

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

Seventeenth Legislative Day

Friday, January 24, 2003

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Tochtrop.

6

7 The roll was called with the following result:

8

9 Present--60.

10 Excused--Representatives Briggs, Hoppe, Williams S.--3.

11 Absent--Representatives May, Wiens--2.

12 Present after roll call--Representatives May, Wiens.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Butcher, the reading of the journal of  
18 January 23, 2003, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.

20

21

22

23 On motion of Representative Harvey, the House resolved itself into  
24 Committee of the Whole for consideration of General Orders, and he was  
25 called to the Chair to act as Chairman.

26

27

28 **GENERAL ORDERS--SECOND READING OF BILLS**

29

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

34

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

37

38

39

40

1 **HB03-1098** by Representative(s) White, Marshall, Berry, Groff,  
2 Larson, Paccione, Rippy, Romanoff, Salazar, Stengel,  
3 Wiens, Williams T., Young; also Senator(s) Chlouber--  
4 Concerning the addition of wireless telephone service  
5 subscribers to the Colorado no-call list.  
6

7 Amendment No. 1, by Representative White.  
8

9 Amend printed bill, page 2, line 21, after "telefacsimile," insert "GRAPHIC  
10 IMAGING,".  
11

12 Amendment No. 2, by Representative White.  
13

14 Amend printed bill, page 2, line 21, after "OR" insert "DATA  
15 COMMUNICATION, INCLUDING".  
16

17 Amendment No. 3, by Representative White.  
18

19 Amend printed bill, page 5, strike line 27.  
20

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

23 ~~"(c) If the appropriate federal agency establishes a single national~~  
24 ~~database of telephone numbers of residential subscribers who object to~~  
25 ~~receiving telephone solicitations, the designated agent shall include that~~  
26 ~~portion of such single national database that relates to Colorado in the~~  
27 ~~Colorado no-call list established under this part 9. IF THE FEDERAL~~  
28 GOVERNMENT ESTABLISHES ONE OR MORE OFFICIAL DATABASES OF  
29 RESIDENTIAL OR WIRELESS TELEPHONE SERVICE SUBSCRIBERS WHO OBJECT  
30 TO RECEIVING TELEPHONE SOLICITATIONS, THE DESIGNATED AGENT IS  
31 AUTHORIZED TO PROVIDE APPROPRIATE DATA FROM THE OFFICIAL  
32 COLORADO NO-CALL LIST EXCLUSIVELY FOR INCLUSION IN AN OFFICIAL,  
33 NATIONAL DO-NOT-CALL DATABASE. TO THE EXTENT ALLOWED BY  
34 FEDERAL LAW, THE DESIGNATED AGENT SHALL ENSURE THAT THE  
35 COLORADO NO-CALL LIST INCLUDES THAT PORTION OF AN OFFICIAL  
36 NATIONAL DO-NOT-CALL DATABASE THAT RELATES TO COLORADO."  
37

38 Amendment No. 4, by Representative White.  
39

40 Amend printed bill, page 4, line 27, strike "AND", and substitute "AND,  
41 NOT LATER THAN JULY 1, 2003, SHALL INCLUDE INFORMATION PROVIDED  
42 BY".  
43

44 Page 5, line 5, strike "2002," and substitute "2002 2003,".  
45

46 Page 6, line 7, strike "2002," and substitute "2002 2003,".  
47

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

51  
52 **HB03-1047** by Representative(s) Sinclair; also Senator(s) Takis--  
53 Concerning the acceptance of contract terms by a public  
54 establishment.  
55

1 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
2 January 16, 2003, and placed in member's bill file; Report also printed in  
3 House Journal, January 17, page 136.

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

7  
8  
9 **HB03-1027** by Representative(s) Harvey--Concerning interlocutory  
10 appellate review of class certification orders in class  
11 action lawsuits.

12  
13 Ordered engrossed and placed on the Calendar for Third Reading and  
14 Final Passage.

15  
16  
17 **HB03-1161** by Representative(s) Rippy, Fritz, Cadman, Larson,  
18 White--Concerning limitations on claims for damages filed  
19 against construction professionals.

20  
21 Amendment No. 1, Business Affairs & Labor Report, dated January 16,  
22 2003, and placed in member's bill file; Report also printed in House  
23 Journal, January 20, pages 144-145.

