "three years;

35

36 (III) PRINCIPALS WHO ARE IN THEIR FIRST THREE YEARS OF  
37 EMPLOYMENT AS PRINCIPALS RECEIVE ONE EVALUATION THAT RESULTS IN  
38 A WRITTEN EVALUATION REPORT PURSUANT TO SUBSECTION (3) OF THIS  
39 SECTION EACH ACADEMIC YEAR; AND

40

41 (IV) PRINCIPALS WHO ARE IN THEIR FOURTH OR SUBSEQUENT  
42 YEARS OF EMPLOYMENT AS PRINCIPALS RECEIVE AT LEAST ONE  
43 EVALUATION THAT RESULTS IN A WRITTEN EVALUATION REPORT PURSUANT  
44 TO SUBSECTION (3) OF THIS SECTION EVERY THREE ACADEMIC YEARS.".

45

46 Page 10, line 9, after "AND", insert "MAY INCLUDE INPUT FROM";

47

48 line 11, strike "TEACHERS, STUDENTS," and substitute "TEACHERS AND  
49 FROM STUDENTS";

50

51 strike line 12 and substitute the following:

52

53 "AND PARENTS, IF ANY, IS COLLECTED, BUT SHALL ENSURE THAT THE  
54 INFORMATION COLLECTED REMAINS ANONYMOUS AND CONFIDENTIAL.".

55

56 Page 11, after line 19, insert the following:

1           "(d) THE DEMANDS AND EXPECTATIONS FOR PERSONS SERVING AS  
2 PRINCIPALS HAVE INCREASED SUBSTANTIALLY AS A RESULT OF EDUCATION  
3 REFORM INITIATIVES SUCH AS STANDARDS-BASED EDUCATION AND THE  
4 REQUIREMENTS OF THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001",  
5 20 U.S.C. SEC. 6301 ET SEQ. CORRESPONDING LEVELS OF SUPPORT AND  
6 TRAINING FOR PERSONS SERVING AS PRINCIPALS HAVE NOT INCREASED IN  
7 RELATION TO THE INCREASE IN DEMANDS AND EXPECTATIONS."

8  
9 Reletter succeeding paragraphs accordingly.

10  
11 Page 12, line 7, strike "SCHOOLS." and substitute "SCHOOLS PLACED ON  
12 THEM BY STATE AND FEDERAL LAWS."

13  
14 Page 13, strike lines 7 through 9 and substitute the following:

15  
16           "(c) ELEVEN MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE  
17 OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE, AS FOLLOWS:"

18  
19 line 10, after "MEMBER", insert "WHO IS APPOINTED BY THE SPEAKER OF  
20 THE HOUSE OF REPRESENTATIVES";

21  
22 line 13, after "DISTRICT", insert "AND IS APPOINTED BY THE SPEAKER OF  
23 THE HOUSE OF REPRESENTATIVES";

24  
25 line 14, strike "DISTRICT;" and substitute "DISTRICT AND IS APPOINTED BY  
26 THE PRESIDENT OF THE SENATE;"

27  
28 line 16, strike "EACH" and substitute "APPOINTED BY THE SPEAKER OF THE  
29 HOUSE OF REPRESENTATIVES";

30  
31 line 17, after "AND", insert "ONE APPOINTED BY THE PRESIDENT OF THE  
32 SENATE FROM";

33  
34 line 20, after "SCHOOL", insert "AND IS APPOINTED BY THE SPEAKER OF THE  
35 HOUSE OF REPRESENTATIVES";

36  
37 line 22, strike "SCHOOL;" and substitute "SCHOOL AND IS APPOINTED BY  
38 THE PRESIDENT OF THE SENATE;"

39  
40 line 25, strike "COLORADO;" and substitute "COLORADO, ONE OF WHOM  
41 IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND  
42 ONE OF WHOM IS APPOINTED BY THE PRESIDENT OF THE SENATE;"

43  
44 Page 14, line 1, strike "COLORADO;" and substitute "COLORADO AND IS  
45 APPOINTED BY THE PRESIDENT OF THE SENATE; AND";

46  
47 line 3, strike "DEVELOPMENT." and substitute "DEVELOPMENT AND IS  
48 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES."

49  
50 Page 22, after line 10, insert the following:

51  
52           "**SECTION 9. Appropriation.** (1) In addition to any other  
53 appropriation, for the fiscal year beginning July 1, 2006, there is hereby  
54 appropriated, out of any moneys in the state education fund created in  
55 section 17(4) of article IX of the state constitution not otherwise  
56 appropriated, to the principal development scholarship fund created in

1 section 22-9.5-205, Colorado Revised Statutes, the sum of two hundred  
2 fifty thousand dollars (\$250,000), to be used for purposes consistent with  
3 the creation of the fund.

4  
5 (2) In addition to any other appropriation, there is hereby  
6 appropriated, out of the principal development scholarship fund created  
7 in section 22-9.5-205, Colorado Revised Statutes, to the department of  
8 education, for the fiscal year beginning July 1, 2006, the sum of two  
9 hundred fifty thousand dollars (\$250,000), or so much thereof as may be  
10 necessary, for implementation of the principal development scholarship  
11 program pursuant to part 2 of article 9.5 of title 22, Colorado Revised  
12 Statutes."

13  
14 Renumber succeeding section accordingly.

15  
16 Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND  
17 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

18  
19  
20  
21 **HB06-1065** be amended as follows, and as so amended, be referred to  
22 the Committee on Appropriations with favorable  
23 recommendation:

24  
25 Amend printed bill, page 4, after line 6, insert the following:

26  
27 "(6) THE GENERAL ASSEMBLY HEREBY FINDS THAT, FOR PURPOSES  
28 OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE CREATION  
29 AND IMPLEMENTATION OF A STATEWIDE DATA-SHARING SYSTEM THAT  
30 FACILITATES AND SIMPLIFIES COMMUNICATION OF STUDENT DATA AMONG  
31 SCHOOL DISTRICTS AND BETWEEN SCHOOL DISTRICTS AND THE  
32 DEPARTMENT IS AN IMPORTANT ELEMENT IN ACCOUNTABILITY REPORTING  
33 AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION  
34 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE  
35 CONSTITUTION. IN ADDITION, THE GENERAL ASSEMBLY MAY FUND  
36 CREATION AND IMPLEMENTATION OF A STATEWIDE DATA-SHARING SYSTEM  
37 THROUGH STATE GENERAL FUND APPROPRIATIONS, INCLUDING BUT NOT  
38 LIMITED TO APPROPRIATIONS FROM THE GENERAL FUND EXEMPT ACCOUNT  
39 CREATED PURSUANT TO SECTION 24-77-103.6, C.R.S. FOR PURPOSES OF  
40 COMPLIANCE WITH THE RESTRICTIONS OF SECTION 24-77-104.5, C.R.S.,  
41 FUNDING OF A STATEWIDE DATA-SHARING SYSTEM SHALL BE CONSIDERED  
42 FUNDING FOR STUDENT ASSESSMENT AND ACCOUNTABILITY AS ALLOWED  
43 PURSUANT TO SECTION 24-77-104.5 (3) (a) (VI), C.R.S."

44  
45  
46 **HB06-1150** The committee returns herewith HB06-1150 and reports  
47 that said bill has been considered on its merits and voted  
48 upon by the committee in accordance with House Rules,  
49 that the deadline applicable to committees under Joint  
50 Rule 23 (a) (1) has passed, that final action has not been  
51 taken by this committee within said deadline, and that the  
52 Committee on Delayed Bills has not waived said deadline.  
53 Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed  
54 to be postponed indefinitely.

55  
56 **HB06-1160** be amended as follows, and as so amended, be referred to

1 the Committee of the Whole with favorable  
2 recommendation:  
3

4 Amend printed bill, strike everything below the enacting clause and  
5 substitute the following:  
6

7 "SECTION 1. 22-52-103 (1), Colorado Revised Statutes, is  
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:  
9

10 **22-52-103. Eligible schools.** (1) Any of the following schools  
11 are eligible to apply to the department of education to participate in the  
12 second chance program:  
13

14 (e) A COMMUNITY COLLEGE.  
15

16 **SECTION 2. Effective date.** This act shall take effect at 12:01  
17 a.m. on the day following the expiration of the ninety-day period after  
18 final adjournment of the general assembly that is allowed for submitting  
19 a referendum petition pursuant to article V, section 1 (3) of the state  
20 constitution (August 9, 2006, if adjournment sine die is on May 10,  
21 2006); except that, if a referendum petition is filed against this act or an  
22 item, section, or part of this act within such period, then the act, item,  
23 section, or part, if approved by the people, shall take effect on the date of  
24 the official declaration of the vote thereon by proclamation of the  
25 governor."  
26  
27  
28  
29

30 **FINANCE**

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

34 **HB06-1052** be postponed indefinitely.  
35

36  
37 **HB06-1058** be referred favorably to the Committee on Appropriations.  
38

39  
40 **HB06-1078** be postponed indefinitely.  
41

42  
43 **HB06-1124** be referred favorably to the Committee on Appropriations.  
44

45  
46 **HB06-1129** be postponed indefinitely.  
47

48  
49 **HB06-1130** be amended as follows, and as so amended, be referred to  
50 the Committee on Appropriations with favorable  
51 recommendation:  
52

53 Amend printed bill, page 2, line 9, strike "THE AMOUNT OF TIME THAT  
54 THE" and substitute "ONE YEAR UPON RETURN FROM SERVICE ABROAD OR  
55 MOBILIZATION IF THE";  
56

1 strike line 10;  
2  
3 line 12, strike "IF THE PERIOD OF ACTIVE DUTY";  
4  
5 strike line 13;  
6  
7 line 14, strike "YEAR OF EXEMPTION FROM LICENSE FEES.".

