

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

Twenty-eighth Legislative Day

Tuesday, February 7, 2006

1 Prayer by Dr. C. Gene Selander, Crossroads, Broomfield.  
2  
3 The Speaker called the House to order at 9:00 a.m.  
4  
5 Pledge of Allegiance led by Aidan Cox, Morey Middle School, Denver.  
6  
7 The roll was called with the following result:  
8  
9 Present--62.  
10 Excused--Representative Clapp--1.  
11 Absent--Representatives Coleman, Schultheis--2.  
12 Present after roll call--Representatives Clapp, Coleman,  
13 Schultheis.

14  
15 The Speaker declared a quorum present.  
16  
17

18 On motion of Representative Berens, the reading of the journal of  
19 February 6, 2006, was declared dispensed with and approved as corrected  
20 by the Chief Clerk.  
21  
22

**THIRD READING OF BILLS--FINAL PASSAGE**

23  
24  
25  
26 The following bills were considered on Third Reading. The titles were  
27 publicly read. Reading of the bill at length was dispensed with by  
28 unanimous consent.

29  
30 **HB06-1137** by Representative(s) Judd; also Senator(s) Shaffer--  
31 Concerning amendments to the Colorado probate code.

32  
33 The question being "Shall the bill pass?".  
34 A roll call vote was taken. As shown by the following recorded vote, a  
35 majority of those elected to the House voted in the affirmative and the bill  
36 was declared **passed**.

37  
38

YES	52	NO	13	EXCUSED	00	ABSENT	00
Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
Berens	Y	Gallegos	Y	Liston	N	Riesberg	Y
Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
Boyd	Y	Gardner	Y	Madden	Y	Schultheis	N

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43

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

13 Co-sponsors added: Representatives Buescher, and Cerbo.

14  
 15 **HB06-1042** by Representative(s) Kerr; also Senator(s) Jones--  
 16 Concerning the repeal of certain provisions of the "Bank  
 17 Electronic Funds Act".

18  
 19 The question being "Shall the bill pass?".  
 20 A roll call vote was taken. As shown by the following recorded vote, a  
 21 majority of those elected to the House voted in the affirmative and the bill  
 22 was declared **passed**.

23	YES	62	NO	03	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	N	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	N	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	N	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

41 Co-sponsors added: Representatives Berens, McGihon, and Welker.

42  
 43 **HB06-1048** by Representative(s) Vigil, Coleman, Schultheis, White;  
 44 also Senator(s) Takis, Hanna, Taylor--Concerning the  
 45 discipline of persons engaged in an occupation regulated  
 46 by the division of registrations in the department of  
 47 regulatory agencies.

48  
 49 The question being "Shall the bill pass?".  
 50 A roll call vote was taken. As shown by the following recorded vote, a  
 51 majority of those elected to the House voted in the affirmative and the bill  
 52 was declared **passed**.

53	YES	63	NO	02	EXCUSED	00	ABSENT	00
54	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
55	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
56	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y

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

15 Co-sponsors added: Representatives Berens, Madden, and Penry.

16  
17 **HB06-1106** by Representative(s) Paccione; also Senator Kester--  
18 Concerning a prohibition against a coverage exclusion in  
19 a sickness and accident insurance policy for injuries  
20 sustained while under the influence of a controlled  
21 substance.

22  
23 The question being "Shall the bill pass?".

24 A roll call vote was taken. As shown by the following recorded vote, a  
25 majority of those elected to the House voted in the affirmative and the bill  
26 was declared **passed**.

27	YES	56	NO	09	EXCUSED	00	ABSENT	00
29	Balmer	Y	Decker	Y	Larson	N	Pommer	Y
30	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
31	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
32	Borodkin	Y	Garcia	Y	Lundberg	N	Rose	N
33	Boyd	Y	Gardner	N	Madden	Y	Schultheis	N
34	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
35	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
36	Cadman	N	Harvey	Y	May	Y	Stafford	Y
37	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
38	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
39	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
40	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
41	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
42	Coleman	Y	Kerr	Y	Paccione	Y	Welker	N
43	Crane	Y	King	N	Penry	Y	White	Y
44	Curry	Y	Knoedler	Y	Plant	Y	Witwer	N
45							Speaker	Y

46  
47 **HB06-1120** by Representative(s) Buescher, Borodkin, Coleman,  
48 Curry, Hoppe, McKinley, Plant, White; also Senator(s)  
49 Tupa--Concerning restrictions on the authority of wineries  
50 to ship wine to personal consumers.

51  
52 The question being "Shall the bill pass?".

53 A roll call vote was taken. As shown by the following recorded vote, a  
54 majority of those elected to the House voted in the affirmative and the bill  
55 was declared **passed**.

