

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

One hundred-seventh Legislative Day Thursday, April 27, 2006

1 Prayer by Rabbi Hillel Goldberg, Executive Editor Intermountain Jewish
2 News, Denver.

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

5
6 Pledge of Allegiance led by Tyler Sorensen and Jaylynn Espinoza from
7 Antonito High School, Antonito.

8
9 The roll was called with the following result:

10
11 Present--62.
12 Excused--Representatives Butcher, King, Riesberg, --3.
13 Present after roll call--Representatives Butcher, King, Riesberg.

14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Sullivan, the reading of the journal of
19 April 26, 2006, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

CONSIDERATION OF MEMORIAL

21
22
23
24
25 **HJM06-1003** by Representative(s) Carroll T.; also Senator(s) Gordon--
26 Memorializing former senator and representative
27 Lawrence M. Henry.

28
29 (Printed and placed in member's file.)

30
31 On motion of Representative Carroll T., the memorial was read at length
32 and was **adopted** by the following roll call vote:

	YES	63	NO	00	EXCUSED	02	ABSENT	00
35	Balmer	E	Frangas	Y	Larson	Y	Pommer	Y
36	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
37	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
38	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
39	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
40	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
41	Cadman	Y	Harvey	E	Massey	Y	Soper	Y
42	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
43	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y

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

9 Co-sponsors added: Roll call of the House.

10
11 Representative Paccione introduced members of the family that were
12 present.

13
14
15 House in recess. House reconvened.
16
17

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

19
20 The following bills were considered on Third Reading. The titles were
21 publicly read. Reading of the bill at length was dispensed with by
22 unanimous consent.

23
24 **SB06-037** by Senator(s) Isgar; also Representative(s) Curry--
25 Concerning the adjudication of recreational in-channel
26 diversions.

27
28 The question being "Shall the bill pass?".
29 A roll call vote was taken. As shown by the following recorded vote, a
30 majority of those elected to the House voted in the affirmative and the
31 bill was declared **passed**.

32	YES	59	NO	06	EXCUSED	00	ABSENT	00
34	Balmer	Y	Frangas	Y	Larson	N	Pommer	Y
35	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
36	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
37	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
38	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
39	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
40	Cadman	N	Harvey	N	Massey	Y	Soper	Y
41	Carroll M	Y	Hefley	Y	May	Y	Stafford	N
42	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
43	Cerbo	Y	Hoppe	N	McFadyen	Y	Sullivan	Y
44	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
45	Cloer	N	Judd	Y	McKinley	Y	Vigil	Y
46	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
47	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
48	Curry	Y	King	Y	Penry	Y	White	Y
49	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
50							Speaker	Y

51 Co-sponsors added: Representatives Borodkin, Buescher, Butcher, Frangas,
52 Gallegos, Kerr A, Merrifield, Rose, White.

53
54 **HB06-1178** by Representative(s) Butcher, Borodkin, Carroll M.,
55 Paccione; also Senator(s) Williams--Concerning the
56 motorist insurance identification database program used to

1 identify persons who own motor vehicles that are not
 2 insured, and, in connection therewith, making an
 3 appropriation.
 4

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

6 A roll call vote was taken. As shown by the following recorded vote, a
 7 majority of those elected to the House voted in the affirmative and the bill
 8 was declared **passed**.
 9

	YES	60	NO	05	EXCUSED	00	ABSENT	00
11	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
12	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
13	Berens	Y	Garcia	Y	Liston	N	Riesberg	Y
14	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
15	Buescher	Y	Green	N	Madden	Y	Schultheis	Y
16	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
17	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
18	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
19	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
20	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
21	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
22	Cloer	Y	Judd	Y	McKinley	N	Vigil	Y
23	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
24	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
25	Curry	Y	King	Y	Penry	N	White	Y
26	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
27							Speaker	N

28 Co-sponsors added: Representatives Green, Hoppe, Pommer.
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 30

31 **SB06-008** by Senator(s) May R., Williams; also Representative(s)
 32 Pommer, Green, Hefley, Knoedler, Larson, Ragsdale--
 33 Concerning the regulation of commercial motor vehicles
 34 that transport hazardous materials over the public
 35 highways.
 36

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

38 A roll call vote was taken. As shown by the following recorded vote, a
 39 majority of those elected to the House voted in the affirmative and the bill
 40 was declared **passed**.
 41

	YES	62	NO	03	EXCUSED	00	ABSENT	00
43	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
44	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
45	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
46	Borodkin	Y	Gardner	N	Lundberg	Y	Rose	Y
47	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
48	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
49	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
50	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
51	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
52	Cerbo	Y	Hoppe	N	McFadyen	Y	Sullivan	Y
53	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
54	Cloer	Y	Judd	Y	McKinley	N	Vigil	Y
55	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
56	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y

1	Curry	Y	King	Y	Penry	Y	White	Y
2	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
3							Speaker	Y

4 Co-sponsors added: Representatives Berens, Borodkin, Butcher, Decker.

5
 6 **HB06-1395** by Representative(s) Buescher, Hall, Plant; also Senator(s)
 7 Keller, Owen, Tapia--Concerning residential child health
 8 care, and making an appropriation in connection therefor.
 9

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

11 A roll call vote was taken. As shown by the following recorded vote, a
 12 majority of those elected to the House voted in the affirmative and the bill
 13 was declared **passed**.
 14

15	YES	62	NO	03	EXCUSED	00	ABSENT	00
16	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
17	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
18	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
19	Borodkin	Y	Gardner	Y	Lundberg	N	Rose	Y
20	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
21	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
22	Cadman	N	Harvey	Y	Massey	Y	Soper	Y
23	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
24	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
25	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
26	Clapp	Y	Jahn	Y	McGihon	Y	Todd	Y
27	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
28	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
29	Crane	Y	Kerr J	Y	Paccione	Y	Welker	Y
30	Curry	Y	King	Y	Penry	Y	White	Y
31	Decker	Y	Knoedler	Y	Plant	Y	Witwer	Y
32							Speaker	Y

33 Co-sponsors added: Representatives Borodkin, Butcher, Carroll M, Carroll T,
 34 Coleman, Frangas, Gallegos, Jahn, Larson, Madden, McGihon, Merrifield,
 35 Paccione, Pommer, Riesberg, Solano, Stafford, Todd.
 36

37 **HB06-1388** by Representative(s) Buescher; also Senator(s) Sandoval--
 38 Concerning the ability of the executive director of the
 39 department of revenue to address alleged violations
 40 relating to motor vehicle dealers.
 41

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

43 A roll call vote was taken. As shown by the following recorded vote, a
 44 majority of those elected to the House voted in the affirmative and the bill
 45 was declared **passed**.
 46

47	YES	64	NO	01	EXCUSED	00	ABSENT	00
48	Balmer	Y	Frangas	Y	Larson	Y	Pommer	Y
49	Benefield	Y	Gallegos	Y	Lindstrom	Y	Ragsdale	Y
50	Berens	Y	Garcia	Y	Liston	Y	Riesberg	Y
51	Borodkin	Y	Gardner	Y	Lundberg	Y	Rose	Y
52	Buescher	Y	Green	Y	Madden	Y	Schultheis	Y
53	Butcher	Y	Hall	Y	Marshall	Y	Solano	Y
54	Cadman	Y	Harvey	Y	Massey	Y	Soper	Y
55	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
56	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y

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

9 Co-sponsors added: Representatives Benefield, Borodkin, Butcher, Rose.

10

11 **HB06-1003** by Representative(s) Pommer, Borodkin, Green, Hefley,
 12 Larson, McFadyen; also Senator(s) Williams, Isgar,
 13 Wiens--Concerning private toll roads and toll highways,
 14 and, in connection therewith, specifying requirements that
 15 must be met before a corporation can construct a private
 16 toll road or toll highway.

17

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

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

22

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

41 Co-sponsors added: Representatives Berens, Buescher, Carroll T, Coleman,
 42 Decker, Frangas, Garcia, Gardner, Hall, Hodge, Jahn, Kerr J, Knoedler,
 43 Madden, McCluskey, Merrifield, Paccione, Ragsdale, Riesberg, Rose, Solano,
 44 Stafford, Sullivan, Todd, White, Witwer, Speaker.

45

46 **HB06-1397** by Representative(s) Solano, Merrifield, Hefley, Larson,
 47 Massey, Benefield, Todd; also Senator(s) Shaffer,
 48 Williams, Boyd, Windels, Bacon--Concerning the creation
 49 of a statewide system of early childhood councils, and
 50 making an appropriation therefor.

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

18
19 Co-sponsors added: Representatives Borodkin, Butcher, Carroll T, Coleman,
20 Hodge, Kerr A, Madden, McGihon, Paccione, Plant, Pommer, Stafford, Vigil.

21
22 **HB06-1315** by Representative(s) Hefley; also Senator(s) Gordon--
23 Concerning juveniles who are convicted as adults of class
24 1 felonies, and making an appropriation in connection
25 therewith.

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**.

	YES	44	NO	21	EXCUSED	00	ABSENT	00
33	Balmer	N	Frangas	Y	Larson	N	Pommer	Y
34	Benefield	Y	Gallegos	N	Lindstrom	Y	Ragsdale	Y
35	Berens	N	Garcia	N	Liston	N	Riesberg	Y
36	Borodkin	Y	Gardner	N	Lundberg	Y	Rose	N
37	Buescher	Y	Green	Y	Madden	Y	Schultheis	N
38	Butcher	N	Hall	N	Marshall	Y	Solano	Y
39	Cadman	N	Harvey	Y	Massey	Y	Soper	N
40	Carroll M	Y	Hefley	Y	May	Y	Stafford	Y
41	Carroll T	Y	Hodge	Y	McCluskey	Y	Stengel	Y
42	Cerbo	Y	Hoppe	Y	McFadyen	Y	Sullivan	Y
43	Clapp	N	Jahn	Y	McGihon	Y	Todd	Y
44	Cloer	Y	Judd	Y	McKinley	Y	Vigil	Y
45	Coleman	Y	Kerr A	Y	Merrifield	Y	Weissmann	Y
46	Crane	Y	Kerr J	N	Paccione	N	Welker	Y
47	Curry	Y	King	N	Penry	N	White	Y
48	Decker	N	Knoedler	N	Plant	Y	Witwer	Y
49							Speaker	N

50 Co-sponsors added: Representatives Borodkin, Carroll T, Coleman, Jahn,
51 Madden, McFadyen, McGihon, Pommer, Stafford, Welker.

52
53
54 On motion of Representative Madden, **HB06-1302, 1283, SB06-105**
55 were added to the Special Orders Calendar on Thursday, April 27, 2006.

56

1 On motion of Representative Curry, the House resolved itself into
2 Committee of the Whole for consideration of Special Orders and she was
3 called to the Chair to act as Chairman.

4

5

6

SPECIAL ORDERS--SECOND READING OF BILLS

7

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

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

HB06-1050 by Representative(s) Buescher--Concerning the creation of a budget stabilization fund, and, in connection therewith, requiring the appropriation of general fund moneys and the crediting of portions of general fund surplus and state severance tax revenues to the budget stabilization fund under specified circumstances and allowing appropriations from the budget stabilization fund under other specified circumstances.

Amendment No. 1, Finance Report, dated April 13, 2006, and placed in member's bill file; Report also printed in House Journal, April 14, pages 1223-122.