8  
9  
10  
11 **HB06-1154** be referred favorably to the Committee on Appropriations.

12  
13  
14 **HB06-1171** be referred favorably to the Committee on Appropriations.

15  
16  
17  
18  
19 **HEALTH & HUMAN SERVICES**

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

22  
23 **HB06-1029** The committee returns herewith House Bill 06-1029 and  
24 reports that said bill has been considered on its merits and  
25 voted upon by the committee in accordance with House  
26 Rules, that the deadline applicable to committees under  
27 Joint Rule 23 (a) (1) has passed, that final action has not  
28 been taken by this committee within said deadline, and  
29 that the Committee on Delayed Bills has not waived said  
30 deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is  
31 deemed to be postponed indefinitely.

32  
33  
34  
35  
36 **JUDICIARY**

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

39  
40 **HB06-1022** be postponed indefinitely.

41  
42  
43 **HB06-1080** 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 2, line 20, strike "PSYCHIATRIST," and substitute  
48 "PSYCHIATRIST OR".

49  
50 Page 3, line 17, strike "PSYCHIATRIST," and substitute "PSYCHIATRIST OR".

51  
52  
53 **HB06-1092** be referred favorably to the Committee on Appropriations.

54  
55

1 **HB06-1102** be amended as follows, and as so amended, be referred to  
2 the Committee of the Whole with favorable  
3 recommendation:  
4

5 Amend printed bill, page 3, strike line 4 and substitute the following:  
6

7 "amended, and said 16-5-402 is further amended BY THE ADDITION  
8 OF A NEW SUBSECTION, to read:";  
9

10 line 6, strike "subsection (2)" and substitute "~~subsection (2)~~ SUBSECTIONS  
11 (1.5) AND (2)";  
12

13 after line 17, insert the following:  
14

15 "(1.5) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE  
16 APPLICABLE TIME PERIOD FOR A CLASS 1 FELONY SHALL NOT EXPIRE  
17 BEFORE THE DATE THREE YEARS AFTER THE EFFECTIVE DATE OF THE  
18 ENACTMENT OF THIS SUBSECTION (1.5).";  
19

20 line 24, strike "WITH two or more" and substitute "~~two or more~~";  
21

22 line 25, strike "ADJUDICATIONS" and substitute "WITH A SECOND OR  
23 SUBSEQUENT ADJUDICATION".  
24

25 Page 4, line 3, strike "WITH two or more" and substitute "~~two or more~~";  
26

27 line 4, strike "ADJUDICATIONS" and substitute "WITH A SECOND OR  
28 SUBSEQUENT ADJUDICATION".  
29

30 Page 5, line 6, strike "OR";  
31

32 after line 6, insert the following:  
33

34 "(G) INCEST UNDER SECTION 18-6-301, C.R.S.;"  
35

36 "(H) AGGRAVATED INCEST UNDER SECTION 18-6-302, C.R.S.; OR".  
37

38 Reletter succeeding sub-subparagraph accordingly.  
39

40 Page 5, line 8, strike "(F)" and substitute "(H)";  
41

42 after line 22, insert the following:  
43

44 "**SECTION 6.** 24-4.1-110 (2), Colorado Revised Statutes, is  
45 amended to read:  
46

47 **24-4.1-110. Recovery from collateral source.** (2) If  
48 compensation is awarded under this part 1 and the person receiving it also  
49 receives a collateral sum under subsection (1) of this section which has  
50 not been deducted from it, he shall refund to the board the lesser of the  
51 sums or the amount of compensation paid to him under this part 1 unless  
52 the aggregate of both sums does not exceed his losses. THE FUND SHALL  
53 BE THE PAYOR OF LAST RESORT."  
54

55 Renumber succeeding section accordingly.  
56



1 **HB06-1111** be amended as follows, and as so amended, be referred to  
2 the Committee on Appropriations with favorable  
3 recommendation:  
4

5 Amend printed bill, page 2, strike lines 2 through 26.  
6

7 Page 3, strike lines 1 through 19 and substitute the following:  
8

9 "SECTION 1. 14-10-119, Colorado Revised Statutes, is amended  
10 to read:  
11

12 **14-10-119. Attorney fees.** (1) The court from time to time, after  
13 considering the financial resources of both parties, may order a party to  
14 pay a reasonable amount for the cost to the other party of maintaining or  
15 defending any proceeding under this article and for attorney's ATTORNEY  
16 fees, including sums for legal services rendered and costs incurred prior  
17 to the commencement of the proceeding or after entry of judgment. The  
18 court may order that the amount be paid directly to the attorney, who may  
19 enforce the order in his name.  
20

21 (2) (a) ALL PARTIES WHOSE FINANCIAL RESOURCES MAY BE  
22 CONSIDERED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE  
23 REQUIRED TO UPDATE THE STATUS OF THE FINANCIAL RESOURCES WITH THE  
24 COURT PRIOR TO THE COURT'S CONSIDERATION. IF A PARTY HAS NOT  
25 UPDATED THE STATUS OF HIS OR HER FINANCIAL RESOURCES AT THE TIME  
26 OF THE COURT'S CONSIDERATION, THE COURT SHALL RELY ON THE STATUS  
27 OF THE FINANCIAL RESOURCES THEN KNOWN TO THE COURT AND PROCEED  
28 WITH ITS CONSIDERATION. THE AMOUNT OF COSTS OR ATTORNEY FEES  
29 ORDERED TO BE PAID UNDER SUBSECTION (1) MAY NOT BE APPEALED BY A  
30 PARTY THAT THE COURT DETERMINES DID NOT TIMELY UPDATE HIS OR HER  
31 FINANCIAL RESOURCES AT THE TIME OF THE COURT'S CONSIDERATION.  
32

33 (b) THE COURT MAY AWARD REASONABLE ATTORNEY FEES  
34 AGAINST A PARTY WHEN THE COURT, ON THE MOTION OF ANOTHER PARTY  
35 OR THE COURT ITSELF, DETERMINES THAT THE PARTY WILLFULLY AND  
36 WITHOUT JUSTIFIABLE EXCUSE HAS VIOLATED ANY PROVISION OF THIS  
37 SUBSECTION (2).".  
38  
39  
40

41 **HB06-1122** be amended as follows, and as so amended, be referred to  
42 the Committee of the Whole with favorable  
43 recommendation:  
44

45 Amend printed bill, page 3, strike lines 18 through 21 and substitute the  
46 following:

47 "CIRCUMSTANCES. IF THE MISSING PERSON IS EIGHTEEN YEARS OF AGE OR  
48 OLDER AND HAS ALLEGEDLY BEEN MISSING FOR TWENTY-FOUR HOURS OR  
49 MORE, SUCH ACTION SHALL INCLUDE ENTRY OF RELEVANT INFORMATION  
50 INTO STATE AND NATIONAL DATABASES AND APPROPRIATE  
51 COMMUNICATIONS WITH OTHER LAW ENFORCEMENT AGENCIES THAT MAY  
52 ASSIST IN LOCATING THE MISSING PERSON. IF THE MISSING PERSON IS  
53 UNDER EIGHTEEN YEARS OF AGE, THE LAW ENFORCEMENT AGENCY SHALL,  
54 WITHIN TWENTY-FOUR HOURS AFTER RECEIVING THE REPORT, NOTIFY THE  
55 COLORADO BUREAU OF INVESTIGATION PURSUANT TO SECTION  
56 24-33.5-415.1 (3).".

1 Page 6, strike lines 17 through 24 and substitute the following:

2

3 "~~determine their forensic value. If the coroner is unable to make such~~  
4 ~~determinations, the police chief, the sheriff, the coroner, or the land~~  
5 ~~managing agency official shall request the forensic anthropologist of the~~  
6 ~~Colorado bureau of investigation to assist in making such determinations.~~

7 IF IT IS CONFIRMED THAT THE REMAINS ARE HUMAN REMAINS AND OF  
8 FORENSIC VALUE, THE CORONER OR MEDICAL".

9

10

11

12 **HB06-1128** be postponed indefinitely.

13

14

15 **HB06-1145** be amended as follows, and as so amended, be referred to  
16 the Committee on Appropriations with favorable  
17 recommendation:

18

19 Amend printed bill, page 5, line 6, after "AT", insert "DIRECT";

20

21 line 15, strike "SEVENTY-FIVE" and substitute "SEVENTY";

22

23 line 18, strike "FOUR BILLION FOUR HUNDRED";

24

25 line 19, strike "MILLION DOLLARS" and substitute "SIGNIFICANT AMOUNTS  
26 OF MONEY".

27

28 Page 9, line 15, strike "TWELVE" and substitute "SIXTEEN".

29

30 Page 10, line 9, strike "CLASS C OR CLASS D" and substitute "RURAL  
31 COUNTY";

32

33 strike line 10;

34

35 strike lines 13 and 14 and substitute the following:

36 "LOCATED IN RURAL COUNTIES";

37

38 after line 14, insert the following:

39 "(XIII) A LICENSED PHARMACIST;

40

41 (XIV) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY;

42

43 (XV) A REPRESENTATIVE OF THE OFFICE OF THE CHILD'S  
44 REPRESENTATIVE;

45

46 (XVI) A REPRESENTATIVE OF THE DIVISION OF ADULT PAROLE OF  
47 THE DEPARTMENT OF CORRECTIONS;".