24  
25 Amendment No. 2, by Representative Rippy.

26  
27 Amend the Business Affairs & Labor Committee Report, dated January  
28 16, 2003, page 1, after line 5, insert the following:

29  
30 "line 6, strike "ACTIONS WHILE" and substitute "ACTIONS,";

31  
32 line 14, strike "TO, OR THE LOSS OF THE USE OF, ANY REAL PROPERTY";".

33  
34 Page 2, after line 17, insert the following:

35  
36 "Page 8, line 24, after "AND", insert "TIMELY".";

37  
38 line 24, strike "13-21-102.5, GREATER THAN THE ACTUAL" and substitute  
39 "13-21-102.5. ACTUAL DAMAGES ARE LIMITED TO";

40  
41 line 27, strike "LAW UNLESS" and substitute "LAW. IF";

42  
43 after line 37, insert the following:

44  
45 "Page 10, line 10, strike "CLAIM FOR RELIEF NOT";

46  
47 strike lines 11 through 21 and substitute the following:

48  
49 "CLAIM.";

50  
51 line 24, after "ARISES", insert "SOLELY".

52  
53 Page 11, strike line 5 and substitute the following:

54  
55 "(d) AN IMMINENT RISK OF BODILY INJURY OR DEATH TO, OR AN  
56 OBSERVABLE OR OTHERWISE VERIFIABLE THREAT TO THE";

1 line 23, strike "SCIENTIFICALLY VALID" and substitute "OF A TYPE THAT  
2 HAVE BEEN GENERALLY ACCEPTED BY THE RELEVANT SCIENTIFIC  
3 COMMUNITY, VERIFIABLE,".

4  
5 Page 12, line 1, strike "ARE SCIENTIFICALLY VALID AND";

6  
7 strike lines 6 through 10 and substitute the following:

8  
9 **"13-20-806. Contractual waiver - damages.** ANY WAIVER OR  
10 LIMITATION OF DAMAGES OR CONTRACTUAL PROVISION THAT LIMITS OR  
11 SPECIFIES THAT ONLY SPECIFIC DAMAGES MAY BE RECOVERED SHALL BE  
12 CLEAR AND CONSPICUOUS. AS USED IN THIS SECTION, "CLEAR AND  
13 CONSPICUOUS" MEANS A TERM OR CLAUSE IN WRITING IN A CONTRACT  
14 THAT IS WRITTEN SO THAT A REASONABLE PERSON AGAINST WHOM THE  
15 TERM OR CLAUSE IS TO OPERATE WOULD NOTICE IT. A PRINTED HEADING  
16 IN CAPITAL LETTERS IS CLEAR AND CONSPICUOUS AND LANGUAGE IN THE  
17 BODY OF A CONTRACT IS CLEAR AND CONSPICUOUS IF THE LANGUAGE IS IN  
18 BOLD TYPE, LARGER TYPE, OR ANY OTHER CONTRASTING TYPE OR COLOR  
19 FROM THE SURROUNDING LANGUAGE.";

20  
21 line 14, strike "DEFENDANT" and substitute "CONSTRUCTION  
22 PROFESSIONAL";

23  
24 line 25, strike "DEFENDANT" and substitute "SUBCONTRACTOR OR  
25 SUPPLIER".";

26  
27 line 41 of the committee report, strike "SHALL NOT BE" and substitute "IS";

28  
29 strike lines 44 and 45.

30  
31 Page 3, strike lines 46 and 47 and substitute the following:

32  
33 "INDUSTRY STANDARD IF A BUILDING PERMIT OR CERTIFICATE OF  
34 OCCUPANCY HAS BEEN ISSUED BY THE".

35  
36 Amendment No. 3, by Representative Rippy.

37  
38 Amend Amendment No. 2, by Representative Rippy, as printed in House  
39 Journal, page 182, strike lines 27 through 34 and substitute the following:

40  
41 "strike lines 41 through 45.

42  
43 Page 3, strike lines 46 through 49 and substitute the following:

44  
45 **"6-1-105. Deceptive trade practices.** (2.5) THE ACT OF  
46 OBTAINING A CERTIFICATE OF OCCUPANCY IS NOT A REPRESENTATION FOR  
47 PURPOSES OF DETERMINING WHETHER A PERSON HAS ENGAGED IN A  
48 DECEPTIVE TRADE PRACTICE AS DESCRIBED IN THIS SECTION. A TECHNICAL  
49 VIOLATION OF AN APPLICABLE".

50  
51 Amendment No. 4, by Representative Larson.

52  
53 Amend printed bill, page 4, line 22, strike "SERVED BY" and substitute  
54 "SENT TO".

55

1 Page 5, line 7, strike "SERVE" and substitute "SEND";  
2  
3 line 8, strike "SERVICE" and substitute "MAILING OR PERSONAL SERVICE".  
4  
5 As amended, ordered engrossed and placed on the Calendar for Third  
6 Reading and Final Passage.  
7

8  
9 **HB03-1014** by Representative(s) Ragsdale; also Senator(s) Takis--  
10 Concerning the clarification of terms relating to the court-  
11 appointed special advocate (CASA) program.  
12

13 Ordered engrossed and placed on the Calendar for Third Reading and  
14 Final Passage.  
15

16  
17 **HB03-1007** by Representative(s) Williams T., Clapp; also Senator(s)  
18 Hillman--Concerning the limitation on noneconomic  
19 damages for certain physical injuries in medical  
20 malpractice actions.  
21

22 Amendment No. 1, Business Affairs & Labor Report, dated January 21,  
23 2003, and placed in member's bill file; Report also printed in House  
24 Journal, January 22, page 163.  
25

26 Amendment No. 2, by Representative Williams T.  
27

28 Amend printed bill, page 4, line 5, after "(II)", insert "(A)";  
29

30 after line 11, insert the following:  
31

32 "(B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT  
33 A RECOVERY FOR ECONOMIC DAMAGES, WHETHER PAST OR FUTURE,  
34 RESULTING FROM PHYSICAL IMPAIRMENT OR DISFIGUREMENT."  
35

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

39  
40 **HB03-1012** by Representative(s) Williams T., Clapp; also Senator(s)  
41 Hillman--Concerning the prohibition of the corporate  
42 practice of medicine by a professional services corporation  
43 formed by persons licensed to practice medicine.  
44

45 Amendment No. 1, Business Affairs & Labor Report, dated January 21,  
46 2003, and placed in member's bill file; Report also printed in House  
47 Journal, January 22, pages 163-167.  
48

49 Amendment No. 2, by Representative Williams T.  
50

51 Amend the Business Affairs & Labor Committee Report, dated January  
52 21, 2003, page 3, line 25, strike "ANY" and substitute the following:  
53

54 "NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE A  
55 CAUSE OF ACTION AGAINST A PROFESSIONAL CORPORATION FOR ITS  
56 INDEPENDENT ACTS OF NEGLIGENCE.";

1 strike lines 26 through 36.

2

3 Page 4, strike lines 1 through 8;

4

5 line 9, strike "(c)" and substitute "(b)".

6

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

9

10

11 **HB03-1045** by Representative(s) Clapp, Madden, Romanoff, Stafford;  
12 also Senator(s) Hagedorn--Concerning penalties relating  
13 to unauthorized insurance policies.

14

15 Ordered engrossed and placed on the Calendar for Third Reading and  
16 Final Passage.

17

18

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

20

21 Representative Larson moved to amend the Report of the Committee of  
22 the Whole to show that HB03-1161, as amended, did not pass.

23

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

25

	YES	28	NO	34	EXCUSED	03	ABSENT	00
26	Berry	N	Groff	Y	McCluskey	N	Sinclair	N
27	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
28	Boyd	Y	Harvey	N	Merrifield	Y	Spence	N
29	Briggs	E	Hefley	N	Miller	N	Stafford	N
30	Brophy	N	Hodge	Y	Mitchell	N	Stengel	N
31	Butcher	Y	Hoppe	E	Paccione	Y	Tochtrop	Y
32	Cadman	N	Jahn	Y	Plant	Y	Veiga	Y
33	Clapp	N	Johnson	N	Pommer	Y	Vigil	Y
34	Cloer	N	Judd	Y	Ragsdale	Y	Weddig	Y
35	Coleman	Y	King	N	Rhodes	N	Weissmann	Y
36	Crane	N	Larson	Y	Rippy	N	White	N
37	Decker	N	Lee	N	Romanoff	Y	Wiens	N
38	Fairbank	N	Lundberg	N	Rose	N	Williams S.	E
39	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	N
40	Fritz	N	Marshall	Y	Sanchez	Y	Witwer	N
41	Garcia	Y	May	N	Schultheis	N	Young	N
42							Speaker	N