56

	YES	63	NO	00	EXCUSED	02	ABSENT	00
1	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
2	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
3	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
4	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
5	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
6	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
7	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
8	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
9	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
10	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
11	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
12	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
13	Cloer	E	Judd	Y	Merrifield	Y	Weissmann	Y
14	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
15	Crane	Y	King	Y	Penry	Y	White	Y
16	Curry	Y	Knoedler	Y	Plant	Y	Witwer	E
17							Speaker	Y

18  
19 Representatives Cloer, Witwer were excused from voting under House  
20 Rule 21(c).

21 Co-sponsors added: Representatives Berens, Boyd, Cadman, Hall, Kerr, Liston,  
22 Massey, McFadyen, Merrifield, Penry, Stengel, and Todd.

23

24 **HB06-1180** by Representative(s) Soper; also Senator(s) Kester--  
25 Concerning the repeal of the dental advisory committee.

26

27 The question being "Shall the bill pass?".

28 A roll call vote was taken. As shown by the following recorded vote, a  
29 majority of those elected to the House voted in the affirmative and the bill  
30 was declared **passed**.

31

	YES	64	NO	01	EXCUSED	00	ABSENT	00
32	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
33	Benefield	Y	Frangas	N	Lindstrom	Y	Ragsdale	Y
34	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
35	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
36	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
37	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
38	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
39	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
40	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
41	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
42	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
43	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
44	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
45	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
46	Crane	Y	King	Y	Penry	Y	White	Y
47	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
48							Speaker	Y

49  
50 Co-sponsors added: Representatives Berens, Clapp, Lundberg, Penry, Ragsdale,  
51 Stafford, Sullivan, Todd, and Welker.

52

53 **HB06-1051** by Representative(s) Witwer; also Senator(s) Sandoval--  
54 Concerning elections to recall elected officials.

55

56

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

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

24 Co-sponsors added: Representatives Berens, Gallegos, and Kerr.

25  
 26 **HB06-1142** by Representative(s) Cloer, Decker, Kerr, Knoedler; also  
 27 Senator(s) Williams--Concerning the compensation paid  
 28 to student election judges.

29  
 30 The question being "Shall the bill pass?".  
 31 A roll call vote was taken. As shown by the following recorded vote, a  
 32 majority of those elected to the House voted in the affirmative and the bill  
 33 was declared **passed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
36	Balmer	Y	Decker	Y	Larson	Y	Pommer	Y
37	Benefield	Y	Frangas	Y	Lindstrom	Y	Ragsdale	Y
38	Berens	Y	Gallegos	Y	Liston	Y	Riesberg	Y
39	Borodkin	Y	Garcia	Y	Lundberg	Y	Rose	Y
40	Boyd	Y	Gardner	Y	Madden	Y	Schultheis	Y
41	Buescher	Y	Green	Y	Marshall	Y	Solano	Y
42	Butcher	Y	Hall	Y	Massey	Y	Soper	Y
43	Cadman	Y	Harvey	Y	May	Y	Stafford	Y
44	Carroll M	Y	Hefley	Y	McCluskey	Y	Stengel	Y
45	Carroll T	Y	Hodge	Y	McFadyen	Y	Sullivan	Y
46	Cerbo	Y	Hoppe	Y	McGihon	Y	Todd	Y
47	Clapp	Y	Jahn	Y	McKinley	Y	Vigil	Y
48	Cloer	Y	Judd	Y	Merrifield	Y	Weissmann	Y
49	Coleman	Y	Kerr	Y	Paccione	Y	Welker	Y
50	Crane	Y	King	Y	Penry	Y	White	Y
51	Curry	Y	Knoedler	Y	Plant	Y	Witwer	Y
52							Speaker	Y

53 Co-sponsors added: Representatives Berens, Buescher, Frangas, Gallegos,  
 54 Lundberg, Madden, Marshall, McFadyen, Merrifield, Plant, Schultheis, Stafford,  
 55 and Todd.

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## CONSIDERATION OF RESOLUTION

**SJR06-005** by Senator(s) Gordon; also Representative(s) Madden--  
Concerning the release to the public of any proposed  
amendment to a bill that strikes everything below the  
enacting clause of the bill when a fiscal note has been  
requested to be prepared on the proposed amendment in  
accordance with the joint rules.

(Printed and placed in member's file.)

On motion of Representative Madden, the resolution was **adopted** by  
**viva voce** vote.

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## REPORT OF COMMITTEE OF REFERENCE

### HEALTH & HUMAN SERVICES

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

**HB06-1309** be referred to the Committee of the Whole with favorable  
recommendation.

---

## PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:  
**HB06-1316, 1317.**

---

House in recess. House reconvened.