48

49 Page 11, strike lines 16 through 20 and substitute the following:

50

51 "(g) ASSIST LOCAL COMMUNITIES WITH IMPLEMENTATION OF THE  
52 MOST EFFECTIVE PRACTICES TO RESPOND TO ILLEGAL METHAMPHETAMINE  
53 PRODUCTION, DISTRIBUTION, AND USE;".

54

55 Page 13, line 7, after "(1)", insert "(a)";

56

1 line 12, after "DUTIES", insert "AND FUNCTIONS";

2

3 after line 13, insert the following:

4

5 "(b) SUBJECT TO AVAILABLE MONEYS, THE TASK FORCE MAY  
6 APPROVE GRANTS TO RECIPIENTS. IN SELECTING GRANT RECIPIENTS, THE  
7 TASK FORCE, TO THE EXTENT POSSIBLE, SHALL ENSURE THAT GRANTS ARE  
8 AWARDED TO LAW ENFORCEMENT AGENCIES OR OTHER APPLICANTS IN A  
9 VARIETY OF GEOGRAPHIC AREAS OF THE STATE."

10

11 Page 14, line 4, after "(1)", insert "(a)";

12

13 line 5, after "RECEIVED", insert "BY THE TASK FORCE OR THE DIVISION OF  
14 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, ON BEHALF OF  
15 THE TASK FORCE,";

16

17 after line 21, insert the following:

18

19 "(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE TASK  
20 FORCE AND THE DIVISION OF CRIMINAL JUSTICE OF THE DEPARTMENT OF  
21 PUBLIC SAFETY, ON BEHALF OF THE TASK FORCE, SHALL NOT BE REQUIRED  
22 TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE AND THAT  
23 THE TASK FORCE SHALL OPERATE IN ACCORDANCE WITH THE PROVISIONS  
24 OF THIS ARTICLE, INDEPENDENTLY OF THE BALANCE IN THE FUND."

25

26 Page 15, line 15, after "not", insert "KNOWINGLY";

27

28 line 17, strike "FOUR" and substitute "SIX";

29

30 strike lines 20 through 25 and substitute the following:

31

32 "(b) A PERSON MAY NOT PURCHASE MORE THAN SIX GRAMS OF A  
33 METHAMPHETAMINE PRECURSOR DRUG OR A COMBINATION OF TWO OR  
34 MORE METHAMPHETAMINE PRECURSOR DRUGS DURING ANY TWENTY-FOUR  
35 HOUR PERIOD.

36

37 (c) IT IS UNLAWFUL FOR A METHAMPHETAMINE PRECURSOR DRUG  
38 THAT IS OFFERED FOR RETAIL SALE IN OR FROM A STORE TO BE OFFERED  
39 FOR SALE OR STORED OR DISPLAYED PRIOR TO SALE IN AN AREA OF THE  
40 STORE TO WHICH THE PUBLIC IS ALLOWED ACCESS."

41

42 Page 16, line 7, strike "(c) and (7) (d)," and substitute "(c)";

43

44 line 8, strike "are" and substitute "is";

45

46 line 11, strike "the person" and substitute "the person OR IN A VEHICLE  
47 CONTAINING A CHILD, THE PERSON KNOWINGLY";

48

49 line 13, after the first "or", insert "KNOWINGLY";

50

51 strike lines 16 through 27 and substitute the following:

52 "a controlled substance. IT SHALL BE NO DEFENSE TO THE CRIME OF CHILD  
53 ABUSE, AS DESCRIBED IN THIS SUBPARAGRAPH (I), THAT THE DEFENDANT  
54 DID NOT KNOW A CHILD WAS PRESENT, A CHILD COULD BE FOUND, A CHILD  
55 RESIDED ON THE PREMISES, OR THAT A VEHICLE CONTAINED A CHILD.

56

1 (II) A PARENT OR LAWFUL GUARDIAN OF A CHILD OR A PERSON  
2 HAVING THE CARE OR CUSTODY OF A CHILD WHO KNOWINGLY ALLOWS THE  
3 CHILD TO BE PRESENT AT OR RESIDE AT A PREMISES OR TO BE IN A VEHICLE  
4 WHERE THE PARENT, GUARDIAN, OR PERSON HAVING CARE OR CUSTODY OF  
5 THE CHILD KNOWS OR REASONABLY SHOULD KNOW ANOTHER PERSON IS  
6 ENGAGED IN THE MANUFACTURE OR ATTEMPTED MANUFACTURE OF  
7 METHAMPHETAMINE COMMITS CHILD ABUSE.

8  
9 (III) A PARENT OR LAWFUL GUARDIAN OF A CHILD OR A PERSON  
10 HAVING THE CARE OR CUSTODY OF A CHILD WHO KNOWINGLY ALLOWS THE  
11 CHILD TO BE PRESENT AT OR RESIDE AT A PREMISES OR TO BE IN A VEHICLE  
12 WHERE THE PARENT, GUARDIAN, OR PERSON HAVING CARE OR CUSTODY OF  
13 THE CHILD KNOWS OR REASONABLY SHOULD KNOW ANOTHER PERSON  
14 POSSESSES EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE,  
15 OR THEIR SALTS, ISOMERS, OR SALTS OF ISOMERS, WITH THE INTENT TO USE  
16 THE PRODUCT AS AN IMMEDIATE PRECURSOR IN THE MANUFACTURE OF  
17 METHAMPHETAMINE COMMITS CHILD ABUSE."

18  
19 Page 17, strike lines 1 through 14.

20  
21  
22  
23 **HB06-1151** be amended as follows, and as so amended, be referred to  
24 the Committee on Appropriations with favorable  
25 recommendation:

26  
27 Amend printed bill, strike page 2.

28  
29 Page 3, strike lines 1 through 8 and substitute the following:

30 "SECTION 1. 18-6-401 (7) (a) (V), (7) (a) (VI), (7) (b) (I), and  
31 (7) (b) (II), Colorado Revised Statutes, are amended, and the said  
32 18-6-401 (7) is further amended BY THE ADDITION OF A NEW  
33 PARAGRAPH, to read:

34  
35 **18-6-401. Child abuse.** (7) (a) Where death or injury results, the  
36 following shall apply:

37  
38 (V) When a person acts knowingly or recklessly and the child  
39 abuse results in any injury other than serious bodily injury, it is a class 1  
40 misdemeanor; EXCEPT THAT, IF THE UNDERLYING FACTUAL BASIS OF THE  
41 CHILD ABUSE, WHICH WOULD CONSTITUTE A MISDEMEANOR, HAS BEEN  
42 FOUND BY THE COURT TRIER OF FACT TO INCLUDE ONE OF THE ACTS  
43 DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (7), SUBSEQUENT TO A  
44 PRIOR CONVICTION UNDER THIS SECTION, THEN IT IS A CLASS 5 FELONY.

45  
46 (VI) When a person acts with criminal negligence and the child  
47 abuse results in any injury other than serious bodily injury to the child,  
48 it is a class 2 misdemeanor; EXCEPT THAT, IF THE UNDERLYING FACTUAL  
49 BASIS OF THE CHILD ABUSE, WHICH WOULD CONSTITUTE A MISDEMEANOR,  
50 HAS BEEN FOUND BY THE COURT TRIER OF FACT TO INCLUDE ONE OF THE  
51 ACTS DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (7), SUBSEQUENT  
52 TO A PRIOR CONVICTION UNDER THIS SECTION, THEN IT IS A CLASS 5  
53 FELONY.

54  
55 (b) Where no death or injury results, the following shall apply:

56

1 (I) An act of child abuse when a person acts knowingly or  
2 recklessly is a class 2 misdemeanor; EXCEPT THAT, IF THE UNDERLYING  
3 FACTUAL BASIS OF THE CHILD ABUSE, WHICH WOULD CONSTITUTE A  
4 MISDEMEANOR, HAS BEEN FOUND BY THE COURT TRIER OF FACT TO  
5 INCLUDE ONE OF THE ACTS DESCRIBED IN PARAGRAPH (e) OF THIS  
6 SUBSECTION (7), SUBSEQUENT TO A PRIOR CONVICTION UNDER THIS  
7 SECTION, THEN IT IS A CLASS 5 FELONY.

8  
9 (II) An act of child abuse when a person acts with criminal  
10 negligence is a class 3 misdemeanor; EXCEPT THAT, IF THE UNDERLYING  
11 FACTUAL BASIS OF THE CHILD ABUSE, WHICH WOULD CONSTITUTE A  
12 MISDEMEANOR, HAS BEEN FOUND BY THE COURT TRIER OF FACT TO  
13 INCLUDE ONE OF THE ACTS DESCRIBED IN PARAGRAPH (e) OF THIS  
14 SUBSECTION (7), SUBSEQUENT TO A PRIOR CONVICTION UNDER THIS  
15 SECTION, THEN IT IS A CLASS 5 FELONY.

