

HOUSE JOURNAL
SIXTY-FOURTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Forty-fourth Legislative Day

Thursday, February 20, 2003

1 Prayer by the Reverend Leon Kelly, Open Door Youth Gang
 2 Alternatives, Denver.

3

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

5

6 Pledge of Allegiance led by Representative McFadyen.

7

8 The roll was called with the following result:

9

10 Present--62.

11 Excused--Representatives Mitchell, Stafford--2.

12 Present after roll call--Representative Mitchell.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Judd, the reading of the journal of
 18 February 20, 2003, was declared dispensed with and approved as
 19 corrected by the Chief Clerk.

20

21

22

23

THIRD READING OF BILLS--FINAL PASSAGE

24

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

28

29 On motion of Representative King, Consideration of **HB03-1232, 1283**
 30 was laid over until February 21, retaining place on Calendar.

31

32 **HB03-1218** by Representative(s) Rose, Stengel; also Senator(s) Jones--
 33 Concerning a prohibition on a public corporation from
 34 making loans to directors.

35

36 As shown by the following roll call vote, a majority of all members
 37 elected to the House voted in the affirmative, and Representative Rose
 38 was given permission to offer a Third Reading amendment:

39

Vacancy	1	YES	62	NO	00	EXCUSED	02	ABSENT	00
41	Berry	Y				McCluskey	Y	Sinclair	Y
42	Borodkin	Y		Hall	Y	McFadyen	Y	Smith	Y
43	Boyd	Y		Harvey	Y	Merrifield	Y	Spence	Y

1	Briggs	Y	Hefley	Y	Miller	Y	Stafford	E
2	Brophy	Y	Hodge	Y	Mitchell	E	Stengel	Y
3	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
4	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
5	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
6	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
7	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
8	Crane	Y	Larson	Y	Rippy	Y	White	Y
9	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
10	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
11	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
12	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
13	Garcia	Y	May	Y	Schultheis	Y	Young	Y
14							Speaker	Y

15
16 **Third Reading amendment No. 1**, by Representative Rose.

17
18 Amend engrossed bill, page 3, line 22, strike "EMPLOYEE." and substitute
19 "EMPLOYEE; OR";

20
21 after line 22, insert the following:

22
23 "(G) AN EXTENSION OF CREDIT THAT IS SUBJECT TO 12 CFR 215 OR
24 12 CFR 223, AS AMENDED, OR ANY RULE PROMULGATED BY THE DIVISION
25 OF BANKING.";

26
27 line 27, strike "BUSINESS.; OR" and substitute "BUSINESS.".

28
29 Page 4, strike lines 1 through 3.

30
31 The amendment was declared **passed** by the following roll call vote:

33	Vacancy	1	YES	62	NO	00	EXCUSED	02	ABSENT	00
34	Berry		Y				McCluskey	Y	Sinclair	Y
35	Borodkin		Y		Hall	Y	McFadyen	Y	Smith	Y
36	Boyd		Y		Harvey	Y	Merrifield	Y	Spence	Y
37	Briggs		Y		Hefley	Y	Miller	Y	Stafford	E
38	Brophy		Y		Hodge	Y	Mitchell	E	Stengel	Y
39	Butcher		Y		Hoppe	Y	Paccione	Y	Tochtrop	Y
40	Cadman		Y		Jahn	Y	Plant	Y	Veiga	Y
41	Clapp		Y		Johnson	Y	Pommer	Y	Vigil	Y
42	Cloer		Y		Judd	Y	Ragsdale	Y	Weddig	Y
43	Coleman		Y		King	Y	Rhodes	Y	Weissmann	Y
44	Crane		Y		Larson	Y	Rippy	Y	White	Y
45	Decker		Y		Lee	Y	Romanoff	Y	Wiens	Y
46	Fairbank		Y		Lundberg	Y	Rose	Y	Williams S.	Y
47	Frangas		Y		Madden	Y	Salazar	Y	Williams T.	Y
48	Fritz		Y		Marshall	Y	Sanchez	Y	Witwer	Y
49	Garcia		Y		May	Y	Schultheis	Y	Young	Y
50									Speaker	Y

51
52 The question being, "Shall the bill, as amended, 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
55 bill, as amended, was declared **passed**.

56

	Vacancy 1	YES	59	NO	03	EXCUSED	02	ABSENT	00
1									
2	Berry	Y				McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall		N	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey		Y	Merrifield	Y	Spence	Y
5	Briggs	Y	Hefley		Y	Miller	Y	Stafford	E
6	Brophy	Y	Hodge		Y	Mitchell	E	Stengel	Y
7	Butcher	Y	Hoppe		Y	Paccione	Y	Tochtrop	Y
8	Cadman	Y	Jahn		Y	Plant	Y	Veiga	Y
9	Clapp	Y	Johnson		Y	Pommer	Y	Vigil	Y
10	Cloer	Y	Judd		Y	Ragsdale	Y	Weddig	Y
11	Coleman	Y	King		Y	Rhodes	Y	Weissmann	Y
12	Crane	Y	Larson		Y	Rippy	N	White	Y
13	Decker	Y	Lee		Y	Romanoff	Y	Wiens	Y
14	Fairbank	Y	Lundberg		Y	Rose	Y	Williams S.	Y
15	Frangas	Y	Madden		Y	Salazar	Y	Williams T.	Y
16	Fritz	N	Marshall		Y	Sanchez	Y	Witwer	Y
17	Garcia	Y	May		Y	Schultheis	Y	Young	Y
18								Speaker	Y

19 Co-sponsors added: Representatives Cloer, Frangas, McFadyen, Romanoff,
20 Veiga.

21

22 **HB03-1224** by Representative(s) Lee, Schultheis, Harvey, Briggs,
23 Brophy, Cadman, Clapp, Crane, Decker, Fairbank, Fritz,
24 Hall, Hefley, King, Larson, Lundberg, May M.,
25 McCluskey, Mitchell, Rhodes, Rose, Sinclair, Spence,
26 Spradley, Stafford, Stengel, White, Wiens; also Senator(s)
27 Andrews, May R., Chlouber, Arnold, Cairns, Dyer, Entz,
28 Hillman, Johnson S., Jones, Kester, McElhany, Owen,
29 Taylor, Teck--Concerning a prohibition against the
30 acceptance by public entities of identity documents that
31 are not secure.

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

	Vacancy 1	YES	38	NO	24	EXCUSED	02	ABSENT	00
38									
39	Berry	Y				McCluskey	Y	Sinclair	Y
40	Borodkin	N	Hall		Y	McFadyen	N	Smith	Y
41	Boyd	N	Harvey		Y	Merrifield	N	Spence	Y
42	Briggs	Y	Hefley		Y	Miller	Y	Stafford	E
43	Brophy	Y	Hodge		N	Mitchell	E	Stengel	Y
44	Butcher	N	Hoppe		Y	Paccione	N	Tochtrop	N
45	Cadman	Y	Jahn		Y	Plant	N	Veiga	N
46	Clapp	Y	Johnson		Y	Pommer	N	Vigil	N
47	Cloer	Y	Judd		N	Ragsdale	N	Weddig	N
48	Coleman	N	King		Y	Rhodes	Y	Weissmann	N
49	Crane	Y	Larson		Y	Rippy	Y	White	Y
50	Decker	Y	Lee		Y	Romanoff	N	Wiens	Y
51	Fairbank	Y	Lundberg		Y	Rose	Y	Williams S.	N
52	Frangas	N	Madden		N	Salazar	N	Williams T.	Y
53	Fritz	Y	Marshall		N	Sanchez	N	Witwer	Y
54	Garcia	Y	May		Y	Schultheis	Y	Young	Y
55								Speaker	Y

56 Co-sponsor added: Representative Hoppe.

1 **HB03-1257** by Representative(s) Marshall; also Senator(s) Lamborn--
 2 Concerning a nonsubstantive recodification of Colorado's
 3 banking laws.
 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

Vacancy	1	YES	62	NO	00	EXCUSED	02	ABSENT	00
11	Berry	Y				McCluskey	Y	Sinclair	Y
12	Borodkin	Y	Hall		Y	McFadyen	Y	Smith	Y
13	Boyd	Y	Harvey		Y	Merrifield	Y	Spence	Y
14	Briggs	Y	Hefley		Y	Miller	Y	Stafford	E
15	Brophy	Y	Hodge		Y	Mitchell	E	Stengel	Y
16	Butcher	Y	Hoppe		Y	Paccione	Y	Tochtrop	Y
17	Cadman	Y	Jahn		Y	Plant	Y	Veiga	Y
18	Clapp	Y	Johnson		Y	Pommer	Y	Vigil	Y
19	Cloer	Y	Judd		Y	Ragsdale	Y	Weddig	Y
20	Coleman	Y	King		Y	Rhodes	Y	Weissmann	Y
21	Crane	Y	Larson		Y	Rippy	Y	White	Y
22	Decker	Y	Lee		Y	Romanoff	Y	Wiens	Y
23	Fairbank	Y	Lundberg		Y	Rose	Y	Williams S.	Y
24	Frangas	Y	Madden		Y	Salazar	Y	Williams T.	Y
25	Fritz	Y	Marshall		Y	Sanchez	Y	Witwer	Y
26	Garcia	Y	May		Y	Schultheis	Y	Young	Y
27								Speaker	Y

28 Co-sponsors added: Representatives Boyd, Coleman, Decker, Madden, Stengel,
 29 Williams T.

30
 31
 32 House in recess. House reconvened.
 33
 34

35 **REPORTS OF COMMITTEES OF REFERENCE**

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

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

40
 41 **HB03-1233** be postponed indefinitely.
 42
 43

44 **HB03-1280** be amended as follows, and as so amended, be referred to
 45 the Committee on Appropriations with favorable
 46 recommendation:
 47

48 Amend printed bill, page 2, line 6, strike "OR";

49
 50 line 7, strike "MORE ADJACENT WATER DIVISIONS" and substitute
 51 "ADJACENT WATER DIVISION";
 52

53 line 8, strike "THE ARKANSAS RIVER BASIN OR";
 54

55 strike lines 11 and 12 and substitute the following:

56 "THE RULES SHALL NOT TAKE EFFECT BEFORE MARCH 1, 2004."

1 **BUSINESS AFFAIRS & LABOR**

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

4
5 **HB03-1198** be postponed indefinitely.

6
7
8 **HB03-1251** be amended as follows, and as so amended, be referred to
9 the Committee on Appropriations with favorable
10 recommendation:

11
12 Amend printed bill, page 2, line 16, strike "SEVEN" and substitute "NINE";

13
14 line 18, strike "AND";

15
16 after line 18, insert the following:

17
18 "(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE,
19 OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND";

20
21 line 19, strike "(II) SIX" and substitute "(III) SEVEN";

22
23 line 20, strike "TWO" and substitute "THREE";

24
25 line 23, strike "AND";

26
27 after line 23, insert the following:

28
29 "(C) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF
30 DISTRICT ATTORNEYS; AND";

31
32 strike lines 24 and 25 and substitute the following:

33
34 "(D) A REPRESENTATIVE OF THE PUBLIC WHO MAY ALSO BE A
35 REPRESENTATIVE OF A CONSUMER GROUP. ";

36
37 line 26, after "(b)", insert "THE GOVERNOR SHALL APPOINT MEMBERS OF
38 THE BOARD WITHIN THIRTY DAYS AFTER THE GOVERNOR RECEIVES
39 NOTIFICATION PURSUANT TO SUBSECTION (5) OF THIS SECTION THAT
40 MONEYS IN THE FUND EXCEED THE SUM OF THREE HUNDRED THOUSAND
41 DOLLARS.".