Amendment No. 2, Appropriations Report, dated April 24, 2006, and placed in member's bill file; Report also printed in House Journal, April 24, pages 1434-143.

Amendment No. 3, by Representative Garcia.

Amend the Appropriations Committee Report, dated April 24, 2006, page 1, strike line 1 and substitute the following:

"Amend the Finance Committee Report, dated April 13, 2006, page 2, strike lines 1 through 4;"

line 2 of the Appropriations Committee Report, before "14," insert "line";

strike lines 6 through 12 and substitute the following:

"Page 4, strike lines 27 through 29.

Page 5, strike lines 1 through 18."

Renumber succeeding section accordingly.

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

HB06-1302 by Representative(s) Stengel; also Senator(s) Gordon--Concerning auto emissions testing.

1 Amendment No. 1, by Representative Stengel.

2

3 Strike the Appropriations Committee Report, dated March 31, 2006.

4

5 Strike the Transportation and Energy Committee Report, dated March 8,
6 2006.

7

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

10 **"SECTION 1. Legislative declaration.** The general assembly
11 hereby declares that it intends to continue to encourage the department of
12 public health and environment to focus its efforts on remote sensing
13 technology for monitoring vehicle emissions.

14

15 **SECTION 2.** 42-4-307, Colorado Revised Statutes, is amended
16 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
17 read:

18

19 **42-4-307. Powers and duties of the department of public**
20 **health and environment - division of administration - automobile**
21 **inspection and readjustment program - basic emissions program -**
22 **enhanced emissions program - clean screen program.** (12) THE
23 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL WORK WITH
24 THE CONTRACTOR TO DEVELOP A HIGH EMITTER PROGRAM THAT IS
25 ACCEPTABLE TO THE ENVIRONMENTAL PROTECTION AGENCY. AS USED IN
26 THIS SECTION, "HIGH-EMITTER PROGRAM" MEANS A PROGRAM TO IDENTIFY
27 AND REPAIR OR SCRAP MOTOR VEHICLES WHOSE EMISSIONS OR AIR
28 POLLUTANTS ARE SUBSTANTIALLY HIGHER THAN THE LEVELS DEEMED
29 ACCEPTABLE UNDER THE AIR PROGRAM.

30

31 (13) BEGINNING JULY 1, 2007, AND ON OR BEFORE OCTOBER 15 OF
32 EACH YEAR THEREAFTER, THE DEPARTMENT OF PUBLIC HEALTH AND
33 ENVIRONMENT, IN COOPERATION WITH THE CONTRACTOR, SHALL BRIEF
34 THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE ON THE COST
35 AND EFFECTIVENESS OF THE HIGH-EMITTER PROGRAM. THE BRIEFING
36 SHALL COMPARE THE EFFECTIVENESS OF THE HIGH-EMITTER PROGRAM TO
37 OTHER EMISSIONS REDUCTION OPTIONS, INCLUDING, BUT NOT LIMITED TO,
38 THE ELIMINATION OF THE AIR PROGRAM.

39

40 (14) FOR FISCAL YEAR 2006-07, THE CONTRACTOR SHALL MAKE A
41 PAYMENT FROM THEIR HIGH-EMITTER ACCOUNT TO THE CLEAN SCREEN
42 FUND CREATED IN SECTION 42-4-304 (19) (a) (II) IN AN AMOUNT OF THREE
43 HUNDRED FIFTY THOUSAND DOLLARS. THE DEPARTMENT OF PUBLIC
44 HEALTH AND ENVIRONMENT SHALL PROVIDE THE CONTRACTOR WITH AN
45 ITEMIZED REPORT OF THE COSTS ASSOCIATED WITH THE IMPLEMENTATION
46 OF HOUSE BILL 06-1302, ENACTED AT THE SECOND REGULAR SESSION OF
47 THE SIXTY-FIFTH GENERAL ASSEMBLY, IF AN ADDITIONAL AMOUNT IS
48 NECESSARY TO COVER THE COSTS ASSOCIATED WITH THE
49 IMPLEMENTATION OF HOUSE BILL 06-1302.

50

51 **SECTION 3.** 42-4-307.5, Colorado Revised Statutes, is amended
52 BY THE ADDITION OF A NEW SUBSECTION to read:

53

54 **42-4-307.5. Clean screen authority - enterprise - revenue**
55 **bonds.** (12) (a) THE CLEAN SCREEN AUTHORITY MAY CONTRACT WITH
56 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND EXPEND

1 MONEYS FROM THE CLEAN SCREEN FUND FOR THE COSTS ASSOCIATED WITH
2 IMPLEMENTATION OF HOUSE BILL 06-1302, ENACTED AT THE SECOND
3 REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY. THE
4 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IS AUTHORIZED TO
5 EXPEND MONEYS PURSUANT TO SUCH CONTRACT, SUBJECT TO ANNUAL
6 APPROPRIATION BY THE GENERAL ASSEMBLY, DURING THE FISCAL YEAR
7 COMMENCING JULY 1, 2006.

8

9 (b) THIS SUBSECTION (12) IS REPEALED, EFFECTIVE JULY 1, 2008.

10

11 **SECTION 4.** Part 3 of article 4 of title 42, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14

15 **42-4-307.7. Vehicle emissions testing - remote sensing.** (1) ON
16 OR BEFORE DECEMBER 31, 2006, THE DEPARTMENT OF PUBLIC HEALTH
17 AND ENVIRONMENT AND THE CONTRACTOR SHALL DEVELOP A PLAN,
18 SUBJECT TO APPROVAL BY THE COMMISSION, THAT SHALL PROVIDE FOR A
19 PHASED INCREASE IN CLEAN SCREEN TESTING. THE PLAN SHALL PROVIDE
20 FOR THE SUBSTANTIALLY INCREASED USE OF REMOTE SENSING DEVICES
21 FOR THE IDENTIFICATION OF VEHICLES WHOSE EMISSIONS COMPLY WITH
22 THE AIR QUALITY CRITERIA DETERMINED BY THE COMMISSION AND THOSE
23 VEHICLES THAT EXCEED THE AIR QUALITY CRITERIA DETERMINED BY THE
24 COMMISSION.

25

26 (2) AS DETERMINED BY THE DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT, THE NUMBER OF LANES AT ENHANCED INSPECTION
28 CENTERS OR THE NUMBER OF ENHANCED INSPECTION CENTERS IN THE
29 PROGRAM AREA MAY BE REDUCED IF THE COMMISSION APPROVES A PLAN
30 TO SUBSTANTIALLY INCREASE THE USE OF REMOTE SENSING DEVICES AND
31 IF THE INCREASED USE OF SUCH TESTING SIGNIFICANTLY DECREASES THE
32 NUMBER OF VEHICLES TESTED AT ENHANCED INSPECTION CENTERS.

33

34 (3) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL
35 WORK WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO
36 IDENTIFY LOCATIONS THAT MAY ACCOMMODATE UNMANNED REMOTE
37 SENSING DEVICES WITHOUT CAUSING A SAFETY HAZARD.

38

39 (4) THE COMMISSION SHALL EVALUATE OPTIONS FOR INCREASING
40 THE NUMBER OF VEHICLES PASSING A TEST UNDER THE CLEAN SCREEN
41 PROGRAM, INCLUDING, BUT NOT LIMITED TO:

42

43 (a) THE REDUCTION OF THE NUMBER OF REMOTE SENSING
44 MEASUREMENTS PER VEHICLE;

45

46 (b) ADDITIONAL REMOTE SENSING DEVICES AND SITES;

47

48 (c) EXPANDED HOURS OF OPERATION; AND

49

50 (d) ADDITIONAL STAFFING.

51

52 (5) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
53 SHALL WORK WITH THE CONTRACTOR TO MINIMIZE FALSE TEST RESULTS
54 AND SHALL TRACK AND REPORT TO THE COMMISSION ITS PROGRESS IN
55 MINIMIZING FALSE TEST RESULTS ON OR BEFORE MARCH 31 OF EACH YEAR.

56

1 (6) THE COMMISSION SHALL DETERMINE THE CRITERIA USED FOR
2 THE MEASUREMENT OF VEHICLE EMISSIONS NEEDED TO COMPLY WITH THE
3 CLEAN SCREEN PROGRAM AND THE HIGH-EMITTER PROGRAM, WHICH
4 CRITERIA SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE POLLUTANTS
5 MEASURED, ACCEPTABLE LEVELS OF THE MEASURED POLLUTANTS, AND
6 FAILURE RATES. CRITERIA ADOPTED BY THE COMMISSION FOR THE CLEAN
7 SCREEN PROGRAM SHALL MEET ENVIRONMENTAL PROTECTION AGENCY
8 REQUIREMENTS.

9
10 (7) VEHICLES IDENTIFIED AS EXCEEDING ACCEPTABLE EMISSION
11 LIMITATIONS, AS DETERMINED BY THE COMMISSION PURSUANT TO
12 SUBSECTION (6) OF THIS SECTION, SHALL BE REQUIRED TO REPORT TO AN
13 ENHANCED INSPECTION CENTER OR OTHER APPROVED FACILITY WITHIN
14 THIRTY DAYS AND SHALL BE SUBJECT TO AN APPROVED EMISSIONS TEST TO
15 CONFIRM THAT THE VEHICLE HAS FAILED THE EMISSIONS TEST.
16 THEREAFTER, THE OWNER OF THE VEHICLE SHALL HAVE THIRTY DAYS TO
17 REPAIR AND TEST THE VEHICLE SUCCESSFULLY, SCRAP THE VEHICLE, OR
18 REREGISTER AND OPERATE THE VEHICLE OUTSIDE THE PROGRAM AREA.
19 THE VEHICLE OWNER IS RESPONSIBLE FOR PAYING FOR THE APPROVED
20 EMISSIONS TEST OR OTHER TEST METHOD APPROVED BY THE COMMISSION
21 PURSUANT TO SUBSECTION (8) OF THIS SECTION ONLY IF THE VEHICLE
22 FAILS THE TEST.

23
24 (8) THE COMMISSION SHALL ADOPT, BY RULE, EMISSIONS TEST
25 METHODS TO CONFIRM THE IDENTIFICATION OF A HIGH-EMITTING VEHICLE
26 THAT WAS PREVIOUSLY IDENTIFIED, BY REMOTE SENSING, AS A
27 HIGH-EMITTING VEHICLE.

28
29 (9) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, VEHICLES
30 OPERATING WITHIN THE PROGRAM AREA BUT REGISTERED OUTSIDE THE
31 PROGRAM AREA THAT ARE REPEATEDLY DETECTED UNDER THE CLEAN
32 SCREEN PROGRAM SHALL BE SUBJECT TO ENFORCEMENT UNDER A
33 PROGRAM ADOPTED BY THE COMMISSION TO IDENTIFY VEHICLES THAT
34 EXCEED ACCEPTABLE EMISSIONS LIMITATIONS.

35
36 (10) THE COMMISSION SHALL ADOPT, BY RULE, AN ENFORCEMENT
37 PROGRAM TO IDENTIFY VEHICLES THAT REGULARLY OPERATE WITHIN THE
38 PROGRAM AREA BUT ARE REGISTERED OUTSIDE THE PROGRAM AREA AND
39 SHALL REQUIRE THEIR COMPLIANCE WITH ACCEPTABLE EMISSIONS
40 LIMITATIONS DETERMINED BY THE COMMISSION.