16  
17 (e) IF A PERSON COMMITS CHILD ABUSE BY ENGAGING IN ONE OF  
18 THE FOLLOWING ACTS, THEN SUCH PERSON SHALL BE PUNISHED FOR A  
19 SECOND OR SUBSEQUENT CONVICTION AS PROVIDED IN SUBPARAGRAPH (V)  
20 OR (VI) OF PARAGRAPH (a) OF THIS SUBSECTION (7) OR AS PROVIDED IN  
21 SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (b) OF THIS SUBSECTION (7):

22  
23 (I) A CONTINUED PATTERN OF CONDUCT THAT RESULTS IN  
24 MALNOURISHMENT OR LACK OF PROPER MEDICAL CARE OF THE CHILD;

25  
26 (II) A CONTINUED PATTERN OF CRUEL PUNISHMENT OR  
27 UNREASONABLE ISOLATION OR CONFINEMENT OF THE CHILD;

28  
29 (III) REPEATED THREATS BY SUCH PERSON OF HARM OR DEATH TO  
30 THE CHILD OR TO A SIGNIFICANT PERSON IN THE CHILD'S LIFE, WHICH  
31 THREATS ARE MADE IN THE PRESENCE OF THE CHILD;

32  
33 (IV) A CONTINUED PATTERN OF ACTS OF DOMESTIC VIOLENCE, AS  
34 THAT TERM IS DEFINED IN SECTION 18-6-800.3, IN THE PRESENCE OF THE  
35 CHILD; OR

36  
37 (V) A CONTINUED PATTERN OF EXTREME DEPRIVATION OF  
38 HYGIENIC OR SANITARY CONDITIONS IN THE CHILD'S DAILY LIVING  
39 ENVIRONMENT."

40  
41 Renumber succeeding sections accordingly.

42  
43 Page 3, line 13, strike "06-\_\_\_\_." and substitute "06-1151.";

44  
45 line 15, strike "06-\_\_\_\_," and substitute "06-1151,".

46  
47 Page 6, line 9, strike "06-\_\_\_\_," and substitute "06-1151,";

48  
49 line 18, strike "06-\_\_\_\_," and substitute "06-1151,";

50  
51 line 24, strike "06-\_\_\_\_," and substitute "06-1151,";

52  
53 line 27, strike "06-\_\_\_\_," and substitute "06-1151,".

54  
55 Page 7, line 3, strike "06-\_\_\_\_," and substitute "06-1151,".

56

1 **HB06-1166** be referred favorably to the Committee on Health &  
2 Human Services.  
3

4  
5 **HB06-1169** 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, page 4, line 26, strike "THE COURT PROBATION  
10 DEPARTMENT, ANY" and substitute "ANY".  
11

12 Page 5, after line 20, insert the following:  
13

14 "(i) THE COURT PROBATION DEPARTMENT;"  
15

16 Reletter succeeding paragraphs accordingly.  
17  
18  
19  
20

## 21 **TRANSPORTATION & ENERGY**

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

25 **HB06-1020** be amended as follows, and as so amended, be referred to  
26 the Committee of the Whole with favorable  
27 recommendation:  
28

29 Amend printed bill, page 2, strike lines 2 though 4 and substitute the  
30 following:  
31

32 **"SECTION 2. Legislative declaration.** The Colorado general  
33 assembly hereby determines and declares that it is reasonable and  
34 appropriate to use a horseless carriage license plate on any vehicle that  
35 is at least fifty years old. Therefore, it is not the intent of the general  
36 assembly to make a new class of special license plates, but to broaden the  
37 types of motor vehicles that may use the horseless carriage license plates.  
38

39 **SECTION 3.** 42-3-219 (1) (a), Colorado Revised Statutes, is  
40 amended, and the said 42-3-219 (1) is further amended BY THE  
41 ADDITION OF A NEW PARAGRAPH, to read:  
42

43 **42-3-219. Special registration of collectors' items.** (1) (a) The  
44 department may specially register and issue a ~~special registration plate~~  
45 HORSELESS CARRIAGE SPECIAL LICENSE PLATE for motor vehicles valued  
46 principally because of the vehicles' early date of manufacture, design, or  
47 historical interest or valued as collectors' items.  
48

49 (c) FOR".  
50  
51  
52

53 **HB06-1073** be referred to the Committee of the Whole with favorable  
54 recommendation.  
55  
56

- 1 **HB06-1107** be amended as follows, and as so amended, be referred to  
2 the Committee of the Whole with favorable  
3 recommendation:  
4
- 5 Amend printed bill, page 3, line 6, strike "the applicant," and substitute  
6 "the AN applicant, WHO IS SIXTEEN YEARS OF AGE OR OLDER BUT UNDER  
7 EIGHTEEN YEARS OF AGE,";  
8
- 9 line 11, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
10 PARENT,";  
11
- 12 line 16, after "licensed", insert "COLORADO";  
13
- 14 line 18, after "issuance.", add "THE DEPARTMENT SHALL ISSUE A PERMIT  
15 ENTITLING THE APPLICANT, WHO IS EIGHTEEN YEARS OF AGE OR OLDER,  
16 WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION,  
17 TO DRIVE A MOTOR VEHICLE, MOTORCYCLE, OR MOTOR-DRIVEN CYCLE  
18 UPON THE HIGHWAYS WHEN ACCOMPANIED BY A LICENSED COLORADO  
19 DRIVER, TWENTY-ONE YEARS OF AGE OR OLDER, WHO OCCUPIES THE FRONT  
20 SEAT IN CLOSE PROXIMITY TO THE DRIVER, OR IN THE CASE OF A  
21 MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE IMMEDIATE  
22 PROXIMATE SUPERVISION OF A LICENSED COLORADO DRIVER, TWENTY-ONE  
23 YEARS OF AGE OR OLDER, AUTHORIZED UNDER THIS ARTICLE TO DRIVE A  
24 MOTORCYCLE OR MOTOR-DRIVEN CYCLE. THE PERMIT SHALL EXPIRE  
25 THREE YEARS AFTER ISSUANCE.";  
26
- 27 line 20, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
28 PARENT,";  
29
- 30 line 23, after "GUARDIAN", insert "OR FOSTER PARENT".  
31
- 32 Page 4, line 6, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
33 PARENT,";  
34
- 35 line 14, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
36 PARENT,";  
37
- 38 line 16, after "GUARDIAN", insert "OR FOSTER PARENT";  
39
- 40 line 20, strike "enrolled" and substitute "enrolled, ATTENDING, AND  
41 PARTICIPATING" and, after "course", insert "THAT INCLUDES A MINIMUM  
42 OF SIX HOURS OF DRIVING BEHIND THE WHEEL INSTRUCTION WITH A  
43 CERTIFIED DRIVER EDUCATION INSTRUCTOR AND IS";  
44
- 45 line 23, after "guardian", insert "OR FOSTER PARENT".  
46
- 47 Page 5, line 3, strike "guardian," and substitute "guardian OR FOSTER  
48 PARENT,";  
49
- 50 line 5, after "guardian", insert "OR FOSTER PARENT";  
51
- 52 line 14, after "license", insert "FROM COLORADO";  
53
- 54 line 19, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
55 PARENT,";  
56

- 1 line 22, after "GUARDIAN", insert "OR FOSTER PARENT".  
2  
3 Page 6, line 5, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
4 PARENT,";  
5  
6 line 13, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
7 PARENT,";  
8  
9 line 16, after "GUARDIAN", insert "OR FOSTER PARENT";  
10  
11 line 26, after "licensed", insert "COLORADO".  
12  
13 Page 7, line 8, after "guardian", insert "OR FOSTER PARENT";  
14  
15 line 14, strike "guardian," and substitute "guardian OR FOSTER PARENT,";  
16  
17 line 16, after "guardian", insert "OR FOSTER PARENT";  
18  
19 line 21, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
20 PARENT,";  
21  
22 line 24, after "GUARDIAN", insert "OR FOSTER PARENT".  
23  
24 Page 8, line 7, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
25 PARENT,";  
26  
27 line 15, strike "GUARDIAN," and substitute "GUARDIAN OR FOSTER  
28 PARENT,";  
29  
30 line 18, after "GUARDIAN", insert "OR FOSTER PARENT".  
31  
32  
33  
34 **HB06-1108** be referred to the Committee of the Whole with favorable  
35 recommendation.  
36  
37  
38 **HB06-1116** be postponed indefinitely.  
39  
40  
41 **HB06-1162** be referred to the Committee of the Whole with favorable  
42 recommendation.  
43  
44  
45 **HB06-1185** be amended as follows, and as so amended, be referred to  
46 the Committee on Appropriations with favorable  
47 recommendation:  
48  
49 Amend printed bill, strike everything below the enacting clause and  
50 substitute the following:  
51  
52 **SECTION 1.** 34-60-102 (1), Colorado Revised Statutes, is  
53 amended to read:  
54  
55 **34-60-102. Legislative declaration.** (1) It is declared to be in  
56 the public interest to foster, encourage, and promote the development,



1 production, and utilization of the natural resources of oil and gas in the  
2 state of Colorado in a manner consistent with DUE REGARD FOR THE  
3 INTERESTS OF SURFACE OWNERS AND protection of public health, safety,  
4 and welfare; to protect the public and private interests against the evils of  
5 waste in the production and utilization of oil and gas by prohibiting  
6 waste; to safeguard, protect, and enforce the coequal and correlative  
7 rights of owners and producers in a common source or pool of oil and gas  
8 to the end that each such owner and producer in a common pool or source  
9 of supply of oil and gas may obtain a just and equitable share of  
10 production therefrom. It is not the intent nor the purpose of this article  
11 to require or permit the proration or distribution of the production of oil  
12 and gas among the fields and pools of Colorado on the basis of market  
13 demand. It is the intent and purpose of this article to permit each oil and  
14 gas pool in Colorado to produce up to its maximum efficient rate of  
15 production, subject to the prohibition of waste, and subject further to the  
16 enforcement and protection of the coequal and correlative rights of the  
17 owners and producers of a common source of oil and gas, so that each  
18 common owner and producer may obtain a just and equitable share of  
19 production therefrom.