42
43 Page 3, strike lines 2 through 7 and substitute the following:

44
45 "TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF PARAGRAPH (a)
46 OF THIS SUBSECTION (2), THE GOVERNOR SHALL SELECT ONE MEMBER WHO
47 SHALL SERVE AN INITIAL TERM OF FOUR YEARS AND ONE MEMBER WHO
48 SHALL SERVE AN INITIAL TERM OF TWO YEARS. OF THE MEMBERS FIRST
49 APPOINTED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III)
50 OF PARAGRAPH (a) OF THIS SUBSECTION (2), THE GOVERNOR SHALL SELECT
51 ONE MEMBER WHO SHALL SERVE AN INITIAL TERM OF TWO YEARS. THE
52 MEMBER FIRST APPOINTED PURSUANT TO SUB-SUBPARAGRAPH (C) OF
53 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL
54 SERVE AN".

55
56 Page 4, line 26, strike "APPROPRIATIONS," and substitute "MONEYS,".

1 Page 5, line 9, strike "APPROPRIATIONS," and substitute "MONEYS,";
2
3 line 11, strike "No";
4
5 strike lines 12 through 14;
6
7 before line 15, insert the following:

8
9 "(d) NO MORE THAN EIGHT PERCENT OF THE MONEYS IN THE FUND
10 CREATED PURSUANT TO SUBSECTION (4) OF THIS SECTION MAY BE USED
11 FOR OPERATIONAL OR ADMINISTRATIVE EXPENSES OF THE AUTHORITY.".

12
13 Reletter succeeding paragraphs accordingly.

14
15 Page 6, strike lines 21 through 27 and substitute the following:

16
17 "(4) (a) THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO
18 SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR
19 PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE AND
20 PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL
21 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
22 TO THE COLORADO AUTO THEFT PREVENTION CASH FUND, WHICH FUND IS
23 HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE
24 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY
25 THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS
26 ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. ANY MONEYS
27 IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE
28 INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113,
29 C.R.S. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
30 DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY
31 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
32 THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
33 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
34 FUND.

35
36 (b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO
37 GENERAL FUND MONEYS BE USED TO PAY FOR GRANTS AWARDED
38 PURSUANT TO THIS SECTION OR FOR ANY EXPENSES OF THE AUTHORITY.".

39
40 Page 7, strike lines 1 through 8;
41
42 before line 9, insert the following:

43
44 "(5) (a) THE STATE TREASURER SHALL NOTIFY THE GOVERNOR AND
45 THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS OF PUBLIC SAFETY AND
46 REVENUE THE FIRST TIME THAT THE MONEYS IN THE FUND REACH OR
47 EXCEED THE SUM OF THREE HUNDRED THOUSAND DOLLARS.

48
49 (b) IF BY JUNE 1, 2008, MONEYS IN THE FUND HAVE NEVER
50 REACHED OR EXCEEDED THREE HUNDRED THOUSAND DOLLARS, THE STATE
51 TREASURER SHALL RETURN FROM THE FUND TO THE GRANTEE OR DONEE
52 THE AMOUNT OF ALL GIFTS, GRANTS, OR DONATIONS. IF GIFTS, GRANTS,
53 AND DONATIONS ARE RETURNED PURSUANT TO THIS PARAGRAPH (b), ON
54 JULY 1, 2008, THE TREASURER SHALL TRANSFER TO THE GENERAL FUND
55 ANY INTEREST OR INCOME EARNED ON MONEYS IN THE FUND.".

56

1 Renumber succeeding subsection accordingly.
2
3 Page 7, line 16, strike "**authority - fees.**" and substitute "**authority.**";
4
5 line 18, strike "SHALL" and substitute "MAY";
6
7 strike line 20 and substitute the following:
8 "C.R.S., AN AMOUNT THAT THE INSURER DEEMS APPROPRIATE TOWARD
9 THE SUPPORT OF THE AUTO THEFT PREVENTION AUTHORITY BASED UPON
10 THE NUMBER OF MOTOR VEHICLES";
11
12 line 21, strike "SHALL" and substitute "MAY";
13
14 strike lines 24 through 26 and substitute the following:
15
16 "JANUARY 31 THEREAFTER; AND".
17
18 Page 8, strike lines 1 through 3 and substitute the following:
19 "31 THEREAFTER."
20
21
22

23 **HB03-1291** be postponed indefinitely.
24
25

26 **HB03-1293** be postponed indefinitely.
27
28
29
30

31 **EDUCATION**

32 After consideration on the merits, the Committee recommends the
33 following:
34

35 **HB03-1250** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:
38

39 Amend printed bill, page 2, line 9, strike "SHALL" and substitute "MAY";
40

41 strike line 17 and substitute the following:
42

43 "22-81-204 (3), OR MAY CHOOSE NOT TO SELECT A GRANT RECIPIENT AT
44 ALL."
45

46 Page 3, strike lines 2 through 10 and substitute the following:
47

48 "technology education center that is selected to receive a grant. The
49 amount awarded to a new science and technology education center for
50 start-up costs shall not exceed five hundred thousand dollars for one
51 fiscal year and may not be renewed. The amount awarded to an operating
52 science and technology education center for operating costs shall not
53 exceed two hundred thousand dollars for one fiscal year."
54
55
56

1 **FINANCE**

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

4
5 **HB03-1110** be postponed indefinitely.

6
7
8 **HB03-1215** be postponed indefinitely.

9
10
11 **HB03-1292** be amended as follows, and as so amended, be referred to
12 the Committee on Appropriations with favorable
13 recommendation:

14
15 Amend printed bill, page 2, strike line 22 and substitute the following:

16
17 "(II) THE MONEYS COLLECTED IN EACH FISCAL YEAR PURSUANT TO
18 SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE TRANSMITTED BY
19 THE DEPARTMENT OF HUMAN SERVICES TO THE STATE TREASURER, WHO
20 SHALL CREDIT SAME TO THE SERVICE FEE FUND, WHICH FUND IS HEREBY
21 CREATED AND REFERRED TO IN THIS PARAGRAPH (d) AS THE "FUND". THE
22 MONEYS IN THE FUND SHALL THEN BE TRANSFERRED TO THE STATE
23 DEPARTMENT TO BE USED TOWARD THE STATE MATCH FOR THE FEDERAL
24 FINANCIAL PARTICIPATION FOR PAYMENT TO INTERMEDIATE CARE
25 FACILITIES FOR THE MENTALLY RETARDED. THE MONEYS IN THE FUND
26 SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
27 ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
28 IMPLEMENTATION OF THIS PARAGRAPH (d). ANY UNEXPENDED AND
29 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY
30 FISCAL YEAR SHALL REMAIN IN THE FUND AND NOT BE CREDITED OR
31 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND."

32
33 Page 3, strike lines 1 through 5.

34
35
36
37 **HB03-1301** be referred to the Committee of the Whole with favorable
38 recommendation.

39
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41
42
43 **INFORMATION & TECHNOLOGY**

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

46
47 **HB03-1191** be amended as follows, and as so amended, be referred to
48 the Committee on Appropriations with favorable
49 recommendation:

50
51 Amend printed bill, strike everything below the enacting clause and
52 substitute the following:

53
54 "SECTION 1. Article 21 of title 13, Colorado Revised Statutes,
55 is amended BY THE ADDITION OF A NEW PART to read:

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PART 10
LIABILITY FOR COMPUTER DISSEMINATION
OF INDECENT MATERIAL TO CHILDREN

13-21-1001. Definitions. (1) AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

(b) "SEXUAL CONTACT", "SEXUAL INTRUSION", AND "SEXUAL PENETRATION" SHALL HAVE THE SAME MEANINGS AS SET FORTH IN SECTION 18-3-401 (4), (5), AND (6), C.R.S., RESPECTIVELY.

13-21-1002. Computer dissemination of indecent material to a child - prohibition. (1) A PERSON COMMITS COMPUTER DISSEMINATION OF INDECENT MATERIAL TO A CHILD WHEN:

(a) KNOWING THE CHARACTER AND CONTENT OF THE COMMUNICATION WHICH, IN WHOLE OR IN PART, DEPICTS ACTUAL OR SIMULATED NUDITY, OR SEXUAL CONDUCT, AS DEFINED IN SECTION 19-1-103 (97), C.R.S., THE PERSON WILLFULLY USES A COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM ALLOWING THE INPUT, OUTPUT, EXAMINATION, OR TRANSFER OF COMPUTER DATA OR COMPUTER PROGRAMS FROM ONE COMPUTER TO ANOTHER, TO INITIATE OR ENGAGE IN SUCH COMMUNICATION WITH A PERSON HE OR SHE BELIEVES TO BE A CHILD; AND

(b) BY MEANS OF SUCH COMMUNICATION THE PERSON IMPORTUNES, INVITES, ENTICES, OR INDUCES A PERSON HE OR SHE BELIEVES TO BE A CHILD TO ENGAGE IN SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL PENETRATION WITH THE PERSON, OR TO ENGAGE IN A SEXUAL PERFORMANCE OR SEXUAL CONDUCT, AS DEFINED IN SECTION 19-1-103 (97), C.R.S., FOR THE PERSON'S BENEFIT.

(2) COMPUTER DISSEMINATION OF INDECENT MATERIAL TO A CHILD IS PROHIBITED. A PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY AS PROVIDED IN SECTION 13-21-1003.

(3) IT SHALL NOT BE AN AFFIRMATIVE DEFENSE IN A CIVIL ACTION BROUGHT UNDER THIS PART 10 THAT THE PERSON THE DEFENDANT BELIEVED TO BE A CHILD IN FACT WAS NOT A CHILD.

13-21-1003. Civil penalty - action for recovery - distribution of proceeds - attorney fees. (1) A PERSON WHO IS FOUND IN A CIVIL ACTION BROUGHT UNDER THIS PART 10 TO HAVE COMMITTED COMPUTER DISSEMINATION OF INDECENT MATERIAL TO A CHILD IN VIOLATION OF SECTION 13-21-1002 SHALL FORFEIT AND PAY A CIVIL PENALTY ESTABLISHED PURSUANT TO VERDICT OR JUDGMENT.

(2) (a) AN ACTION TO RECOVER A CIVIL PENALTY UNDER THIS PART 10 MAY BE BROUGHT BY ANY PRIVATE INDIVIDUAL. VENUE FOR THE ACTION SHALL BE PROPER IN THE DISTRICT COURT FOR THE COUNTY IN WHICH THE DEFENDANT RESIDES OR MAINTAINS A PRINCIPAL PLACE OF BUSINESS IN THIS STATE, OR IN THE COUNTY IN WHICH THE DEFENDANT SENT THE COMMUNICATION, OR IN THE COUNTY IN WHICH THE RECIPIENT

1 RECEIVED THE COMMUNICATION.

2

3 (b) THE ACTION SHALL BE BROUGHT IN THE NAME OF THE PERSON
4 SEEKING RECOVERY OF THE CIVIL PENALTY.

5

6 (3) IN DETERMINING THE LIABILITY FOR OR THE AMOUNT OF A CIVIL
7 PENALTY PURSUANT TO THIS SECTION, THE COURT OR JURY SHALL
8 CONSIDER THE NATURE, CIRCUMSTANCES, AND GRAVITY OF THE ALLEGED
9 VIOLATION AND THE ALLEGED VIOLATOR'S DEGREE OF CULPABILITY,
10 HISTORY OF PRIOR VIOLATIONS, CRIMINAL CONVICTIONS, AND LEVEL OF
11 COOPERATION WITH ANY INVESTIGATION OF THE ALLEGED VIOLATION.