41
42 (11) IF THE IDENTIFIED HIGH-EMITTING VEHICLE FAILS AN
43 ENHANCED EMISSIONS TEST AT AN ENHANCED INSPECTION CENTER OR
44 OTHER APPROVED TEST PURSUANT TO SUBSECTION (8) OF THIS SECTION,
45 REPAIRS SHALL BE COMPLETED AND THE VEHICLE SHALL PASS A
46 SUBSEQUENT APPROVED EMISSIONS TEST PURSUANT TO THIS PART 3
47 BEFORE THE VEHICLE MAY BE REGISTERED OR REREGISTERED.

48
49 (12) PHOTOGRAPHS OF A VEHICLE TAKEN BY A REMOTE SENSING
50 DEVICE IN ORDER TO CAPTURE AN IMAGE OF A VEHICLE'S LICENSE PLATE
51 SHALL BE LIMITED TO THE REAR OF THE VEHICLE. NO ATTEMPTS SHALL BE
52 MADE BY A REMOTE SENSING DEVICE TO PHOTOGRAPH A VEHICLE'S
53 DRIVER.

54
55 **SECTION 5.** 42-4-310 (1) (b) (II) (A), Colorado Revised
56 Statutes, is amended to read:

42-4-310. Periodic emissions control inspection required.

1
2 (1) (b) (II) (A) Motor vehicle dealers shall purchase verification of
3 emissions test forms for the sum of twenty-five cents per form from the
4 department or persons authorized by the department to make such sales
5 to be used only on new motor vehicles. No refund or credit shall be
6 allowed for any unused verification of emissions test forms. New motor
7 vehicles required under this section to have a verification of emissions
8 test form shall be issued a certification of emissions compliance without
9 inspection, which shall expire on the anniversary of the day of the
10 issuance of such certification when such vehicle has reached its fourth
11 model year or a later model year established by the commission pursuant
12 to section 42-4-306 (8) (b). Prior to the expiration of such certification
13 such vehicle shall PASS A CLEAN SCREEN TEST OR be inspected and a
14 certification of emissions control shall be obtained therefor.
15

16 **SECTION 6.** 42-4-313 (3), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF THE FOLLOWING NEW
18 PARAGRAPHS to read:
19

20 **42-4-313. Penalties.** (3) (h) NOTWITHSTANDING ANY OTHER
21 PROVISION OF THIS SECTION, AN OWNER OF A VEHICLE THAT HAS FAILED
22 A CLEAN SCREEN TEST IS IN VIOLATION OF THIS PART 3 AND SHALL BE
23 NOTIFIED BY MAIL THAT HIS OR HER VEHICLE IS NOT IN COMPLIANCE. THE
24 OWNER SHALL HAVE THIRTY DAYS TO REPAIR AND TEST THE VEHICLE
25 SUCCESSFULLY, SCRAP THE VEHICLE, OR REREGISTER AND OPERATE THE
26 VEHICLE OUTSIDE THE PROGRAM AREA. ANY SUBSEQUENT OPERATION OF
27 THE VEHICLE WITHIN THE PROGRAM AREA WITHOUT PROOF OF
28 COMPLIANCE WITH THIS PART 3 SHALL RESULT IN THE CANCELLATION OF
29 THE REGISTRATION OF THE VEHICLE.
30

31 (i) A VIOLATOR WHOSE VEHICLE FAILS TO COMPLY WITH EMISSION
32 LIMITS ADOPTED BY THE COMMISSION PURSUANT TO THIS PART 3 SHALL BE
33 FINED ONE HUNDRED DOLLARS PER VIOLATION.
34

35 (j) AFTER NINETY DAYS, REGISTRATION SHALL BE CANCELLED ON
36 A VEHICLE THAT REMAINS OUT OF COMPLIANCE WITH SECTION 42-4-310.
37 SUCH A VEHICLE SHALL NOT BE REREGISTERED WITHIN COLORADO
38 WITHOUT PROOF OF COMPLIANCE AND PAYMENT OF APPLICABLE FINES.
39

40 **SECTION 7.** 42-4-316, Colorado Revised Statutes, is amended
41 to read:
42

43 **42-4-316. AIR program - demonstration of compliance with**
44 **ambient air quality standards and transportation conformity.** (1) If
45 the COMMISSION OR lead air quality planning agency of any portion of the
46 program area demonstrates ~~to the commission~~ that such ANY portion OF
47 THE PROGRAM meets ambient air quality standards and transportation
48 conformity requirements, ~~upon approval of such demonstration~~ IN
49 COMPLIANCE WITH FEDERAL ACTS, the commission may specify that the
50 AIR program will no longer apply in that portion of the program area.
51

52 **SECTION 8.** Part 3 of article 4 of title 42 , Colorado Revised
53 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
54 read:
55

1 **42-4-316.5. Termination of vehicle emissions testing program.**
2 NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 3, THE VEHICLE
3 EMISSIONS INSPECTION PROGRAM SET FORTH IN SECTIONS 42-4-301 TO
4 42-4-316 IS REPEALED, EFFECTIVE DECEMBER 31, 2010.

5
6 **SECTION 9.** 42-3-304 (19) (d), Colorado Revised Statutes, is
7 amended to read:

8
9 **42-3-304. Registration fees - passenger and passenger-mile**
10 **taxes - clean screen fund - repeal.** (19) (d) ~~This subsection (19) is~~
11 ~~repealed, effective December 31, 2007.~~ Any moneys remaining in the
12 clean screen fund ~~on December 31, 2007~~ UPON TERMINATION OF THE AIR
13 PROGRAM shall revert to the AIR account established in paragraph (a) of
14 subsection (18) of this section.

15
16 **SECTION 10.** 42-3-304 (19) (a), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW SUBSECTION to read:

18
19 **42-3-304. Registration fees - passenger and passenger-mile**
20 **taxes - clean screen fund - repeal.** (19) (a) If the air quality control
21 commission determines pursuant to section 42-4-306 (23) (b) to
22 implement an expanded clean screen program in the enhanced emissions
23 program area, on and after the specific dates determined by the
24 commission for each of the following subparagraphs:

25
26 (IV) THE COMMISSION SHALL ESTABLISH A
27 PAY-UPON-REGISTRATION PROGRAM AS A PART OF THE PLAN TO
28 SUBSTANTIALLY INCREASE THE USE OF CLEAN SCREEN TESTING PURSUANT
29 TO SECTION 42-4-307.7 AND SHALL SET A DATE TO IMPLEMENT THE
30 PAY-UPON-REGISTRATION PROGRAM. THE EMISSIONS INSPECTION FEE
31 IMPOSED IN ACCORDANCE WITH THIS SUBSECTION (19) SHALL NOT EXCEED
32 NINE DOLLARS ANNUALLY AND SHALL BE ASSESSED ON EVERY MOTOR
33 VEHICLE IN THE PROGRAM AREA. THE FEE, IN ADDITION TO ANY OTHER FEE
34 IMPOSED BY THIS SECTION, SHALL BE COLLECTED BY THE COUNTY CLERK
35 AND RECORDER, ACTING AS AGENT FOR THE CLEAN SCREEN AUTHORITY,
36 AT THE TIME OF REGISTRATION EACH YEAR.

37
38 **SECTION 11. Appropriation.** In addition to any other
39 appropriation, there is hereby appropriated, out of any moneys in the
40 clean screen fund created in section 42-3-304 (19) (a) (II), Colorado
41 Revised Statutes, not otherwise appropriated, to the department of public
42 health and environment, for the fiscal year beginning July 1, 2006, the
43 sum of thirty-five thousand six hundred eighteen dollars (\$35,618) and
44 0.5 FTE, or so much thereof as may be necessary, for the implementation
45 of this act. Said sum shall be from moneys received from the clean screen
46 authority pursuant to section 42-4-307.5 (12), Colorado Revised Statutes.

47
48 **SECTION 12. Effective date.** This act shall take effect July 1,
49 2006.

50
51 **SECTION 13. Safety clause.** The general assembly hereby finds,
52 determines, and declares that this act is necessary for the immediate
53 preservation of the public peace, health, and safety."
54
55

1 Page 1, line 101, strike "TESTING." and substitute "TESTING, AND
2 MAKING AN APPROPRIATION THEREFOR."

3
4 As amended, ordered engrossed and placed on the Calendar for Third
5 Reading and Final Passage.

6
7 **HB06-1283** by Representative(s) Merrifield, Paccione, Benefield,
8 Pommer, Solano, Todd; also Senator(s) Windels--
9 Concerning a requirement that each school district spend
10 at least a specified percentage of its total operational
11 expenditures on services that directly affect student
12 achievement.

13
14 Amendment No. 1, Education Report, dated March 16, 2006, and placed
15 in member's bill file; Report also printed in House Journal, March 17,
16 pages 817-818.

17
18 Amendment No. 2, Appropriations Report, dated April 10, 2006, and
19 placed in member's bill file; Report also printed in House Journal,
20 April 10, page 1114.

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

24
25 On motion of Representative Madden, the remainder of the Special
26 Orders Calendar (**SB06-114, 015, 020, 038, 094, 152, 171, 172, 176, 188,**
27 **105**) was laid over until April 28, retaining place on Calendar.

28
29
30
31 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

32
33 Representatives Knoedler and King moved to amend the Report of the
34 Committee of the Whole to show that Amendment No.3 (printed in House
35 Journal page 1479 lines 33-49) by Representative Garcia to HB06-1050,
36 did not pass, that the following Knoedler amendment, HB06-1050, did
37 pass, and that **HB06-1050**, as amended, did pass.

38
39 Amend the Appropriations Committee Report, dated April 24, 2006, page
40 1, strike line 1 and substitute the following:

41
42 "Amend the Finance Committee Report, dated April 13, 2006, page 2,
43 strike lines 1 through 4 and substitute the following:

44
45 "line 18, strike "YEAR." and substitute "YEAR; EXCEPT THAT INTEREST AND
46 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
47 BUDGET STABILIZATION FUND DURING ANY FISCAL YEAR IN WHICH THE
48 GENERAL ASSEMBLY IS NOT REQUIRED TO MAKE AN APPROPRIATION FROM
49 THE GENERAL FUND TO THE BUDGET STABILIZATION FUND PURSUANT TO
50 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION BECAUSE THE
51 BEGINNING BALANCE OF THE BUDGET STABILIZATION FUND FOR THE FISCAL
52 YEAR WAS FORECAST TO EQUAL OR EXCEED SIX PERCENT OF THE AMOUNT
53 OF TOTAL GENERAL FUND APPROPRIATIONS MADE SUBJECT TO THE LIMIT
54 FOR THE PRECEDING FISCAL YEAR AS DETERMINED IN ACCORDANCE WITH
55 PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION SHALL BE CREDITED
56 TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.,

1 AND ALLOCATED IN ACCORDANCE WITH SECTION 43-4-205 (6) (b),
2 C.R.S.";";

3
4 line 2 of the Appropriations Committee Report, before "14,", insert "line";

5
6 strike lines 6 through 12 and substitute the following:

7
8 "Page 4, strike lines 27 through 29.

9
10 Page 5, strike lines 1 through 18."

11
12 Renumber succeeding section accordingly.