20

21 **SECTION 2.** 34-60-103, Colorado Revised Statutes, is amended  
22 BY THE ADDITION OF A NEW SUBSECTION to read:

23

24 **34-60-103. Definitions.** As used in this article, unless the context  
25 otherwise requires:

26

27 (5.5) "LEASEHOLDER OF RECORD" MEANS A LESSEE OWNING THE  
28 RIGHT TO MINE CONSTRUCTION MATERIAL, AS THAT TERM IS DEFINED IN  
29 SECTION 34-32.5-103 AND A PERSON WITH RIGHTS UNDER A RECORDED  
30 MEMORANDUM OF LEASE TO MINE CONSTRUCTION MATERIAL WHO HAS  
31 REGISTERED A REQUEST FOR NOTIFICATION WITH A COUNTY CLERK AND  
32 RECORDER PURSUANT TO SECTION 24-65.5-103 (3), C.R.S.

33

34 **SECTION 3.** 34-60-106 (2) (d) and (3.5), the introductory  
35 portion to 34-60-106 (13), and 34-60-106 (13) (a) and (14), Colorado  
36 Revised Statutes, are amended, and the said 34-60-106 is further amended  
37 BY THE ADDITION OF A NEW SUBSECTION, to read:

38

39 **34-60-106. Additional powers of the commission.** (2) The  
40 commission has the authority to regulate:

41

42 (d) Oil and gas operations so as to PROVIDE DUE REGARD FOR THE  
43 INTERESTS OF SURFACE OWNERS AND prevent and mitigate significant  
44 adverse environmental impacts on any air, water, soil, or biological  
45 resource resulting from oil and gas operations to the extent necessary to  
46 protect public health, safety, and welfare, taking into consideration  
47 cost-effectiveness and technical feasibility.

48

49 ~~(3.5) (a) The commission shall require the furnishing of~~  
50 ~~reasonable security with the commission by lessees of land for the~~  
51 ~~drilling of oil and gas wells, in instances in which the owner of the~~  
52 ~~surface of lands so leased was not a party to such lease, to protect such~~  
53 ~~owner from unreasonable crop losses or land damage from the use of the~~  
54 ~~premises by said lessee.~~ AFTER THE OPERATOR PROVIDES NOTICE OF  
55 PROPOSED OIL AND GAS OPERATIONS TO THE SURFACE OWNER PURSUANT  
56 TO SUBSECTION (14) OF THIS SECTION, THE OPERATOR AND SURFACE

1 OWNER SHALL ATTEMPT GOOD FAITH NEGOTIATIONS TO REACH A SURFACE  
2 USE AGREEMENT THAT PROVIDES DUE REGARD FOR THE INTERESTS OF THE  
3 SURFACE OWNER CONSISTENT WITH THE OPERATOR'S RIGHT TO  
4 REASONABLY USE THE SURFACE FOR DEVELOPMENT OF THE MINERAL  
5 ESTATE, INCLUDING RECLAMATION ACTIVITIES, TIMELY COMPLETION OF  
6 RECLAMATION OF DISTURBED AREAS, AND PAYMENT FOR DAMAGE CAUSED  
7 BY THE OIL AND GAS OPERATIONS THAT MEETS THE COMPENSATION  
8 REQUIREMENTS OF THIS SECTION. AT ANY TIME DURING THE  
9 NEGOTIATIONS, THE PARTIES MAY EMPLOY DISPUTE RESOLUTION  
10 PROCESSES, INCLUDING MEDIATION OR ARBITRATION.

11

12 (b) AS A CONDITION OF THE FINAL PERMIT TO DRILL, THE  
13 COMMISSION SHALL REQUIRE:

14

15 (I) A SIGNED SURFACE USE AGREEMENT;

16

17 (II) A WRITTEN WAIVER SIGNED BY THE SURFACE OWNER; OR

18

19 (III) (A) FINANCIAL ASSURANCE AS SPECIFIED IN PARAGRAPH (b)  
20 OF SUBSECTION (3.7) OF THIS SECTION AND AN AFFIDAVIT CERTIFYING  
21 THAT THE OPERATOR HAS SUBMITTED AN OFFER OF SETTLEMENT SIGNED BY  
22 THE OPERATOR THAT PROVIDES COMPENSATION TO THE SURFACE OWNER  
23 FOR DAMAGES DIRECTLY CAUSED BY AND REASONABLY EXPECTED TO  
24 RESULT FROM THE DISTURBANCE OF THE SURFACE FOR THE CONDUCT OF  
25 OIL AND GAS OPERATIONS.

26

27 (B) DAMAGES DIRECTLY CAUSED BY THE DISTURBANCE OF THE  
28 SURFACE FOR THE CONDUCT OF OIL AND GAS OPERATIONS SHALL INCLUDE  
29 BUT NOT BE LIMITED TO: VALUE OF LOST AGRICULTURAL PRODUCTION AND  
30 INCOME; INTERFERENCE WITH AGRICULTURAL OPERATIONS; LOST LAND  
31 VALUE; LOST USE OF AND ACCESS TO THE SURFACE OWNER'S LAND; AND  
32 DAMAGE TO PERSONAL PROPERTY AND IMPROVEMENTS. ALL ELEMENTS  
33 LISTED IN THIS SUB-SUBPARAGRAPH (B) SHALL BE CALCULATED BASED ON  
34 CURRENT FAIR MARKET VALUE, AND SUBJECT TO THE OPERATOR'S RIGHT  
35 OF REASONABLE USE. LOSS OF LAND VALUE AND ANY VALUE ASSOCIATED  
36 WITH LOST USE OF AND ACCESS TO THE SURFACE SHALL BE DETERMINED  
37 WITH RESPECT TO THAT PORTION OF THE SURFACE DISTURBED FOR THE  
38 CONDUCT OF OIL AND GAS OPERATIONS.

39

40 (c) THE ADMINISTRATIVE REMEDIES PROVIDED TO THE PARTIES IN  
41 THIS SECTION SHALL BE EXHAUSTED, AND THEREAFTER ARE CUMULATIVE  
42 TO REMEDIES AVAILABLE PURSUANT TO OTHER LAW. NOTHING IN THIS  
43 SECTION SHALL PRECLUDE EITHER PARTY FROM PURSUING REMEDIES THAT  
44 ARE AVAILABLE UNDER APPLICABLE LAW, NOR DOES THIS SECTION  
45 DIMINISH RIGHTS PREVIOUSLY GRANTED BY LAW OR CONTRACT.

46

47 (d) The commission shall require the furnishing of reasonable  
48 security with the commission, to restore the condition of the land as  
49 nearly as is possible to its condition at the beginning of the lease and in  
50 accordance with the owner of the surface of lands so leased.

51

52 (e) FOR PURPOSES OF THIS SUBSECTION (3.5) AND SUBSECTION  
53 (3.7) OF THIS SECTION, "OPERATOR" AND "SURFACE OWNER" SHALL NOT  
54 INCLUDE THE STATE, THE STATE BOARD OF LAND COMMISSIONERS, ANY  
55 STATE AGENCY, OR ANY ENTITY ACTING ON BEHALF OF OR PURSUANT TO  
56 A CONTRACT WITH ANY OF SUCH ENTITIES.

1 (3.7) (a) IF THE SURFACE OWNER AND OPERATOR FAIL TO AGREE  
2 UPON COMPENSATION AS PROVIDED IN SUBSECTION (3.5) OF THIS SECTION,  
3 THEN THE OPERATOR SHALL MAKE A WRITTEN OFFER OF SETTLEMENT TO  
4 THE SURFACE OWNER REGARDING ANY DAMAGES DIRECTLY CAUSED BY  
5 AND REASONABLY EXPECTED TO RESULT FROM OIL AND GAS OPERATIONS  
6 AS SPECIFIED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF  
7 PARAGRAPH (b) OF SUBSECTION (3.5) OF THIS SECTION. THE OPERATOR  
8 MAY MAKE THE OFFER CONCURRENTLY WITH THE NOTICE REQUIRED  
9 PURSUANT TO SUBSECTION (14) OF THIS SECTION.

10

11 (b) (I) IF THE SURFACE OWNER EITHER REJECTS THE OFFER MADE  
12 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3.7) OR FAILS TO  
13 RESPOND IN WRITING TO THE OPERATOR WITHIN THIRTY CALENDAR DAYS  
14 AFTER THE OFFER BY THE OPERATOR, THE OPERATOR MAY POST WITH THE  
15 COMMISSION FINANCIAL ASSURANCE FOR THE BENEFIT OF THE SURFACE  
16 OWNER, IN THE AMOUNT OF AT LEAST FIFTEEN THOUSAND DOLLARS FOR  
17 EACH PROPOSED NEW WELL FOR WHICH AN APPLICATION TO DRILL ON THE  
18 SURFACE OWNER'S PROPERTY HAS BEEN FILED AND FOR WHICH A SURFACE  
19 USE AGREEMENT HAS NOT BEEN REACHED. THE FINANCIAL ASSURANCE  
20 SHALL BE EXECUTED BY THE OPERATOR OR A BONDING COMPANY  
21 ACCEPTABLE TO THE COMMISSION.