12

13 (4) NO ACTION MAY BE BROUGHT OR MAINTAINED PURSUANT TO
14 THIS SECTION WITHOUT THE WRITTEN CONSENT OF THE CHILD'S PARENT OR
15 GUARDIAN, WHICH CONSENT MAY BE WITHDRAWN AT ANY TIME.

16

17 (5) A CHILD ALLEGED TO BE A VICTIM OF COMPUTER
18 DISSEMINATION OF INDECENT MATERIAL TO A CHILD, OR HIS OR HER
19 PARENT OR GUARDIAN, SHALL HAVE THE RIGHT TO INTERVENE AND
20 ASSUME CONTROL OF ANY CASE BROUGHT PURSUANT TO THIS SECTION.

21

22 (6) IN A CASE IN WHICH THE COURT AWARDS A CIVIL PENALTY
23 PURSUANT TO THIS SECTION, THE COURT SHALL ORDER THE DISTRIBUTION
24 AS FOLLOWS:

25

26 (a) IN A CASE BROUGHT BY A CHILD OR OTHER RECIPIENT OF
27 INDECENT MATERIAL AS DESCRIBED IN SUBSECTION 13-21-1002 (1),
28 C.R.S., ONE HUNDRED PERCENT TO THE PLAINTIFF;

29

30 (b) IN A CASE BROUGHT BY A PLAINTIFF OTHER THAN A CHILD OR
31 RECIPIENT OF INDECENT MATERIAL, FORTY PERCENT TO THE PLAINTIFF AND
32 SIXTY PERCENT TO THE CHILD OR RECIPIENT;

33

34 (c) IN A CASE INITIATED BY A PLAINTIFF AND IN WHICH THE CHILD'S
35 PARENT OR GUARDIAN HAS INTERVENED, EIGHTY PERCENT TO THE CHILD
36 AND TWENTY PERCENT TO THE PLAINTIFF.

37

38 (7) IF A PLAINTIFF IS AWARDED A DISTRIBUTION OF THE CIVIL
39 PENALTY PURSUANT TO SUBSECTION (6) OF THIS SECTION, THE COURT
40 SHALL AWARD JUDGMENT TO THE PLAINTIFF FOR THE PLAINTIFF'S
41 REASONABLE ATTORNEY FEES AND COSTS.

42

43 (8) NOTHING IN THIS PART 10 SHALL BE CONSTRUED TO LIMIT OR
44 ABROGATE:

45

46 (a) A CRIMINAL ACTION BROUGHT TO PROSECUTE AN ACT
47 DESCRIBED IN THE CRIMINAL LAWS OF THIS STATE;

48

49 (b) ANY RIGHT OR CAUSE OF ACTION THAT A PERSON, ON THE
50 PERSON'S OWN BEHALF OR ON BEHALF OF ANOTHER, MAY HAVE;

51

52 (c) THE ABILITY TO INCLUDE IN A CIVIL ACTION BROUGHT UNDER
53 THIS PART 10 ADDITIONAL CLAIMS THAT ARE OTHERWISE PERMITTED BY
54 LAW TO BE BROUGHT IN A CIVIL ACTION.

55

56 **SECTION 2. Effective date - applicability.** This act shall take

1 effect July 1, 2003, and shall apply to causes of action arising on or after
2 said date.

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SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

10 **HB03-1255** be amended as follows, and as so amended, be referred to
11 the Committee of the Whole with favorable
12 recommendation:

13
14 Amend printed bill, page 2, strike lines 2 through 19 and substitute the
15 following:

16
17 **"SECTION 1.** 25-3-109, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19
20 **25-3-109. Quality management functions - confidentiality and**
21 **immunity.** (5.5) (a) THE CONFIDENTIALITY OF INFORMATION PROVIDED
22 FOR IN THIS SECTION SHALL IN NO WAY BE IMPAIRED OR OTHERWISE
23 ADVERSELY AFFECTED SOLELY BY REASON OF THE SUBMISSION OF THE
24 INFORMATION TO A NONGOVERNMENTAL ENTITY TO CONDUCT STUDIES
25 THAT EVALUATE, DEVELOP, AND ANALYZE INFORMATION ABOUT HEALTH
26 CARE OPERATIONS, PRACTICES, OR ANY OTHER FUNCTION OF HEALTH CARE
27 FACILITIES. THE RECORDS, REPORTS, AND OTHER INFORMATION
28 COLLECTED OR DEVELOPED BY A NONGOVERNMENTAL ENTITY SHALL
29 REMAIN PROTECTED AS PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS
30 SECTION. IN ORDER TO ADEQUATELY PROTECT THE CONFIDENTIALITY OF
31 SUCH INFORMATION, NO FINDINGS, CONCLUSIONS, OR RECOMMENDATIONS
32 CONTAINED IN SUCH STUDIES CONDUCTED BY ANY SUCH
33 NONGOVERNMENTAL ENTITY SHALL BE DEEMED TO ESTABLISH A
34 STANDARD OF CARE FOR HEALTH CARE FACILITIES.

35
36 (b) FOR PURPOSES OF THIS SUBSECTION (5.5), "HEALTH CARE
37 FACILITY" INCLUDES A HEALTH CARRIER AS DEFINED IN SECTION 10-16-102
38 (8), C.R.S., AND A HEALTHCARE PRACTITIONER LICENSED OR CERTIFIED
39 PURSUANT TO TITLE 12, C.R.S."

40
41 Strike pages 3 through 6.

42
43 Page 7, strike lines 1 through 9.

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51

HB03-1300 be postponed indefinitely.

52 **JUDICIARY**
53 After consideration on the merits, the Committee recommends the
54 following:

55
56 **HB03-1227** be postponed indefinitely.

1 **HB03-1270** be postponed indefinitely.

2

3

4 **HB03-1285** be postponed indefinitely.

5

6

7 **HB03-1297** 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, page 2, line 13, after "PERSON", insert "IN MORE THAN
12 ONE CRIMINAL EPISODE".

13

14

15

16 **HB03-1304** be referred to the Committee of the Whole with favorable
17 recommendation.

18

19

20

21

22 **LOCAL GOVERNMENT**

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

25

26 **HB03-1180** be postponed indefinitely.

27

28

29 **HB03-1306** be referred to the Committee of the Whole with favorable
30 recommendation.

31

32

33

34

35 **TRANSPORTATION & ENERGY**

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

38

39 **HB03-1199** be postponed indefinitely.

40

41

42 **HB03-1220** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:

45

46 Amend printed bill, page 3, line 26, strike "FIVE" and substitute "TWO".

47

48 Page 4, line 2, strike "SHALL BE LIABLE FOR ALL" and substitute "MAY BE
49 LIABLE FOR REASONABLE";

50

51 line 4, strike "VIOLATIONS." and substitute "VIOLATIONS AS DETERMINED
52 BY THE COURT.".

53

54 Page 5, line 1, strike "AND AGRICULTURAL EQUIPMENT";

55

56 line 4, strike "OR AGRICULTURAL EQUIPMENT".

1 **HB03-1253** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4
5 Amend printed bill, page 5, line 4, after "INCLUDE", insert "WARRANTY OR
6 GUARANTY REPAIRS OR";
7
8 line 26, strike "BUSINESS OR TO USE A" and substitute "BUSINESS.";
9
10 strike line 27.
11
12 Page 6, strike line 1;
13
14 line 10, strike "AT NO ADDITIONAL";
15
16 line 11, strike "COST TO THE BENEFICIARY OR CLAIMANT".
17
18 Page 7, line 4, strike "FULLY AND PROMPTLY" and substitute
19 "PROMPTLY";
20
21 line 5, strike "OR" and substitute "AND";
22
23 strike line 20 and substitute the following:
24 "VEHICLE IS REPAIRED.";
25
26 line 21, strike "REPAIRS.";
27
28 line 23, strike "REPAIRS AND" and substitute "REPAIRS.";
29
30 line 24, strike "PARTS.".

31
32
33
34 **MESSAGE FROM THE SENATE**

35
36 Madam Speaker:

37
38 The Senate has passed on Third Reading and transmitted to the Revisor
39 of Statutes: SB03-088,
40
41 SB03-152, amended as printed in Senate Journal, February 19, pages
42 429-430,
43 HB03-1161, amended as printed in Senate Journal, February 19, pages
44 430-433.

45
46
47
48 **MESSAGE FROM THE REVISOR**

49
50 We herewith transmit:
51 Without comment, SB03-88.
52 Without comment, as amended, SB03-152 and HB03-1161.
53
54
55

INTRODUCTION OF RESOLUTION

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The following resolution was read by title and laid over until later in the day:

HJR03-1019 by Representative(s) Spradley; also Senator(s) Kester--
Concerning the General Assembly's endorsement of the
Colorado 64 water principles.

WHEREAS, Drought is a naturally recurring part of Colorado's climatic cycle, and the past 4 years of drought, culminating in the record-setting parched conditions of 2002, have touched every region of the State of Colorado; and

WHEREAS, Water shortages throughout Colorado have reached crisis proportions, but every crisis offers opportunity—opportunity for cooperation, opportunity for understanding, and opportunity to unify diverse positions, and our current drought provides opportunity for all 3; and

WHEREAS, Colorado law recognizes the right to move water from where it flows to where it is needed and to change the historical use of water from one beneficial use to another; and

WHEREAS, In the 130 years since adoption of our constitution, Colorado has grown significantly, both in population and in expanded uses for water; and

WHEREAS, The volume of undeveloped water in Colorado has shrunk tremendously, and as our quest for solutions considers transferring water from one part of Colorado for new or different uses in other parts of the state, we must address the impacts such measures have on the people and economies where these waters originate; and

WHEREAS, We recognize that in the free exercise of private property rights, some water will continue to be transferred from willing sellers to willing buyers, and will continue to move away from traditional uses to new uses, and the goal of all parties should be to ultimately advance the economic, environmental, cultural, and recreational health of all Colorado communities; and

WHEREAS, The following principles are offered by "Colorado 64"—a coalition representing communities, water providers, and business interests across Colorado—to frame the debate about preparing for Colorado's water future; and

WHEREAS, These principles are intended to inform and assist decision makers and water managers in crafting fair and mutually beneficial water projects, as well as balanced water-related policy and legislation to address Colorado's water challenges; and

WHEREAS, The following principles begin our earnest efforts to find water supply answers that benefit all Coloradans, for this and future generations, and, in this spirit, these principles are intended to be a working document, and all parties in Colorado 64 have committed to remain at the table where these principals may be amended or expanded

1 as times and conditions change; and

2

3 WHEREAS, The General Assembly desires to endorse these
4 principles; now, therefore,

5 .

6 *Be It Resolved by the House of Representatives of the Sixty-fourth*
7 *General Assembly of the State of Colorado, the Senate concurring*
8 *herein:*

9

10 (1) All Colorado water users must share in solving Colorado's
11 water resource problems.

12

13 (2) The State of Colorado should provide assistance, when
14 requested, for local water supply planning and assist in the
15 implementation of consensus-based water resource solutions that respect
16 local authorities, private property, and water rights.

17

18 (3) During the process of planning to meet future needs, water
19 suppliers and utilities should give preference to development of
20 economically viable local water sources and demand management as they
21 consider other options, including development of new water transfers.

22

23 (4) Additional water storage should be pursued through the
24 improvement and rehabilitation of existing structures and the
25 development of new structures. These activities should be accomplished
26 with local consensus.