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

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

34
35 Representative Stengel moved to amend the Report of the Committee of
36 the Whole to show that the following Stengel amendment, to HB06-1283,
37 did pass, and that **HB06-1283**, as amended, did pass.

38
39 Strike the Education Committee Report, dated March 16, 2006.

40
41 Amend printed bill, page 1, strike lines 9 through 25 and substitute the
42 following:

43
44 **"22-54.5-102. Definitions.** As used in this article, unless the
45 context otherwise requires:

46
47 (1) "CLASSROOM INSTRUCTION EXPENDITURES" MEANS
48 EXPENDITURES DIRECTLY RELATED TO THE ACTIVITIES ASSOCIATED WITH
49 INTERACTION BETWEEN TEACHERS AND STUDENTS AND MAY INCLUDE
50 EXPENDITURES FOR AIDES OR CLASSROOM ASSISTANTS.

51
52 (2) "OPERATIONAL EXPENDITURES" MEANS ALL EXPENDITURES
53 MADE BY A SCHOOL DISTRICT OTHER THAN EXPENDITURES FOR CAPITAL
54 CONSTRUCTION OR DEBT OR BOND PAYMENTS, INCLUDING BUT NOT
55 LIMITED TO PAYMENT OF INTEREST ON DEBT OR BONDS.

56

1 **22-54.5-103. Classroom instruction expenditures.** (1) IN STATE
2 FISCAL YEAR 2007-2008 AND IN EACH STATE FISCAL YEAR THEREAFTER,
3 EACH SCHOOL DISTRICT SHALL SPEND AT LEAST SIXTY-FIVE PERCENT OF
4 ITS OPERATIONAL EXPENDITURES ON CLASSROOM INSTRUCTION
5 EXPENDITURES.

6
7 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
8 THIS SECTION, IF, IN THE STATE FISCAL YEAR 2006-2007, A SCHOOL
9 DISTRICT SPENDS LESS THAN SIXTY-FIVE PERCENT OF ITS OPERATIONAL
10 EXPENDITURES ON CLASSROOM INSTRUCTION EXPENDITURES, THE SCHOOL
11 DISTRICT SHALL INCREASE ITS CLASSROOM INSTRUCTION EXPENDITURES
12 BY TWO PERCENT OF ITS OPERATIONAL EXPENDITURES IN EACH STATE
13 FISCAL YEAR UNTIL ITS CLASSROOM INSTRUCTION EXPENDITURES REACH
14 SIXTY-FIVE PERCENT OF ITS OPERATIONAL EXPENDITURES.

15
16 (3) IN A STATE FISCAL YEAR IN WHICH A SCHOOL DISTRICT
17 DETERMINES THAT IT CANNOT MEET THE REQUIREMENTS OF EITHER
18 SUBSECTION (1) OR (2) OF THIS SECTION, THE SCHOOL DISTRICT MAY
19 REQUEST A RENEWABLE, ONE-YEAR WAIVER OF THE REQUIREMENTS FROM
20 THE GOVERNOR. WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF A REQUEST,
21 THE GOVERNOR SHALL EITHER GRANT OR DENY THE REQUESTED WAIVER.

22
23 (4) THE GENERAL ASSEMBLY MAY ENACT SANCTIONS FOR A
24 SCHOOL DISTRICT THAT FAILS TO COMPLY WITH THE PROVISIONS OF THIS
25 SECTION.

26
27 **SECTION 2. Safety clause.** The general assembly hereby finds,
28 determines, and declares that this act is necessary for the immediate
29 preservation of the public peace, health, and safety."

30
31 Strike pages 3 through 10.

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

	YES	27	NO	38	EXCUSED	00	ABSENT	00
36	Balmer	Y	Frangas	N	Larson	Y	Pommer	N
37	Benfield	N	Gallegos	N	Lindstrom	N	Ragsdale	N
38	Berens	Y	Garcia	N	Liston	Y	Riesberg	N
39	Borodkin	N	Gardner	Y	Lundberg	Y	Rose	Y
40	Buescher	N	Green	N	Madden	N	Schultheis	Y
41	Butcher	N	Hall	Y	Marshall	N	Solano	N
42	Cadman	Y	Harvey	Y	Massey	N	Soper	N
43	Carroll M	N	Hefley	Y	May	Y	Stafford	Y
44	Carroll T	N	Hodge	N	McCluskey	Y	Stengel	Y
45	Cerbo	N	Hoppe	N	McFadyen	N	Sullivan	Y
46	Clapp	Y	Jahn	N	McGihon	N	Todd	N
47	Cloer	Y	Judd	N	McKinley	N	Vigil	N
48	Coleman	N	Kerr A	N	Merrifield	N	Weissmann	N
49	Crane	Y	Kerr J	Y	Paccione	N	Welker	Y
50	Curry	N	King	Y	Penry	Y	White	Y
51	Decker	N	Knoedler	Y	Plant	N	Witwer	Y
52							Speaker	N

53
54 Representatives King and Larson moved to amend the Report of the
55 Committee of the Whole to show that **HB06-1283**, as amended, did not
56 pass.

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

	YES	31	NO	34	EXCUSED	00	ABSENT	00
4	Balmer	Y	Frangas	N	Larson	Y	Pommer	N
5	Benefield	N	Gallegos	N	Lindstrom	N	Ragsdale	N
6	Berens	Y	Garcia	N	Liston	Y	Riesberg	N
7	Borodkin	N	Gardner	Y	Lundberg	Y	Rose	Y
8	Buescher	Y	Green	N	Madden	N	Schultheis	Y
9	Butcher	N	Hall	Y	Marshall	N	Solano	N
10	Cadman	Y	Harvey	Y	Massey	Y	Soper	N
11	Carroll M	N	Hefley	Y	May	Y	Stafford	Y
12	Carroll T	N	Hodge	N	McCluskey	Y	Stengel	Y
13	Cerbo	N	Hoppe	Y	McFadyen	N	Sullivan	Y
14	Clapp	Y	Jahn	N	McGihon	N	Todd	N
15	Cloer	N	Judd	N	McKinley	N	Vigil	N
16	Coleman	N	Kerr A	N	Merrifield	N	Weissmann	Y
17	Crane	Y	Kerr J	Y	Paccione	N	Welker	Y
18	Curry	N	King	Y	Penry	Y	White	Y
19	Decker	Y	Knoedler	Y	Plant	N	Witwer	Y
20							Speaker	N

21
22
23
24 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

25
26 Passed Second Reading: **HB06-1050 amended, 1302 amended,**
27 **1283 amended.**

28
29 Laid over until date indicated retaining place on Calendar: **SB06-114,**
30 **015, 020, 038, 094, 152, 171, 172, 176, 188, 105.**

31
32 The Chairman moved the adoption of the Committee of the Whole
33 Report. As shown by the following roll call vote, a majority of those
34 elected to the House voted in the affirmative, and the Report was
35 **adopted.**

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

REPORTS OF COMMITTEES OF REFERENCE**APPROPRIATIONS**

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

HB06-1393 be referred to the Committee of the Whole with favorable recommendation.

SB06-059 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 5, line 17, strike "fund," and substitute "fund in the department of public health and environment,".

SB06-063 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 7, after line 22, insert the following:

"(7) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, TO THE EXTENT POSSIBLE, AFTER THE 2007-08 STATE FISCAL YEAR, THE COSTS OF IMPLEMENTING SENATE BILL 06-063, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY, SHALL BE INCLUDED WITHIN THE COSTS OF MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECTS."

SB06-110 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, line 8, strike "one hundred";
strike line 9, and substitute "sixty-eight thousand eight hundred seventy-nine dollars (\$68,879) and";
line 10, strike "2.5 FTE," and substitute "1.0 FTE,".

SB06-122 be referred to the Committee of the Whole with favorable recommendation.

1 **FINANCE**

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

4
5 **HB06-1399** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, page 3, strike lines 9 and 10.

10
11 Renumber succeeding section accordingly.

12
13
14
15 **HCR06-1006** be postponed indefinitely.

16
17
18 **SB06-141** be amended as follows, and as so amended, be referred to
19 the Committee on Appropriations with favorable
20 recommendation:

21
22 Amend reengrossed bill, page 6, line 16, strike "INSTITUTE" and substitute
23 "INSTITUTE, A GENERAL HOSPITAL OPERATED BY THE STATE OR A
24 POLITICAL SUBDIVISION OF THE STATE,".

25
26 Page 11, strike lines 14 through 17 and substitute the following:

27
28 "(d) THE AVERAGE RATE CHARGED TO".

29
30 Page 18, line 5, strike "**Fees.**" and substitute "**Fees - repeal. (1)**";

31
32 line 9, strike "THE" and substitute "FOR FISCAL YEARS BEGINNING ON AND
33 BEFORE JULY 1, 2010, THE";

34
35 after line 22, insert the following:

36
37 "(2) (a) ON OR BEFORE JANUARY 1, 2011, THE STATE DEPARTMENT
38 SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
39 ASSEMBLY THE ANNUAL COST INCURRED BY THE STATE DEPARTMENT IN
40 COMPLETING THE REQUIREMENTS OF THIS ARTICLE, THE ESTIMATED COST
41 IN COMPLETING THE REQUIREMENTS FOR THE 2011-12 FISCAL YEAR, THE
42 AMOUNT THE ANNUAL FEE IMPOSED PURSUANT TO SECTION 25-3-105 HAS
43 BEEN INCREASED PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND THE
44 AMOUNT THE ANNUAL FEE WOULD BE INCREASED TO COVER THE
45 ANTICIPATED COSTS FOR THE 2011-12 FISCAL YEAR.

46
47 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2012.".

48
49
50
51 **SB06-218** be referred favorably to the Committee on Appropriations.

52
53
54 **SCR06-001** be referred favorably to the Committee on Appropriations.

55
56

1 **HEALTH & HUMAN SERVICES**

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

4
5 **HB06-1100** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:

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

11
12 **"SECTION 1. Legislative declaration.** The general assembly
13 finds that some citizens who are uninsured are experiencing difficulty in
14 obtaining prescription pharmaceuticals. The general assembly further
15 finds that, because appropriate use of pharmaceuticals can improve a
16 patient's health outcome and quality of life, instead of more invasive and
17 expensive procedures, it is essential that uninsured Coloradans have
18 access to outpatient prescription drugs. Therefore, in an effort to promote
19 healthy communities and to protect the public health and welfare of
20 Coloradans, the general assembly finds it is necessary to establish a
21 market-based prescription drug assistance program for the uninsured who
22 are most in need of assistance.

23
24 **SECTION 2.** Article 1 of title 25.5, Colorado Revised Statutes,
25 is amended BY THE ADDITION OF A NEW PART to read:

26
27 **PART 6**
28 **COLORADO CARES RX PROGRAM**

29
30 **25.5-1-601. Definitions.** AS USED IN THIS PART 6, UNLESS THE
31 CONTEXT OTHERWISE REQUIRES:

32
33 (1) "OUTPATIENT PRESCRIPTION DRUG" MEANS A PRESCRIPTION
34 DRUG THAT IS PRESCRIBED FOR SELF-ADMINISTRATION BY A PATIENT AND
35 THAT IS DISPENSED BY A PARTICIPATING PHARMACY.

36
37 (2) "PARTICIPATING MANUFACTURER" MEANS AN ENTITY THAT
38 DISTRIBUTES GENERIC OR BRANDED PHARMACEUTICALS AND THAT ENTERS
39 INTO AN AGREEMENT WITH THE STATE DEPARTMENT TO PARTICIPATE IN
40 THE PROGRAM.

41
42 (3) "PARTICIPATING PHARMACY" MEANS AN ESTABLISHMENT
43 LOCATED IN THE UNITED STATES THAT HAS A VALID STATE LICENSE OR
44 REGISTRATION TO DISPENSE PRESCRIPTION DRUGS TO RESIDENTS OF
45 COLORADO AND THAT ENTERS INTO AN AGREEMENT WITH THE STATE
46 DEPARTMENT TO PARTICIPATE IN THE PROGRAM.

47
48 (4) "PROGRAM" MEANS THE COLORADO CARES RX PROGRAM
49 CREATED IN SECTION 25.5-1-602.

50
51 (5) "PROGRAM PARTICIPANT" MEANS AN INDIVIDUAL DETERMINED
52 ELIGIBLE FOR THE PROGRAM WHO HAS BEEN ISSUED A COLORADO CARES
53 RX PROGRAM ENROLLMENT CARD.

54
55 (6) "STATE HEALTH PLAN" MEANS A HEALTH BENEFITS PROGRAM
56 PAID FOR IN WHOLE OR IN PART BY THE STATE OF COLORADO FOR STATE

1 EMPLOYEES, ACTIVE OR RETIRED, THAT IS AUTHORIZED TO NEGOTIATE
2 PRESCRIPTION DRUG DISCOUNTS SEPARATELY AND INDEPENDENTLY FROM
3 OTHER STATE PROGRAMS.

4

5 **25.5-1-602. Creation - administration of program - rules.**

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

19

20 (b) UNLESS WAIVED BY A PARTICIPATING PHARMACY OR THROUGH
21 AN AGREEMENT BETWEEN THE STATE DEPARTMENT AND A PARTICIPATING
22 PHARMACY, A PROGRAM PARTICIPANT SHALL BE REQUIRED TO PAY A
23 DISPENSING FEE IN THE AMOUNT SPECIFIED IN RULE UNDER THE
24 "COLORADO MEDICAL ASSISTANCE ACT".

25

26 (2) THE ENTIRE REBATE OR DISCOUNT ON AN OUTPATIENT
27 PRESCRIPTION DRUG OFFERED TO THE PROGRAM BY A PARTICIPATING
28 MANUFACTURER SHALL BE GIVEN TO THE PROGRAM PARTICIPANT.

29

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

35

36 (a) THE MANUFACTURER'S BEST ESTIMATE OF THE AVERAGE
37 REBATE OFFERED FOR THE SAME DRUG TO STATE HEALTH PLANS IN THE
38 PRIOR YEAR, WHICH SHALL BE EFFECTIVE FOR NO LESS THAN ONE YEAR
39 PLUS THE AVERAGE WHOLESALE PRICE LESS THIRTEEN AND ONE-HALF
40 PERCENT FOR NAME-BRAND DRUGS OR THE AVERAGE WHOLESALE PRICE
41 LESS THIRTY-FIVE PERCENT FOR GENERIC DRUGS; OR

42

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

46

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

55

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

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

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

14
15 (c) ARRANGEMENTS FOR IMPLEMENTING AGREEMENTS UNDER THE
16 PROGRAM WITH PARTICIPATING MANUFACTURERS, INCLUDING A SCHEDULE
17 FOR PARTICIPATING MANUFACTURERS TO PAY REBATES TO THE EXECUTIVE
18 DIRECTOR, WHICH SHALL BE NO LESS FREQUENTLY THAN ONCE PER
19 QUARTER.

20
21 (6) THE EXECUTIVE DIRECTOR SHALL ESTABLISH AN ANNUAL
22 PROCESS FOR DETERMINING THE DISCOUNT PRICE TO BE CHARGED TO THE
23 PROGRAM PARTICIPANTS FOR EACH DRUG, WHICH SHALL NOT EXCEED AN
24 AMOUNT EQUAL TO THE AVERAGE WHOLESALE PRICE LESS THIRTEEN AND
25 ONE-HALF PERCENT FOR NAME-BRAND DRUGS OR THE AVERAGE
26 WHOLESALE PRICE LESS THIRTY-FIVE PERCENT FOR GENERIC DRUGS MINUS
27 THE MANUFACTURER REBATE, WHICH SHALL BE THE MANUFACTURER'S
28 BEST ESTIMATE OF THE AVERAGE REBATE AVAILABLE FROM THE
29 MANUFACTURER FOR THE DRUG TO STATE HEALTH PLANS DURING THE
30 PRIOR YEAR.

31
32 (7) FOR EACH DRUG FOR WHICH THE PROGRAM PRICE IS
33 ESTABLISHED UNDER THE PROGRAM, BEGINNING IN THE YEAR THAT BEGINS
34 IN THE FOURTH YEAR AFTER IMPLEMENTATION OF THE PROGRAM:

35
36 (a) THE EXECUTIVE DIRECTOR SHALL ANNUALLY OBTAIN FROM
37 STATE HEALTH PLANS THE AMOUNT OF THE REBATE, IF ANY, OBTAINED BY
38 THE PLANS OR THE PLANS' CONTRACTORS FOR EACH PRESCRIPTION DRUG
39 FOR WHICH THE EXECUTIVE DIRECTOR HAS ENTERED INTO A REBATE
40 AGREEMENT UNDER THE PROGRAM, FOR THE YEAR THAT BEGAN FIVE
41 YEARS EARLIER THAN THE CURRENT PROGRAM YEAR. THE REBATE
42 AMOUNT REPORTED FOR EACH STATE HEALTH PLAN FOR EACH DRUG SHALL
43 BE THE FULL AMOUNT PAID BY THE PARTICIPATING MANUFACTURER TO
44 THE STATE HEALTH PLAN OR CONTRACTOR THAT ADMINISTERS THE STATE
45 HEALTH PLAN.

46
47 (b) THE EXECUTIVE DIRECTOR SHALL DETERMINE THE AVERAGE OF
48 ANY REPORTED REBATES FOR EACH OUTPATIENT PRESCRIPTION DRUG. IF
49 THE AVERAGE COMPUTED BY THE EXECUTIVE DIRECTOR WOULD HAVE
50 RESULTED IN:

51
52 (I) A LOWER REBATE THAN THE PARTICIPATING MANUFACTURER'S
53 BEST ESTIMATE OF THE AVERAGE REBATE PAYABLE TO THE STATE HEALTH
54 PLANS FOR THE YEAR THAT IS THE SUBJECT OF THE REPORTS PURSUANT TO
55 PARAGRAPH (a) OF THIS SUBSECTION (7), THE PARTICIPATING
56 MANUFACTURER SHALL BE PROMPTLY NOTIFIED, BUT NO REFUND SHALL BE

1 OWED BY THE PROGRAM TO THE PARTICIPATING MANUFACTURER.

2
3 (II) A GREATER REBATE THAN THE PARTICIPATING
4 MANUFACTURER'S BEST ESTIMATE OF THE AVERAGE REBATE PAYABLE TO
5 THE STATE HEALTH PLANS FOR THE YEAR THAT IS THE SUBJECT OF THE
6 REPORTS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7), THE
7 PARTICIPATING MANUFACTURER SHALL MAKE AN AGGREGATE PAYMENT
8 TO THE STATE DEPARTMENT IN AN AMOUNT EQUAL TO THE DIFFERENCE
9 BETWEEN THE TOTAL AMOUNT OF THE PER UNIT PAYMENTS THAT WERE
10 MADE FOR THE PRIOR YEAR AND THE TOTAL AMOUNT THAT WOULD HAVE
11 BEEN PAID BY USING THE AVERAGE REBATE COMPUTED BY THE EXECUTIVE
12 DIRECTOR. THE EXECUTIVE DIRECTOR SHALL PROMPTLY NOTIFY THE
13 PARTICIPATING MANUFACTURER OF THE AMOUNT OWED, AND THE
14 PARTICIPATING MANUFACTURER SHALL MAKE AN AGGREGATE PAYMENT
15 OF THE AMOUNT OWED NO LATER THAN THIRTY DAYS AFTER RECEIVING
16 THE NOTICE. THE PAYMENT RECEIVED BY THE STATE DEPARTMENT SHALL
17 BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL DEPOSIT THE
18 SAME INTO THE FUND CREATED IN SECTION 25.5-1-608.

19
20 (8) SUBJECT TO AVAILABLE APPROPRIATIONS, THE EXECUTIVE
21 DIRECTOR IS AUTHORIZED TO CONTRACT WITH A THIRD PARTY FOR
22 ADMINISTRATION OF ALL OR PART OF THE PROGRAM. IF THE EXECUTIVE
23 DIRECTOR CONTRACTS WITH A PHARMACEUTICAL BENEFITS MANAGER FOR
24 THE ADMINISTRATION OF ALL OR PART OF THE PROGRAM, THE
25 PHARMACEUTICAL BENEFITS MANAGER SHALL BE REQUIRED TO
26 PARTICIPATE IN A TRANSPARENT MANNER TO ENABLE THE STATE
27 DEPARTMENT TO REVIEW PAYMENTS AND REPORTED INFORMATION TO
28 ENSURE APPROPRIATE ADMINISTRATION OF THE PROGRAM.

29
30 **25.5-1-603. Eligibility - enrollment - card - discount.**
31 (1) (a) AN INDIVIDUAL WHO IS A RESIDENT OF COLORADO IS ELIGIBLE TO
32 PARTICIPATE IN THE PROGRAM IF THE INDIVIDUAL MEETS ANY OF THE
33 FOLLOWING CRITERIA AT THE COMMENCEMENT OF THE PROGRAM YEAR:

34
35 (I) THE INDIVIDUAL IS OVER SIXTY YEARS OF AGE; OR

36
37 (II) THE INDIVIDUAL IS OVER FIFTY-FIVE YEARS OF AGE AND IS
38 RECEIVING SOCIAL SECURITY DISABILITY INSURANCE; OR

39
40 (III) (A) THE INDIVIDUAL HAS A FAMILY INCOME THAT DOES NOT
41 EXCEED TWO HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY LEVEL,
42 WHICH SHALL INCLUDE ALL SOURCES OF INCOME, INCLUDING BUT NOT
43 LIMITED TO WAGES, SALARIES, INTEREST, AND DIVIDENDS; AND

44
45 (B) THE INDIVIDUAL IS NOT ELIGIBLE FOR, AND FOR THE SIX
46 MONTHS PRIOR TO APPLYING FOR THE PROGRAM HAS NOT BEEN ELIGIBLE
47 FOR, OUTPATIENT PRESCRIPTION DRUG COVERAGE UNDER A HEALTH
48 BENEFITS PROGRAM PAID FOR IN WHOLE OR IN PART BY AN EMPLOYER,
49 MEDICAID, OR ANY OTHER STATE OR FEDERAL HEALTH PLAN OR
50 PHARMACEUTICAL ASSISTANCE PROGRAM, OTHER THAN MEDICARE, THAT
51 USES STATE OR FEDERAL FUNDS TO PAY FOR PART OR ALL OF THE
52 INDIVIDUAL'S PRESCRIPTION DRUG COSTS.

53
54 (b) THE SIX-MONTH PERIOD SET FORTH IN SUB-SUBPARAGRAPH (B)
55 OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL
56 NOT APPLY WITH RESPECT TO AN INDIVIDUAL IF:

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

5
6 (II) THE INDIVIDUAL IS NO LONGER ELIGIBLE FOR MEDICAID
7 BENEFITS; OR

8
9 (III) THE INDIVIDUAL IS WITHOUT HEALTH BENEFITS AS A RESULT
10 OF A PLANT OR COMPANY CLOSING, JOB ACTION LASTING MORE THAN
11 THIRTY DAYS, OR LAYOFF.

12
13 (2) AN INDIVIDUAL SEEKING TO PARTICIPATE IN THE PROGRAM
14 SHALL APPLY TO THE STATE DEPARTMENT ON AN ANNUAL BASIS,
15 PROVIDING AN ATTESTATION OF INCOME, DISABILITY, AND COVERAGE
16 STATUS AS APPROPRIATE TO THE ELIGIBILITY CATEGORY FOR WHICH
17 APPLICATION IS MADE. FALSE ATTESTATIONS SHALL BE SUBJECT TO THE
18 PERJURY PROVISIONS SET FORTH IN SECTION 18-8-503, C.R.S.

19
20 (3) A PROGRAM PARTICIPANT SHALL RECEIVE A COLORADO CARES
21 RX PROGRAM ENROLLMENT CARD TO BE PRESENTED TO PARTICIPATING
22 PHARMACIES TO RECEIVE DISCOUNTS PROVIDED BY THE PROGRAM ON THE
23 PARTICIPANT'S PURCHASES OF OUTPATIENT PRESCRIPTION DRUGS. THERE
24 SHALL BE NO PROGRAM ENROLLMENT FEE.

25
26 (4) THE PROGRAM IS INTENDED TO BE THE PAYER OF LAST RESORT
27 AND TO NOT REPLACE AVAILABLE GOVERNMENT OR PRIVATE PAYMENT
28 OPTIONS.

29
30 (5) SUBJECT TO ANY PARTICIPATING MANUFACTURER AGREEMENTS
31 ENTERED INTO PURSUANT TO THIS PART 6, THE AMOUNT PAYABLE TO
32 PARTICIPATING PHARMACIES BY PROGRAM PARTICIPANTS FOR AN
33 OUTPATIENT PRESCRIPTION DRUG SHALL BE THE LESSER OF:

34
35 (a) A DISPENSING FEE IN THE AMOUNT SPECIFIED IN RULE UNDER
36 THE "COLORADO MEDICAL ASSISTANCE ACT" PLUS THE AVERAGE
37 WHOLESALE PRICE LESS THIRTEEN AND ONE-HALF PERCENT FOR
38 NAME-BRAND DRUGS OR THE AVERAGE WHOLESALE PRICE LESS
39 THIRTY-FIVE PERCENT FOR GENERIC DRUGS; OR

40
41 (b) A DISPENSING FEE IN THE AMOUNT SPECIFIED IN RULE UNDER
42 THE "COLORADO MEDICAL ASSISTANCE ACT" PLUS THE PARTICIPATING
43 PHARMACY'S USUAL AND CUSTOMARY CHARGE FOR THE DRUG.

44
45 **25.5-1-604. Pharmacy reimbursement - applicable rules.**

46 (1) A PARTICIPATING PHARMACY THAT CHARGES A PROGRAM
47 PARTICIPANT THE DISCOUNT PRICE FOR AN OUTPATIENT PRESCRIPTION
48 DRUG SHALL SUBMIT A CLAIM TO THE EXECUTIVE DIRECTOR VERIFYING
49 THE QUANTITY OF EACH OUTPATIENT PRESCRIPTION DRUG DISPENSED TO
50 PROGRAM PARTICIPANTS BY THE PARTICIPATING PHARMACY. THE
51 PARTICIPATING PHARMACY SHALL USE THE CLAIM FORM OR PROCESS
52 ESTABLISHED BY RULE OF THE STATE BOARD.

53
54 (2) THE EXECUTIVE DIRECTOR SHALL REIMBURSE A PARTICIPATING
55 PHARMACY THE AMOUNT OF THE REBATE A MANUFACTURER HAS AGREED
56 TO PAY FOR THE OUTPATIENT PRESCRIPTION DRUG PURSUANT TO A REBATE

1 AGREEMENT ENTERED INTO UNDER THIS PART 6 FOR EACH PRESCRIPTION
2 DRUG THE PARTICIPATING PHARMACY HAS PROVIDED TO A PROGRAM
3 PARTICIPANT AT THE DISCOUNT PRICE. THE EXECUTIVE DIRECTOR SHALL
4 MAKE THE REIMBURSEMENTS AND PAYMENTS CONSISTENT WITH THE
5 "COLORADO MEDICAL ASSISTANCE ACT".

6
7 (3) ALL STATUTES UNDER THE "COLORADO MEDICAL ASSISTANCE
8 ACT" RELATING TO PROVIDERS OF PHARMACEUTICAL SERVICES AND THE
9 CORRESPONDING RULES ADOPTED BY THE STATE BOARD SHALL APPLY TO
10 PARTICIPATING PHARMACIES UNDER THIS PART 6.

11
12 **25.5-1-605. Confidential information - business - consumers.**

13 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INFORMATION
14 DISCLOSED BY PHARMACEUTICAL MANUFACTURERS AND BY STATE HEALTH
15 PLANS UNDER THIS PART 6 IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED
16 BY THE EXECUTIVE DIRECTOR OR A STATE AGENCY OR THE AGENCY'S
17 CONTRACTOR IN A FORM THAT DISCLOSES THE IDENTITY OF A SPECIFIC
18 MANUFACTURER, PRICES CHARGED FOR PRESCRIPTION DRUGS BY THE
19 MANUFACTURER OR WHOLESALER, THE IDENTITY OF A SPECIFIC STATE
20 HEALTH PLAN OR THE STATE HEALTH PLAN'S CONTRACTOR, OR THE
21 PAYMENT METHODOLOGIES OR REBATES OF THE PLAN EXCEPT:

22
23 (a) WHEN THE EXECUTIVE DIRECTOR DETERMINES IT TO BE
24 NECESSARY TO CARRY OUT THE PROGRAM; OR

25
26 (b) TO PERMIT THE ATTORNEY GENERAL TO REVIEW THE
27 INFORMATION PROVIDED.

28
29 (2) INFORMATION ON CLAIMS SUBMITTED BY PARTICIPATING
30 PHARMACIES THAT INCLUDE CONFIDENTIAL PATIENT INFORMATION SHALL
31 BE PROTECTED AS PROVIDED UNDER THE FEDERAL "HEALTH INSURANCE
32 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED.

33
34 **25.5-1-606. Program agreements - oversight - audits -**
35 **prohibitions.** (1) EACH PHARMACEUTICAL MANUFACTURER THAT SELLS
36 OUTPATIENT PRESCRIPTION DRUGS, WHETHER BRANDED OR GENERIC, MAY
37 VOLUNTARILY ENTER INTO AN AGREEMENT WITH THE EXECUTIVE
38 DIRECTOR TO PARTICIPATE IN THE PROGRAM.

39
40 (2) IF THE AGREEMENT BETWEEN THE PARTICIPATING
41 MANUFACTURER AND THE EXECUTIVE DIRECTOR PROVIDES FOR REBATES
42 UNDER THE PROGRAM, THE EXECUTIVE DIRECTOR SHALL REPORT TO THE
43 PARTICIPATING MANUFACTURER, IN A STANDARD REPORTING FORMAT
44 ESTABLISHED BY THE EXECUTIVE DIRECTOR, INFORMATION ON THE TOTAL
45 NUMBER OF UNITS OF EACH DOSAGE FORM AND STRENGTH AND PACKAGE
46 SIZE OF EACH OUTPATIENT PRESCRIPTION DRUG DISPENSED TO THE
47 PROGRAM PARTICIPANTS BY PARTICIPATING PHARMACIES AFTER THE
48 IMPLEMENTATION DATE OF THE PROGRAM.

49
50 (3) REBATE PAYMENTS FROM THE PARTICIPATING MANUFACTURER
51 SHALL BE DUE TO THE STATE DEPARTMENT NO LATER THAN THIRTY DAYS
52 AFTER THE INVOICE IS RECEIVED BY THE PARTICIPATING MANUFACTURER,
53 WHICH SHALL BE AT LEAST ONCE PER QUARTER.

54
55 (4) FAILURE OF A PHARMACY OR PHARMACEUTICAL
56 MANUFACTURER TO PARTICIPATE IN THE PROGRAM SHALL NOT RESULT IN

1 EXCLUSION FROM PARTICIPATION IN ANY OTHER PUBLIC OR PRIVATE
2 PROGRAM OR RESULT IN NON-NETWORK OR OTHER NON-PREFERRED
3 STATUS UNDER A STATE HEALTH PLAN.
4

5 **25.5-1-607. Legislative oversight.** ON AN ANNUAL BASIS, THE
6 HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF
7 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,
8 SHALL REVIEW THE PROGRAM AND SHALL CONSIDER OPTIONS FOR
9 ENHANCING THE ASSISTANCE TO PROGRAM PARTICIPANTS, INCLUDING
10 CONSIDERATION OF THE APPROPRIATENESS OF THE STATE PAYING THE
11 DISPENSING FEE AND SOME ADDITIONAL PORTION OF THE DRUG COST FOR
12 THE NEEDIEST PARTICIPANTS OUT OF PROGRAM FUNDS.
13

14 **25.5-1-608. Colorado cares Rx program fund - use.** (1) THERE
15 IS HEREBY CREATED IN THE STATE TREASURY THE COLORADO CARES RX
16 PROGRAM FUND, REFERRED TO IN THIS PART 6 AS THE "FUND". THE FUND
17 SHALL CONSIST OF MONEYS APPROPRIATED TO THE FUND BY THE GENERAL
18 ASSEMBLY, REBATES PAID BY PARTICIPATING MANUFACTURERS, AND ANY
19 GIFTS, GRANTS, OR DONATIONS RECEIVED FOR THE PROGRAM. THE
20 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY
21 THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS
22 ASSOCIATED WITH THE IMPLEMENTATION OF THE PROGRAM. ANY MONEYS
23 IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART 6 MAY BE
24 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
25 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
26 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
27 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
28 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
29 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.
30

31 (2) MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY
32 THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT TO ADMINISTER THE
33 PROGRAM, TO REIMBURSE A PARTICIPATING PHARMACY THE AMOUNT OF
34 THE PARTICIPATING MANUFACTURER'S DISCOUNT OFF THE INGREDIENT
35 COST FOR AN OUTPATIENT PRESCRIPTION DRUG THAT THE PARTICIPATING
36 PHARMACY PASSES THROUGH TO A PROGRAM PARTICIPANT, AND FOR THE
37 STATE DEPARTMENT TO UNDERTAKE OUTREACH EFFORTS TO PUBLICIZE
38 THE PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
39 DEPARTMENT SHALL ALLOW INDIVIDUALS TO APPLY FOR PARTICIPATION IN
40 THE PROGRAM BY INTERNET AND BY TELEPHONE.
41

42 **25.5-1-609. Colorado cares Rx clearinghouse.** (1) THERE IS
43 HEREBY ESTABLISHED THE COLORADO CARES RX CLEARINGHOUSE,
44 REFERRED TO IN THIS SECTION AS THE "CLEARINGHOUSE", WHICH SHALL
45 BE OPERATED BY THE STATE DEPARTMENT. THE CLEARINGHOUSE SHALL
46 SERVE AS A CENTRAL REPOSITORY OF REGISTRATION AND APPLICATION
47 INFORMATION FOR ALL PUBLIC AND PRIVATE PRESCRIPTION DRUG BENEFITS
48 NOT ASSOCIATED WITH A PARTICULAR HEALTH PLAN OR INSURER,
49 INCLUDING BUT NOT LIMITED TO DRUG MANUFACTURER PATIENT
50 ASSISTANCE PROGRAMS, PRESCRIPTION DRUG DISCOUNT CARD PROGRAMS,
51 THE COLORADO CARES RX PROGRAM, THE CHILDREN'S BASIC HEALTH
52 PLAN, MEDICARE, AND THE COLORADO MEDICAID PROGRAM.
53

54 (2) THE CLEARINGHOUSE SHALL ASSIST COLORADO RESIDENTS IN
55 IDENTIFYING BENEFITS FOR WHICH THEY MAY BE ELIGIBLE.
56

1 (3) INFORMATION DISCLOSED BY PRIVATE ENTITIES, INCLUDING
2 BUT NOT LIMITED TO DRUG MANUFACTURERS, DURING THE COORDINATION
3 AND IMPLEMENTATION OF THE CLEARINGHOUSE SHALL BE KEPT
4 CONFIDENTIAL, EXCEPT AS THE EXECUTIVE DIRECTOR DETERMINES IS
5 NECESSARY TO CARRY OUT THE PURPOSES OF THE CLEARINGHOUSE. ALL
6 INFORMATION RECEIVED BY THE STATE OR ITS CONTRACTORS FROM A
7 PRIVATE ENTITY FOR COORDINATION UNDER THE CLEARINGHOUSE SHALL
8 BE EXEMPT FROM DISCLOSURE UNDER ARTICLE 72 OF TITLE 24, C.R.S.

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

19
20 **25.5-1-610. Repeal of part.** (1) THIS PART 6 IS REPEALED,
21 EFFECTIVE JULY 1, 2010.

22
23 (2) PRIOR TO SUCH REPEAL, THE PROGRAM SHALL BE REVIEWED AS
24 PROVIDED IN SECTION 24-34-104, C.R.S.

25
26 **SECTION 3.** 24-34-104 (41), Colorado Revised Statutes, is
27 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

28
29 **24-34-104. General assembly review of regulatory agencies
30 and functions for termination, continuation, or reestablishment.**
31 (41) The following agencies, functions, or both, shall terminate on July
32 1, 2010:

33
34 (s) THE COLORADO CARES RX PROGRAM IMPLEMENTED BY THE
35 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING PURSUANT TO
36 PART 6 OF ARTICLE 1 OF TITLE 25.5, C.R.S.

37
38 **SECTION 4.** Part 1 of article 1 of title 25, Colorado Revised
39 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
40 read:

41
42 **25-1-126. Department - prescription drug discounts - federal
43 340B drug pricing program.** THE DEPARTMENT SHALL MAXIMIZE
44 PRESCRIPTION DRUG DISCOUNTS WITHIN THE PROGRAMS ADMINISTERED BY
45 THE DEPARTMENT THROUGH THE USE OF THE FEDERAL 340B DRUG PRICING
46 PROGRAM PURSUANT TO 42 U.S.C. SEC. 256b TO PRODUCE MAXIMUM
47 STATE BUDGET SAVINGS, EXCEPT WHEN A PRESCRIPTION DRUG MAY BE
48 PURCHASED AT A LOWER PRICE.

49
50 **SECTION 5.** Part 1 of article 1 of title 25.5, Colorado Revised
51 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
52 read:

53
54 **25.5-1-114. State department - prescription drug discounts -
55 federal 340B drug pricing program.** THE STATE DEPARTMENT SHALL
56 MAXIMIZE PRESCRIPTION DRUG DISCOUNTS WITHIN THE PROGRAMS

1 ADMINISTERED BY THE STATE DEPARTMENT THROUGH THE USE OF THE
2 FEDERAL 340B DRUG PRICING PROGRAM PURSUANT TO 42 U.S.C. SEC.
3 256b TO PRODUCE MAXIMUM STATE BUDGET SAVINGS, EXCEPT WHEN A
4 PRESCRIPTION DRUG MAY BE PURCHASED AT A LOWER PRICE.

5

6 **SECTION 6.** Part 1 of article 1 of title 26, Colorado Revised
7 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
8 read:

9

10 **26-1-134. State department - prescription drug discounts -**
11 **federal 340B drug pricing program.** (1) THE STATE DEPARTMENT
12 SHALL MAXIMIZE PRESCRIPTION DRUG DISCOUNTS WITHIN THE PROGRAMS
13 ADMINISTERED BY THE STATE DEPARTMENT THROUGH THE USE OF THE
14 FEDERAL 340B DRUG PRICING PROGRAM PURSUANT TO 42 U.S.C. SEC.
15 256b TO PRODUCE MAXIMUM STATE BUDGET SAVINGS, EXCEPT WHEN A
16 PRESCRIPTION DRUG MAY BE PURCHASED AT A LOWER PRICE.

17

18 (2) THE STATE DEPARTMENT, ON BEHALF OF THE DIVISION OF
19 YOUTH CORRECTIONS, MAY COORDINATE, CONTRACT, OR FORM A
20 REFERRAL RELATIONSHIP WITH LOCAL COMMUNITY HEALTH CENTERS,
21 FEDERALLY QUALIFIED HEALTH CENTERS, AND DISPROPORTIONATE SHARE
22 HOSPITALS FOR THE PURPOSE OF AVAILING THE DEPARTMENT OF THE
23 BENEFITS OF THE FEDERAL 340B DRUG PRICING PROGRAM PURSUANT TO
24 42 U.S.C. SEC. 256b OR OTHER LOWER-COST DRUG PROGRAMS
25 REGARDLESS OF ANY STATEWIDE PREFERRED DRUG LIST OR VENDOR DRUG
26 PROGRAM THAT MAY BE ADOPTED.

27

28 **SECTION 7.** Part 1 of article 1 of title 17, Colorado Revised
29 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
30 read:

31

32 **17-1-103.3. Executive director - prescription drug discounts**
33 **- federal 340B drug pricing program.** (1) THE EXECUTIVE DIRECTOR
34 SHALL MAXIMIZE PRESCRIPTION DRUG DISCOUNTS WITHIN THE PROGRAMS
35 ADMINISTERED BY THE EXECUTIVE DIRECTOR THROUGH THE USE OF THE
36 FEDERAL 340B DRUG PRICING PROGRAM PURSUANT TO 42 U.S.C. SEC.
37 256b TO PRODUCE MAXIMUM STATE BUDGET SAVINGS, EXCEPT WHEN A
38 PRESCRIPTION DRUG MAY BE PURCHASED AT A LOWER PRICE.

39

40 (2) THE EXECUTIVE DIRECTOR MAY COORDINATE, CONTRACT, OR
41 FORM A REFERRAL RELATIONSHIP WITH LOCAL COMMUNITY HEALTH
42 CENTERS, FEDERALLY QUALIFIED HEALTH CENTERS, AND
43 DISPROPORTIONATE SHARE HOSPITALS FOR THE PURPOSE OF AVAILING THE
44 DEPARTMENT OF THE BENEFITS OF THE FEDERAL 340B DRUG PRICING
45 PROGRAM PURSUANT TO 42 U.S.C. SEC. 256b OR OTHER LOWER-COST
46 DRUG PROGRAMS REGARDLESS OF ANY STATEWIDE PREFERRED DRUG LIST
47 OR VENDOR DRUG PROGRAM THAT MAY BE ADOPTED.

48

49 **SECTION 8. Safety clause.** The general assembly hereby finds,
50 determines, and declares that this act is necessary for the immediate
51 preservation of the public peace, health, and safety."

52

53

54

55

1 **TRANSPORTATION & ENERGY**

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

4
5 **SB06-224** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend reengrossed bill, page 2, after line 10, insert the following:

10
11 "(a) WHETHER THE VEHICLE'S AIR BAG DEPLOYED;"

12
13 Reletter succeeding paragraphs accordingly.

14
15 Page 2, strike lines 19 and 20 and substitute the following:

16
17 "PURPOSE OF CAPTURING OR TRANSMITTING RETRIEVABLE EVENT DATA.

18
19 (3) "OWNER" MEANS:

20
21 (a) A PERSON HAVING ALL THE INCIDENTS OF OWNERSHIP OF A
22 MOTOR VEHICLE, INCLUDING LEGAL TITLE TO THE MOTOR VEHICLE,
23 REGARDLESS OF WHETHER THE PERSON LENDS, RENTS, OR CREATES A
24 SECURITY INTEREST IN THE VEHICLE;

25
26 (b) A PERSON ENTITLED TO POSSESSION OF A MOTOR VEHICLE AS
27 THE PURCHASER UNDER A SECURITY AGREEMENT; OR

28
29 (c) A PERSON ENTITLED TO POSSESSION OF A VEHICLE AS LESSEE
30 UNDER A WRITTEN LEASE AGREEMENT IF THE LEASE AGREEMENT IS
31 INTENDED TO LAST FOR MORE THAN THREE MONTHS AT ITS INCEPTION.";

32
33 line 22, after "**recorders.**", insert "(1)".

34
35 Page 3, line 2, after "SHALL", insert "PROMINENTLY";

36
37 strike lines 3 through 6 and substitute the following:

38
39 "VEHICLE IS SO EQUIPPED AND, IF SO, THE TYPE OF DATA RECORDED. A".

40
41 after line 8, insert the following:

42
43 "(2) EVENT DATA THAT IS RECORDED ON AN EVENT DATA
44 RECORDER SHALL NOT BE RETRIEVED BY A PERSON WHO IS NOT THE
45 OWNER OF THE MOTOR VEHICLE, EXCEPT IN THE FOLLOWING
46 CIRCUMSTANCES:

47
48 (a) THE OWNER OF THE MOTOR VEHICLE OR THE OWNER'S AGENT
49 HAS CONSENTED TO THE RETRIEVAL OF THE DATA WITHIN THE LAST
50 THIRTY DAYS;

51
52 (b) THE DATA IS SUBJECT TO DISCOVERY PURSUANT TO RULE 26 OF
53 THE COLORADO RULES OF CIVIL PROCEDURE IN AN EXISTING CLAIM
54 ARISING OUT OF A MOTOR VEHICLE ACCIDENT;

55

1 (c) A COURT OR ADMINISTRATIVE AGENCY HAVING JURISDICTION
2 ORDERS THE DATA TO BE RETRIEVED;

3
4 (d) THE EVENT DATA RECORDER IS INSTALLED AFTER THE
5 MANUFACTURER OR MOTOR VEHICLE DEALER SELLS THE MOTOR VEHICLE;
6 OR

7
8 (e) A PEACE OFFICER RETRIEVES THE DATA PURSUANT TO A COURT
9 ORDER AS PART OF AN INVESTIGATION OF A SUSPECTED VIOLATION OF A
10 LAW THAT HAS CAUSED, OR CONTRIBUTED TO THE CAUSE OF, AN ACCIDENT
11 RESULTING IN DAMAGE OF PROPERTY OR INJURY TO A PERSON.

12
13 (3) (a) NO PERSON SHALL RELEASE EVENT DATA UNLESS
14 AUTHORIZED BY PARAGRAPH (b) OF THIS SUBSECTION (3).

15
16 (b) A PERSON AUTHORIZED TO DOWNLOAD OR RETRIEVE DATA
17 FROM AN EVENT DATA RECORDER MAY RELEASE SUCH DATA IN THE
18 FOLLOWING CIRCUMSTANCES:

19
20 (I) THE OWNER OF THE MOTOR VEHICLE OR THE OWNER'S AGENT
21 HAS CONSENTED TO THE RETRIEVAL OF THE DATA;

22
23 (II) THE DATA IS SUBJECT TO DISCOVERY PURSUANT TO RULE 26 OF
24 THE COLORADO RULES OF CIVIL PROCEDURE IN AN EXISTING CLAIM
25 ARISING OUT OF A MOTOR VEHICLE ACCIDENT;

26
27 (III) THE DATA IS RELEASED PURSUANT TO A COURT ORDER AS
28 PART OF AN INVESTIGATION OF A SUSPECTED VIOLATION OF A LAW THAT
29 HAS CAUSED, OR CONTRIBUTED TO THE CAUSE OF, AN ACCIDENT
30 RESULTING IN APPRECIABLE DAMAGE OF PROPERTY OR INJURY TO A
31 PERSON;

32
33 (IV) IF THE IDENTITY OF THE OWNER OR DRIVER IS NOT DISCLOSED,
34 THE DATA IS RELEASED TO A MOTOR VEHICLE SAFETY AND MEDICAL
35 RESEARCH ENTITY IN ORDER TO ADVANCE MOTOR VEHICLE SAFETY,
36 SECURITY, OR TRAFFIC MANAGEMENT; OR

37
38 (V) THE DATA IS RELEASED TO A DATA PROCESSOR SOLELY FOR
39 THE PURPOSES PERMITTED BY THIS SECTION IF THE IDENTITY OF THE
40 OWNER OR DRIVER IS NOT DISCLOSED.

41
42 (4) IF A MOTOR VEHICLE IS EQUIPPED WITH AN EVENT DATA
43 RECORDER THAT IS CAPABLE OF RECORDING OR TRANSMITTING EVENT
44 DATA THAT IS PART OF A SUBSCRIPTION SERVICE, THE FACT THAT THE
45 DATA MAY BE RECORDED OR TRANSMITTED AND INSTRUCTIONS FOR
46 DISABLING THE EVENT DATA RECORDER SHALL BE PROMINENTLY
47 DISCLOSED IN THE SUBSCRIPTION SERVICE AGREEMENT. A DISCLOSURE
48 MADE BY MEANS OF AN INSERT INTO THE SERVICE AGREEMENT SHALL BE
49 DEEMED A DISCLOSURE IN THE SERVICE AGREEMENT.

50
51 (5) A PERSON WHO VIOLATES SUBSECTION (2) OR (3) OF THIS
52 SECTION COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS
53 PROVIDED IN SECTION 18-1.3-501, C.R.S."

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PRINTING REPORT1
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The Chief Clerk reports the following bills have been correctly printed:
HB06-1406, 1407.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **SB06-068, 120, 144, 187.**

MESSAGES FROM THE SENATE

The Senate has adopted and transmits herewith: SJR06-015.

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

SB06-138 amended as printed in Senate Journal, April 24, 2006,
page 1018,
SB06-031 amended as printed in Senate Journal, April 25, 2006,
page 1033,
HB06-1090 amended as printed in Senate Journal, April 26, 2006,
pages 1044-1049.

The Senate has adopted and returns herewith: HJM06-1003.

The Senate voted to recall HB06-1281, for purposes of reconsideration,
and requests the return of the bill.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB06-1090.
Without comment, as amended, SB06-138 and 031.

**INTRODUCTION OF BILLS
First Reading**

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

HB06-1408 by Representative(s) Massey--Concerning off-site ground
water monitoring wells in mining operations.
Committee on Agriculture, Livestock, & Natural Resources
HB06-1409 by Representative(s) Jahn; also Senator(s) Tochtrop--
Concerning the authority to simulcast out-of-state
greyhound races at greyhound race facilities.
Committee on Agriculture, Livestock, & Natural Resources

- 1 **SB06-031** by Senator(s) Jones; also Representative(s) Merrifield--
2 Concerning authorizing payment of college opportunity
3 fund stipends for education programs on military bases.
4 Committee on Education
5
6 **SB06-138** by Senator(s) Shaffer, Entz, Fitz-Gerald, Kester; also
7 Representative(s) Gardner, Gallegos, Hodge, Rose--
8 Concerning the requirement that gasoline contain at least
9 a specified percentage of ethanol by volume, and making
10 an appropriation therefor.
11 Committee on Agriculture, Livestock, & Natural Resources
12 Committee on Appropriations
13
14

15
16 **INTRODUCTION OF RESOLUTIONS**
17

18 The following resolutions were read by title and laid over one day under
19 the rules:
20

- 21 **HJR06-1034** by Representative(s) Paccione; also Senator(s) Gordon--
22 Concerning a request to the United States Senate to pass
23 the "Stem Cell Research Enhancement Act of 2005".
24
25 **SJR06-015** by Senator(s) Jones, Williams, Shaffer; also
26 Representative(s) Merrifield, Solano, Hefley--Concerning
27 young children with challenging behaviors.
28
29

30 House in recess. House reconvened.
31
32

33
34 **REPORTS OF COMMITTEES OF REFERENCE**
35

36 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

37 After consideration on the merits, the Committee recommends the
38 following:
39

- 40 **HB06-1401** be postponed indefinitely.
41
42
43
44

45 **FINANCE**

46 After consideration on the merits, the Committee recommends the
47 following:
48

- 49 **SB06-011** be referred favorably to the Committee on Appropriations.
50
51
52 **SB06-048** be referred favorably to the Committee on Appropriations.
53
54
55
56

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB06-1406** be referred to the Committee of the Whole with favorable
6 recommendation.

7
8
9 **HB06-1407** be referred to the Committee of the Whole with favorable
10 recommendation.

11
12
13 **SB06-072** be amended as follows, and as so amended, be referred to
14 the Committee on Appropriations with favorable
15 recommendation:

16
17 Amend reengrossed bill, page 2, line 19, strike "~~section~~ SECTIONS
18 42-2-127 AND 42-2-127.8." and substitute "section 42-2-127.";

19
20 line 20, strike "commits" and substitute "commits:";

21
22 strike lines 21 through 23 and substitute the following:

23
24 "~~a class 2 misdemeanor traffic offense, but, if the person's actions are the~~
25 ~~proximate cause of bodily injury or death to another, such person commits~~
26 ~~a class 1 misdemeanor traffic offense.~~

27
28 (a) A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE IF THE VIOLATION
29 DID NOT RESULT IN INJURY TO ANY PERSON;

30
31 (b) A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE IF THE VIOLATION
32 WAS THE PROXIMATE CAUSE OF INJURY TO ANY PERSON;

33
34 (c) A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE IF THE VIOLATION
35 WAS THE PROXIMATE CAUSE OF SERIOUS BODILY INJURY TO ANY PERSON,
36 AS "SERIOUS BODILY INJURY" IS DEFINED IN SECTION 42-4-1601 (4) (b);

37
38 (d) A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE IF THE VIOLATION
39 WAS THE PROXIMATE CAUSE OF DEATH TO ANY PERSON."

40
41 Page 3, line 2, strike "SHALL" and substitute "MAY";

42
43 line 5, strike "SHALL" and substitute "MAY";

44
45 strike lines 8 through 27.

46
47 Strike page 4.

48
49 Page 5, strike lines 1 through 17 and substitute the following:

50
51 "**SECTION 3.** 42-2-127 (5) is amended BY THE ADDITION OF
52 THE FOLLOWING NEW PARAGRAPHS to read:

53
54 **42-2-127. Authority to suspend license - to deny license - type**
55 **of conviction - points.** (5) Point system schedule:

56

1 Type of conviction	2 Points
3 (e.2) CARELESS DRIVING RESULTING IN BODILY INJURY.....	6
4	
5 (e.4) CARELESS DRIVING RESULTING IN SERIOUS BODILY	
6 INJURY.....	8
7	
8 (e.6) CARELESS DRIVING RESULTING IN DEATH.....	12".
9	

10 Page 6, line 15, strike "42-4-1402 (1)" and substitute "~~42-4-1402 (1)~~
11 42-4-1402 (2) (a)".

12
13 Page 7, strike lines 21 through 27.

14
15 Page 8, strike lines 1 through 15 and substitute the following:

16
17 "CREDIT THE SAME TO THE HIGHWAY USERS TAX FUND CREATED IN
18 SECTION 42-2-132 (4) (b). THE MONEYS SHALL BE ALLOCATED PURSUANT
19 TO SECTION 43-4-205 (5.5) (a), C.R.S.".

20
21
22
23 **INTRODUCTION OF BILL**
24 **First Reading**

25
26 The following bill was read by title and referred to the committee
27 indicated:

28
29 **HB06-1410** by Representative(s) Plant, Benefield, Marshall,
30 McCluskey, Knoedler, Sullivan, White; also Senator(s)
31 Groff--Concerning creation of the health disparities grant
32 program fund.
33 Committee on Health and Human Services

34
35
36
37 **INTRODUCTION OF CONCURRENT RESOLUTION**

38
39 The following resolution was read by title and referred to the committee
40 indicated:

41
42 **HCR06-1014** by Representative(s) Carroll T.--Submitting to the
43 registered electors of the state of Colorado an amendment
44 to article XVIII of the constitution of the state of
45 Colorado, concerning a prohibition against the state from
46 restricting the ability of an adult patient's authorized
47 representative to determine the medical treatment for that
48 patient if he or she is unable to provide informed consent
49 to or refusal of medical treatment.
50 Committee on Judiciary

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LAY OVER OF CALENDAR ITEMS

1
2
3 On motion of Representative Pommer, the following items on the
4 Calendar were laid over until April 28, retaining place on Calendar:
5
6 Consideration of Third Reading **HB06-1352**.
7 Consideration of General Orders-- **SB06-089, HCR06-1002, SB06-036,**
8 **045, 212, 217, HCR06-1012**.
9 Consideration of Resolutions--**HJR06-1022, HR06-1009, SJR06-020,**
10 **HJR06-1024, 1025, 1031, HR06-1011, SJR06-037, 031, 032, 034, 035,**
11 **046, 047, 050**.
12 Consideration of Memorials--**HM06-1003, SJM06-003, HM06-1004**.
13 Consideration of Senate Amendments--**HB06-1125, 1386, 1201, 1008,**
14 **1274, 1154, 1313**.
15 Consideration of Adherence--**SB06-067**.
16 Consideration of Governor's Vetoes--**HB06-1216, 1005, 1023, 1369,**
17 **1371, 1374, 1010, 1056, 1077, 1148, 1174, 1212, 1095, 1309**.

18
19
20 On motion of Representative Pommer, the House adjourned until
21 9:00 a.m., April 28, 2006.

22
23
24
25
26 Approved:
27 ANDREW ROMANOFF,
28 Speaker

26 Attest:
27 MARILYN EDDINS,
28 Chief Clerk