22

23 (II) AT THE REQUEST OF THE OPERATOR AND AFTER ATTEMPTED  
24 CONSULTATION WITH THE SURFACE OWNER, THE COMMISSION MAY  
25 ESTABLISH A BLANKET BOND OR OTHER FINANCIAL ASSURANCE IN AN  
26 AMOUNT COVERING OIL AND GAS OPERATIONS ON THE SURFACE OWNER'S  
27 LAND. NEITHER THE AMOUNT OF THE FINANCIAL ASSURANCE OR OTHER  
28 GUARANTY SPECIFIED IN THIS SUBSECTION (3.7) NOR A BLANKET BOND IS  
29 INTENDED TO ESTABLISH ANY AMOUNT FOR DAMAGES.

30

31 (III) (A) WITHIN SEVEN DAYS AFTER RECEIPT OF THE FINANCIAL  
32 ASSURANCE OR THE ESTABLISHMENT OF A BLANKET BOND, THE  
33 COMMISSION SHALL NOTIFY THE SURFACE OWNER OF THE RECEIPT OF THE  
34 FINANCIAL ASSURANCE, INCLUDING A DESCRIPTION OF THE AMOUNT AND  
35 TYPE OF THE FINANCIAL ASSURANCE.

36

37 (B) IF THE SURFACE OWNER DOES NOT OBJECT TO THE AMOUNT OR  
38 TYPE OF THE FINANCIAL ASSURANCE WITHIN THIRTY DAYS AFTER THE  
39 SURFACE OWNER'S RECEIPT OF THE COMMISSION'S NOTICE, THE  
40 COMMISSION SHALL APPROVE THE FINANCIAL ASSURANCE. IF THE SURFACE  
41 OWNER OBJECTS IN WRITING TO THE AMOUNT OR THE TYPE OF THE  
42 FINANCIAL ASSURANCE, THE COMMISSION SHALL GIVE IMMEDIATE  
43 CONSIDERATION TO THE FINANCIAL ASSURANCE OBJECTED TO, ANY  
44 INFORMATION FILED BY THE OPERATOR IN SUPPORT OF THE AMOUNT AND  
45 TYPE OF THE FINANCIAL ASSURANCE, AND THE SURFACE OWNER'S  
46 OBJECTIONS.

47

48 (C) THE COMMISSION SHALL RENDER A FINAL DECISION AS TO THE  
49 ACCEPTABILITY OF THE AMOUNT AND TYPE OF THE FINANCIAL ASSURANCE  
50 AND SHALL NOTIFY THE PARTIES OF THE DECISION. PROOF OF THE  
51 COMMISSION'S DECISION, INCLUDING ANY ADDITIONAL FINANCIAL  
52 ASSURANCE REQUIRED, SHALL BE FILED WITH THE COMMISSION WITHIN  
53 THIRTY CALENDAR DAYS AFTER THE COMMISSION'S FINAL DECISION. ANY  
54 AGGRIEVED PARTY MAY APPEAL THE FINAL DECISION OF THE COMMISSION  
55 TO THE DISTRICT COURT IN ACCORDANCE WITH THE "STATE  
56 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

1 (IV) UPON RECEIPT OF FINANCIAL ASSURANCE BY THE COMMISSION  
2 AND RECEIPT OF ALL OTHER REQUIRED REGULATORY APPROVALS TO  
3 SECURE A DRILLING PERMIT, THE OPERATOR SHALL BE PERMITTED ENTRY  
4 UPON THE LAND TO CONDUCT OIL AND GAS OPERATIONS IN ACCORDANCE  
5 WITH TERMS OF APPLICABLE LAW AND RULES AND ANY EXISTING  
6 CONTRACTUAL OR LEGAL RIGHT.

7  
8 (V) UNLESS THE OPERATOR AND SURFACE OWNER FILE A JOINT  
9 REQUEST TO RELEASE FINANCIAL ASSURANCE UPON REACHING AN  
10 AGREEMENT FOR COMPENSATION FOR SURFACE DAMAGES, THE  
11 COMMISSION SHALL RELEASE THE FINANCIAL ASSURANCE ON DEPOSIT WITH  
12 THE COMMISSION FOR SURFACE DAMAGES ON A PARCEL OF LAND ONLY  
13 AFTER FINAL RECLAMATION OF THE SURFACE HAS BEEN COMPLETED  
14 PURSUANT TO THE COMMISSION'S RULES, ANY VALUATION DETERMINATION,  
15 INCLUDING ANY CIVIL ACTION, HAS BEEN CONCLUDED, AND THE DAMAGES  
16 AWARDED, IF ANY, HAVE BEEN PAID.

17  
18 (VI) THE COMMISSION MAY, IN ITS SOLE DISCRETION, RELEASE ANY  
19 FINANCIAL ASSURANCE RELATED TO THE PARTICULAR LANDS IF THE  
20 OPERATOR SHOWS JUST CAUSE FOR THE RELEASE. PRIOR TO THE RELEASE  
21 OF FINANCIAL ASSURANCE, THE COMMISSION SHALL MAKE A REASONABLE  
22 EFFORT TO CONTACT THE SURFACE OWNER AND CONFIRM THAT  
23 COMPENSATION HAS BEEN RECEIVED FOR PAYMENT OF DAMAGES, A  
24 SURFACE USE AGREEMENT HAS BEEN ENTERED INTO, OR THAT THE SURFACE  
25 OWNER HAS FAILED TO BRING AN ACTION FOR DAMAGES PURSUANT TO  
26 SUBPARAGRAPH (VIII) OF THIS PARAGRAPH (b).

27  
28 (VII) (A) NO LATER THAN ONE YEAR AFTER COMPLETION OF A  
29 WELL, THE SURFACE OWNER OR OPERATOR MAY APPOINT AN APPRAISER TO  
30 DETERMINE THE DAMAGES AS SPECIFIED IN SUB-SUBPARAGRAPH (B) OF  
31 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (3.5) OF THIS  
32 SECTION. THE SURFACE OWNER OR OPERATOR SHALL PROVIDE TO THE  
33 OTHER PARTY WRITTEN NOTICE OF SUCH APPOINTMENT AND THE IDENTITY  
34 OF THE APPRAISER.

35  
36 (B) WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE FIRST  
37 APPRAISER'S APPOINTMENT, THE OPERATOR OR SURFACE OWNER, AS  
38 APPLICABLE, MAY APPOINT A SECOND APPRAISER TO DETERMINE THE  
39 DAMAGES AND SHALL GIVE WRITTEN NOTICE OF SUCH APPOINTMENT AND  
40 THE SECOND APPRAISER'S IDENTITY TO THE FIRST PARTY.

41  
42 (C) IF THE TWO APPRAISERS' DETERMINATIONS OF DAMAGES ARE  
43 WITHIN FIVE PERCENT OF EACH OTHER, THE HIGHER OF THE TWO AMOUNTS  
44 SHALL BE AWARDED AND SHALL BE DEEMED A FINAL DETERMINATION AND  
45 SATISFACTION OF THE SURFACE OWNER'S DAMAGE CLAIM. IF, WITHIN  
46 SIXTY DAYS AFTER THE APPOINTMENT OF THE SECOND APPRAISER, THE  
47 TWO APPRAISERS ARE UNABLE TO AGREE ON DAMAGES WITHIN FIVE  
48 PERCENT OF EACH OTHER, THEY MAY BY MUTUAL AGREEMENT APPOINT A  
49 THIRD APPRAISER. THE APPRAISERS SHALL PROVIDE NOTICE TO THE  
50 SURFACE OWNER AND OPERATOR OF THE APPOINTMENT OF THE THIRD  
51 APPRAISER AND THE THIRD APPRAISER'S IDENTITY. THE FEES AND  
52 EXPENSES OF THE THIRD APPRAISER SHALL BE BORNE EQUALLY, ONE-HALF  
53 BY THE SURFACE OWNER AND ONE-HALF BY THE OPERATOR.

54  
55 (D) ALL OF THE APPRAISERS APPOINTED PURSUANT TO THIS  
56 SUBPARAGRAPH (VII) SHALL BE CERTIFIED GENERAL APPRAISERS LICENSED

1 AND IN GOOD STANDING WITH THE COLORADO BOARD OF REAL ESTATE  
2 APPRAISERS WHO ARE EXPERIENCED IN APPRAISING LAND IN THE COUNTY  
3 WHERE THE SURFACE ESTATE IS LOCATED.

4  
5 (VIII) WITHIN FIFTEEN DAYS FOLLOWING APPOINTMENT, THE  
6 THIRD APPRAISER SHALL MAKE A DETERMINATION OF DAMAGES BASED  
7 UPON A REVIEW OF THE DETERMINATIONS OF THE FIRST TWO APPRAISERS  
8 AND AS SPECIFIED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF  
9 PARAGRAPH (b) OF SUBSECTION (3.5) OF THIS SECTION. THE DAMAGES  
10 DETERMINED BY THE THIRD APPRAISER SHALL BE AWARDED AND SHALL BE  
11 DEEMED A FINAL DETERMINATION AND SATISFACTION OF THE SURFACE  
12 OWNER'S DAMAGE CLAIM UNLESS EITHER PARTY INITIATES A CIVIL ACTION  
13 TO CONTEST THE AWARD WITHIN THIRTY DAYS. THE PARTIES MAY  
14 CONTRACTUALLY AGREE TO ANOTHER ALTERNATIVE DISPUTE RESOLUTION  
15 PROCESS, IN WHICH CASE THAT PROCESS SHALL BE SATISFIED PRIOR TO  
16 BRINGING A CIVIL ACTION.