27

28 (5) The right of water rights owners to market their water rights
29 must be protected in the following ways:

30

31 (a) Colorado must fully explore flexible, market-based approaches
32 to water supply management, including interruptible water contracts,
33 water banking, in-state water leasing, and groundwater recharge
34 management.

35

36 (b) Those seeking to transfer agricultural water to another use
37 should consider leasing or other temporary arrangements for transfer of
38 water, rather than relying exclusively on the purchase of water rights.
39 Leasing or other such temporary arrangements could allow for reversion
40 of the water to agricultural purposes under certain conditions.

41

42 (c) In the event that agricultural water is transferred, the
43 transaction must adequately address the need for maintaining the existing
44 tax base, protecting the remaining water rights in the area, and
45 maintaining the proper stewardship of the land, including revegetation
46 and weed control.

47

48 (6) Appropriate recognition should be given to preservation of
49 flows necessary to support recreational, hydroelectric, and environmental
50 needs concurrent with development of water for beneficial consumptive
51 uses.

52

53 (7) Adverse economic, environmental, and social impacts of
54 future water projects and water transfers should be minimized;
55 unavoidable adverse impacts must be reasonably mitigated; all
56 communities involved should commit themselves to identifying and

1 implementing reasonable mitigation measures as an integral part of future
2 water projects or transfers.

3
4 (8) Future water supply solutions must benefit both the area of
5 origin and the area of use.

6
7 (9) Water conservation measures that do not injure other water
8 rights should be aggressively pursued.

9
10 (10) There must be an ongoing, concerted effort to educate all
11 Coloradans on the importance of water, and the need to conserve,
12 manage, and plan for the needs of this and future generations.

13
14
15
16 On motion of Representative King, **HB03-1139, 1295, 1246, 1194, 1266,**
17 **1240, 1271, 1140, 1205, 1230, 1242, 1286, 1221, 1228, 1281, 1216,**
18 **1197, 1204, 1222, 1288, 1142, 1290, 1237** were made Special Orders on
19 Thursday, February 20, 2003.

20
21
22 On motion of Representative Spence, the House resolved itself into
23 Committee of the Whole for consideration of Special Orders and she was
24 called to the Chair to act as Chairman.

25
26
27 **SPECIAL ORDERS--SECOND READING OF BILLS**

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

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

36
37 **HB03-1272** by Representative(s) Jahn, Fritz, Marshall, Vigil; also
38 Senator(s) Kester--Concerning a prohibition against
39 recording certain information when accepting a negotiable
40 instrument as payment.

41
42 Amendment No. 1, Information & Technology Report, dated
43 February 10, 2003, and placed in member's bill file; Report also printed
44 in House Journal, February 11, page 627.

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

48
49 **HB03-1273** by Representative(s) Jahn; also Senator(s) Johnson--
50 Concerning disclosure of credit scoring information to the
51 consumer when used to underwrite motor vehicle
52 insurance.

53
54 Amendment No. 1, Business Affairs & Labor Report, dated February 11,
55 2003, and placed in member's bill file; Report also printed in House
56 Journal, February 12, pages 635-636.

1 Amendment No. 2, by Representative Jahn.

2

3 Amend the Business Affairs and Labor Committee Report, dated
4 February 11, 2003, page 1, strike lines 6 through 17 and substitute the
5 following:

6

7 **"10-4-616. Disclosure of credit reports.** (1) (a) INSURERS USING
8 NEW OR UPDATED CREDIT INFORMATION IN INSURANCE UNDERWRITING OR
9 RATING SHALL NOTIFY APPLICANTS OR POLICYHOLDERS THAT THEIR
10 CREDIT INFORMATION WILL BE USED FOR UNDERWRITING OR RATING.

11

12 (b) WHEN AN INSURER USES A PRODUCER FOR SUCH DISCLOSURE,
13 THE INSURER SHALL PROVIDE THE PRODUCER WITH THE FORM OF SUCH
14 NOTICE AND USE A REASONABLE MEANS TO VERIFY THAT SUCH NOTICE IS
15 GIVEN. THE DISCLOSURE NOTICE FORM SHALL BE DEVELOPED BY THE
16 INSURER.

17

18 (c) UPON REQUEST BY AN APPLICANT OR POLICYHOLDER, AN
19 INSURER OR PRODUCER SHALL PROVIDE AN EXPLANATION OF THE
20 SIGNIFICANT CHARACTERISTICS OF THE CREDIT INFORMATION THAT IMPACT
21 THE POLICYHOLDER'S INSURANCE SCORE. THIS INFORMATION MAY BE
22 INCLUDED IN THE DISCLOSURE NOTICE FORM.

23

24 (2) IF THE USE OF CREDIT INFORMATION RESULTS IN AN ADVERSE
25 ACTION TO A CONSUMER, THE INSURER SHALL COMPLY WITH THE NOTICE
26 REQUIREMENTS OF THE FEDERAL "FAIR CREDIT REPORTING ACT", 15
27 U.S.C.S. SEC. 1681 ET SEQ. SUCH NOTICE SHALL INCLUDE, BUT IS NOT
28 LIMITED TO:

29

30 (a) THE IDENTITY, TELEPHONE NUMBER, AND ADDRESS OF ANY
31 CONSUMER REPORTING AGENCY FROM WHOM A CREDIT REPORT WAS
32 OBTAINED.

33

34 (b) NOTICE OF THE CONSUMER'S RIGHT TO RECEIVE A FREE CREDIT
35 REPORT FROM THE CONSUMER REPORTING AGENCY FOR A PERIOD OF SIXTY
36 DAYS IF SUCH REPORT RESULTED IN AN ADVERSE ACTION; AND

37

38 (c) NOTICE OF THE CONSUMER'S RIGHT TO LODGE A DISPUTE WITH
39 THE CONSUMER REPORTING AGENCY AND HAVE ANY ERRONEOUS
40 INFORMATION CORRECTED IN ACCORDANCE WITH THE FEDERAL "FAIR
41 CREDIT REPORTING ACT", 15 U.S.C.S. SEC. 1681 ET SEQ.

42

43 (3) FOR THE PURPOSES OF THIS SECTION, "ADVERSE ACTION"
44 MEANS A DENIAL, CANCELLATION, OR NONRENEWAL OF, AN INCREASE IN
45 ANY CHARGE FOR, A PLACEMENT INTO A HIGHER TIER, OR A REDUCTION OR
46 UNFAVORABLE CHANGE IN THE TERMS OF COVERAGE OR AMOUNT OF
47 INSURANCE IN CONNECTION WITH UNDERWRITING OF EXISTING INSURANCE
48 OR AN APPLICATION FOR INSURANCE."

49

50 Page 2, strike lines 1 through 15.

51

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

54

55

1 **HB03-1212** by Representative(s) Veiga; also Senator(s) Evans--
2 Concerning restitution orders entered in criminal cases.
3

4 Ordered engrossed and placed on the Calendar for Third Reading and
5 Final Passage.
6

7 **HB03-1295** by Representative(s) Spradley, Veiga; also Senator(s)
8 Kester, Phillips--Concerning the establishment of an
9 electric resource standard for renewable energy for
10 providers of electric service in the state.
11

12 Amendment No. 1, Transportation & Energy Report, dated February 13,
13 2003, and placed in member's bill file; Report also printed in House
14 Journal, February 14, page 663.
15

16 Amendment No. 2, by Representative Spradley.
17

18 Amend printed bill, page 9, after line 11, insert the following:
19

20 "(3) TO THE EXTENT THAT A WHOLESALE CUSTOMER OF A
21 PROVIDER OF ELECTRIC SERVICE DOES NOT PAY, THROUGH TARIFFS AND
22 CHARGES REGULATED BY THE FEDERAL ENERGY REGULATORY
23 COMMISSION, ITS ALLOCATED SHARE OF THE COSTS OF ANY RENEWABLE
24 RESOURCE UTILIZED BY THE PROVIDER TO MEET ITS OBLIGATION UNDER
25 THIS ARTICLE, SUCH WHOLESALE CUSTOMER SHALL BE EXEMPT FROM THE
26 COSTS AND BENEFITS OF ALL RENEWABLE RESOURCES UTILIZED BY THE
27 PROVIDER TO MEET ITS OBLIGATION UNDER THIS ARTICLE."
28

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

31 (For change in action, see Amendments to Report, page 846.)
32

33 **HB03-1246** by Representative(s) Lundberg; also Senator(s) Johnson--
34 Concerning specification of the eligibility requirements
35 for the Colorado works program, and, in connection
36 therewith, replacing outdated references to the former aid
37 to families with dependent children program eligibility
38 with the actual eligibility standards and requirements and
39 directing the state board of human services to adopt rules
40 relating to eligibility determinations.
41

42 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
43 dated February 10, 2003, and placed in member's bill file; Report also
44 printed in House Journal, February 11, page 625.
45

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

49 **HB03-1194** by Representative(s) White; also Senator(s) Kester--
50 Concerning real property instruments filed with a county
51 clerk and recorder.
52

53 Ordered engrossed and placed on the Calendar for Third Reading and
54 Final Passage.
55

- 1 **HB03-1266** by Representative(s) Larson, McCluskey, Rippy, Rose,
2 Salazar, Stengel, Weddig; also Senator(s) Taylor--Con-
3 cerning recodification of statutes related to peace officers.
4
- 5 Amendment No. 1, Local Government Report, dated February 10, 2003,
6 and placed in member's bill file; Report also printed in House Journal,
7 February 11, pages 627-629.
8
- 9 Amendment No. 2, by Representative Larson.
10
- 11 Amend proposed committee amendment (HB1266_C.001), page 2 of
12 proposed committee amendment, line 6, strike ~~""as defined""~~ and
13 substitute ~~""as defined~~ AS DESCRIBED"";
14
15 line 8, strike ~~""as""~~;
16
17 line 9, strike ~~"defined in"~~ and substitute ~~""as defined in~~ AS DESCRIBED
18 IN"";
19
20 line 12, strike ~~"DEFINED"~~ and substitute ~~"DESCRIBED"~~;
21
22 line 13, strike ~~""as defined""~~ and substitute ~~""as defined~~ AS DESCRIBED"";
23
24 line 16, strike ~~"DEFINED"~~ and substitute ~~"DESCRIBED"~~;
25
26 line 17, strike ~~""as defined""~~ and substitute ~~""as defined~~ AS DESCRIBED"";
27
28 line 20, strike ~~""defined""~~ and substitute ~~""defined~~ AS DESCRIBED"".
29
- 30 Page 3 of the proposed committee amendment, line 1, strike ~~""as~~
31 ~~defined""~~ and substitute ~~""as defined~~ AS DESCRIBED"";
32
33 line 3, strike ~~""as defined""~~ and substitute ~~""as defined~~ AS DESCRIBED"";
34
35 line 6, strike ~~""AS DEFINED"~~ and substitute ~~""AS DESCRIBED"~~;
36
37 line 7, strike ~~""as defined""~~ and substitute ~~""as defined~~ AS DESCRIBED"";
38
39 line 10, strike ~~"DEFINED"~~ and substitute ~~"DESCRIBED"~~;
40
41 line 12, strike ~~"as defined"~~ and substitute ~~""as defined~~ AS DESCRIBED"";
42
43 after line 14, insert the following:
44
45 "Page 37, line 4, strike ~~"as defined"~~ and substitute ~~"as defined~~ AS
46 DESCRIBED"";";
47
48 line 15, strike ~~"Page 37,"~~;
49
50 line 17, after ~~"line 22,"~~, insert ~~"strike "as defined"~~ and substitute ~~"as~~
51 ~~defined~~ AS DESCRIBED", and";
52
53 after line 17, insert the following:
54 "Page 38, line 20, strike ~~"AS DEFINED"~~ and substitute ~~"AS DESCRIBED"~~;;";
55
56 line 18, strike ~~"Page 38,"~~;

1 strike line 20 and substitute the following:
2 "Page 39, line 5, strike "AS DEFINED IN SECTION 16-3-110" and substitute
3 "AS DESCRIBED IN SECTION 16-2.5-101, C.R.S.,";";

4
5 after line 21, insert the following:
6 "Page 40, line 8, strike "as defined" and substitute "~~as defined~~ AS
7 DESCRIBED";";

8
9 line 22, strike "Page 40," and strike ""as defined"" and substitute ""~~as~~
10 ~~defined~~ AS DESCRIBED"".