43

44

45 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

46

47 Passed Second Reading: **HB03-1098 amended, 1047 amended, 1027,**  
48 **1161 amended, 1014, 1007 amended, 1012, amended, 1045.**

49

50 Laid over until date indicated retaining place on Calendar: **HB03-1015,**  
51 **1013, 1129--January 27, 2003.**

52

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

	YES	52	NO	10	EXCUSED	03	ABSENT	00
1								
2	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
5	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
7	Butcher	Y	Hoppe	E	Paccione	N	Tochtrop	N
8	Cadman	Y	Jahn	Y	Plant	Y	Veiga	N
9	Clapp	Y	Johnson	Y	Pommer	N	Vigil	Y
10	Cloer	Y	Judd	N	Ragsdale	Y	Weddig	Y
11	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
12	Crane	Y	Larson	Y	Rippy	Y	White	Y
13	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
14	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	E
15	Frangas	N	Madden	N	Salazar	Y	Williams T.	Y
16	Fritz	Y	Marshall	N	Sanchez	N	Witwer	Y
17	Garcia	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y
19								

## REPORTS OF COMMITTEES OF REFERENCE

### AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

**HB03-1046** be referred to the Committee of the Whole with favorable recommendation.

**HB03-1120** be postponed indefinitely.

### BUSINESS AFFAIRS & LABOR

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

**HB03-1055** be postponed indefinitely.

### FINANCE

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

**HB03-1017** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 21, strike "INCREASE IN" and substitute "AMOUNT DIVERTED TO THE ACCOUNT PURSUANT TO SECTION 39-26-123 (5), C.R.S.";

1 strike lines 22 and 23.

2

3 Page 3, strike lines 1 through 9 and substitute the following:

4

5 "(b) ON MAY 1, 2004, AUGUST 1, 2004, NOVEMBER 1, 2004, AND  
6 FEBRUARY 1, 2005, AND ON EACH MAY 1, AUGUST 1, NOVEMBER 1, AND  
7 FEBRUARY 1 THEREAFTER, THE STATE TREASURER SHALL TRANSFER FROM  
8 THE STATEWIDE MARKETING ACCOUNT TO THE GENERAL FUND AN AMOUNT  
9 EQUAL TO THREE AND TWO HUNDRED FORTY-ONE ONE-THOUSANDTHS OF  
10 A PERCENTAGE POINT OF THE NET AMOUNT DIVERTED TO THE ACCOUNT  
11 PURSUANT TO SECTION 39-26-123 (5), C.R.S., DURING THE IMMEDIATELY  
12 PRECEDING THREE CALENDAR MONTHS."

13

14 Page 5, line 17, strike "amended" and substitute "amended, and the said  
15 39-26-123 is further amended BY THE ADDITION OF A NEW  
16 SUBSECTION,";

17

18 after line 26, insert the following:

19

20 "(5) ON AND AFTER JANUARY 1, 2004, THE ALLOCATION OF  
21 RECEIPTS UNDER SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF  
22 PARAGRAPH (a) OF SUBSECTION (2) AND SUBSECTION (4) OF THIS SECTION  
23 TO THE GENERAL FUND SHALL BE DECREASED BY AN AMOUNT EQUAL TO  
24 THE INCREASE IN SALES TAX RECEIPTS COLLECTED UNDER THE PROVISIONS  
25 OF THIS ARTICLE AS A RESULT OF THE DECREASE IN THE AMOUNT ALLOWED  
26 TO BE RETAINED BY VENDORS FOR THE COLLECTION AND REMITTANCE OF  
27 SALES TAX PURSUANT TO SECTION 39-26-105 (1) (a). THE AMOUNT SHALL  
28 BE CREDITED TO THE STATEWIDE MARKETING ACCOUNT WITHIN THE  
29 COLORADO TRAVEL AND TOURISM PROMOTION FUND CREATED IN SECTION  
30 24-49.7-106 (1.5), C.R.S., PURSUANT TO HOUSE BILL 03-1017, ENACTED  
31 AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL  
32 ASSEMBLY. THE MODIFICATIONS TO THE ALLOCATION OF RECEIPTS MADE  
33 PURSUANT TO THIS SUBSECTION (5) SHALL BE IN ADDITION TO ANY OTHER  
34 MODIFICATIONS TO THE ALLOCATION OF SUCH RECEIPTS MADE BY LAW."