17  
18 (c) IF A SURFACE OWNER AND OPERATOR HAVE NOT EXECUTED A  
19 SURFACE USE AGREEMENT, THE COMMISSION MAY ATTACH CONDITIONS OF  
20 APPROVAL TO A PERMIT TO DRILL TO ADDRESS CONCERNS RAISED BY A  
21 SURFACE OWNER TO THE EXTENT THAT SUCH CONDITIONS ARE CONSISTENT  
22 WITH THIS ARTICLE AND THE COMMISSION'S RULES, AND GIVE DUE REGARD  
23 TO THE OPERATOR'S REASONABLE GEOLOGIC, ENGINEERING, SAFETY, AND  
24 BUSINESS CONSIDERATIONS. IF A SURFACE OWNER AND OPERATOR HAVE  
25 EXECUTED A SURFACE USE AGREEMENT, THE COMMISSION SHALL EXPEDITE  
26 THE REVIEW AND APPROVAL OF AN APPLICATION FOR PERMIT TO DRILL.

27  
28 (d) NO PERSON SHALL SEVER FROM THE SURFACE ESTATE THE  
29 RIGHT TO RECEIVE SURFACE DAMAGE PAYMENTS.

30  
31 (e) A SURFACE OWNER MAY WAIVE ANY RIGHTS AFFORDED UNDER  
32 SUBSECTION (3.5) OR (3.7) OF THIS SECTION BY PROVIDING A WRITTEN  
33 WAIVER OF RIGHTS TO THE OPERATOR, IDENTIFYING WHICH RIGHTS HAVE  
34 BEEN WAIVED.

35  
36 (f) ANY WRITTEN SURFACE USE AGREEMENT, CONTRACT, CONSENT,  
37 PRIOR REGULATORY APPROVAL, OR JUDICIAL ORDER OR DECREE IN EFFECT  
38 PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (f) SHALL NOT BE  
39 SUBJECT TO THE PROVISIONS OF SUBSECTIONS (3.5) OR (3.7) OF THIS  
40 SECTION UNLESS THE PARTIES HAVE MUTUALLY AGREED.

41  
42 (g) THE REMEDIES PROVIDED UNDER SUBSECTIONS (3.5) AND (3.7)  
43 OF THIS SECTION DO NOT PRECLUDE ANY PERSON FROM SEEKING OTHER  
44 REMEDIES ALLOWED BY LAW OR DIMINISH RIGHTS PREVIOUSLY GRANTED  
45 BY LAW OR CONTRACT.

46  
47 (13) The commission shall require every operator to provide  
48 assurance that it is financially capable of fulfilling any obligation  
49 imposed under ~~subsections (11)~~ SUBSECTIONS (3.5), (3.7), (11), (12), and  
50 (17) of this section. For purposes of this subsection (13), references to  
51 "operator" shall include an operator of an underground natural gas storage  
52 cavern and an applicant for a certificate of closure under subsection (17)  
53 of this section. In complying with this requirement, an operator may  
54 submit for commission approval, without limitation, one or more of the  
55 following:

56



1 (a) A guarantee of performance where the operator can  
2 demonstrate to the commission's satisfaction that it has sufficient net  
3 worth to guarantee performance of any obligation imposed by rule under  
4 ~~subsections (H)~~ SUBSECTIONS (3.5), (3.7), (11), (12), and (17) of this  
5 section. Such guarantee and demonstration of net worth shall be annually  
6 reviewed by the commission.

7  
8 ~~(14) (a) Before an operator commences operations for the drilling~~  
9 ~~of any oil or gas well, such operator shall evidence its intention to~~  
10 ~~conduct such operations by giving the surface owner written notice~~  
11 ~~describing the expected date of commencement, the location of the well,~~  
12 ~~and any associated roads and production facilities. Unless excepted by~~  
13 ~~the commission due to exigent circumstances or waived by the surface~~  
14 ~~owner, such notice of drilling shall be mailed or delivered to the surface~~  
15 ~~owner not less than thirty days prior to the date of estimated~~  
16 ~~commencement of operations with heavy equipment. The notice of~~  
17 ~~drilling shall also be provided to the local government in whose~~  
18 ~~jurisdiction the well is located if such local government has registered~~  
19 ~~with the commission for receipt thereof~~ NOT MORE THAN THREE HUNDRED  
20 SIXTY-FIVE DAYS OR LESS THAN THIRTY DAYS PRIOR TO FILING AN  
21 APPLICATION FOR PERMIT TO DRILL, THE OPERATOR SHALL PROVIDE A  
22 WRITTEN NOTICE TO THE SURFACE OWNER. THE NOTICE SHALL INCLUDE,  
23 BUT IS NOT LIMITED TO:

24  
25 (I) THE PROPOSED DATES ON WHICH PLANNED OIL AND GAS  
26 OPERATIONS SHALL COMMENCE AND A GENERAL DESCRIPTION, TO THE  
27 EXTENT SUCH INFORMATION HAS BEEN DEVELOPED BY THE OPERATOR, OF  
28 THE PROPOSED FACILITY LOCATIONS AND ACCESS ROUTES RELATED TO THE  
29 PROPOSED OIL AND GAS OPERATIONS, INCLUDING LOCATIONS OF POINTS OF  
30 ENTRY, ROADS, WELLS, WELL PADS, SEISMIC LOCATIONS, PITS,  
31 RESERVOIRS, POWER LINES, PIPELINES, COMPRESSOR PADS, TANK  
32 BATTERIES, AND OTHER FACILITIES, AS WELL AS A PLAN TO CONTROL  
33 ACCESS, NOISE, WEEDS, DUST AND LITTER;

34  
35 (II) THE NAME, ADDRESS, TELEPHONE NUMBER, AND, IF  
36 AVAILABLE, FACSIMILE NUMBER AND ELECTRONIC MAIL ADDRESS OF THE  
37 OPERATOR AND THE OPERATOR'S DESIGNEE, IF ANY.

38  
39 (b) CONCURRENT NOTICE SHALL ALSO BE PROVIDED TO THE LOCAL  
40 GOVERNMENT IN WHOSE JURISDICTION THE WELL IS LOCATED IF SUCH  
41 LOCAL GOVERNMENT HAS REGISTERED WITH THE COMMISSION FOR RECEIPT  
42 OF SUCH NOTICE.

43  
44 (c) UPON FILING THE APPLICATION, THE OPERATOR SHALL CERTIFY  
45 THAT THE NOTICES REQUIRED IN THIS SUBSECTION (14) HAVE BEEN  
46 PROVIDED AND SHALL INDICATE WHETHER A SURFACE USE AGREEMENT  
47 HAS BEEN REACHED.

48  
49 (d) THE COMMISSION SHALL ADOPT AND ENFORCE A POLICY TO  
50 FACILITATE ONSITE INSPECTIONS ON LANDS WHERE A SURFACE OWNER IS  
51 NOT PARTY TO A SURFACE USE AGREEMENT. IF A SURFACE USE AGREEMENT  
52 HAS NOT BEEN REACHED, THE SURFACE OWNER MAY REQUEST AND THE  
53 COMMISSION SHALL GRANT AN ONSITE INSPECTION ACCORDING TO THE  
54 COMMISSION'S ONSITE INSPECTION POLICY. THE COMMISSION SHALL  
55 INVITE THE LOCAL GOVERNMENT DESIGNEE TO THE ONSITE INSPECTION.

56 (e) THE OPERATOR SHALL NOT ENGAGE IN WORK, LOCATION OF

1 FACILITIES AND ACCESS ROUTES, OR OIL AND GAS OPERATIONS  
2 SUBSTANTIALLY AND MATERIALLY DIFFERENT FROM THOSE DISCLOSED TO  
3 THE SURFACE OWNER IN ACCORDANCE WITH THIS SUBSECTION (14),  
4 WITHOUT FIRST PROVIDING ADDITIONAL WRITTEN NOTICE DISCLOSING  
5 PROPOSED CHANGES AND OFFERING TO SCHEDULE A MEETING TO REVIEW  
6 SUCH CHANGES.

7  
8 (f) THE OPERATOR SHALL PROVIDE A COPY OF THE NOTICE  
9 REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (14) TO ANY  
10 LEASEHOLDER OF RECORD OF THE TRACT. THE SURFACE OWNER MAY  
11 DESIGNATE THE LEASEHOLDER OF RECORD AS ITS AGENT FOR NEGOTIATION  
12 OF A SURFACE USE AGREEMENT.

13  
14 **SECTION 4.** 24-65.5-102 (1) and (2) (a), Colorado Revised  
15 Statutes, are amended, and the said 24-65.5-102 is further amended BY  
16 THE ADDITION OF A NEW SUBSECTION, to read:

17  
18 **24-65.5-102. Definitions - legislative declaration.** As used in  
19 this article, unless the context otherwise requires:

20  
21 (1) "Applicant" means a person who submits an application for  
22 development to a local government, INCLUDING A LEASEHOLDER OF  
23 RECORD.

24  
25 (2) (a) "Application for development" means an application for a  
26 preliminary or final plat for a subdivision, a planned unit development,  
27 or any other similar land use designation that is used by a local  
28 government. "Application for development" includes applications for  
29 general development plans and special use permits where such  
30 applications are in anticipation of new surface development, INCLUDING  
31 THE EXTRACTION OF CONSTRUCTION MATERIAL, AS THAT TERM IS DEFINED  
32 IN SECTION 34-32.5-103, C.R.S., but does not include building permit  
33 applications, applications for a change of use for an existing structure,  
34 applications for boundary adjustments, applications for platting of an  
35 additional single lot, applications for lot site plans, or applications with  
36 respect to electric lines, natural gas pipelines, steam pipelines, chilled and  
37 other water pipelines, or appurtenances to said lines or pipelines.

38  
39 (2.5) "LEASEHOLDER OF RECORD" MEANS A LESSEE OWNING THE  
40 RIGHT TO MINE CONSTRUCTION MATERIAL, AS THAT TERM IS DEFINED IN  
41 SECTION 34-32.5-103, C.R.S., AND A PERSON WITH RIGHTS UNDER A  
42 RECORDED MEMORANDUM OF LEASE TO MINE CONSTRUCTION MATERIAL.

43  
44 **SECTION 5.** 24-65.5-103 (1) (a), (2) (a), and (3), Colorado  
45 Revised Statutes, are amended to read:

46  
47 **24-65.5-103. Notice requirements.** (1) Not less than thirty days  
48 before the date scheduled for the initial public hearing by a local  
49 government on an application for development, the applicant shall send  
50 notice, by first class mail, to:

51  
52 (a) ~~The~~ A mineral estate owner OR LEASEHOLDER OF RECORD WHO  
53 EITHER IS IDENTIFIED AS A MINERAL ESTATE OWNER IN THE COUNTY TAX  
54 ASSESSOR'S RECORDS, SEARCHABLE BY PARCEL NUMBER AND BY SECTION,  
55 TOWNSHIP, AND RANGE NUMBERS OR OTHER LEGALLY SUFFICIENT LEGAL  
56 DESCRIPTION, OR HAS FILED IN THE OFFICE OF THE COUNTY CLERK AND



1 RECORDER OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED A  
 2 REQUEST FOR NOTIFICATION IN THE FORM SPECIFIED IN SUBSECTION (3) OF  
 3 THIS SECTION. Such notice shall contain the time and place of the initial  
 4 public hearing, the nature of the hearing, the location of the property that  
 5 is the subject of the hearing, and the name of the applicant.  
 6

7 (2) (a) The applicant shall identify the mineral estate owner  
 8 OWNERS ENTITLED TO NOTICE PURSUANT TO THIS SECTION by examining  
 9 the records in the ~~office~~ OFFICES of the county TAX ASSESSOR AND clerk  
 10 and recorder of the county in which the real property is located,  
 11 INCLUDING THE APPROPRIATE REQUEST FOR NOTIFICATION PURSUANT TO  
 12 SUBSECTION (3) OF THIS SECTION. Notice shall be sent to the last-known  
 13 address of record of the mineral estate owner. ~~if the records in the office~~  
 14 ~~of the county clerk and recorder establish:~~  
 15

16 ~~(I) The identity and address of record of the owner of the mineral~~  
 17 ~~estate; or~~  
 18

19 ~~(II) That an applicable request for notification form pursuant to~~  
 20 ~~subsection (3) of this section is of record; or~~  
 21

22 ~~(III) That the mineral estate owner has recorded an instrument~~  
 23 ~~satisfying any applicable dormant mineral interest act.~~  
 24

25 (3) A mineral estate owner WHO REQUESTS OR DESIRES TO OBTAIN  
 26 NOTICE UNDER THIS ARTICLE or THE mineral estate owner's agent may file  
 27 in the office of the county clerk and recorder of the county in which the  
 28 real property is located a request for notification form that identifies the  
 29 mineral estate owner's mineral estate and the corresponding surface estate  
 30 by parcel number and by section, township, and range numbers OR OTHER  
 31 LEGALLY SUFFICIENT LEGAL DESCRIPTION. The clerk and recorder shall  
 32 file request for notification forms in the real estate records for the county  
 33 and shall also keep an index of request for notification forms BY SECTION,  
 34 TOWNSHIP, AND RANGE NUMBERS OR BY SUBDIVISION LOTS AND BLOCKS.  
 35 A LEASEHOLDER OF RECORD MAY ALSO REGISTER A REQUEST FOR  
 36 NOTIFICATION UNDER SECTION 34-60-106 (14) (c), C.R.S., IN SUCH INDEX  
 37 BY SUPPLYING EQUIVALENT IDENTIFYING INFORMATION.  
 38

39 **SECTION 6.** The introductory portion to 24-65.5-104 (2),  
 40 Colorado Revised Statutes, is amended to read:  
 41

42 **24-65.5-104. Enforcement.** (2) If no mineral estate owner or  
 43 agent has filed a request for notification form pursuant to section  
 44 24-65.5-103 (3), in determining those mineral estate owners entitled to  
 45 notice pursuant to section 24-65.5-103 or 31-23-215, C.R.S., any surface  
 46 owner required to provide such notice shall be entitled to rely on THE  
 47 RECORDS OF THE ASSESSOR OF THE COUNTY IN WHICH THE REAL PROPERTY  
 48 IS LOCATED OR a listing of such parties prepared by an attorney licensed  
 49 to practice law in the state of Colorado, a title insurance company  
 50 licensed to do business in the state of Colorado, a certified professional  
 51 landman certified by the American association of professional landmen,  
 52 or a title insurance agent licensed in such capacity by the state of  
 53 Colorado. The provisions of any law to the contrary notwithstanding, if  
 54 a surface owner provides the required notice in a timely manner to a party  
 55 WHO IS IDENTIFIED AS THE MINERAL ESTATE OWNER IN THE TAX RECORDS  
 56 OF THE COUNTY ASSESSOR, WHO IS named in such listing, or whose

1 identity is disclosed in a request filed pursuant to section 24-65.5-103 (3)  
 2 at the address of such party as that address appears in THE ASSESSOR'S  
 3 RECORDS OR such listing, such party shall be deemed to have  
 4 constructively received the required notice, and the surface owner shall  
 5 be deemed to have otherwise complied with the notice requirements of  
 6 sections 24-65.5-103 and 31-23-215, C.R.S. In such event, the surface  
 7 owner shall not have any liability to any mineral estate owner or other  
 8 party deemed to have constructively received such notice for any legal or  
 9 equitable remedy or relief arising from, in connection with, or otherwise  
 10 relating to, the application for development, any development activities  
 11 commenced on the surface of the real property, any inability or  
 12 impediment or other hindrance to drilling operations or other  
 13 development of the mineral estate or any portion thereof, or any actual  
 14 failure to receive any notice required by section 24-65.5-103 or  
 15 31-23-215, C.R.S., unless:

16  
 17 **SECTION 7. Effective date - applicability.** This act shall take  
 18 effect July 1, 2006, and shall apply to applications for a permit to drill or  
 19 for development occurring on or after said date.  
 20

21 **SECTION 8. Safety clause.** The general assembly hereby finds,  
 22 determines, and declares that this act is necessary for the immediate  
 23 preservation of the public peace, health, and safety."  
 24  
 25

---

## 26 PRINTING REPORT

27  
 28  
 29  
 30 The Chief Clerk reports the following bill has been correctly printed:  
 31 **HB06-1324.**  
 32

---

## 33 INTRODUCTION OF BILLS

### 34 First Reading

35  
 36  
 37  
 38  
 39 The following bills were read by title and referred to the committee  
 40 indicated:  
 41

42 **HB06-1325** by Representative(s) McFadyen--Concerning electric  
 43 transmission for the state of Colorado, and, in connection  
 44 therewith, creating an interim task force to study  
 45 Colorado's need to ensure a reliable electricity  
 46 infrastructure.

47 Committee on Transportation & Energy  
 48

49 **HB06-1326** by Representative(s) Crane, Riesberg, Liston, Coleman,  
 50 Schultheis, Marshall, Butcher, Todd, Balmer, Benefield,  
 51 Berens, Borodkin, Boyd, Cadman, Carroll T., Clapp,  
 52 Cloer, Curry, Decker, Frangas, Gardner, Green, Hall,  
 53 Harvey, Hefley, Hodge, Hoppe, Jahn, Kerr, King,  
 54 Knoedler, Larson, Lindstrom, Lundberg, Massey, May M.,  
 55 McCluskey, McFadyen, McGihon, McKinley, Merrifield,  
 56 Paccione, Penry, Rose, Soper, Stafford, Stengel, Sullivan,

1 Vigil, Welker, White, Witwer; also Senator(s) Grossman,  
2 Spence, Brophy, Hanna, Kester, May R., Shaffer, Taylor--  
3 Concerning identity theft.  
4 Committee on Judiciary

5

6

7

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**LAY OVER OF CALENDAR ITEMS**

8

9 On motion of Representative Garcia, the following items on the Calendar  
10 were laid over until February 13, retaining place on Calendar:

11

12 Consideration of Resolution--**SJR06-002**.

13 Consideration of Senate Amendments--**HB06-1012**.

14

15

16

17 On motion of Representative Garcia, the House adjourned until  
18 10:00 a.m., February 13, 2006.

19

20

21

22

Approved:  
ANDREW ROMANOFF,  
Speaker

23

24

25

Attest:  
MARILYN EDDINS,  
Chief Clerk