11
12 As amended, ordered engrossed and placed on the Calendar for Third
13 Reading and Final Passage.

14
15 **HB03-1240** by Representative(s) Clapp; also Senator(s) Dyer--
16 Concerning changes to the juvenile justice system.

17
18 Amendment No. 1, Judiciary Report, dated February 11, 2003, and placed
19 in member's bill file; Report also printed in House Journal, February 12,
20 page 637.

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

24
25 **HB03-1271** by Representative(s) Sinclair; also Senator(s) Taylor--
26 Concerning voting by certain electors who are located
27 outside the state.

28
29 Ordered engrossed and placed on the Calendar for Third Reading and
30 Final Passage.

31
32 **HB03-1140** by Representative(s) Larson, Tochtrop, Young, Harvey,
33 Hodge, Hoppe, Rippy, White; also Senator(s) Entz,
34 Chlouber, Taylor, Isgar, Kester--Concerning the
35 classification of state noxious weeds, and, in connection
36 therewith, implementing management programs for such
37 classified noxious weeds.

38
39 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
40 dated February 12, 2003, and placed in member's bill file; Report also
41 printed in House Journal, February 13, pages 649-650.

42
43 Amendment No. 2, by Representative Larson.

44
45 Amend printed bill, page 4, line 9, after "land." add "UNLESS OTHERWISE
46 SPECIFIED IN THE GRANT ESTABLISHING THE EASEMENT, RIGHT-OF WAY, OR
47 ESTATE IN LAND, THE OWNER OF SUCH EASEMENT, RIGHT-OF WAY, OR
48 ESTATE IN LAND, SHALL BE RESPONSIBLE FOR THE DIRECT AND INDIRECT
49 INTRODUCTION, ESTABLISHMENT, OR SPREAD FROM THE EASEMENT,
50 RIGHT-OF WAY, OR ESTATE IN LAND TO ADJACENT LAND OF NOXIOUS
51 WEEDS.".

52
53 As amended, declared **lost** on Second Reading.
54 (For change in action, see Amendments to Report, page 847.)

55

- 1 **HB03-1205** by Representative(s) McCluskey, Hoppe, Briggs, Brophy,
2 Fairbank, Fritz, Hall, Johnson R., King, May M., Miller,
3 Rose, White, Wiens; also Senator(s) Taylor--Concerning
4 the refund of beef board fees by the board of directors of
5 the Colorado beef council authority.
6
- 7 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
8 dated February 12, 2003, and placed in member's bill file; Report also
9 printed in House Journal, February 13, page 651.
10
- 11 As amended, ordered engrossed and placed on the Calendar for Third
12 Reading and Final Passage.
13
- 14 **HB03-1230** by Representative(s) Romanoff, Hefley, Williams S.; also
15 Senator(s) Evans--Concerning school attendance.
16
- 17 Amendment No. 1, Education Report, dated February 12, 2003, and
18 placed in member's bill file; Report also printed in House Journal,
19 February 13, pages 651-652.
20
- 21 Amendment No. 2, by Representative Lundberg.
22
- 23 Amend printed bill, page 2, line 7, before "SCHOOL", insert "PUBLIC".
24
- 25 As amended, declared **lost** on Second Reading.
26
27
- 28 **HB03-1286** by Representative(s) Hefley, Clapp, Romanoff; also
29 Senator Dyer--Concerning acceleration of the process for
30 terminating the parent-child legal relationship of children
31 under one year of age, and, in connection therewith,
32 expediting the voluntary relinquishment process.
33
- 34 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
35 dated February 12, 2003, and placed in member's bill file; Report also
36 printed in House Journal, February 13, page 654.
37
- 38 Amendment No. 2, by Representative Frangas, Hefley.
39
- 40 Amend the Health, Environment, Welfare, and Institutions Committee
41 Report, dated February 12, 2003, page 1, line 1, after ""THE", insert
42 "RELINQUISHING PARENT SHALL BE ADVISED OF THE OPPORTUNITY TO SEEK
43 INDEPENDENT COUNSELING. THE".
44
- 45 As amended, ordered engrossed and placed on the Calendar for Third
46 Reading and Final Passage.
47
48
- 49 **HB03-1221** by Representative(s) Fairbank--Concerning accessibility
50 standards for residential projects designed to serve persons
51 with disabilities.
52
- 53 Ordered engrossed and placed on the Calendar for Third Reading and
54 Final Passage.
55
56

1 **HB03-1281** by Representative(s) Cloer, Spradley, Stafford, Williams
 2 S.; also Senator(s) Evans--Concerning the eligibility of a
 3 taxpayer who is a person with a disability to participate in
 4 a property tax work-off program.

5
 6 Ordered engrossed and placed on the Calendar for Third Reading and
 7 Final Passage.

8
 9 **HB03-1228** by Representative(s) Cadman, Crane, Fairbank, Rhodes--
 10 Concerning a limitation on liability for the treatment costs
 11 of specified health care conditions of a person in a county
 12 jail.

13
 14 Amendment No. 1, by Representatives Cadman, Smith.

15
 16 Amend printed bill, page 2, strike lines 2 and 3 and substitute the
 17 following:

18
 19 "amended to read:

20
 21 **17-26-104.5. Medical visits - charge to persons in custody.**
 22 (1) A county jail may assess a medical treatment charge against any
 23 person who receives while being held in custody medical treatment
 24 performed by a physician, dentist, nurse, or licensed hospital or as a
 25 result of a sick call or for whom a prescription is filled. The county jail
 26 may assess any such medical treatment charge against the person's jail
 27 account. In addition, the county jail may assess a reasonable medical
 28 treatment charge for each visit by a person in custody to an institutional
 29 or noninstitutional physician, dentist, or optometrist; ~~except that a~~
 30 ~~medical treatment charge shall not be assessed for any visit required by~~
 31 ~~the county jail during the intake process, an annual physical examination,~~
 32 ~~any visit to a physician, dentist, or optometrist that results from a referral~~
 33 ~~by a nurse, physician's assistant, or physician, or any emergency~~
 34 ~~treatment or follow-up visit initiated by a medical professional.~~ In no
 35 case shall a person's inability to pay be the basis for not providing
 36 treatment by any medical personnel. Any medical treatment charge that
 37 remains unpaid shall constitute a cost of care that the person may be
 38 ordered to pay pursuant to section 18-1.3-701, C.R.S., and that may be
 39 collected by the county pursuant to the provisions of section 16-11-101.6,
 40 C.R.S.

41
 42 (2) The provisions of this section shall apply to any person held
 43 in custody in a county jail regardless of whether the person is a juvenile,
 44 is being held prior to trial, or is in custody for conviction under a state
 45 statute or a county or municipal ordinance.";

46
 47 after line 10, add the following:

48
 49 "(4) A COUNTY MAY SEEK PAYMENT OR REIMBURSEMENT FOR ANY
 50 MEDICAL TREATMENT COSTS FROM AN INSURANCE CARRIER OR OTHER
 51 ENTITY THAT MAY PROVIDE MEDICAL CARE COST ASSISTANCE TO THE
 52 PERSON BEING HELD IN CUSTODY AND RECEIVING SUCH SERVICES."

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

56

1 **HB03-1197** by Representative(s) May M., Judd; also Senator(s)
2 Taylor, Anderson--Concerning the use of confidential
3 communications between certified public accountants and
4 clients in proceedings relating to the attest activities of
5 certified public accountants, and, in connection therewith,
6 creating an exception to the Colorado accountant-client
7 privilege for purposes of disciplinary functions of the state
8 board of accountancy related to attest services.
9

10 Amendment No. 1, by Representative May.

11
12 Amend printed bill, page 3, line 10, after "OR", insert "ACCOUNTANT'S",
13 and after "TO", insert "AUDIT OR REVIEW";

14
15 line 20, after "INTO", insert "AUDIT OR REVIEW";

16
17 line 22, after "OR", insert "ACCOUNTANT'S", and after "THE", insert "AUDIT
18 OR REVIEW";

19
20 line 23, strike "FOR" and substitute "TO";

21
22 line 26, after "OR"; insert "ACCOUNTANT'S";

23
24 line 27, after the first "THE", insert "AUDIT OR REVIEW".
25

26 Amendment No. 2, by Representative May.

27
28 Amend printed bill, page 3, strike lines 16 and 17 and substitute the
29 following:

30
31 "ANY CERTIFIED PUBLIC ACCOUNTANT, ANY CERTIFIED PUBLIC
32 ACCOUNTING FIRM, THE COLORADO STATE BOARD OF ACCOUNTANCY, OR
33 A PERSON OR GROUP AUTHORIZED BY SUCH BOARD, OF THE OBLIGATION OF
34 CONFIDENTIALITY."
35

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

39 **HB03-1204** by Representative(s) Stengel; also Senator(s) Jones--
40 Concerning disclosure by an investment firm to fiduciaries
41 of public moneys regarding any business agreement that
42 may create a conflict of interest for the investment firm.
43

44 Amendment No. 1, Business Affairs & Labor Report, dated February 13,
45 2003, and placed in member's bill file; Report also printed in House
46 Journal, February 14, pages 689-690.
47

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

51 **HB03-1222** by Representative(s) Johnson R.--Concerning the
52 electronic filing of documents with the division of
53 workers' compensation.
54

55 Ordered engrossed and placed on the Calendar for Third Reading and
56 Final Passage.

1 **HB03-1288** by Representative(s) Smith; also Senator(s) Evans--
2 Concerning the definition of terms used in connection
3 with an injury arising out of certain public facilities for
4 purposes of the "Colorado Governmental Immunity Act".
5

6 Amendment No. 1, Judiciary Report, dated February 13, 2003, and placed
7 in member's bill file; Report also printed in House Journal, February 14,
8 page 691.
9

10 As amended, ordered engrossed and placed on the Calendar for Third
11 Reading and Final Passage.
12

13 **HB03-1142** by Representative(s) Crane, Cadman, Clapp, Fairbank,
14 Fritz, Harvey, Hefley, King, Lee, May M., Mitchell,
15 Rhodes, Schultheis, Spence, Stafford, White; also
16 Senator(s) Chlouber, Lamborn--Concerning minor
17 political parties.
18

19 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
20 February 13, 2003, and placed in member's bill file; Report also printed
21 in House Journal, February 14, pages 691-697.
22

23 Amendment No. 2, by Representative May.
24

25 Amend the State, Veterans, and Military Affairs Committee Report, dated
26 February 13, 2003, page 8, strike lines 6 through 8 and substitute the
27 following:
28

29 "(II) EACH CANDIDATE RECEIVING THIRTY PERCENT OR MORE OF
30 THE";
31

32 strike lines 12 through 17.
33

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

37 **HB03-1290** by Representative(s) Lee--Concerning declarations of a
38 state of emergency, and, in connection therewith,
39 terminating existing states of emergency and establishing
40 procedures to be followed in connection with the future
41 declaration of a state of emergency.
42

43 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
44 February 13, 2003, and placed in member's bill file; Report also printed
45 in House Journal, February 14, pages 697-699.
46

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

50 **HB03-1237** by Representative(s) Judd--Concerning technical
51 modifications to the statutes enforced by the administrator
52 of the "Uniform Consumer Credit Code", and, in
53 connection therewith, amending or repealing obsolete,
54 inconsistent, and conflicting provisions of law and
55 eliminating the notification fee for certain creditors.
56

1 Amendment No. 1, Business Affairs & Labor Report, dated February 14,
2 2003, and placed in member's bill file; Report also printed in House
3 Journal, February 17, page 758.

