

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

Thirtieth Legislative Day

Thursday, February 5, 2004

1 Prayer by Pastor Reverend Doctor Cynthia Cearley, Montview
2 Presbyterian Church, Denver.

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

5
6 Pledge of Allegiance led by Representative Hall.

7
8 The roll was called with the following result:

9
10 Present--64.

11 Excused--Representative McGihon--1.

12 Present after roll call--Representative McGihon.

13
14 The Speaker declared a quorum present.

15
16
17 On motion of Representative Judd, the reading of the journal of February
18 4, 2004, was declared dispensed with and approved as corrected by the
19 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 **HB04-1177** by Representative(s) Spradley, Cloer; also Senator(s)
30 Hillman--Concerning health insurance, and, in connection
31 therewith, making it a deceptive trade practice in the
32 business of insurance to deny coverage to an individual
33 solely on the basis that the individual donated a kidney,
34 making it a deceptive trade practice under the consumer
35 protection act to sell health discount services without
36 certain disclosures, and increasing incentives for insurers
37 to provide health benefit coverage to multiple employer
38 welfare arrangements.

39
40 The question being "Shall the bill pass?".

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

	YES	64	NO	01	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
11	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Butcher, Coleman, Crane, Fairbank,
 20 Frangas, Hoppe, Jahn, Madden, McFadyen, McGihon, Merrifield, Miller,
 21 Paccione, Rhodes, Rippy, Romanoff, Salazar, Schultheis, Spence, Stafford,
 22 Welker, Williams S., Young.

23
 24 **HB04-1212** by Representative(s) Mitchell, Berry, Borodkin, Boyd,
 25 Briggs, Carroll, Cerbo, Cloer, Coleman, Crane, Decker,
 26 Frangas, Hodge, Jahn, Johnson R., Judd, Larson, Madden,
 27 Marshall, May M., McGihon, Ragsdale, Rippy, Romanoff,
 28 Sinclair, Smith, Spence, Stafford, Vigil, Weddig, White,
 29 Wiens, Williams S., Williams T.; also Senator(s)
 30 Anderson, Arnold, Entz, Fitz-Gerald, Gordon, Groff,
 31 Grossman, Hagedorn, Isgar, Johnson S., Jones, Keller,
 32 Kester, Phillips, Reeves, Sandoval, Takis, Taylor,
 33 Windels--Concerning the scientific and cultural facilities
 34 district, and, in connection therewith, amending the ballot
 35 question concerning the extension of the district that will
 36 be submitted to the voters and modifying statutory
 37 provisions concerning the administration of the district.

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

	YES	56	NO	09	EXCUSED	00	ABSENT	00
44								
45	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
46	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
47	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
48	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
49	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
50	Butcher	N	Hoppe	N	Mitchell	Y	Tochtrop	Y
51	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
52	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
53	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
54	Clapp	Y	King	N	Ragsdale	Y	Welker	N
55	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
56	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y

1	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
2	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
3	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	N
4	Frangas	Y	May	Y	Schultheis	N	Young	Y
5							Speaker	Y

6 Co-sponsors added: Representatives McFadyen, Merrifield, Miller, Paccione,
7 Stengel, Tochtrop.

8
9 **HB04-1004** by Representative(s) Stafford, Welker; also Senator(s)
10 Lamborn--Concerning enhanced protection for child users
11 of public library services from harmful materials on the
12 internet.

13
14 The question being "Shall the bill pass?".

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

18								
19	YES	53	NO	12	EXCUSED	00	ABSENT	00
20	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
21	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
22	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
23	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
24	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
25	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
26	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
27	Carroll	Y	Johnson	N	Plant	N	Weddig	Y
28	Cerbo	N	Judd	N	Pommer	N	Weissmann	N
29	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
30	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
31	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
32	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
33	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
34	Fairbank	Y	Marshall	N	Salazar	Y	Witwer	Y
35	Frangas	Y	May	Y	Schultheis	Y	Young	N
36							Speaker	Y

37 Co-sponsors added: Representatives Coleman, Crane, Decker, Harvey, Hefley,
38 Lee, May, Paccione, Rhodes, Spence.

39
40 **HB04-1080** by Representative(s) Williams T.; also Senator(s)
41 Lamborn--Concerning the "Uniform Arbitration Act".

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

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

47								
48	YES	64	NO	01	EXCUSED	00	ABSENT	00
49	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
50	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
51	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
52	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
53	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
54	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
55	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
56	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y

1	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
2	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
3	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
4	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
5	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
6	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
7	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
8	Frangas	Y	May	Y	Schultheis	Y	Young	Y
9							Speaker	Y

10 Co-sponsors added: Representatives Coleman, Rippy, White.

11
 12 **HB04-1109** by Representative(s) Marshall, Coleman, Harvey, Hodge,
 13 Hoppe, Larson, McCluskey, Paccione, Rhodes, White,
 14 Wiens, Williams T.; also Senator(s) Lamborn--Concerning
 15 the continuation of the regulation of securities by the
 16 division of securities, and, in connection therewith,
 17 narrowing the exemption for certain annuities, amending
 18 procedures for the issuance of cease-and-desist orders,
 19 registration of federally registered securities, and
 20 discipline of licensees, specifying conditions for recision
 21 of sales, and reducing the number of required meetings of
 22 the municipal bond authority advisory committee.

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

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

28								
29	YES	64	NO	01	EXCUSED	00	ABSENT	00
30	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
31	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
32	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
33	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
34	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
35	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
36	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
37	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
38	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
39	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
40	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
41	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
42	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
43	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
44	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
45	Frangas	Y	May	Y	Schultheis	Y	Young	Y
46							Speaker	Y

47 Co-sponsors added: Representatives Borodkin, Madden, McGihon.

48
 49 **HB04-1115** by Representative(s) Rhodes, Coleman, Harvey, Hodge,
 50 Hoppe, Larson, Marshall, McCluskey, Paccione, Wiens,
 51 White, Williams T.; also Senator(s) Tapia--Concerning the
 52 continuation of the state board of registration for
 53 professional engineers and professional land surveyors.

54
 55 The question being "Shall the bill pass?".

56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
 2 was declared **passed**.

	YES	64	NO	01	EXCUSED	00	ABSENT	00
5	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
6	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
7	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
8	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
9	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
10	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
11	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
12	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
13	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
14	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
15	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
16	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
17	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
18	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
19	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
20	Frangas	Y	May	Y	Schultheis	Y	Young	Y
21							Speaker	Y

22 Co-sponsors added: Representatives Butcher, McFadyen, Merrifield, Miller,
 23 Rippy, Tochtrop, Weddig, Welker.

26 On motion of Representative King, **HB04-1316, 1317, 1318, 1319, 1320,**
 27 **1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331,**
 28 **1332, 1333, 1334, 1335, 1336, 1337, 1338** were made Special Orders on
 29 Thursday, February 5, 2004, at 9:29 a.m.

32 The hour of 9:29 a.m., having arrived, on motion of Representative
 33 Witwer, the House resolved itself into Committee of the Whole for
 34 consideration of Special Orders and he was called to the Chair to act as
 35 Chairman.

38 SPECIAL ORDERS--SECOND READING OF BILLS

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

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

49 **HB04-1316** by Representative(s) Young, Witwer, Plant; also
 50 Senator(s) Owen, Teck, Reeves--Concerning a
 51 supplemental appropriation to the department of
 52 agriculture.

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

1 **HB04-1317** by Representative(s) Young, Witwer, Plant; also
2 Senator(s) Owen, Teck, Reeves--Concerning a
3 supplemental appropriation to the department of
4 corrections.
5

6 Amendment No. 1, by Representative Young.
7

8 Amend printed bill, page 9, strike line 6;
9

10 line 8, in the ITEM & SUBTOTAL column, strike "126,232,294" and
11 substitute "126,197,911" and, in the GENERAL FUND column, strike
12 "126,232,294" and substitute "126,197,911".
13

14 Page 10, line 3, in the ITEM & SUBTOTAL column, strike "446,975"
15 and substitute "446,975" and, in the GENERAL FUND column, strike
16 "446,975" and substitute "446,975";
17

18 after line 3, in the ITEM & SUBTOTAL column, insert "481,358" and,
19 in the GENERAL FUND column, insert "481,358";
20

21 line 4, in the ITEM & SUBTOTAL column, strike "26,911,227" and
22 substitute "26,911,227";
23

24 after line 4, in the ITEM & SUBTOTAL column, insert "26,945,610".
25

26 As amended, ordered engrossed and placed on the Calendar for Third
27 Reading and Final Passage.
28

29 **HB04-1318** by Representative(s) Young, Witwer, Plant; also
30 Senator(s) Owen, Teck, Reeves--Concerning a
31 supplemental appropriation to the department of
32 education.
33

34 Ordered engrossed and placed on the Calendar for Third Reading and
35 Final Passage.
36

37 **HB04-1319** by Representative(s) Young, Witwer, Plant; also
38 Senator(s) Owen, Teck, Reeves--Concerning a
39 supplemental appropriation to the offices of the governor,
40 lieutenant governor, and state planning and budgeting.
41

42 Ordered engrossed and placed on the Calendar for Third Reading and
43 Final Passage.
44

45 **HB04-1320** by Representative(s) Young, Witwer, Plant; also
46 Senator(s) Owen, Teck, Reeves--Concerning a
47 supplemental appropriation to the department of health
48 care policy and financing.
49

50 Ordered engrossed and placed on the Calendar for Third Reading and
51 Final Passage.
52
53
54
55
56

- 1 **HB04-1321** by Representative(s) Young, Witwer, Plant; also
2 Senator(s) Owen, Teck, Reeves--Concerning a
3 supplemental appropriation to the department of higher
4 education.
5
6 Ordered engrossed and placed on the Calendar for Third Reading and
7 Final Passage.
8
9 **HB04-1322** by Representative(s) Young, Witwer, Plant; also
10 Senator(s) Owen, Teck, Reeves--Concerning a
11 supplemental appropriation to the department of human
12 services.
13
14 Ordered engrossed and placed on the Calendar for Third Reading and
15 Final Passage.
16
17 **HB04-1323** by Representative(s) Young, Witwer, Plant; also
18 Senator(s) Owen, Teck, Reeves--Concerning a
19 supplemental appropriation to the judicial department.
20
21 Ordered engrossed and placed on the Calendar for Third Reading and
22 Final Passage.
23
24 **HB04-1324** by Representative(s) Young, Witwer, Plant; also
25 Senator(s) Owen, Teck, Reeves--Concerning a
26 supplemental appropriation to the department of labor and
27 employment.
28
29 Amendment No. 1, Appropriations Report, dated February 4, 2004, and
30 placed in member's bill file; Report also printed in House Journal,
31 February 4, pages 295-297..
32
33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.
35
36 **HB04-1325** by Representative(s) Young, Witwer, Plant; also
37 Senator(s) Owen, Teck, Reeves--Concerning a
38 supplemental appropriation to the department of law.
39
40 Ordered engrossed and placed on the Calendar for Third Reading and
41 Final Passage.
42
43 **HB04-1326** by Representative(s) Young, Witwer, Plant; also
44 Senator(s) Owen, Teck, Reeves--Concerning a
45 supplemental appropriation to the department of
46 legislature.
47
48 Ordered engrossed and placed on the Calendar for Third Reading and
49 Final Passage.
50
51 **HB04-1327** by Representative(s) Young, Witwer, Plant; also
52 Senator(s) Owen, Teck, Reeves--Concerning a
53 supplemental appropriation to the department of local
54 affairs.
55 Ordered engrossed and placed on the Calendar for Third Reading and
56 Final Passage.

- 1 **HB04-1328** by Representative(s) Young, Witwer, Plant; also
2 Senator(s) Owen, Teck, Reeves--Concerning a
3 supplemental appropriation to the department of military
4 and veterans affairs.
5
6 Ordered engrossed and placed on the Calendar for Third Reading and
7 Final Passage.
8
9 **HB04-1329** by Representative(s) Young, Witwer, Plant; also
10 Senator(s) Owen, Teck, Reeves--Concerning a
11 supplemental appropriation to the department of natural
12 resources.
13
14 Ordered engrossed and placed on the Calendar for Third Reading and
15 Final Passage.
16
17 **HB04-1330** by Representative(s) Young, Witwer, Plant; also
18 Senator(s) Owen, Teck, Reeves--Concerning a
19 supplemental appropriation to the department of personnel
20 and administration.
21
22 Ordered engrossed and placed on the Calendar for Third Reading and
23 Final Passage.
24
25 **HB04-1331** by Representative(s) Young, Witwer, Plant; also
26 Senator(s) Owen, Teck, Reeves--Concerning a
27 supplemental appropriation to the department of public
28 health and environment.
29
30 Ordered engrossed and placed on the Calendar for Third Reading and
31 Final Passage.
32
33 **HB04-1332** by Representative(s) Young, Witwer, Plant; also
34 Senator(s) Owen, Teck, Reeves--Concerning a
35 supplemental appropriation to the department of public
36 safety.
37
38 Ordered engrossed and placed on the Calendar for Third Reading and
39 Final Passage.
40
41 **HB04-1333** by Representative(s) Young, Witwer, Plant; also
42 Senator(s) Owen, Teck, Reeves--Concerning a
43 supplemental appropriation to the department of regulatory
44 agencies.
45 Ordered engrossed and placed on the Calendar for Third Reading and
46 Final Passage.
47
48 **HB04-1334** by Representative(s) Young, Witwer, Plant; also
49 Senator(s) Owen, Teck, Reeves--Concerning a
50 supplemental appropriation to the department of revenue.
51 Ordered engrossed and placed on the Calendar for Third Reading and
52 Final Passage.
53
54
55
56

1 **HB04-1335** by Representative(s) Young, Witwer, Plant; also
 2 Senator(s) Owen, Teck, Reeves--Concerning a
 3 supplemental appropriation to the department of state.
 4

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

8 **HB04-1336** by Representative(s) Young, Witwer, Plant; also
 9 Senator(s) Owen, Teck, Reeves--Concerning a
 10 supplemental appropriation to the department of
 11 transportation.
 12

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

16 **HB04-1337** by Representative(s) Young, Witwer, Plant; also
 17 Senator(s) Owen, Teck, Reeves--Concerning a
 18 supplemental appropriation to the department of the
 19 treasury.
 20

21 Ordered engrossed and placed on the Calendar for Third Reading and
 22 Final Passage.
 23

24 **HB04-1338** by Representative(s) Young, Witwer, Plant; also
 25 Senator(s) Owen, Teck, Reeves--Concerning funding for
 26 capital construction, and making supplemental
 27 appropriations in connection therewith.
 28

29 Amendment No. 1, by Representative Young.
 30

31 Amend printed bill, page 5, line 12, strike "Expansion" and substitute
 32 "~~Expansion~~ EQUIPMENT UPGRADE".
 33

34 Page 13, line 10, strike "Museum" and substitute "~~Museum~~ MUSEUM,";
 35
 36 line 11, strike "Renovations" and substitute "~~Renovations~~ LANDSCAPE
 37 UPGRADES AND ADOBE FORT PRESERVATION".
 38

39 As amended, ordered engrossed and placed on the Calendar for Third
 40 Reading and Final Passage.
 41

42 43 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

44
 45 Passed Second Reading: **HB04-1316, 1317 amended, 1318, 1319, 1320,**
 46 **1321, 1322, 1323, 1324 amended, 1325, 1326, 1328, 1329, 1330,**
 47 **1331,1332, 1333, 1334, 1335, 1336, 1337, 1338 amended.**
 48

49 The Chairman moved the adoption of the Committee of the Whole
 50 Report. As shown by the following roll call vote, a majority of those
 51 elected to the House voted in the affirmative, and the Report was
 52 **adopted.**

53	YES	58	NO	05	EXCUSED	02	ABSENT	00
54	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
55	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
56	Boyd	Y	Harvey	E	McGihon	Y	Spence	Y

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

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HB04-1035 be referred to the Committee of the Whole with favorable recommendation.

HB04-1178 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend printed bill, page 2, line 2, strike "(1), Colorado Revised Statutes, is" and substitute "(1), (2), (8), (12), and (13), Colorado Revised Statutes, are";

strike lines 7 through 20 and substitute the following:

"(1) "Certified operator" means an individual who mixes, loads, or applies any pesticide, including restricted use pesticides, under the supervision of a qualified supervisor. "CERTIFIED OPERATOR" DOES NOT INCLUDE AN INDIVIDUAL WHO ONLY USES CERTAIN ANTIMICROBIAL PESTICIDES, SANITIZERS, OR DISINFECTANTS, AS DEFINED BY THE COMMISSIONER."

Page 3, strike lines 1 through 17 and substitute the following:

"(2) "Commercial applicator" means any person who engages in the business of applying pesticides or operating a device for hire. "COMMERCIAL APPLICATOR" DOES NOT INCLUDE AN INDIVIDUAL WHO ONLY USES CERTAIN ANTIMICROBIAL PESTICIDES, SANITIZERS, OR DISINFECTANTS, AS DEFINED BY THE COMMISSIONER.

(8) "Limited commercial applicator" means any person engaged in applying pesticides in the course of conducting a business OTHER THAN THE PRODUCTION OF AGRICULTURAL COMMODITIES; except that such application shall be only in or on property owned or leased by the person

1 or the person's employer. "LIMITED COMMERCIAL APPLICATOR" DOES NOT
2 INCLUDE AN INDIVIDUAL WHO ONLY USES CERTAIN ANTIMICROBIAL
3 PESTICIDES, SANITIZERS, OR DISINFECTANTS, AS DEFINED BY THE
4 COMMISSIONER."

5
6 Page 4, strike lines 5 through 11 and substitute the following:

7
8 "(12) "Public applicator" means any agency of the state, any
9 county, city and county, or municipality, or any other local governmental
10 entity or political subdivision ~~which~~ THAT applies pesticides. "PUBLIC
11 APPLICATOR" DOES NOT INCLUDE AN INDIVIDUAL WHO ONLY USES CERTAIN
12 ANTIMICROBIAL PESTICIDES, SANITIZERS, OR DISINFECTANTS, AS DEFINED
13 BY THE COMMISSIONER.

14
15 (13) "Qualified supervisor" means any individual who, without
16 supervision, evaluates pest problems, or recommends pest controls using
17 pesticides or devices, or mixes, or loads, or applies any pesticide, or sells
18 application services, or operates devices, or supervises others in any of
19 these functions. "QUALIFIED SUPERVISOR" DOES NOT INCLUDE AN
20 INDIVIDUAL WHO ONLY USES CERTAIN ANTIMICROBIAL PESTICIDES,
21 SANITIZERS, OR DISINFECTANTS, AS DEFINED BY THE COMMISSIONER.";

22
23 line 14, strike "The following" and substitute "~~The following~~ ANY
24 PERSON OR ENTITY THAT USES OR SUPERVISES THE USE OF ANY PESTICIDE
25 OR DEVICE IN THE STATE OF COLORADO";

26
27 line 16, strike "thereto:" and substitute "thereto.";

28
29 strike lines 17 through 23 and substitute the following:

30
31 "~~(b) Any limited commercial applicator or any public applicator~~
32 ~~which applies restricted use pesticides, whether or not a particular~~".

33
34 Page 5, strike lines 3 through 9 and substitute the following:

35
36 "~~(c) Any limited commercial applicator or public applicator which~~
37 ~~requests, in the form and manner specified by the commissioner, that it~~
38 ~~be subject to the provisions of this article and to any rules and regulations~~
39 ~~adopted pursuant thereto.~~

40
41 (2) ~~The provisions of this article shall not apply to:"~~;

42
43 line 10, strike "(a)" and substitute "(a)";

44
45 line 19, strike "(b)" and substitute "(b)";

46
47 strike lines 22 through 27 and substitute the following:

48
49 "~~(e) Any individual who uses a device or applies any pesticide or~~
50 ~~who supervises such acts at his home or on his property, when such use~~
51 ~~or supervision is not compensated and is not in the course of conducting~~
52 ~~a business. Nowhere is it the intent of the general assembly to prevent~~
53 ~~private citizens from using legal chemicals for the control of weeds and~~
54 ~~pests on their own property."~~

55
56 Page 6, strike line 1 and substitute the following:

1 **"SECTION 3.** 35-10-109, Colorado Revised Statutes, is amended
2 to read:

3
4 **35-10-109. Limited commercial and public applicators - no**
5 **business license required.** (1) No business license shall be required for
6 limited commercial or public applicators; except that ~~the commissioner~~
7 ~~may require~~ ALL such applicators ~~to~~ SHALL register with the department
8 in the form and manner ~~he shall designate~~ DESIGNATED BY THE
9 COMMISSIONER and ~~to~~ SHALL pay an administrative fee in an amount
10 ~~which he~~ THAT THE COMMISSIONER shall determine.

11
12 (2) THE COMMISSIONER SHALL BEGIN ISSUING LICENSES TO LIMITED
13 COMMERCIAL AND PUBLIC APPLICATORS ON AND AFTER JANUARY 1,
14 2006."

15
16 Renumber succeeding sections accordingly.

17
18 Page 6, strike line 5 and substitute the following:

19
20 "limited commercial, ~~and public~~ PRIVATE, AND";

21
22 strike lines 16 through 27 and substitute the following:

23
24 **"SECTION 5.** 35-10-112 (1) (c), Colorado Revised Statutes, is
25 amended to read:

26
27 **35-10-112. Notification requirements - registry of**
28 **pesticide-sensitive persons - preemption.** (1) (c) A commercial, limited
29 commercial, or public applicator, prior to applying a pesticide in any turf
30 or ornamental category, shall take reasonable actions to give notice of the
31 date and approximate time of any such pesticide application, prior to the
32 application, to any person who resides THE TREATED PROPERTY OR WHO
33 RESIDES on property ~~which~~ THAT abuts the property to be treated and
34 whose name is on the published registry. If two property sites would be
35 considered to be abutting but for the fact that such sites are separated by
36 an alley, for the purposes of this section such sites are deemed to be
37 abutting."

38
39 Page 7, strike lines 1 through 8;

40
41 line 10, strike "(2) (b)" and substitute "(2) (b), (2) (d), (3) (a) (IV),";

42
43 line 15, strike "regulated by" and substitute "~~regulated by~~ LICENSED OR
44 REGISTERED PURSUANT TO";

45
46 line 17, strike "regulated by" and substitute "~~regulated by~~ LICENSED OR
47 REGISTERED PURSUANT TO";

48
49 after line 26, insert the following:

50
51 "(d) Licensure, training, or certification requirements for persons
52 ~~regulated under~~ LICENSED OR REGISTERED PURSUANT TO this article,
53 including any insurance and record-keeping requirements.

54
55 (3) (a) Nothing in this article may be construed to limit the
56 authority of a local government as defined by state law to:

1 (IV) Issue local general occupational licenses to persons ~~regulated~~
2 ~~by~~ LICENSED OR REGISTERED PURSUANT TO this article.";
3
4 line 27, strike "(3) (b)" and substitute "(b)".
5
6 Page 8, line 5, strike "regulated by" and substitute "~~regulated by~~
7 LICENSED OR REGISTERED PURSUANT TO";
8
9 line 9, strike "THE FOLLOWING" and substitute "A";
10
11 line 10, strike "SUBSECTIONS," and substitute "SUBSECTION,";
12
13 strike lines 13 and 14 and substitute the following:
14
15 "PRIVATE APPLICATOR, OR PRIVATE CERTIFIED HERBICIDE APPLICATOR";
16
17 line 16, strike "(a)";
18
19 line 18, after the period, add "A LICENSE ISSUED BY THE FEDERAL
20 ENVIRONMENTAL PROTECTION AGENCY TO A PRIVATE APPLICATOR PRIOR
21 TO JULY 1, 2004, SHALL REMAIN VALID FOR THE PURPOSES OF THIS
22 ARTICLE THROUGH THE EXPIRATION DATE OF THE LICENSE.";
23
24 strike lines 19 through 27.
25
26 Page 9, strike lines 1 through 9 and substitute the following:
27
28 **"SECTION 8.** 35-10-117 (1), Colorado Revised Statutes, is
29 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
30
31 **35-10-117. Unlawful acts.** (1) Unless otherwise authorized by
32 law, it is unlawful and a violation of this article for any person:
33
34 (i) TO USE, STORE, OR DISPOSE OF PESTICIDES, PESTICIDE
35 CONTAINERS, RINSATES, OR OTHER RELATED MATERIALS, OR TO SUPERVISE
36 OR RECOMMEND SUCH ACTS, IN A MANNER INCONSISTENT WITH LABELING
37 DIRECTIONS OR REQUIREMENTS, UNLESS OTHERWISE PROVIDED FOR BY
38 LAW, OR IN AN UNSAFE, NEGLIGENT, OR FRAUDULENT MANNER."
39
40 Renumber succeeding sections accordingly.
41
42 Page 9, line 15, strike "LICENSED AS A PRIVATE," and substitute "ACTING
43 AS A PRIVATE OR";
44
45 line 16, strike "HERBICIDE, CERTIFIED MAINTENANCE, OR PUBLIC";
46
47 line 17, strike "CERTIFIED" and substitute "HERBICIDE";
48
49 strike lines 19 through 21 and substitute the following:
50
51 "PRIVATE OR PRIVATE CERTIFIED HERBICIDE APPLICATOR IS REQUIRED";
52
53 line 24, strike "CERTIFIED MAINTENANCE, PUBLIC";
54
55 strike lines 25 through 27 and substitute the following:
56

1 "PRIVATE OR PRIVATE CERTIFIED HERBICIDE APPLICATOR IS REQUIRED".
2
3 Page 11, after line 10, insert the following:
4
5 "(2) THE COMMISSIONER MAY ENFORCE THE PROVISIONS OF THIS
6 SECTION CONCERNING A PRIVATE OR PRIVATE CERTIFIED HERBICIDE
7 APPLICATOR ON AND AFTER JANUARY 1, 2004."
8
9 Page 12, strike lines 3 and 4 and substitute the following:
10
11 "LICENSURE OF PRIVATE AND PRIVATE CERTIFIED HERBICIDE APPLICATORS
12 IS A NEW PROGRAM";
13
14 line 11, strike "PRIVATE," and substitute "PRIVATE OR";
15
16 line 12, strike "HERBICIDE, CERTIFIED MAINTENANCE, PUBLIC" and
17 substitute "HERBICIDE APPLICATORS,";
18
19 strike line 13 and substitute "CERTIFIED OPERATORS, AND QUALIFIED";
20
21 after line 21, insert the following:
22
23 **"SECTION 11.** The introductory portion to 35-10-121 (1) and
24 35-10-121 (1) (c), (2), (2.5), and (3), Colorado Revised Statutes, are
25 amended to read:
26
27 **35-10-121. Disciplinary actions - denial of license.** (1) The
28 commissioner may issue letters of admonition, impose other discipline
29 through stipulation, or restrict, impose probation on, deny, suspend,
30 refuse to renew, or revoke any license OR REGISTRATION authorized under
31 this article if the applicant, REGISTRANT, or licensee:
32
33 (c) Has had an equivalent license OR REGISTRATION denied,
34 revoked, or suspended by any authority;
35
36 (2) In any proceeding held under this section, the commissioner
37 may accept as prima facie evidence of grounds for disciplinary action any
38 disciplinary action taken against a licensee, REGISTRANT, or certified
39 person from another jurisdiction if the violation ~~which~~ THAT prompted the
40 disciplinary action in that jurisdiction would be grounds for disciplinary
41 action under this section.
42
43 (2.5) Proceedings under this section shall be conducted pursuant
44 to the provisions of article 4 of title 24, C.R.S.; except that section
45 24-4-104 (3), C.R.S., shall not apply to such proceedings in cases of
46 deliberate or willful violation; in cases of violation of labeling directions
47 or requirements; or in cases in which the actions or omissions of the
48 licensee OR REGISTRANT in violations of this article have caused or
49 threatened to cause substantial danger or harm to public health and safety,
50 to property, or to the environment, as defined by the commissioner
51 pursuant to section 35-10-118 (2). In such cases, no revocation,
52 suspension, limitation, or modification of a license OR REGISTRATION
53 shall be lawful unless the commissioner has given the licensee OR
54 REGISTRANT notice in writing regarding any facts or conduct that may
55 warrant such action and has afforded the licensee OR REGISTRANT
56 opportunity to submit written data, views, and arguments with respect to

1 such facts or conduct.

2
3 (3) No licensee OR REGISTRANT whose license OR REGISTRATION
4 has been revoked may apply or reapply for any license OR REGISTRATION
5 under this article until two years ~~from~~ AFTER the date of such revocation.

6
7 **SECTION 12.** 35-10-123 (2), Colorado Revised Statutes, is
8 amended to read:

9
10 **35-10-123. Criminal penalties.** (2) Any person who violates any
11 of the provisions of section 35-10-117 (1) (a), (1) (b), (1) (c), (1) (e), (1)
12 (g), (1) (i), (2) (a), (2) (b), (2) (c), (2) (d), (3) (a), or (4) (a) commits a
13 class 1 misdemeanor and shall be punished as provided in section
14 18-1.3-501, C.R.S."

15
16 Renumber succeeding sections accordingly.

17
18 Page 13, line 6, strike "PRIVATE, PRIVATE" and substitute "PRIVATE OR
19 PRIVATE";

20
21 line 7, strike "HERBICIDE, CERTIFIED MAINTENANCE, AND PUBLIC
22 CERTIFIED" and substitute "HERBICIDE".

23
24 Page 14, line 18, strike "licenses issued" and substitute "licenses currently
25 issued, new licenses issued or renewed, and misuse of a pesticide".

26
27
28
29
30 **BUSINESS AFFAIRS & LABOR**

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

33
34 **HB04-1008** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:

37
38 Amend printed bill, page 2, line 6, strike "(a)";

39
40 line 8, after "UNDER", insert "MEDICAL PAYMENTS COVERAGE OF";

41
42 line 9, strike "PROVIDER" and substitute "PROVIDER, AS DEFINED IN
43 SECTION 10-4-902 (3) AND OCCUPATIONAL THERAPISTS DESCRIBED IN
44 SECTION 6-1-707 (1) (C), C.R.S.";

45
46 strike lines 12 through 21;

47
48 line 23, after "PROVIDER", insert "OR OCCUPATIONAL THERAPIST".

49
50 Page 3, line 15, strike "PROVIDER." and substitute "PROVIDER OR
51 OCCUPATIONAL THERAPIST.";

52
53 line 20, strike "PROVIDER." and substitute "PROVIDER OR OCCUPATIONAL
54 THERAPIST.";

55
56 line 22, after "PROVIDER", insert "OR OCCUPATIONAL THERAPIST";

1 strike lines 23 through 27 and substitute the following:

2
3 "BEEN RECEIVED."

4
5 Page 4, strike lines 1 through 17;

6
7 line 18, strike "injuries";

8
9 line 19, strike "sustained in a motor vehicle accident" and substitute
10 "policies for motor vehicle insurance issued or renewed".

11
12
13
14
15 **EDUCATION**

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

18
19 **HB04-1137** be amended as follows, and as so amended, be referred to
20 the Committee of the Whole with favorable
21 recommendation:

22
23 Amend printed bill, page 2, strike line 7 and substitute the following:

24
25 "USE A STUDENT'S STATEMENT";

26
27 strike line 9 and substitute the following:

28
29 "STUDENT THAT RESULTS IN MANDATORY EXPULSION PURSUANT TO
30 SECTION 22-103 (1) (d), IN THE EXPULSION HEARING, UNLESS THE
31 STATEMENT IS SIGNED BY THE STUDENT AND A PARENT,";

32
33 line 11, strike "ADMISSION." and substitute "ADMISSION OR A REASONABLE
34 ATTEMPT WAS MADE TO CONTACT THE PARENT, GUARDIAN, OR LEGAL OR
35 PHYSICAL CUSTODIAN TO HAVE THE PARENT, GUARDIAN, OR LEGAL OR
36 PHYSICAL CUSTODIAN PRESENT WHEN THE STUDENT SIGNED THE
37 STATEMENT.";

38
39 strike lines 12 through 17.

40
41 Renumber succeeding subsections accordingly.

42
43
44 Page 3, after line 11, insert the following:

45
46 "(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT
47 OR INTERFERE WITH A FACT-FINDING OR INFORMATION-GATHERING
48 INVESTIGATION BY A SCHOOL OR SCHOOL EMPLOYEE.".

49
50 Renumber succeeding subsection accordingly.

51
52
53
54 **HB04-1180** be postponed indefinitely.

55
56 **HB04-1202** be referred favorably to the Committee on Appropriations.

1 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

4
5 **HB04-1041** be postponed indefinitely.
6

7
8 **HB04-1075** 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 18, strike "SERVICES UNDER THE";

13
14 strike line 19;

15
16 line 20, strike "SERVICES," and substitute "SERVICES";

17
18 line 21, after "WOMEN", insert "WHO ARE ELIGIBLE TO RECEIVE SERVICES
19 UNDER THE MEDICAL ASSISTANCE PROGRAM,";

20
21 line 23, strike "WOMEN" and substitute "WOMEN,".
22
23
24

25 **HB04-1123** be amended as follows, and as so amended, be referred to
26 the Committee on Appropriations with favorable
27 recommendation:
28

29 Amend printed bill, page 3, line 2, after "MEMBERS," insert "STATE
30 EMPLOYEES,";

31
32 line 18, after "EMPLOYEES," insert "COUNTIES,";
33

34 line 23, after "SECTION", insert "INCLUDING ANY RECOMMENDATIONS OR
35 PROPOSED LEGISLATION, IF ANY,";

36
37 line 24, strike "NOVEMBER 1, 2004," and substitute "DECEMBER 31,
38 2004,".
39
40
41

42 **HB04-1186** be postponed indefinitely.
43
44
45
46

47 **INFORMATION & TECHNOLOGY**

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

50
51 **HB04-1125** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:
54

55 Amend printed bill, strike everything below the enacting clause and
56 substitute the following:

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

4
5 **6-1-712. Unsolicited facsimiles - deceptive trade practice.**

6 (1) A PERSON ENGAGES IN A DECEPTIVE TRADE PRACTICE WHEN, IN THE
7 COURSE OF SUCH PERSON'S BUSINESS, VOCATION, OR OCCUPATION, SUCH
8 PERSON:

9
10 (a) USES A TELEPHONE FACSIMILE MACHINE, COMPUTER, OR OTHER
11 DEVICE TO SEND AN UNSOLICITED ADVERTISEMENT TO A TELEPHONE
12 FACSIMILE MACHINE;

13
14 (b) USES A COMPUTER OR OTHER ELECTRONIC DEVICE TO SEND ANY
15 MESSAGE VIA A TELEPHONE FACSIMILE MACHINE UNLESS SUCH PERSON
16 CLEARLY MARKS, IN A MARGIN AT THE TOP OR BOTTOM OF EACH
17 TRANSMITTED PAGE OF THE MESSAGE OR ON THE FIRST PAGE OF THE
18 TRANSMISSION:

19
20 (I) THE DATE AND TIME THE FACSIMILE IS SENT;

21
22 (II) AN IDENTIFICATION OF THE PERSON SENDING THE FACSIMILE;
23 AND

24
25 (III) THE TELEPHONE NUMBER OF THE SENDING MACHINE OF THE
26 PERSON; OR

27
28 (c) VIOLATES 49 U.S.C. SEC. 227 OR ANY RULE PROMULGATED
29 THEREUNDER.

30
31 (2) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
32 OTHERWISE REQUIRES:

33
34 (a) "TELEPHONE FACSIMILE MACHINE" MEANS EQUIPMENT THAT
35 HAS THE CAPACITY TO:

36
37 (I) TRANSCRIBE TEXT OR IMAGES FROM PAPER INTO AN
38 ELECTRONIC SIGNAL AND TO TRANSMIT THAT SIGNAL OVER A REGULAR
39 TELEPHONE LINE; OR

40
41 (II) TRANSCRIBE TEXT OR IMAGES FROM AN ELECTRONIC SIGNAL
42 RECEIVED OVER A REGULAR TELEPHONE LINE ONTO PAPER.

43
44 (b) "UNSOLICITED ADVERTISEMENT" MEANS MATERIAL THAT
45 ADVERTISES THE COMMERCIAL AVAILABILITY OR QUALITY OF ANY
46 PROPERTY, GOOD, OR SERVICE AND THAT IS TRANSMITTED TO A PERSON
47 WITHOUT THAT PERSON'S PRIOR EXPRESS INVITATION OR PERMISSION.

48
49 **SECTION 2.** 6-1-105 (1), Colorado Revised Statutes, is amended
50 BY THE ADDITION OF A NEW PARAGRAPH to read:

51
52 **6-1-105. Deceptive trade practices.** (1) A person engages in a
53 deceptive trade practice when, in the course of such person's business,
54 vocation, or occupation, such person:

55
56 (vv) VIOLATES ANY PROVISION OF SECTION 6-1-712.

1 **SECTION 3. Effective date - applicability.** (1) This act shall
2 take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly that is
4 allowed for submitting a referendum petition pursuant to article V,
5 section 1 (3) of the state constitution (August 4, 2004, if adjournment sine
6 die is on May 5, 2004); except that, if a referendum petition is filed
7 against this act or an item, section, or part of this act within such period,
8 then the act, item, section, or part, if approved by the people, shall take
9 effect on the date of the official declaration of the vote thereon by
10 proclamation of the governor.

11
12 (2) The provisions of this act shall apply to facsimile
13 transmissions sent on or after the applicable effective date of this act."

14
15
16
17 **HB04-1145** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:
20

21 Amend printed bill, strike everything below the enacting clause and
22 substitute the following:
23

24 **"SECTION 1.** Part 4 of article 20 of title 8, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:
27

28 **8-20-415. Liability limited.** (1) NO LEGAL ACTION SHALL BE
29 COMMENCED OR MAINTAINED AGAINST ANY PERSON ENGAGED IN THIS
30 STATE IN THE BUSINESS OF SELLING AT RETAIL, SUPPLYING, HANDLING, OR
31 TRANSPORTING LIQUEFIED PETROLEUM GAS IF THE ALLEGED INJURY,
32 DAMAGE, OR LOSS WAS CAUSED BY:
33

34 (a) THE ALTERATION, MODIFICATION, OR REPAIR OF LIQUEFIED
35 PETROLEUM GAS EQUIPMENT OR A LIQUEFIED PETROLEUM GAS APPLIANCE
36 IF THE ALTERATION, MODIFICATION, OR REPAIR WAS DONE WITHOUT THE
37 KNOWLEDGE OR CONSENT OF THE LIQUEFIED PETROLEUM GAS SELLER,
38 SUPPLIER, HANDLER, OR TRANSPORTER; OR
39

40 (b) THE USE OF LIQUEFIED PETROLEUM GAS EQUIPMENT OR A
41 LIQUEFIED PETROLEUM GAS APPLIANCE IN A MANNER OR FOR A PURPOSE
42 OTHER THAN THAT FOR WHICH THE EQUIPMENT OR APPLIANCE WAS
43 INTENDED AND THAT COULD NOT REASONABLY HAVE BEEN EXPECTED.
44

45 (2) NOTHING IN THIS SECTION SHALL LIMIT THE LIABILITY OF ANY
46 PERSON FOR ANY DAMAGES THAT ARISE DIRECTLY FROM THE GROSS
47 NEGLIGENCE OR WILLFUL OR WANTON ACTS OF SUCH PERSON.
48

49 **SECTION 2. Effective date - applicability.** (1) This act shall
50 take effect at 12:01 a.m. on the day following the expiration of the
51 ninety-day period after final adjournment of the general assembly that is
52 allowed for submitting a referendum petition pursuant to article V,
53 section 1 (3) of the state constitution (August 4, 2004, if adjournment sine
54 die is on May 5, 2004); except that, if a referendum petition is filed
55 against this act or an item, section, or part of this act within such period,
56 then the act, item, section, or part, if approved by the people, shall take

1 effect on the date of the official declaration of the vote thereon by
2 proclamation of the governor.

3
4 (2) The provisions of this act shall apply to acts occurring on or
5 after the applicable effective date of this act."

6
7
8
9 **HB04-1162** be postponed indefinitely.

10
11
12
13
14 **LOCAL GOVERNMENT**

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

17
18 **HB04-1174** be postponed indefinitely.

19
20
21 **HB04-1191** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:

24
25 Amend printed bill, page 4, line 11, strike "jurisdiction." and substitute
26 "jurisdiction AND THE LAW ENFORCEMENT AGENCY MAY POST ON THE
27 LOCAL LAW ENFORCEMENT AGENCY'S WEBSITE INFORMATION RELATED TO
28 ALL JUVENILES WHO HAVE BEEN CONVICTED OF TWO OR MORE UNLAWFUL
29 SEXUAL BEHAVIOR OFFENSES REGISTERED WITH THE LOCAL LAW
30 ENFORCEMENT AGENCY PURSUANT TO THIS ARTICLE AND ALL ADULTS
31 REGISTERED WITH THE LOCAL LAW ENFORCEMENT AGENCY PURSUANT TO
32 THIS ARTICLE."

33
34 Page 5, line 3, strike "AT ITS DISCRETION, A" and substitute "A";

35
36 strike lines 16 through 19, and substitute "LAW ENFORCEMENT AGENCY
37 MAY POST ON THE LOCAL LAW ENFORCEMENT AGENCY'S WEBSITE
38 INFORMATION RELATED TO ALL JUVENILES WHO HAVE BEEN CONVICTED OF
39 TWO OR MORE UNLAWFUL SEXUAL BEHAVIOR OFFENSES REGISTERED WITH
40 THE LOCAL LAW ENFORCEMENT AGENCY PURSUANT TO THIS ARTICLE AND
41 ALL ADULTS REGISTERED WITH THE LOCAL LAW ENFORCEMENT AGENCY
42 PURSUANT TO THIS ARTICLE."

43
44
45
46 **HB04-1196** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49
50 Amend printed bill, page 3, strike lines 9 through 11 and substitute the
51 following:

52
53 "(e) Any person requesting information pursuant to paragraph (c)
54 or (d) of this subsection (6) shall show proper identification. ~~or other~~
55 ~~proof of residence.~~"

1 Page 4, line 8, strike ",THROUGH ANY";
2
3 line 9, strike "APPROPRIATE MEDIUM,";
4
5 line 11, strike "jurisdiction." and substitute "jurisdiction OR MAY POST THE
6 INFORMATION ON THE LAW ENFORCEMENT AGENCY'S WEBSITE.".

7
8 Page 5, strike line 4 and substitute the following:

9
10 "AGENCY MAY RELEASE";
11
12 line 8, strike "JURISDICTION." and substitute "JURISDICTION OR MAY POST
13 THE INFORMATION ON THE LAW ENFORCEMENT AGENCY'S WEBSITE.";
14
15 line 12, strike "SHALL" and substitute "MAY".

16
17
18
19
20 **STATE, VETERANS, & MILITARY AFFAIRS**

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

23
24 **HB04-1171** be amended as follows, and as so amended, be referred to
25 the Committee on Appropriations with favorable
26 recommendation:

27
28 Amend printed bill, page 3, after line 10, insert the following:

29
30 "(d) A PROPERLY CONSTRUCTED PROGRAM TO HELP STATE
31 EMPLOYEES PREPARE FOR THE COSTS OF MEDICAL EXPENSES AFTER
32 RETIREMENT COULD BE CASH FUNDED THROUGH CONTRIBUTIONS OF STATE
33 EMPLOYEES AND COULD OPERATE AS AN ENTERPRISE AS DEFINED IN
34 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.".

35
36
37
38
39 **TRANSPORTATION & ENERGY**

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

42
43 **HB04-1199** be amended as follows, and as so amended, be referred to
44 the Committee on Appropriations with favorable
45 recommendation:

46
47 Amend printed bill, page 3, line 16, strike "**minor.**" and substitute "**minor**
48 **under the age of eighteen years.**";

49
50 line 18, after "MINOR", insert "UNDER THE AGE OF EIGHTEEN YEARS".

51
52 Page 5, line 1, after "HEALTH,", insert "OR";

53
54 strike lines 2 and 3 and substitute the following:

55
56 "COMPLIANCE WITH THE REQUIREMENTS OF PROBATION. SUCH A";

- 1 strike lines 8 through 10 and substitute the following:
2
3 "RESTRICTIONS; AND".
4
5 Page 9, line 25, after "CONTAIN", insert "OR BE ACCOMPANIED BY A
6 DOCUMENT CONTAINING";
7
8 line 26, strike "GUARDIAN" and substitute "GUARDIAN, IF KNOWN,".
9
10 Page 10, line 3, strike "GUARDIAN" and substitute "GUARDIAN, IF
11 KNOWN,";
12
13 line 13, strike "CONTAIN:" and substitute "CONTAIN OR BE ACCOMPANIED
14 BY A DOCUMENT CONTAINING:".
15
16 Page 11, line 7, strike "42-4-1710 (1)" and substitute "42-4-1710 (1) (b),
17 42-4-1710 (1.5),";
18
19 line 15, strike "CONTAIN:" and substitute "CONTAIN OR BE ACCOMPANIED
20 BY A DOCUMENT CONTAINING:".
21
22 Page 12, line 9, strike "42-4-1710 (1)" and substitute "42-4-1710 (1) (b),
23 42-4-1710 (1.5),".
24
25 Page 13, line 5, strike "GUARDIAN" and substitute "GUARDIAN, IF
26 KNOWN,".
27
28 Page 14, line 3, strike "(a) A" and substitute "(a) (I) EXCEPT AS
29 OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), A";
30
31 line 6, strike "42-4-1707 (1) (b) OR" and substitute "42-4-1706 (2) (b),
32 42-4-1707 (1) (b), OR";
33
34 after line 9, insert the following:
35 "(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH
36 (a) CONCERNING THE APPEARANCE OF A PARENT OR LEGAL GUARDIAN
37 SHALL NOT APPLY IN A CASE WHERE THE MINOR UNDER THE AGE OF
38 EIGHTEEN YEARS OR THE PARENT OF THE MINOR DEMONSTRATES TO THE
39 COURT BY CLEAR AND CONVINCING EVIDENCE THAT THE MINOR IS AN
40 EMANCIPATED MINOR.
41
42 (III) FOR PURPOSES OF THIS SUBSECTION (4), "EMANCIPATED
43 MINOR" MEANS A MINOR UNDER THE AGE OF EIGHTEEN YEARS WHO HAS NO
44 LEGAL GUARDIAN AND WHOSE PARENTS HAVE ENTIRELY SURRENDERED
45 THE RIGHT TO THE CARE, CUSTODY, AND EARNINGS OF THE MINOR, NO
46 LONGER ARE UNDER ANY DUTY TO SUPPORT OR MAINTAIN THE MINOR, AND
47 HAVE MADE NO PROVISION FOR THE SUPPORT OF THE MINOR.";
48
49 line 10, after "OF", insert "SUBPARAGRAPH (I) OF";
50
51 line 17, strike "**minor.**" and substitute "**minor under the age of eighteen**
52 **years.**";
53
54 line 18, after "MINOR", insert "UNDER THE AGE OF EIGHTEEN YEARS".
55
56 Page 15, line 5, strike "2004," and substitute "2005,".

1 **HB04-1273** 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 11, line 21, after the period, insert "IN
6 CONSIDERING SUCH PLAN, THE COMMISSION SHALL CONSIDER THE STATUS
7 OF FEDERAL SUBSIDIES FOR RENEWABLE ENERGY."
8
9

10
11 **SB04-004** be referred to the Committee of the Whole with favorable
12 recommendation.
13
14

15
16 **PRINTING REPORT**
17

18 The Chief Clerk reports the following bills have been correctly printed:
19 **HB04-1343, 1344, 1345, 1346.**
20
21

22
23 **MESSAGE FROM THE SENATE**
24

25 Madam Speaker:
26

27 The Senate has passed on Third Reading and transmitted to the Revisor
28 of Statutes:
29 SB04-117, amended as printed in Senate Journal, February 2, pages 161-
30 162, and in Senate Journal, February 4, page 178.
31
32

33
34 **MESSAGE FROM THE REVISOR**
35

36 We herewith transmit:
37 Without comment, as amended, SB04-117.
38
39

40
41 **INTRODUCTION OF BILLS**
42 **First Reading**
43

44 The following bills were read by title and referred to the committees
45 indicated:
46

47 **HB04-1347** by Representative(s) Witwer; also Senator(s) Jones--
48 Concerning tuition assistance to members of the Colorado
49 national guard.
50 Committee on Education
51

52 **HB04-1348** by Representative(s) Mitchell; also Senator(s) McElhany--
53 Concerning standards for permissible noise from electric
54 transmission facilities.
55 Committee on Transportation & Energy
56

- 1 **HB04-1349** by Representative(s) Brophy--Concerning the certificate
2 of review requirement in actions brought against
3 professionals.
4 Committee on Business Affairs & Labor
5
- 6 **HB04-1350** by Representative(s) Berry; also Senator(s) Anderson--
7 Concerning state programs to assist higher education
8 students in paying tuition.
9 Committee on Education
10
- 11 **HB04-1351** by Representative(s) Hoppe, Stengel, Briggs, Brophy,
12 McCluskey, Rose, Salazar, Wiens, Young--Concerning the
13 state board of stock inspection commissioners, and, in
14 connection therewith, changing the fiscal policies of such
15 board and the division of brand inspection to allow
16 operation as an enterprise for purposes of section 20 of
17 article X of the state constitution.
18 Committee on Agriculture, Livestock, & Natural Resources
19
- 20 **HB04-1352** by Representative(s) Spence, Lee, Brophy, Cadman,
21 Clapp, Crane, Fairbank, Harvey, Hefley, King, Lundberg,
22 May M., McCluskey, Mitchell, Rhodes, Rippy, Rose,
23 Schultheis, Stafford, Welker, White, Wiens, Williams T.,
24 Witwer--Concerning the provision of scholarships for
25 students with disabilities.
26 Committee on Education
27
- 28 **HB04-1353** by Representative(s) Schultheis, Coleman, Crane, Decker,
29 Frangas, Garcia, Hall, Harvey, Jahn, King, Larson, Lee,
30 May M., McFadyen, Miller, Rhodes, Romanoff, Tochtrop,
31 Vigil, Weddig, Welker, Williams S.--Concerning
32 immunity from liability for harm related to emergency
33 activities.
34 Committee on Business Affairs & Labor
35
- 36 **SB04-053** by Senator(s) Owen, Reeves, Teck; also Representative(s)
37 Spradley, King--Concerning changes in the traffic laws.
38 Committee on Transportation & Energy
39
- 40 **SB04-117** by Senator(s) Sandoval, Andrews; also Representative(s)
41 Cloer--Concerning removal of a newborn child from the
42 custody of the child's parents.
43 Committee on Health, Environment, Welfare, & Institutions
44

LAY OVER OF CALENDAR ITEMS

- 46
47
48 On motion of Representative King, the following items on the Calendar
49 were laid over until February 6, retaining place on Calendar:
50
- 51 Consideration of General Orders--**HB04-1012, 1054, 1130, 1166, 1194,**
52 **1175, 1108, 1076, 1087, 1073, 1129, 1208, 1195, SB04-005, HB04-**
53 **1034, 1197, 1068, 1090, 1154, SB04-096.**
54 Consideration of Resolutions--**HJR04-1007, 1008, 1009, 1011.**
55 Consideration of Senate Amendment--**HB04-1112.**
56
-

1 On motion of Representative King, the House adjourned until 9:00 a.m.,
2 February 6, 2004.

3

4

Approved:

5

6

7

8

LOLA SPRADLEY,
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,
13 Chief Clerk

14