35

36

37

38 **HB03-1032** be referred to the Committee of the Whole with favorable  
39 recommendation.

40

41

42 **HB03-1058** be postponed indefinitely.

43

44

45 **HB03-1104** be amended as follows, and as so amended, be referred to  
46 the Committee of the Whole with favorable  
47 recommendation:

48

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

50

51 "SECTION 1. 31-30.5-202 (2) and (3) (a), Colorado Revised  
52 Statutes, are amended to read:

53

54 **31-30.5-202. Board of trustees - firefighters' old hire pension**  
55 **fund.** (2) In any municipality having a population of less than one  
56 hundred thousand, the board shall consist, except as provided in



1 subsection (6) of this section, of the mayor, the municipal treasurer or  
2 finance officer, one other person appointed by the governing body of such  
3 municipality, and three active OR RETIRED old hire members of the fire  
4 department serving the municipality who shall be elected by the active  
5 old hire members of such fire department. The terms of office on the  
6 board shall be: The mayor of the municipality, during tenure in office;  
7 the treasurer or finance officer, during tenure in office; the appointed  
8 citizen, to be designated by the governing body of the municipality at  
9 time of appointment; the three old hire members of the fire department,  
10 to be elected for terms of three years, but at the initial election to be  
11 conducted to elect old hire members of the fire department, one old hire  
12 member shall be elected for a three-year term, one old hire member for  
13 a two-year term, and one old hire member for a one-year term.  
14 Thereafter, such old hire members shall be elected for three-year terms.  
15 Said board shall elect from its number a president and secretary. The  
16 municipal treasurer or finance officer shall be ex officio treasurer of the  
17 board.

18  
19 (3) (a) In any municipality having a population of at least one  
20 hundred thousand, the board shall be composed of the mayor, the  
21 manager of safety, the manager of revenue, the chief of the fire  
22 department, and the city auditor or such persons performing the duties of  
23 the above-named officers, and also two active OR RETIRED old hire  
24 members of the fire department to be selected as provided in paragraph  
25 (b) of this subsection (3).".

26  
27 Renumber succeeding sections accordingly.

28  
29 Page 2, line 4, strike "AND";

30  
31 line 5, strike "RETIRED";

32  
33 line 10, after "fund.", insert "IN ADDITION, UPON THE REQUEST OF AN  
34 EMPLOYER, THE BOARD SHALL PERMIT THE MODIFICATION OF ANY  
35 PROVISION OF AN OLD HIRE PENSION PLAN NECESSARY TO COMPLY WITH  
36 STATE OR FEDERAL LAW. SUCH MODIFICATION MAY BE MADE WITHOUT  
37 THE APPROVAL OF THE ACTIVE OLD HIRE MEMBERS.".

38  
39  
40  
41 **HB03-1187** be referred to the Committee of the Whole with favorable  
42 recommendation.

43  
44  
45  
46  
47 **JUDICIARY**

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

50  
51 **HB03-1004** be amended as follows, and as so amended, be referred to  
52 the Committee on Appropriations with favorable  
53 recommendation:

54  
55 Amend printed bill, page 2, line 5, after "CHILD,", insert "OR ON THE  
56 PREMISES WHERE A CHILD IS FOUND, OR WHERE A CHILD RESIDES,".