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

7
8 **HB03-1139** by Representative(s) Hefley, Berry, Decker, Groff, Jahn,
9 Judd, Lee, Veiga; also Senator(s) Arnold--Concerning the
10 sentence imposed on a juvenile who is convicted as an
11 adult of a class 1 felony.

12
13 Amendment No. 1, Judiciary Report, dated February 4, 2003, and placed
14 in member's bill file; Report also printed in House Journal, February 5,
15 pages 314-316.

16
17 Amendment No. 2, by Representative Hefley.

18
19 Amend the Judiciary Committee Report, dated February 4, 2003, page 2,
20 line 3, strike "FORTY-FIVE DAYS PRIOR TO TRIAL," and substitute
21 "TWENTY-ONE DAYS PRIOR TO THE SENTENCING HEARING,";

22
23 line 24, strike "FORTY-FIVE" and substitute "TWENTY-ONE".

24
25 Amendment No. 3, by Representative Hefley.

26
27 Amend printed bill, page 4, strike line 24 and substitute the following:

28
29 "COURT SHALL REVIEW THE MOTION AND ANY RESPONSE FILED BY THE
30 PROSECUTION AND SHALL DETERMINE WHETHER TO GRANT A HEARING ON
31 THE MOTION. IF THE COURT DENIES THE MOTION WITHOUT A HEARING, THE
32 COURT SHALL ISSUE AN ORDER CONTINUING THE DEFENDANT'S SENTENCE
33 WITHOUT MODIFICATION, AND THE DEFENDANT MAY NOT BRING A
34 SUBSEQUENT MOTION PURSUANT TO THIS SUBSECTION (3). IF THE COURT
35 GRANTS A HEARING ON THE MOTION, THE COURT SHALL ALLOW THE".

36
37 Page 5, strike lines 14 through 16 and substitute the following:

38
39 "(b) IF THE COURT GRANTS A HEARING ON THE MOTION FOR
40 MODIFICATION OF SENTENCE, THE COURT SHALL CONSIDER ALL PERTINENT
41 INFORMATION PROVIDED BY".

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

45
46 On motion of Representative King, Consideration of **HB03-1242, 1216**
47 was laid over until February 21, retaining place on Calendar.

48
49
50
51 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

52
53 Representatives Smith, Brophy, Cadman, Miller, Ragsdale, White, and
54 Williams S. moved to amend the Report of the Committee of the Whole
55 to show that the following Smith amendment, to HB03-1295, did pass,
56 and that HB03-1295, as amended, did pass.

1 Amend printed bill, page 8, strike lines 8 through 10 and substitute the
2 following:

3
4 "(10) ALL ELECTRICITY COUNTED TOWARDS COMPLIANCE WITH
5 THE ELECTRIC RESOURCE STANDARD SHALL BE GENERATED OR ACQUIRED
6 FROM A RENEWABLE ENERGY SYSTEM LOCATED IN THE STATE OF
7 COLORADO."

8
9 The amendment was declared **lost** by the following roll call vote:

11	Vacancy 1	YES	30	NO	31	EXCUSED	03	ABSENT	00
12	Berry	N				McCluskey	N	Sinclair	Y
13	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y	
14	Boyd	N	Harvey	Y	Merrifield	N	Spence	N	
15	Briggs	N	Hefley	N	Miller	Y	Stafford	E	
16	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y	
17	Butcher	N	Hoppe	N	Paccione	N	Tochtrop	N	
18	Cadman	Y	Jahn	N	Plant	N	Veiga	N	
19	Clapp	Y	Johnson	Y	Pommer	N	Vigil	N	
20	Cloer	N	Judd	N	Ragsdale	Y	Weddig	Y	
21	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N	
22	Crane	Y	Larson	N	Rippy	N	White	Y	
23	Decker	Y	Lee	Y	Romanoff	N	Wiens	N	
24	Fairbank	E	Lundberg	Y	Rose	Y	Williams S.	Y	
25	Frangas	Y	Madden	N	Salazar	Y	Williams T.	N	
26	Fritz	Y	Marshall	N	Sanchez	E	Witwer	Y	
27	Garcia	N	May	Y	Schultheis	Y	Young	Y	
28							Speaker	N	

29
30
31 Representatives Brophy, Harvey, and Hoppe moved to amend the Report
32 of the Committee of the Whole to show that the following Brophy
33 amendment, to HB03-1295, did pass, and that HB03-1295, as amended,
34 did pass.

35
36 Amend printed bill, page 6, strike lines 1 through 4, and substitute the
37 following:

38
39 "ENERGY."

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

43	Vacancy 1	YES	56	NO	05	EXCUSED	03	ABSENT	00
44	Berry	Y				McCluskey	Y	Sinclair	Y
45	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y	
46	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y	
47	Briggs	Y	Hefley	Y	Miller	Y	Stafford	E	
48	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y	
49	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y	
50	Cadman	Y	Jahn	Y	Plant	N	Veiga	Y	
51	Clapp	Y	Johnson	Y	Pommer	N	Vigil	Y	
52	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y	
53	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N	
54	Crane	Y	Larson	Y	Rippy	Y	White	Y	
55	Decker	N	Lee	Y	Romanoff	Y	Wiens	Y	
56	Fairbank	E	Lundberg	Y	Rose	Y	Williams S.	Y	

1	Frangas	Y	Madden	N	Salazar	Y	Williams T.	Y
2	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
3	Garcia	Y	May	Y	Schultheis	Y	Young	Y
4							Speaker	Y

7 Representatives Larson and Hoppe moved to amend the Report of the
8 Committee of the Whole to show that HB03-1140, as amended, did pass.

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

12	Vacancy	1	YES	59	NO	02	EXCUSED	03	ABSENT	00
13	Berry		Y				McCluskey	Y	Sinclair	Y
14	Borodkin		Y		Hall	Y	McFadyen	Y	Smith	Y
15	Boyd		Y		Harvey	Y	Merrifield	Y	Spence	Y
16	Briggs		Y		Hefley	Y	Miller	Y	Stafford	E
17	Brophy		Y		Hodge	Y	Mitchell	Y	Stengel	Y
18	Butcher		Y		Hoppe	Y	Paccione	Y	Tochtrop	Y
19	Cadman		Y		Jahn	Y	Plant	Y	Veiga	Y
20	Clapp		Y		Johnson	Y	Pommer	Y	Vigil	Y
21	Cloer		Y		Judd	Y	Ragsdale	Y	Weddig	Y
22	Coleman		Y		King	Y	Rhodes	Y	Weissmann	N
23	Crane		Y		Larson	Y	Rippy	Y	White	Y
24	Decker		Y		Lee	Y	Romanoff	Y	Wiens	Y
25	Fairbank		E		Lundberg	Y	Rose	Y	Williams S.	Y
26	Frangas		N		Madden	Y	Salazar	Y	Williams T.	Y
27	Fritz		Y		Marshall	Y	Sanchez	E	Witwer	Y
28	Garcia		Y		May	Y	Schultheis	Y	Young	Y
29									Speaker	Y

32 Representative Romanoff moved to amend the Report of the Committee
33 of the Whole to show that the following Romanoff amendment, to
34 HB 03-1230, did pass, and that HB03-1230, as amended, did pass.

36 Amend the Education Committee Report, dated February 12, 2003, page
37 1, strike lines 9 through 12, and substitute the following:

39 "Page 3, strike line 10 and substitute the following:

41 "ENTERED INTO ON AND AFTER JULY 1, 2003, IF THE SCHOOL DISTRICT HAS
42 A TRUANCY RATE HIGHER THAN TEN PERCENT FOR THE ACADEMIC YEAR
43 IMMEDIATELY PRECEDING THE CONTRACT, THE ACCREDITATION CONTRACT
44 SHALL CONTAIN A TRUANCY PREVENTION PLAN, AND IF THE SCHOOL
45 DISTRICT HAS A DROPOUT RATE HIGHER THAN FIVE PERCENT FOR THE
46 ACADEMIC YEAR IMMEDIATELY PRECEDING THE CONTRACT, THE
47 ACCREDITATION CONTRACT SHALL CONTAIN A DROPOUT PREVENTION
48 PLAN.";

50 strike line 11;

52 line 12, after "THE" insert "TRUANCY OR DROPOUT PREVENTION";

54 strike lines 15 through 27.

56 Page 4, strike lines 1 through 22.

1 Renumber succeeding section accordingly."

2

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

4

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

6

	Vacancy 1	YES	27	NO	34	EXCUSED	03	ABSENT	00
8	Berry	Y				McCluskey	N	Sinclair	N
9	Borodkin	Y	Hall		N	McFadyen	Y	Smith	N
10	Boyd	Y	Harvey		N	Merrifield	Y	Spence	N
11	Briggs	N	Hefley		N	Miller	Y	Stafford	E
12	Brophy	N	Hodge		Y	Mitchell	N	Stengel	N
13	Butcher	Y	Hoppe		N	Paccione	Y	Tochtrop	Y
14	Cadman	N	Jahn		Y	Plant	Y	Veiga	Y
15	Clapp	N	Johnson		N	Pommer	Y	Vigil	Y
16	Cloer	N	Judd		Y	Ragsdale	Y	Weddig	Y
17	Coleman	N	King		N	Rhodes	N	Weissmann	Y
18	Crane	N	Larson		Y	Rippy	N	White	N
19	Decker	N	Lee		N	Romanoff	Y	Wiens	N
20	Fairbank	E	Lundberg		N	Rose	N	Williams S.	Y
21	Frangas	Y	Madden		Y	Salazar	Y	Williams T.	N
22	Fritz	N	Marshall		Y	Sanchez	E	Witwer	N
23	Garcia	Y	May		N	Schultheis	N	Young	N
24								Speaker	N

25

26

27 Representatives Clapp, Smith, and Stengel moved to amend the Report
28 of the Committee of the Whole to show that HB03-1139, as amended, did
29 not pass.