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## REPORTS OF COMMITTEES OF REFERENCE

### AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

**HB06-1204** be amended as follows, and as so amended, be referred to  
the Committee of the Whole with favorable  
recommendation:

Amend printed bill, page 2, after line 1, insert the following:

**"SECTION 1.** 34-22-102 (1) (c), Colorado Revised Statutes, is  
amended, and the said 34-22-102 (1) is further amended BY THE  
ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**34-22-102. Board of examiners - created - duties - members.**  
(1) There is hereby created a coal mine board of examiners, which shall  
have the following duties:

1           (c) To ~~revoke those certificates~~ TAKE DISCIPLINARY ACTION  
2 AGAINST THE HOLDER OF A CERTIFICATE OF COMPETENCY FOR VIOLATION  
3 OF ANY PROVISION OF THIS ARTICLE, where ~~revocation~~ SUCH DISCIPLINE  
4 is deemed proper based upon sufficient investigation and in accordance  
5 with ~~the provisions of this article~~. DISCIPLINARY ACTION MAY INCLUDE,  
6 WITHOUT LIMITATION:

7  
8           (I) DENYING THE ISSUANCE OR RENEWAL OF, SUSPENDING FOR A  
9 SPECIFIED PERIOD, OR REVOKING A CERTIFICATE;

10  
11           (II) ISSUING A LETTER OF ADMONITION TO, OR PLACING ON  
12 PROBATION, THE HOLDER OF A CERTIFICATE; OR

13  
14           (III) IMPOSING OTHER CONDITIONS OR LIMITATIONS UPON A  
15 CERTIFICATE OR THE HOLDER THEREOF.

16  
17           (f) TO ISSUE CONFIDENTIAL LETTERS OF CONCERN;

18  
19           (g) TO ISSUE CEASE-AND-DESIST ORDERS.".

20  
21 Renumber succeeding sections accordingly.

22  
23 Page 3, strike lines 3 through 15 and substitute the following:

24  
25           "SECTION 5. 34-22-107 (1), (2), (3), (4), and (7), Colorado  
26 Revised Statutes, are amended to read:

27  
28           **34-22-107. Disciplinary action - procedures - grounds.** (1) In  
29 any case in which consideration is given to ~~revocation~~ TAKING  
30 DISCIPLINARY ACTION AGAINST THE HOLDER of a certificate of competency  
31 issued pursuant to this article, such proceedings shall be conducted in  
32 accordance with the provisions of sections 24-4-104 and 24-4-105,  
33 C.R.S., and no certificate shall be revoked except according to the criteria  
34 stated in this article.

35  
36           (2) A proceeding for the ~~revocation~~ TAKING OF DISCIPLINARY  
37 ACTION AGAINST THE HOLDER of a certificate of competency may be  
38 commenced by the office of active and inactive mines upon its own  
39 motion for good cause shown or by the filing with the office of active and  
40 inactive mines of a written complaint, signed and ~~sworn~~ ATTESTED to by  
41 the complainant, stating the name of the certificate holder against whom  
42 the complaint is made, the grounds on which the complaint is made, and  
43 a description of the facts and circumstances ~~which~~ THAT gave rise to the  
44 complaint. The office of active and inactive mines shall have the  
45 authority to investigate any complaint to establish good cause prior to the  
46 initiation of ~~revocation procedures~~ DISCIPLINARY PROCEEDINGS.

47  
48           (3) No ~~revocation or suspension of a certificate~~ DISCIPLINARY  
49 ACTION shall be lawful unless the office of active and inactive mines has  
50 first given the certificate holder notice, in writing, of the facts or conduct  
51 that may warrant such action, afforded the certificate holder an  
52 opportunity to submit written data, views, and arguments with respect to  
53 such facts or conduct and, except in cases of reckless actions or conduct  
54 that demonstrates a serious disregard for health and safety, given the  
55 certificate holder a reasonable opportunity to comply with all lawful  
56 requirements.

1 ~~(4) Where the office of active and inactive mines has reasonable~~  
 2 ~~grounds to believe and finds that the certificate holder has been guilty of~~  
 3 ~~deliberate and willful violation of applicable mining law or where it is~~  
 4 ~~imperatively necessary for safety in the mines, the director may~~  
 5 ~~temporarily suspend a certificate pursuant to subsection (1) of this~~  
 6 ~~section. Written notice of such action, together with the reasons therefor,~~  
 7 ~~shall be promptly given to the certificate holder and to the operator of any~~  
 8 ~~coal mine at which the certificate holder is employed.~~

9  
 10 (7) A written decision by the board made pursuant to ~~the~~  
 11 ~~provisions of section 24-4-105, C.R.S., which includes findings of fact~~  
 12 ~~and conclusions of law, shall be delivered to the certificate holder within~~  
 13 ~~ten days after the conclusion of the hearing. The written decision will~~  
 14 ~~accompany a written notice of revocation DISCIPLINARY ACTION. Such~~  
 15 ~~notice shall be delivered TO THE CERTIFICATE HOLDER by certified mail,~~  
 16 ~~and the certificate of competency shall be null and void from the time of~~  
 17 ~~its DISCIPLINARY ACTION SHALL BE EFFECTIVE UPON receipt OF THE~~  
 18 ~~NOTICE. A copy of the A notice of SUSPENSION OR revocation shall be~~  
 19 ~~mailed to any coal mine operator who employs the person whose~~  
 20 ~~certification has been SUSPENDED OR revoked."~~

21  
 22  
 23  
 24 **SB06-034** be referred to the Committee of the Whole with favorable  
 25 recommendation.  
 26  
 27  
 28  
 29

### 30 **BUSINESS AFFAIRS & LABOR**

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

34 **HB06-1030** be amended as follows, and as so amended, be referred to  
 35 the Committee of the Whole with favorable  
 36 recommendation:  
 37

38 Amend printed bill, page 5, line 26, strike "THE EXPLANATION SHALL BE  
 39 INITIALED BY";

40 strike line 27.