1 **HB03-1165** 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 2, line 12, strike "~~subsections (2) to (5) of~~" and  
6 substitute "subsections (2) to (5) of".  
7

8 Page 4, strike lines 14 through 27.  
9

10 Strike page 5.  
11

12 Page 6, strike lines 1 through 6 and substitute the following:  
13

14 "(4) The general assembly hereby finds and declares that this  
15 section and the other provisions of this article are enacted in furtherance  
16 of the general assembly's legislative duty to provide for the publication  
17 of the laws as required by section 8 of article XVIII of the state  
18 constitution and that any acts of the committee or its staff in  
19 implementing these provisions are legislative in character. The purpose  
20 of this section is to ensure that the official statutes are made available to  
21 the courts, state and local government agencies, and other users; that  
22 copies of all or ~~any~~ A SUBSTANTIAL part of Colorado Revised Statutes,  
23 when published, reprinted, or distributed to interested citizens, accurately  
24 state the law in effect when those copies are prepared; and that unofficial  
25 publications, reprintings, or distributions of the statutes are not mistaken  
26 for the official statutes produced and enacted in accordance with this  
27 article.  
28

29 (5) (a) Any publication, reprinting, or distribution ~~which~~ THAT is  
30 approved in accordance with this section may contain a notice, approved  
31 by the committee, ~~which~~ THAT indicates that it is a publication for which  
32 the committee has given permission but that it is an unofficial publication  
33 of the statutes. Except for the official statutes provided for in subsection  
34 (1) of this section, publications of the statutes shall not contain any notice  
35 or other indication that they are official statutes of this state. Except for  
36 the official statutes provided for in subsection (1) of this section, any  
37 person, agency, or political subdivision who ~~obtains permission of the~~  
38 ~~committee to publish, reprint, or distribute~~ PUBLISHES, REPRINTS, OR  
39 DISTRIBUTES all or any part of the statutes of this state and who includes  
40 a notice or other indication that such statutes are official publications  
41 shall forfeit to the state the sum of two hundred fifty dollars for each and  
42 every book, volume, computer representation, or pamphlet so published,  
43 printed, or distributed.  
44

45 (b) Any person, agency, or political subdivision who publishes,  
46 reprints, or distributes all or ~~any~~ A SUBSTANTIAL part of the statutes of this  
47 state without obtaining the permission of the committee as required by  
48 this section shall forfeit to the state the sum of five hundred dollars for  
49 each and every book, volume, computer representation, or pamphlet so  
50 published, printed, or distributed or the amount of any fee and costs  
51 imposed pursuant to paragraph (c) of subsection (2) of this section,  
52 whichever is greater.  
53

54 (c) Any such forfeitures shall be recovered by an action in the  
55 name of the state ~~which~~ THAT may be authorized by the committee. An  
56 action to enforce the notice requirement set out in paragraph (d) of this

1 subsection (5) may be joined with the appropriate forfeiture action or  
2 brought on its own merits.

3  
4 (d) If any person, agency, or political subdivision publishes,  
5 reprints, or distributes all or ~~any~~ A SUBSTANTIAL part of the statutes of this  
6 state without the permission of the committee, the committee may require  
7 such person, agency, or political subdivision to send a notice to all  
8 persons who have previously received the unapproved publication,  
9 reprinting, or distribution ~~which~~ THAT indicates that such publication was  
10 an unapproved and unofficial publication of the statutes."

11  
12  
13  
14

15 **STATE, VETERANS, & MILITARY AFFAIRS**

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

18  
19

19 **HB03-1166** be postponed indefinitely.

20  
21  
22  
23

24 **TRANSPORTATION & ENERGY**

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

27  
28

28 **HB03-1144** be referred to the Committee of the Whole with favorable  
29 recommendation.

30  
31

32 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

33  
34

34 The Speaker has signed: **HJR03-1009; HR03-1009.**

35  
36

37 House in recess. House reconvened.

38  
39

40 **LAY OVER OF CALENDAR ITEMS**

41  
42

42 On motion of Representative King, the following items on the Calendar  
43 were laid over until January 27, retaining place on Calendar:

44  
45

45 Consideration of General Orders--**HB03-1037, 1084, 1095, 1034, 1148.**  
46 Consideration of Resolutions--**SJR03-006, 007, 008, HJR03-1011, 1007,**  
47 **1008.**

48  
49

50 On motion of Representative King, the House adjourned until 10:00 a.m.,  
51 January 27, 2003.

52  
53

Approved:

54 Attest:  
55 JUDITH RODRIGUE,  
56 Chief Clerk

LOLA SPRADLEY,  
Speaker