30

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

32

	Vacancy 1	YES	22	NO	39	EXCUSED	03	ABSENT	00
34	Berry	N				McCluskey	Y	Sinclair	N
35	Borodkin	N	Hall		Y	McFadyen	N	Smith	Y
36	Boyd	N	Harvey		Y	Merrifield	N	Spence	Y
37	Briggs	N	Hefley		N	Miller	Y	Stafford	E
38	Brophy	N	Hodge		N	Mitchell	Y	Stengel	Y
39	Butcher	N	Hoppe		N	Paccione	N	Tochtrop	N
40	Cadman	Y	Jahn		N	Plant	N	Veiga	N
41	Clapp	Y	Johnson		N	Pommer	N	Vigil	N
42	Cloer	N	Judd		N	Ragsdale	N	Weddig	N
43	Coleman	N	King		Y	Rhodes	Y	Weissmann	N
44	Crane	Y	Larson		Y	Rippy	Y	White	N
45	Decker	N	Lee		N	Romanoff	Y	Wiens	N
46	Fairbank	E	Lundberg		N	Rose	Y	Williams S.	N
47	Frangas	N	Madden		N	Salazar	N	Williams T.	N
48	Fritz	Y	Marshall		N	Sanchez	E	Witwer	Y
49	Garcia	N	May		Y	Schultheis	Y	Young	Y
50								Speaker	N

51

52

53

54

55

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

2
3 Passed Second Reading: **HB03-1272 amended, 1273 amended, 1212,**
4 **1295 amended, 1246 amended, 1194, 1266 amended, 1240 amended,**
5 **1271, 1140 amended, 1205 amended, 1286 amended, 1221, 1281,**
6 **1228 amended, 1197 amended, 1204 amended, 1222, 1288 amended,**
7 **1142 amended, 1290 amended, 1237 amended, 1139 amended.**

8
9 Lost on Second Reading: **HB03-1230 amended.**

10
11 Laid over until date indicated retaining place on Calendar: **HB03-1242,**
12 **1216--February 21, 2003.**

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

Vacancy	1	YES	61	NO	00	EXCUSED	03	ABSENT	00
Berry		Y				McCluskey	Y	Sinclair	Y
Borodkin		Y	Hall		Y	McFadyen	Y	Smith	Y
Boyd		Y	Harvey		Y	Merrifield	Y	Spence	Y
Briggs		Y	Hefley		Y	Miller	Y	Stafford	E
Brophy		Y	Hodge		Y	Mitchell	Y	Stengel	Y
Butcher		Y	Hoppe		Y	Paccione	Y	Tochtrop	Y
Cadman		Y	Jahn		Y	Plant	Y	Veiga	Y
Clapp		Y	Johnson		Y	Pommer	Y	Vigil	Y
Cloer		Y	Judd		Y	Ragsdale	Y	Weddig	Y
Coleman		Y	King		Y	Rhodes	Y	Weissmann	Y
Crane		Y	Larson		Y	Rippy	Y	White	Y
Decker		Y	Lee		Y	Romanoff	Y	Wiens	Y
Fairbank		E	Lundberg		Y	Rose	Y	Williams S.	Y
Frangas		Y	Madden		Y	Salazar	Y	Williams T.	Y
Fritz		Y	Marshall		Y	Sanchez	E	Witwer	Y
Garcia		Y	May		Y	Schultheis	Y	Young	Y
								Speaker	Y

37
38
39
40
41 **REPORTS OF COMMITTEES OF REFERENCE**

42
43 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

46
47 **HB03-1099** be amended as follows, and as so amended, be referred to
48 the Committee on Appropriations with favorable
49 recommendation:

50
51 Amend printed bill, strike everything below the enacting clause and
52 substitute the following:

53
54 **"SECTION 1.** 8-20-102 (1), Colorado Revised Statutes, is
55 amended to read:

56

1 **8-20-102. Duties of the director of the division of oil and public**
2 **safety.** (1) The director of the division of oil and public safety shall
3 make, promulgate, and enforce rules setting forth minimum and general
4 standards covering the design, construction, location, installation, and
5 operation of equipment for storing, handling, ~~transporting by tank truck~~
6 ~~or tank trailer~~, and utilizing liquid fuel products. Said rules shall be such
7 as are reasonably necessary for the protection of the health, welfare, and
8 safety of the public and persons using such materials, and shall be in
9 substantial conformity with the generally accepted standards of safety
10 concerning the same subject matter. Such rules shall be adopted by the
11 director of the division of oil and public safety in compliance with section
12 24-4-103, C.R.S.

13
14 **SECTION 2.** 8-20-104, Colorado Revised Statutes, is amended
15 to read:

16
17 **8-20-104. Enforcement of law - definitions.** (1) ~~It is the duty of~~
18 ~~the district attorneys, in their districts, and the attorney general, in cases~~
19 ~~where the district attorney refuses to act, to~~ THE DIRECTOR SHALL enforce
20 the provisions of this ~~part~~ ARTICLE by appropriate actions in courts of
21 competent jurisdiction.

22
23 (2) (a) THE DIRECTOR MAY ISSUE A NOTICE OF VIOLATION TO A
24 PERSON WHO IS BELIEVED TO HAVE VIOLATED THIS ARTICLE OR RULES
25 PROMULGATED PURSUANT TO THIS ARTICLE. THE NOTICE SHALL BE
26 DELIVERED TO THE ALLEGED VIOLATOR PERSONALLY, BY CERTIFIED MAIL,
27 RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES RECEIPT
28 AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

29
30 (b) THE NOTICE OF VIOLATION SHALL ALLEGE THE FACTS THAT
31 CONSTITUTE A VIOLATION AND THE RULE OR STATUTE VIOLATED.

32
33 (c) THE NOTICE OF VIOLATION MAY REQUIRE THE ALLEGED
34 VIOLATOR TO ACT TO CORRECT THE ALLEGED VIOLATION.

35
36 (d) WITHIN TEN WORKING DAYS AFTER DELIVERY OF THE NOTICE
37 OF VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST IN WRITING AN
38 INFORMAL CONFERENCE WITH THE DIRECTOR CONCERNING THE NOTICE OF
39 VIOLATION. IF THE ALLEGED VIOLATOR FAILS TO REQUEST SUCH
40 CONFERENCE WITHIN TEN DAYS, THEN THE NOTICE BECOMES FINAL, IS NOT
41 SUBJECT TO FURTHER REVIEW, AND ANY RECITATION OF ACTS REQUIRED
42 UNDER PARAGRAPH (c) OF THIS SUBSECTION (2) BECOMES A BINDING
43 ENFORCEMENT ORDER.

44
45 (e) UPON RECEIPT OF A REQUEST FOR AN INFORMAL CONFERENCE,
46 THE DIRECTOR SHALL SET A REASONABLE TIME AND PLACE FOR SUCH
47 CONFERENCE AND SHALL NOTIFY THE ALLEGED VIOLATOR OF SUCH TIME
48 AND PLACE. AT THE CONFERENCE, THE ALLEGED VIOLATOR MAY PRESENT
49 EVIDENCE AND ARGUMENTS CONCERNING THE ALLEGATIONS IN THE NOTICE
50 OF VIOLATION.

51
52 (f) WITHIN TWENTY WORKING DAYS AFTER THE INFORMAL
53 CONFERENCE, THE DIRECTOR SHALL UPHOLD, MODIFY, OR STRIKE THE
54 ALLEGATIONS WITHIN THE NOTICE OF VIOLATION AND MAY ISSUE AN
55 ENFORCEMENT ORDER. THE DECISION AND ENFORCEMENT ORDER SHALL
56 BE DELIVERED TO THE ALLEGED VIOLATOR PERSONALLY, BY CERTIFIED

1 MAIL, RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES
2 RECEIPT AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

3
4 (3) (a) A PERSON WHO IS THE SUBJECT OF AND ADVERSELY
5 AFFECTED BY A NOTICE OF VIOLATION OR AN ENFORCEMENT ORDER ISSUED
6 PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY APPEAL SUCH ACTION
7 TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
8 EMPLOYMENT. THE EXECUTIVE DIRECTOR SHALL HOLD A HEARING TO
9 REVIEW SUCH NOTICE OR ORDER AND TAKE FINAL ACTION IN ACCORDANCE
10 WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE
11 24, C.R.S., AND MAY EITHER CONDUCT THE HEARING PERSONALLY OR
12 APPOINT AN ADMINISTRATIVE LAW JUDGE FROM THE DEPARTMENT OF
13 PERSONNEL.

14
15 (b) FINAL AGENCY ACTION SHALL BE SUBJECT TO JUDICIAL REVIEW
16 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
17 4 OF TITLE 24, C.R.S.

18
19 (4) AN ENFORCEMENT ORDER ISSUED PURSUANT TO THIS SECTION
20 MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS
21 PER VIOLATION; EXCEPT THAT THE DIRECTOR MAY IMPOSE A CIVIL PENALTY
22 NOT TO EXCEED ONE THOUSAND DOLLARS FOR A VIOLATION THAT RESULTS
23 IN, OR MAY REASONABLY BE EXPECTED TO RESULT IN, SERIOUS BODILY
24 INJURY. SUCH PENALTIES SHALL BE DEPOSITED IN THE PETROLEUM
25 STORAGE TANK FUND CREATED IN SECTION 8-20.5-103.

26
27 (5) THE DIRECTOR MAY FILE SUIT IN THE DISTRICT COURT IN THE
28 JUDICIAL DISTRICT IN WHICH A VIOLATION IS ALLEGED TO HAVE OCCURRED
29 TO JUDICIALLY ENFORCE AN ENFORCEMENT ORDER ISSUED PURSUANT TO
30 THIS SECTION.

31
32 (6) IF A FUEL DISTRIBUTOR FILLS A FUEL TANK WITHOUT THE
33 APPROVAL OF THE OWNER OF THE TANK, THEN SUCH DISTRIBUTOR SHALL
34 BE LIABLE IN A CIVIL ACTION FOR TREBLE THE DAMAGES PROVED AT TRIAL
35 PLUS APPROPRIATE ATTORNEY FEES.

36
37 (7) FOR THE PURPOSES OF THIS SECTION:

38
39 (a) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF OIL AND
40 PUBLIC SAFETY.

41
42 (b) "DIVISION" MEANS THE DIVISION OF OIL AND PUBLIC SAFETY.

43
44 **SECTION 3.** 8-20-206.5 (1) (a), (1) (c), and (4), Colorado
45 Revised Statutes, are amended, and the said 8-20-206.5 (1) is further
46 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

47
48 **8-20-206.5. Environmental response surcharge.** (1) (a) Every
49 FIRST PURCHASER OF ODORIZED LIQUID PROPANE GAS AND EVERY
50 manufacturer of fuel products who manufactures such products for sale
51 within Colorado or who ships such fuel products from any point outside
52 of Colorado to a distributor within Colorado and every distributor who
53 ships fuel products from any point outside of Colorado to a point within
54 Colorado shall pay to the executive director of the department of revenue,
55 on or before the twenty-fifth day of each calendar month, twenty-five
56 dollars per tank truckload of fuel delivered during the previous calendar

1 month for sale or use in Colorado. Such payment shall be made on forms
2 ~~which are~~ prescribed and furnished by the executive director. The
3 provisions of this section shall not apply to fuel ~~which~~ THAT is especially
4 prepared and sold for use in aircraft or railroad ~~cars~~ LOCOMOTIVES. The
5 surcharge imposed by this subsection (1) is effective July 1, 1989.
6

7 (c) Notwithstanding paragraph (b) of this subsection (1), on and
8 after July 1, ~~2004~~ 2010, if the revenues in the petroleum storage tank fund
9 are greater than eight million dollars, no surcharge shall be imposed, but
10 if the revenues in the fund are less than eight million dollars, the fee
11 imposed by paragraph (a) of this subsection (1) shall be twenty-five
12 dollars per tank truckload.
13

14 (d) (I) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION
15 (1), THE FEE FOR LIQUEFIED PETROLEUM GAS SHALL NOT EXCEED
16 TWENTY-FIVE DOLLARS PER TANK TRUCKLOAD.
17

18 (II) THE FEES COLLECTED ON LIQUIFIED PETROLEUM GAS PURSUANT
19 TO THIS SECTION SHALL NOT BE EXPENDED UNLESS THE EXPENDITURE
20 CONCERNS:
21

22 (A) REVIEW OF LIQUEFIED PETROLEUM GAS INSTALLATION PLANS
23 SUBMITTED TO THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY
24 PURSUANT TO SECTION 8-20-406;
25