41 Page 6, strike line 1;

42 line 2, after "(3)", insert "(a)";

43 strike line 5 through 8 and substitute the following:

44  
 45 "without the express consent of the insured. Such consent may be in the  
 46 same medium in which the policy is offered. The insurer or producer, for  
 47 three years, shall maintain adequate evidence of the insured's consent,  
 48 and such evidence shall be";

49 line 11, strike "(F) (a)" and substitute "(I)";

50 strike lines 15 through 26 and substitute the following:  
 51  
 52  
 53  
 54  
 55  
 56



1           "(II) To the extent practicable, an explanation of why such  
2 coverage was changed.

3  
4           (b) For the purposes of this section, "adequate evidence" means:

5  
6           (I) Written notes or other memorializations of any oral or written  
7 communication with the insured kept within the normal course of  
8 business; or

9  
10          (II) A declaration page indicating which coverages are not  
11 mandatory after payment of the premium is made unless the insured  
12 disputes such coverage within a reasonable time.

13  
14          (c) This section shall not apply to changes in coverages mandated  
15 by law or to amended policy forms that are changed at renewal."

16  
17  
18  
19       **HB06-1036** be amended as follows, and as so amended, be referred to  
20 the Committee of the Whole with favorable  
21 recommendation:

22  
23 Amend printed bill, page 3, line 5, strike "MEDICAL PAYMENTS WITH  
24 BENEFITS OF FIVE" and substitute "MEDICALLY NECESSARY MEDICAL  
25 PAYMENTS";

26  
27 line 6, strike "THOUSAND DOLLARS";

28  
29 line 7, strike "RESULTING FROM" and substitute "ARISING OUT OF";

30  
31 line 8, strike "A POLICY MAY BE ISSUED WITHOUT" and substitute "THE";

32  
33 line 9, strike "ONLY IF" and substitute "SHALL APPLY IN AN AUTOMOBILE  
34 LIABILITY OR MOTOR VEHICLE LIABILITY POLICY ISSUED OR RENEWED ON  
35 OR AFTER JANUARY 1, 2007, UNLESS";

36  
37 line 11, strike "DISCLOSURES IN WRITING," and substitute "DISCLOSURES,";

38  
39 line 12, strike "COVERAGE IN WRITING." and substitute "COVERAGE. THE  
40 INSURED'S ACKNOWLEDGMENT OF UNDERSTANDING OF THE DISCLOSURES  
41 AND REJECTION OF MEDICAL PAYMENTS COVERAGE SHALL BE EVIDENCED  
42 IN WRITING OR OTHER OBJECTIVELY VERIFIABLE RECORD, WHICH MAY  
43 INCLUDE, WITHOUT LIMITATION, AN AUDIO RECORDING OF A TELEPHONE  
44 CONVERSATION.";

45  
46 line 16, strike "WRITING," and substitute "A FORM REQUIRED BY THIS  
47 SUBSECTION (1),";

48  
49 line 18, after "DOLLARS.", insert "AN INSURER SHALL MAINTAIN PROOF  
50 THAT A NAMED INSURED REJECTED MEDICAL PAYMENTS COVERAGE FOR AT  
51 LEAST THREE YEARS AFTER THE DATE THE NAMED INSURED REJECTED THE  
52 COVERAGE.".

53  
54 Page 4, line 16, strike "CLOSED;" and substitute "CLOSED AS PART OF A  
55 SETTLEMENT, VERDICT, OR OTHER METHOD OF FINAL CLOSURE OF THE  
56 CLAIM;";

1 line 23, strike "COVERAGE," and substitute "COVERAGE AND IS AT FAULT  
2 IN AN AUTOMOBILE ACCIDENT,";

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10 "A PASSENGER IN THE INSURED'S MOTOR VEHICLE WILL NOT BE  
11 REIMBURSED UNDER THE INSURED'S AUTOMOBILE LIABILITY OR MOTOR  
12 VEHICLE LIABILITY POLICY COVERING THE MOTOR VEHICLE FOR ANY  
13 MEDICAL EXPENSES INCURRED BY THE PASSENGER UNTIL THE CLAIM IS  
14 CLOSED AS PART OF A SETTLEMENT, VERDICT, OR OTHER METHOD OF FINAL  
15 CLOSURE OF THE CLAIM.".

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Page 5, line 2, after "issued", insert "or renewed".

**HB06-1055** be amended as follows, and as so amended, be referred to  
the Committee of the Whole with favorable  
recommendation:

Amend printed bill, page 2, line 10, strike "~~a crime~~ AN ACT" and  
substitute "a crime";

line 11, strike "violence" and substitute "violence, WITHOUT REGARD TO  
THE INTENT OF THE PERPETRATOR OF THE CRIME,".

**HB06-1115** be referred to the Committee of the Whole with favorable  
recommendation.

**HB06-1119** be amended as follows, and as so amended, be referred to  
the Committee of the Whole with favorable  
recommendation:

Amend printed bill, page 2, line 11, strike "SUCH BREACH IS LIKELY TO  
CAUSE" and substitute "THAT CAUSES, OR THE INDIVIDUAL OR  
COMMERCIAL ENTITY REASONABLY BELIEVES HAS CAUSED OR WILL  
CAUSE,";

after line 17, insert the following:

"(b) "COMMERCIAL ENTITY" MEANS ANY PRIVATE LEGAL ENTITY,  
WHETHER FOR-PROFIT OR NOT-FOR-PROFIT.".

Reletter succeeding paragraphs accordingly.

Page 2, line 19, strike "NOTICE;" and substitute "NOTICE TO THE POSTAL  
ADDRESS LISTED IN THE RECORDS OF THE INDIVIDUAL OR COMMERCIAL  
ENTITY;".

Page 3, line 21, strike "ELEMENTS," and substitute "ELEMENTS THAT  
RELATE TO THE RESIDENT,";

line 25, strike "ALONE";

1 line 26, strike "OR".

2

3 Page 4, strike lines 9 through 18 and substitute the following:

4

5 "ABOUT A RESIDENT OF COLORADO SHALL, WHEN IT BECOMES AWARE OF  
6 A BREACH OF THE SECURITY OF THE SYSTEM, CONDUCT IN GOOD FAITH A  
7 REASONABLE AND PROMPT INVESTIGATION TO DETERMINE THE LIKELIHOOD  
8 THAT PERSONAL INFORMATION HAS BEEN OR WILL BE MISUSED. IF THE  
9 INVESTIGATION DETERMINES THAT THE MISUSE OF INFORMATION ABOUT A  
10 COLORADO RESIDENT HAS OCCURRED OR IS REASONABLY LIKELY TO  
11 OCCUR, THE INDIVIDUAL OR THE COMMERCIAL ENTITY SHALL GIVE NOTICE  
12 AS SOON AS POSSIBLE TO THE AFFECTED COLORADO RESIDENT. NOTICE  
13 SHALL BE MADE IN THE MOST EXPEDIENT TIME POSSIBLE AND WITHOUT  
14 UNREASONABLE DELAY, CONSISTENT WITH THE LEGITIMATE NEEDS OF LAW  
15 ENFORCEMENT AND CONSISTENT WITH ANY MEASURES NECESSARY TO  
16 DETERMINE THE SCOPE OF THE BREACH AND TO RESTORE THE REASONABLE  
17 INTEGRITY OF THE COMPUTERIZED DATA SYSTEM.";

18

19 line 24, strike "THE" and substitute "MISUSE OF";

20

21 strike lines 25 through 27 and substitute the following:

22

23 "INFORMATION ABOUT A COLORADO RESIDENT OCCURRED OR IS  
24 REASONABLY LIKELY TO OCCUR. COOPERATION INCLUDES SHARING WITH  
25 THE OWNER OR LICENSEE INFORMATION RELEVANT TO THE BREACH;  
26 EXCEPT THAT SUCH COOPERATION SHALL NOT BE DEEMED TO REQUIRE THE  
27 DISCLOSURE OF CONFIDENTIAL OR BUSINESS INFORMATION OR TRADE  
28 SECRETS.".

29

30 Page 5, strike line 1;

31

32 after line 7, insert the following:

33

34 "(d) IF AN INDIVIDUAL OR COMMERCIAL ENTITY IS REQUIRED TO  
35 NOTIFY MORE THAN ONE THOUSAND COLORADO RESIDENTS OF A BREACH  
36 OF THE SECURITY OF THE SYSTEM PURSUANT TO THIS SECTION, THE  
37 INDIVIDUAL OR COMMERCIAL ENTITY SHALL ALSO NOTIFY, WITHOUT  
38 UNREASONABLE DELAY, ALL CONSUMER REPORTING AGENCIES THAT  
39 COMPILE AND MAINTAIN FILES ON CONSUMERS ON A NATIONWIDE BASIS, AS  
40 DEFINED BY 15 U.S.C. SEC. 1681a (p), OF THE TIMING, DISTRIBUTION, AND  
41 CONTENT OF THE NOTICES. NOTHING IN THIS PARAGRAPH (d) SHALL BE  
42 CONSTRUED TO REQUIRE THE INDIVIDUAL OR COMMERCIAL ENTITY TO  
43 PROVIDE TO THE CONSUMER REPORTING AGENCY THE NAMES OR OTHER  
44 PERSONAL INFORMATION OF BREACH NOTICE RECIPIENTS. THIS  
45 PARAGRAPH (d) SHALL NOT APPLY TO A PERSON WHO IS SUBJECT TO TITLE  
46 V OF THE FEDERAL "GRAMM-LEACH-BLILEY ACT", 15 U.S.C. SEC. 6801  
47 ET SEQ.";

48

49 strike lines 18 to 23 and substitute the following:

50

51 "(b) AN INDIVIDUAL OR A COMMERCIAL ENTITY THAT IS  
52 REGULATED BY STATE OR FEDERAL LAW AND THAT MAINTAINS  
53 PROCEDURES FOR A BREACH OF THE SECURITY OF THE SYSTEM PURSUANT  
54 TO THE LAWS, RULES, REGULATIONS, GUIDANCES, OR GUIDELINES  
55 ESTABLISHED BY ITS PRIMARY OR FUNCTIONAL STATE OR FEDERAL  
56 REGULATOR IS DEEMED TO BE IN COMPLIANCE WITH THIS SECTION.";

56

1 line 26, strike "APPROPRIATE." and substitute "APPROPRIATE TO ENSURE  
2 COMPLIANCE WITH THIS SECTION OR TO RECOVER DIRECT ECONOMIC  
3 DAMAGES RESULTING FROM A VIOLATION, OR BOTH."  
4  
5  
6

7 **HB06-1144** be amended as follows, and as so amended, be referred to  
8 the Committee of the Whole with favorable  
9 recommendation:  
10

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

14 **"SECTION 1.** 12-47-601 (1) and (9), Colorado Revised Statutes,  
15 are amended to read:  
16

17 **12-47-601. Suspension - revocation - fines.** (1) SUBJECT TO  
18 SUBSECTION (9) OF THIS SECTION, in addition to any other penalties  
19 prescribed by this article or article 46 or 48 of this title, the state or any  
20 local licensing authority has the power, on its own motion or on  
21 complaint, after investigation and public hearing at which the licensee  
22 shall be afforded an opportunity to be heard, to suspend or revoke any  
23 license or permit issued by such authority for any violation by the  
24 licensee or by any of the agents, servants, or employees of such licensee  
25 of the provisions of this article, or any of the rules ~~or regulations~~  
26 authorized pursuant to this article or of any of the terms, conditions, or  
27 provisions of the license or permit issued by such authority. Any  
28 licensing authority has the power to administer oaths and issue subpoenas  
29 to require the presence of persons and the production of papers, books,  
30 and records necessary to the determination of any hearing that the  
31 licensing authority is authorized to conduct.  
32

33 (9) When penalizing a vendor who has violated section 12-47-901  
34 (1) ~~(a)~~ (a.5) (I), (5) (a) (I), OR (5) (c) by serving a minor during an  
35 underage compliance check, state and local licensing authorities shall  
36 consider it a mitigating factor if the vendor is a responsible alcohol  
37 beverage vendor as defined by part 10 of this article. ABSENT ANY  
38 AGGRAVATING FACTORS AS DETERMINED BY A STATE OR LOCAL LICENSING  
39 AUTHORITY, A STATE OR LOCAL LICENSING AUTHORITY MAY NOT SUSPEND  
40 OR REVOKE A LICENSE OR PERMIT ISSUED BY SUCH AUTHORITY FOR A  
41 VIOLATION OF SECTION 12-47-901 (1) (a.5), (5) (a) (I), OR (5) (c) (I) BY  
42 SERVING A MINOR DURING AN UNDERAGE COMPLIANCE CHECK IF THE  
43 VIOLATION IS THE FIRST VIOLATION COMMITTED BY THE VENDOR WITHIN  
44 THE PREVIOUS TWO YEARS AND THE VENDOR IS A RESPONSIBLE ALCOHOL  
45 BEVERAGE VENDOR AS DEFINED BY PART 10 OF THIS ARTICLE.  
46

47 **SECTION 2. Safety clause.** The general assembly hereby finds,  
48 determines, and declares that this act is necessary for the immediate  
49 preservation of the public peace, health, and safety."  
50

51 Page 1, line 102, strike "MINORS, AND, IN CONNECTION THEREWITH,  
52 CREATING AN" and substitute "MINORS.";  
53

54 strike lines 103 through 106.  
55  
56

1 **HB06-1174** be amended as follows, and as so amended, be referred  
2 to the Committee of the Whole with favorable  
3 recommendation:  
4

5 Amend printed bill, page 2, after line 20, insert the following:  
6

7 "(c) ANY PERSON WHO CONTRACTS FOR THE PERFORMANCE OF  
8 CONSTRUCTION WORK ON A CONSTRUCTION SITE AND WHO EXERCISES DUE  
9 DILIGENCE BY EITHER PROVIDING WORKERS' COMPENSATION COVERAGE AS  
10 REQUIRED BY THIS SECTION OR REQUIRING PROOF OF WORKERS'  
11 COMPENSATION COVERAGE AS REQUIRED BY THIS SECTION FROM EVERY  
12 PERSON WITH WHOM HE OR SHE HAS A DIRECT CONTRACT TO PERFORM  
13 CONSTRUCTION WORK ON THE CONSTRUCTION SITE SHALL NOT BE LIABLE  
14 UNDER SUBSECTION (3) OF THIS SECTION."  
15

16 Page 4, after line 2, insert the following:  
17

18 "(c) "PROOF OF WORKERS' COMPENSATION COVERAGE" INCLUDES  
19 BUT IS NOT LIMITED TO A CERTIFICATE OR OTHER WRITTEN CONFIRMATION  
20 ISSUED BY THE INSURER OF THE EXISTENCE OF WORKERS' COMPENSATION  
21 COVERAGE IN FORCE DURING THE PERIOD OF THE PERFORMANCE OF  
22 CONSTRUCTION WORK ON THE CONSTRUCTION SITE."  
23  
24  
25  
26

## 27 **HEALTH & HUMAN SERVICES**

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

31 **HB06-1079** be amended as follows, and as so amended, be referred  
32 to the Committee of the Whole with favorable  
33 recommendation:  
34

35 Amend printed bill, page 2, line 7, after "RECEIVES", insert "OR SEEKS  
36 COLLECTION THROUGH A THIRD PARTY OF";  
37

38 line 13, after the period, add "WHEN DETERMINING INCOME OR  
39 RESOURCES FOR PURPOSES OF DETERMINING ELIGIBILITY OR BENEFIT  
40 AMOUNTS FOR ANY STATE-FUNDED PROGRAM UNDER THIS TITLE, THE  
41 STATE DEPARTMENT SHALL EXCLUDE FROM CONSIDERATION ANY MONEYS  
42 RECEIVED BY A RECIPIENT PURSUANT TO THIS SUBPARAGRAPH (II.5).";  
43

44 after line 20, insert the following:  
45

46 "(C) THE PROVISIONS OF THIS SUBPARAGRAPH (II.5) SHALL NOT  
47 APPLY TO A LONG-TERM CARE FACILITY LICENSED PURSUANT TO SECTION  
48 25-3-101, C.R.S."  
49  
50  
51

52 **HB06-1126** be amended as follows, and as so amended, be referred  
53 to the Committee of the Whole with favorable  
54 recommendation:  
55

56 Amend printed bill, page 4, line 16, after "RESCINDED;", insert "OR";

1 strike lines 17 through 19.

2

3 Renumber succeeding subparagraphs accordingly.

4

5 line 22, strike "WARNING; OR" and substitute "WARNING."

6

7 strike lines 23 through 25;

8

9 line 27, strike "RETROFIT,".

10

11 Page 5, strike line 3 and substitute the following:

12

13 "SET FORTH IN ANY RECALL. A";

14

15 line 11, after "(4)", insert "(a)";

16

17 line 12, strike "INCLUDES:" and substitute "INCLUDES";

18

19 line 13, strike "(a) THE" and substitute "THE";

20

21 line 14, strike "CHILD;" and substitute "CHILD.";

22

23 strike lines 15 through 18 and substitute the following:

24

25 "(b) THE MANUFACTURER SHALL PROVIDE TO THE COMMERCIAL  
26 DEALER AND THE COMMERCIAL DEALER SHALL PROMPTLY MAKE  
27 AVAILABLE WHERE AND BY WHAT COMPANY A CHILDREN'S PRODUCT WAS  
28 MANUFACTURED AND THE USE LIMITATIONS OF SUCH PRODUCT THAT, IF  
29 NOT FOLLOWED, MAY RESULT IN THE RISK OF INJURY TO A CHILD.";

30

31 line 19, strike "(a)".

32

33 Page 6, line 1, after the period, add "A MANUFACTURER NAMED IN A  
34 RECALL SHALL ALSO PROMPTLY SEND INFORMATION REGARDING THE  
35 RECALLED CHILDREN'S PRODUCT TO THE DIVISION OF CHILD CARE WITHIN  
36 THE DEPARTMENT OF HUMAN SERVICES WHO SHALL THEN FORWARD THE  
37 INFORMATION TO ALL CHILD CARE FACILITIES LICENSED BY THE DIVISION.";

38

39 strike lines 2 through 7;

40

41 line 16, strike "SECTION." and substitute "SECTION, SO LONG AS THE  
42 DEPARTMENT HAS NOTIFIED THE FACILITY OF NONCOMPLIANCE AND HAS  
43 ALLOWED FOR A COMPLIANCE PERIOD OF AT LEAST THIRTY DAYS.".

44

45 Page 7, after line 6, insert the following:

46

47 "(c) THE PROVISIONS OF PART 4 OF ARTICLE 21 OF THIS TITLE  
48 SHALL APPLY IN ANY ACTION CONCERNING A CHILDREN'S PRODUCT.".

49

50

51

52 **HB06-1154** be amended as follows, and as so amended, be referred  
53 to the Committee on Finance with favorable  
54 recommendation:

55

56 Amend printed bill, page 3, line 2, strike "AT";

1 line 3, strike "LEAST";

2

3 strike lines 10 through 15 and substitute the following:

4

5 "(d) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING  
6 IN THE HEIRLOOM BIRTH CERTIFICATE FUND, CREATED IN PARAGRAPH (c)  
7 OF THIS SUBSECTION (2), AT THE END OF A FISCAL YEAR SHALL BE  
8 TRANSFERRED TO THE INFANT IMMUNIZATION FUND, CREATED IN SECTION  
9 25-4-1708, AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE  
10 GENERAL FUND OR ANY OTHER FUND."

11

12 Page 4, line 4, strike "AT";

13

14 line 5, strike "LEAST";

15

16 strike lines 12 through 18 and substitute the following:

17

18 "(d) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING  
19 IN THE HEIRLOOM MARRIAGE CERTIFICATE FUND, CREATED IN PARAGRAPH  
20 (c) OF THIS SUBSECTION (3), AT THE END OF A FISCAL YEAR SHALL BE  
21 TRANSFERRED TO THE COLORADO DOMESTIC ABUSE FUND, CREATED IN  
22 SECTION 39-22-802, C.R.S., AND SHALL NOT BE CREDITED OR  
23 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.";

24

25 strike lines 25 through 27 and substitute the following:

26

27 **"SECTION 2 Effective date.** This act shall take effect at 12:01  
28 a.m. on the day following the expiration of the ninety-day period after  
29 final adjournment of the general assembly that is allowed for submitting  
30 a referendum petition pursuant to article V, section 1 (3) of the state  
31 constitution (August 9, 2006, if adjournment sine die is on May 10,  
32 2006); except that, if a referendum petition is filed against this act or an  
33 item, section, or part of this act within such period, then the act, item,  
34 section, or part, if approved by the people, shall take effect on the date of  
35 the official declaration of the vote thereon by proclamation of the  
36 governor."

36

37

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### 38 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

39

40 The Speaker has signed: **HJR06-1010, 1011.**

41

42

43

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### 44 MESSAGE FROM THE SENATE

45

46 The Senate has passed on Third Reading and transmitted to the Revisor  
47 of Statutes: SB06-014,  
48 SB06-074, amended as printed in Senate Journal, February 6, 2006,  
49 page 135,  
50 SB06-051, amended as printed in Senate Journal, February 6, 2006,  
51 page 136-140,  
52 HB06-1012, amended as printed in Senate Journal, February 6, 2006,  
53 page 136.

53

54

55 The Senate has adopted and returns herewith: HJR06-1010.

56

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1                                   **MESSAGE FROM THE REVISOR**

2  
3 We herewith transmit:  
4 Without comment, SB06-014.  
5 Without comment, as amended, HB06-1012.  
6 Without comment, as amended, SB06-074 and 051.

7  
8  
9                                   **INTRODUCTION OF BILLS**  
10                                   **First Reading**

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

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

18 Committee on Health and Human Services

19  
20 **HB06-1319** by Representative(s) Vigil; also Senator(s) Teck--  
21 Concerning the renewal of licenses for real estate  
22 appraisers.

23 Committee on Business Affairs and Labor

24  
25 **SB06-014** by Senator(s) Taylor, Hanna; also Representative(s)  
26 White, Coleman, Schultheis, Vigil--Concerning the  
27 regulation of entities subject to the real estate commission.

28 Committee on Business Affairs and Labor

29  
30 **SB06-074** by Senator(s) Shaffer; also Representative(s) Berens--  
31 Concerning the enforcement of county code requirements  
32 pertaining to land use.

33 Committee on Local Government

34  
35  
36                                   **LAY OVER OF CALENDAR ITEMS**

37  
38 On motion of Representative King, the following items on the Calendar  
39 were laid over until February 8, retaining place on Calendar:

40  
41 Consideration of General Orders--**HB06-1156, 1188, 1175, 1141, 1081,**  
42 **1104, 1152 amended, 1125, 1028, 1213, 1214, 1215, 1216, 1217, 1218,**  
43 **1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229,**  
44 **1230, 1231, 1232, 1233, 1234, 1235, 1054, 1088, 1148, 1153, 1053,**  
45 **1139, 1143, 1007, 1035, 1084.**

46 Consideration of Resolutions--**HJR06-1009, SJR06-002, HJR06-1012.**

47  
48  
49 On motion of Representative King, the House adjourned until 9:00 a.m.,  
50 February 8, 2006.

51  
52  
53  
54 Attest:  
55 MARILYN EDDINS,  
56 Chief Clerk

Approved:  
ANDREW ROMANOFF,  
Speaker