26 (B) INITIAL AND SUBSEQUENT INSPECTIONS OF LIQUEFIED
27 PETROLEUM GAS INSTALLATIONS;
28

29 (C) PROVING, INCLUDING CALIBRATING AND ADJUSTING, LIQUEFIED
30 PETROLEUM GAS METERS AND DISPENSERS;
31

32 (D) ABATEMENT OF FIRE AND SAFETY HAZARDS AT LIQUEFIED
33 PETROLEUM GAS INSTALLATIONS;
34

35 (E) INVESTIGATION OF REPORTED LIQUEFIED PETROLEUM GAS
36 LEAKS AND ACCIDENTS;
37

38 (F) ANY FEDERAL PROGRAM PERTAINING TO LIQUEFIED PETROLEUM
39 GAS THAT REQUIRES STATE MATCHING DOLLARS;
40

41 (G) LIQUEFIED PETROLEUM GAS PRODUCT QUALITY TESTING;
42

43 (H) ADMINISTRATIVE COSTS, INCLUDING COSTS FOR CONTRACT
44 SERVICES.
45

46 (4) For the purposes of this section, the term "fuel product" means
47 gasoline, blended gasoline, gasoline sold for gasohol production, gasohol,
48 diesel, ~~and~~ BIODIESEL, BIODIESEL BLENDS, LIQUEFIED PETROLEUM GAS,
49 special fuels, and special fuel mixes with alcohol.
50

51 **SECTION 4.** 8-20-404, Colorado Revised Statutes, is amended
52 to read:
53

54 **8-20-404. Conflicting regulations forbidden.** No municipality,
55 ~~or~~ other political subdivision, OR HOME RULE CITY OR COUNTY, shall adopt
56 or enforce any ordinance or regulation in conflict with the provisions of

1 this part 4 or with the ~~regulations~~ RULES promulgated under section 8-20-
2 402. THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY SHALL
3 HAVE THE AUTHORITY TO REGULATE ANY FEES, PERMITS, OR INSPECTIONS
4 PURSUANT TO THIS PART 4 FOR ANY CITY OR ANY CITY AND COUNTY WITH
5 A POPULATION OF TWO HUNDRED FIFTY THOUSAND OR MORE.

6

7 **SECTION 5.** 8-20-405, Colorado Revised Statutes, is amended
8 to read:

9

10 **8-20-405. Minimum standards.** (1) The design, construction,
11 location, installation, and operation of liquefied petroleum gas systems
12 and equipment, and the transportation and handling of liquefied
13 petroleum gas, and the odorization of liquefied petroleum gas, the degree
14 thereof, and the odorizing agent to be used therein, shall conform to the
15 minimum standards therefor as prescribed by the applicable sections of
16 the ~~current~~ 2001 edition of the national fire code published by the
17 national fire protection association, 1 Batterymarch Park, Quincy,
18 Massachusetts as revised by the association from time to time. The
19 minimum standards as prescribed in this section shall also apply to
20 marine and pipeline terminals, natural gasoline plants, refineries, tank
21 farms, underground storage facilities such as salt and coal mines,
22 aboveground storage facilities, and to chemical plants utilizing liquefied
23 petroleum gas in the manufacture of their products. Copies of the
24 pamphlets shall be kept and maintained in the office of the director of the
25 division of oil and public safety at all times for examination by any
26 interested person.

27

28 (2) ANY CHANGES TO ANY STANDARDS AS THEY APPLY IN
29 COLORADO, PROMULGATED BY THE NATIONAL FIRE PROTECTION
30 ASSOCIATION AFTER JANUARY 1, 2003, SHALL BE REVIEWED BY THE
31 DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. AFTER SUCH
32 REVIEW, SUCH DIRECTOR MAY ADOPT ANY SUCH CHANGES BY RULE.

33

34 **SECTION 6.** 8-20.5-103 (1), Colorado Revised Statutes, is
35 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

36

37 **8-20.5-103. Petroleum storage tank fund - creation - repeal.**

38 (1) There is hereby created in the state treasury the petroleum storage
39 tank fund. Such fund shall consist of the following:

40

41 (h) CIVIL PENALTIES COLLECTED PURSUANT TO SECTION 8-20-104
42 (4).

43

44 **SECTION 7. Effective date - applicability.** This act shall take
45 effect upon passage and shall apply to acts occurring on or after said date.

46

47 **SECTION 8. 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

52

53

54

55

1 **FINANCE**

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

4
5 **HB03-1073** 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 2, after line 1, insert the following:

10
11 **"SECTION 1. Legislative declaration.** The general assembly
12 hereby finds and declares that the intent of this act is to clarify the types
13 of aircraft that are exempt from the excise tax imposed on gasoline in
14 Colorado by specifying the original intent of the general assembly in
15 enacting the excise tax laws. The general assembly further finds and
16 declares that this act neither creates a new exemption from the excise tax
17 imposed on gasoline nor denies an exemption from such tax to any party
18 who was originally intended to receive an exemption and therefore does
19 not constitute a tax policy change as contemplated by section 20 of article
20 X of the Colorado constitution."

21
22 Renumber succeeding sections accordingly.

23
24 Page 3, after line 6, insert the following:

25
26 "(6) "DIRECT AIR CARRIER" MEANS A PERSON WHO PROVIDES OR
27 OFFERS TO PROVIDE AIR TRANSPORTATION AND WHO HAS CONTROL OVER
28 THE OPERATIONAL FUNCTIONS PERFORMED IN PROVIDING THAT
29 TRANSPORTATION."

30
31 Renumber succeeding subsections accordingly.

32
33 Page 4, line 20, strike "(11)," and substitute "(12),".

34
35 Page 5, line 10, strike "ANY SCHEDULED OPERATION";

36
37 strike line 11 and substitute the following:

38
39 "AN AIRCRAFT OPERATOR THAT CONDUCTS OPERATIONS PURSUANT TO 14
40 CFR 121";

41
42 strike lines 22 through 27.

43
44 Page 6, strike line 1.

45
46 Renumber succeeding subsections accordingly.

47
48 Page 6, line 2, strike "ANY SCHEDULED";

49
50 strike line 3;

51
52 line 4, strike "OPERATOR," and substitute "AN AIRCRAFT OPERATOR THAT
53 CONDUCTS OPERATIONS PURSUANT TO 14 CFR 135,";

54
55 after line 11, insert the following:

56

1 "(20) "PART 135 ON-DEMAND OPERATOR" MEANS AN AIRCRAFT
2 OPERATOR THAT CONDUCTS OPERATIONS FOR HIRE OR COMPENSATION
3 PURSUANT TO 14 CFR 135 IN AN AIRCRAFT WITH NINE OR FEWER
4 PASSENGER SEATS AND A PAYLOAD CAPACITY OF SEVEN THOUSAND FIVE
5 HUNDRED POUNDS OR FEWER. A PART 135 ON-DEMAND OPERATOR
6 OPERATES ON AN ON-DEMAND BASIS AND DOES NOT MEET THE FLIGHT
7 SCHEDULED QUALIFICATIONS OF A PART 135 COMMUTER AIR CARRIER."

8

9 Renumber succeeding subsections accordingly.

10

11 Page 7, after line 2, insert the following:

12

13 "(22) "PUBLIC CHARTER" MEANS A ONE WAY OR ROUND TRIP
14 CHARTER FLIGHT PERFORMED BY ONE OR MORE DIRECT AIR CARRIERS AS
15 DEFINED PURSUANT TO SUBSECTION (6) OF THIS SECTION AND THAT IS
16 SPONSORED BY A PUBLIC CHARTER OPERATOR PURSUANT TO 14 CFR 380."

17

18 Renumber succeeding subsections accordingly.

19

20 Page 7, line 16, strike "(11)" and substitute "(12)".

21

22 Page 9, line 2, after "PART 121 AIR CARRIERS", insert "AS DEFINED IN
23 SECTION 39-27-101 (18)" and after "PART 135 COMMUTER AIR CARRIERS",
24 insert "AS DEFINED IN SECTION 39-27-101 (19)";

25

26 line 7, after "TRANSPORTATION.", insert "THE PROVISIONS OF THIS
27 SUBPARAGRAPH (IV) ALSO SHALL NOT APPLY TO DIRECT AIR CARRIERS AS
28 DEFINED IN SECTION 39-27-101 (6), PROVIDING AIR TRANSPORTATION TO
29 AUTHORIZED PUBLIC CHARTER OPERATORS PURSUANT TO 14 CFR 380.";

30

31 line 9, strike "AIR TAXI" and substitute "ON-DEMAND";

32

33 line 10, after "SHALL", insert "NOT" and strike "ONLY";

34

35 line 11, strike "AIR TAXI" and substitute "ON-DEMAND".

36

37 Page 10, line 27, strike "carrier or" and substitute "carrier ~~or~~ AS DEFINED
38 IN SECTION 39-27-101 (18),".

39

40 Page 11, line 1, strike "CARRIER;" and substitute "CARRIER AS DEFINED IN
41 SECTION 39-27-101 (19), OR A DIRECT AIR CARRIER AS DEFINED IN SECTION
42 39-27-101 (6) PROVIDING TRANSPORTATION TO AN AUTHORIZED PUBLIC
43 CHARTER OPERATOR PURSUANT TO 14 CFR 380;"

44

45 strike lines 2 through 5 and substitute the following:

46

47 "(H) Any commercial use other than the operation of a motor
48 vehicle upon the highways of this state AND THE OPERATION OF ANY
49 AIRCRAFT OTHER THAN THE OPERATION OF AIRCRAFT SPECIFIED IN
50 SUB-SUBPARAGRAPHS (D) AND (F) OF THIS SUBPARAGRAPH (I); or";

51

52 line 11, strike "(6)," and substitute "(7),";

53

54 line 20, strike "(25)," and substitute "(27),".

55

1 Page 12, line 4, strike "(25)," and substitute "(27),";
2
3 line 15, strike "(11)," and substitute "(12),".

4
5
6
7 **HB03-1244** 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, page 2, line 17, after the period, add "ALL FINES
12 COLLECTED PURSUANT TO THIS PARAGRAPH (a) SHALL BE CREDITED TO THE
13 HIGHWAY USER'S TAX FUND, CREATED IN SECTION 43-4-201, C.R.S.".

14
15
16
17 **HB03-1265** be postponed indefinitely.

18
19
20 **HB03-1308** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:

23
24 Amend printed bill, page 4, strike lines 17 through 20 and substitute the
25 following:

26
27 "PERCENTAGE POINTS ABOVE THE PRIME RATE, AS REPORTED BY THE
28 "WALL STREET JOURNAL", ROUNDED TO THE NEAREST FULL PERCENT. IN
29 THE EVENT THAT MORE THAN ONE RATE IS REPORTED, THE HIGHEST RATE
30 SHALL BE UTILIZED."

31
32
33
34
35 **TRANSPORTATION & ENERGY**

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

38
39 **SB03-046** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:

42
43 Amend reengrossed bill, page 2, line 4, after "SINGLE", insert "REAR".

44
45 Page 1, line 101, after "SINGLE", insert "REAR".

46
47
48
49 **SB03-054** be referred to the Committee of the Whole with favorable
50 recommendation.

51
52
53 **SB03-061** be referred to the Committee of the Whole with favorable
54 recommendation.

LAY OVER OF CALENDAR ITEMS

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

- Consideration of General Orders--**SB03-071, 059, HB03-1146, 1225, SB03-072, HB03-1299, 1207, 1239.**
- Consideration of Conference Committee Reports--**SB03-185, 175, 183.**
- Consideration of Resolutions--**SJR03-016, HR03-1010, HJR03-1018, 1019.**



On motion of Representative King, the House adjourned until 9:00 a.m., February 21, 2003.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk