

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

Twenty-ninth Legislative Day

Wednesday, February 4, 2004

1 Prayer by Dr. Gene Selander, Cherry Creek Community Church, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Garcia.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative Wiens--1.

11 Present after roll call--Representative Wiens.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Judd, the reading of the journal of February  
17 3, 2004, was declared dispensed with and approved as corrected by the  
18 Chief Clerk.

19

20

21

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

25

26

27 **GENERAL 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 **HB04-1177** by Representative(s) Spradley, Cloer; also Senator(s)  
38 Hillman--Concerning health insurance, and, in connection  
39 therewith, making it a deceptive trade practice in the  
40 business of insurance to deny coverage to an individual  
41 solely on the basis that the individual donated a kidney,  
42 making it a deceptive trade practice under the consumer  
43 protection act to sell health discount services without

1 certain disclosures, and increasing incentives for insurers  
2 to provide health benefit coverage to multiple employer  
3 welfare arrangements.  
4

5 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,  
6 dated January 26, 2004, and placed in member's bill file; Report also  
7 printed in House Journal, January 27, pages 161-162.  
8

9 Amendment No. 2, by Representative Spradley.  
10

11 Amend the Health, Environment, Welfare, and Institutions Committee  
12 Report, dated January 26, 2004, page 1, strike line 1 and substitute the  
13 following:  
14

15 "Amend printed bill, page 3, line 26, strike "PARTICIPANT" and substitute  
16 "EMPLOYER";  
17

18 line 27, strike "PARTICIPANT" and substitute "EMPLOYER'S EMPLOYEES  
19 AND THEIR DEPENDENTS".";  
20

21 line 9 of the committee report, strike "(A)" and substitute "(I)";  
22

23 line 12 of the committee report, strike "(B)" and substitute "(II)";  
24

25 strike lines 15 and 16 of the committee report.  
26

27 Page 2 of the committee report, strike line 1.  
28

29 Amendment No. 3, by Representative Spradley.  
30

31 Amend the Health, Environment, Welfare, and Institutions Committee  
32 Report, dated January 26, 2004, page 2, before line 2, insert the  
33 following:  
34

35 "Page 4, strike lines 24 through 27 and substitute the following:  
36

37 "HEALTH PLAN" MEANS A BUYER'S CLUB OR PROGRAM EVIDENCED BY A  
38 MEMBERSHIP AGREEMENT, CONTRACT, CARD, CERTIFICATE, DEVICE, OR  
39 MECHANISM, WHICH ADVERTISES HEALTH CARE SERVICES, AS DEFINED IN  
40 SECTION 10-16-102 (22), C.R.S., INCLUDING, BUT NOT LIMITED TO,  
41 PRESCRIPTION DRUGS AND MEDICAL EQUIPMENT, AT PURPORTED  
42 DISCOUNTED RATES FROM HEALTH CARE PROVIDERS ADVERTISED AS  
43 PARTICIPATING IN THE PROGRAM."  
44

45 Page 5, strike line 1."  
46

47 Amendment No. 4, by Representative Spradley.  
48

49 Amend the Health, Environment, Welfare, and Institutions Committee  
50 Report, dated January 26, 2004, page 2, line 3 of the committee report,  
51 strike "TO A" and substitute "TO:  
52

53 (a) A";  
54

55 line 7 of the committee report, strike "CARRIER"." and substitute  
56 "CARRIER;

1 (b) AN AGREEMENT OR ARRANGEMENT IN WHICH HEALTH CARE  
2 PROVIDERS DIRECTLY CONTRACT TO PROVIDE DISCOUNTED HEALTH CARE  
3 SERVICES TO A CONSUMER;  
4

5 (c) A MEDICARE ENDORSED DRUG CARD AS APPROVED BY THE  
6 CENTERS FOR MEDICARE AND MEDICAID SERVICES PURSUANT TO THE  
7 "MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION  
8 ACT OF 2003", PUBLIC LAW 108-173.". "  
9

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

13 **HB04-1004** by Representative(s) Stafford, Welker; also Senator(s)  
14 Lamborn--Concerning enhanced protection for child users  
15 of public library services from harmful materials on the  
16 internet.  
17

18 Amendment No. 1, Information & Technology Report, dated January 26,  
19 2004, and placed in member's bill file; Report also printed in House  
20 Journal, January 28, page 178.  
21

22 Amendment No. 2, by Representatives Stafford, McGihon.  
23

24 Amend printed bill, page 4, line 25, strike "MINORS." and substitute  
25 "MINORS; EXCEPT THAT NO TECHNOLOGY PROTECTION MEASURE MAY  
26 BLOCK SCIENTIFIC OR MEDICALLY ACCURATE INFORMATION REGARDING  
27 SEXUAL ASSAULT, SEXUAL ABUSE, INCEST, SEXUALLY TRANSMITTED  
28 DISEASES, OR REPRODUCTIVE HEALTH."  
29

30 As amended, ordered engrossed and placed on the Calendar for Third  
31 Reading and Final Passage.  
32

33 **HB04-1080** by Representative(s) Williams T.; also Senator(s)  
34 Lamborn--Concerning the "Uniform Arbitration Act".  
35

36 Amendment No. 1, Business Affairs & Labor Report, dated January 27,  
37 2004, and placed in member's bill file; Report also printed in House  
38 Journal, January 29, pages 194-209.  
39

40 Amendment No. 2, by Representative Williams T.  
41

42 Amend the Business Affairs & Labor Report, dated January 27, 2004,  
43 page 3, line 25, strike "(3) A" and substitute "(3) (a) EXCEPT AS  
44 OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), A";  
45

46 after line 29, insert the following:  
47

48 "(b) IF THE PARTIES TO AN AGREEMENT TO ARBITRATE OR TO AN  
49 ARBITRATION PROCEEDING ARE COMMERCIAL ENTITIES, THE PARTIES MAY  
50 WAIVE THE REQUIREMENTS OF SECTION 13-22-223 EXCEPT IF THE AWARD  
51 WAS PROCURED BY CORRUPTION OR FRAUD."  
52

53 As amended, ordered engrossed and placed on the Calendar for Third  
54 Reading and Final Passage.  
55  
56

1 **HB04-1109** by Representative(s) Marshall, Coleman, Harvey, Hodge,  
2 Hoppe, Larson, McCluskey, Paccione, Rhodes, White,  
3 Wiens, Williams T.; also Senator(s) Lamborn--Concerning  
4 the continuation of the regulation of securities by the  
5 division of securities, and, in connection therewith,  
6 narrowing the exemption for certain annuities, amending  
7 procedures for the issuance of cease-and-desist orders,  
8 registration of federally registered securities, and  
9 discipline of licensees, specifying conditions for rescission  
10 of sales, and reducing the number of required meetings of  
11 the municipal bond authority advisory committee.  
12

13 Amendment No. 1, Business Affairs & Labor Report, dated January 27,  
14 2004, and placed in member's bill file; Report also printed in House  
15 Journal, January 29, pages 209-212.  
16

17 As amended, ordered engrossed and placed on the Calendar for Third  
18 Reading and Final Passage.  
19

20 **HB04-1115** by Representative(s) Rhodes, Coleman, Harvey, Hodge,  
21 Hoppe, Larson, Marshall, McCluskey, Paccione, Wiens,  
22 White, Williams T.; also Senator(s) Tapia--Concerning the  
23 continuation of the state board of registration for  
24 professional engineers and professional land surveyors.  
25

26 Amendment No. 1, Business Affairs & Labor Report, dated January 27,  
27 2004, and placed in member's bill file; Report also printed in House  
28 Journal, January 29, pages 213-217.  
29

30 Amendment No. 2, by Representative Larson.  
31

32 Amend the Business Affairs and Labor Committee Report, dated January  
33 27, 2004, page 7, line 14, after "74.", insert "38-51-106 (1) (f), Colorado  
34 Revised Statutes, is amended to read:  
35

36 **38-51-106. Land survey plats.** (1) All land survey plats shall  
37 include but shall not be limited to the following:  
38

39 (f) A description of all monuments, both found and set, ~~which~~  
40 THAT mark the boundaries of the property and of all control monuments  
41 used in conducting the survey. IF SUCH BOUNDARY MONUMENT OR  
42 CONTROL MONUMENT IS A PUBLIC LAND SURVEY MONUMENT OR ALIQUOT  
43 CORNER THAT THE PROFESSIONAL LAND SURVEYOR ESTABLISHED OR  
44 RESTORED WHILE PERFORMING THE SURVEY, THE SURVEYOR SHALL  
45 DESCRIBE THE PHYSICAL EVIDENCE USED FOR THE ESTABLISHMENT OR  
46 RESTORATION AND MAY INCLUDE REFERENCE TO ANY ACCESSORY AS  
47 DEFINED IN SECTION 38-51-102 (1).  
48

49 **SECTION 75."**  
50

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

54 **HB04-1212** by Representative(s) Mitchell, Berry, Borodkin, Boyd,  
55 Briggs, Carroll, Cerbo, Cloer, Coleman, Crane, Decker,  
56 Frangas, Hodge, Jahn, Johnson R., Judd, Larson, Madden,

Marshall, May M., McGihon, Ragsdale, Rippy, Romanoff, Sinclair, Smith, Spence, Stafford, Vigil, Weddig, White, Wiens, Williams S., Williams T.; also Senator(s) Anderson, Arnold, Entz, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Isgar, Johnson S., Jones, Keller, Kester, Phillips, Reeves, Sandoval, Takis, Taylor, Windels--Concerning the scientific and cultural facilities district, and, in connection therewith, amending the ballot question concerning the extension of the district that will be submitted to the voters and modifying statutory provisions concerning the administration of the district.

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

On motion of Representative King, the remainder of the General Orders Calendar (**HB04-1012, 1054, 1130, 1166, 1194, 1175, 1108, 1076, 1087, 1073, 1129, 1208, 1195, SB04-005, HB04-1034, 1197, 1068, 1090, 1154, SB04-096**) was laid over until February 5, retaining place on Calendar.

#### AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representatives Weissmann, Berry, and Stengel moved to amend the Report of the Committee of the Whole to show that the Local Government Committee Report to HB 04-1212, dated January 26, 2004, did pass, and that HB 04-1212, as amended, did pass.

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

YES	24	NO	41	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	N	Sinclair	N
Borodkin	N	Hall	N	McFadyen	Y	Smith	N
Boyd	N	Harvey	N	McGihon	N	Spence	N
Briggs	Y	Hefley	N	Merrifield	Y	Stafford	N
Brophy	N	Hodge	Y	Miller	N	Stengel	Y
Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	N
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
Cerbo	Y	Judd	N	Pommer	Y	Weissmann	Y
Clapp	Y	King	N	Ragsdale	Y	Welker	N
Cloer	N	Larson	N	Rhodes	N	White	N
Coleman	N	Lee	N	Rippy	N	Wiens	N
Crane	N	Lundberg	N	Romanoff	Y	Williams S.	N
Decker	Y	Madden	Y	Rose	N	Williams T.	N
Fairbank	N	Marshall	N	Salazar	Y	Witwer	N
Frangas	Y	May	N	Schultheis	N	Young	N
						Speaker	N

# ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1177 amended, 1004 amended, 1080 amended, 1109 amended, 1115 amended, 1212.**

Laid over until date indicated retaining place on Calendar: **HB04-1012, 1054, 1130, 1166, 1194, 1175, 1108, 1076, 1087, 1073, 1129, 1208, 1195, SB04-005, HB04-1034, 1197, 1068, 1090, 1154, SB04-096--** February 5, 2004.

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

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

## REPORTS OF COMMITTEES OF REFERENCE

### APPROPRIATIONS

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

**HB04-1141** be rereferred favorably to the Committee on Education.

**HB04-1316** be referred to the Committee of the Whole with favorable recommendation.

**HB04-1317** be referred to the Committee of the Whole with favorable recommendation.

- 1 **HB04-1318** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3  
4
- 5 **HB04-1319** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7  
8
- 9 **HB04-1320** be referred to the Committee of the Whole with favorable  
10 recommendation.  
11
- 12 **HB04-1321** be referred to the Committee of the Whole with favorable  
13 recommendation.  
14  
15
- 16 **HB04-1322** be referred to the Committee of the Whole with favorable  
17 recommendation.  
18  
19
- 20 **HB04-1323** be referred to the Committee of the Whole with favorable  
21 recommendation.  
22  
23
- 24 **HB04-1324** be amended as follows, and as so amended, be referred to  
25 the Committee of the Whole with favorable  
26 recommendation:  
27
- 28 Amend printed bill, page 16, after line 7, insert the following:  
29  
30

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<b>"SECTION 2.</b> Part IX (2) (C) of section 2 of chapter 399, Session Laws of Colorado 2002, as amended by section 1 of chapter 435, Session Laws of						
2	Colorado 2003, is amended BY THE ADDITION OF A NEW FOOTNOTE to read:						
3							
4	Section 2. <b>Appropriation.</b>						
5							
6	<b>PART IX</b>						
7	<b>DEPARTMENT OF LABOR AND EMPLOYMENT</b>						
8	<b>(2) DIVISION OF EMPLOYMENT AND TRAINING</b>						
9	<b>(C) Employment and Training Programs</b>						
10	State Operations <sup>156</sup>	9,067,111			101,345 <sup>a</sup>	35,817(T) <sup>b</sup>	8,929,949 <sup>e</sup>
11					(66.0 FTE)	(0.7 FTE)	(76.7 FTE)
12	One-Stop County Contracts	7,347,980					7,347,980
13							(40.5 FTE)
14	Reed Act Distributions For One-Stop						
15	Employment Centers <sup>156a</sup> CENTERS <sup>156a, 156b</sup>	7,000,000					7,000,000 <sup>f</sup>
16	Trade Adjustment Act Assistance	2,300,000					2,300,000
17	Workforce Investment Act	21,929,650					21,929,650
18							(40.0 FTE)
19	Welfare-to-Work Block Grant <sup>157, 158</sup>	15,854,645					15,854,645 <sup>c</sup>
20	Statewide Indirect Cost Assessment	131,943			131,943 <sup>d</sup>		
21		63,631,329					
22							



		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

1 <sup>a</sup> Of this amount, \$91,808 shall be from the Displaced Homemakers Fund pursuant to Section 8-15.5-108, C.R.S., and \$9,537 shall be from the Unemployment  
2 Revenue Fund pursuant to Section 8-77-106, C.R.S.

3 <sup>b</sup> This amount shall be from contracts with other government agencies.

4 <sup>c</sup> This amount shall be from the Welfare-to-Work Block Grant.

5 <sup>d</sup> This amount shall be from the Employment Support Fund pursuant to Section 8-77-109, C.R.S.

6 <sup>e</sup> Of this amount, \$5,634,514 shall be from Reed Act funds distributed to Colorado on March 13, 2002, pursuant to Section 903(d) of the Social Security Act. These  
7 funds shall be used for employment and training program administration.

8 <sup>f</sup> This amount shall be from Reed Act funds distributed to Colorado on March 13, 2002, pursuant to Section 903(d) of the Social Security Act. These funds shall be  
9 used for the administration of public employment offices.

10

11 **FOOTNOTES --**

12

13 156b DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF EMPLOYMENT AND TRAINING, EMPLOYMENT AND TRAINING  
14 PROGRAMS, REED ACT DISTRIBUTIONS FOR ONE-STOP EMPLOYMENT CENTERS -- IT IS THE INTENT OF THE GENERAL ASSEMBLY  
15 THAT THE \$7,000,000 REED ACT APPROPRIATION TO THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT IN SENATE BILL  
16 03-207 BE ALLOWED TO ROLL FORWARD TO FY 2003-04 AND FY 2004-05."

17

18 Renumber succeeding section accordingly.

- 1 **HB04-1325** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3  
4
- 5 **HB04-1326** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7  
8
- 9 **HB04-1327** be referred to the Committee of the Whole with favorable  
10 recommendation.  
11  
12
- 13 **HB04-1328** be referred to the Committee of the Whole with favorable  
14 recommendation.  
15  
16
- 17 **HB04-1329** be referred to the Committee of the Whole with favorable  
18 recommendation.  
19  
20
- 21 **HB04-1330** be referred to the Committee of the Whole with favorable  
22 recommendation.  
23  
24
- 25 **HB04-1331** be referred to the Committee of the Whole with favorable  
26 recommendation.  
27  
28
- 29 **HB04-1332** be referred to the Committee of the Whole with favorable  
30 recommendation.  
31  
32
- 33 **HB04-1333** be referred to the Committee of the Whole with favorable  
34 recommendation.  
35  
36
- 37 **HB04-1334** be referred to the Committee of the Whole with favorable  
38 recommendation.  
39  
40
- 41 **HB04-1335** be referred to the Committee of the Whole with favorable  
42 recommendation.  
43  
44
- 45 **HB04-1336** be referred to the Committee of the Whole with favorable  
46 recommendation.  
47  
48
- 49 **HB04-1337** be referred to the Committee of the Whole with favorable  
50 recommendation.  
51  
52
- 53 **HB04-1338** be referred to the Committee of the Whole with favorable  
54 recommendation.  
55  
56

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

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

4  
5 **HB04-1182** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:  
8

9 Amend printed bill, page 2, strike lines 8 and 9 and substitute the  
10 following:

11  
12 "(1) "BOARD" MEANS THE STATE BOARD OF HEALTH IN THE  
13 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.";

14  
15 strike line 18 and substitute the following:

16  
17 "STRUCTURES, AND VEHICLES.";

18  
19 line 21, strike "DEPARTMENT" and substitute "BOARD";

20  
21 strike line 22 and substitute the following:

22  
23 "SHALL PROMULGATE RULES THAT SHALL BE APPROVED BY A JOINT  
24 RESOLUTION OF THE GENERAL ASSEMBLY PRIOR TO IMPLEMENTATION THAT  
25 ESTABLISH STATEWIDE STANDARDS";

26  
27 line 23, strike "DRUG LABORATORIES." and substitute "LABORATORIES  
28 USED TO MANUFACTURE METHAMPHETAMINE.";

29  
30 line 24, strike "REFLECT" and substitute "CONSIDER".

31  
32 Page 3, line 1, after "DEPARTMENT", insert "OF PUBIC HEALTH AND  
33 ENVIRONMENT";

34  
35 line 8, after "PROPERTY,", insert "OR WHEN AN ILLEGAL DRUG  
36 LABORATORY USED TO MANUFACTURE METHAMPHETAMINE IS OTHERWISE  
37 DISCOVERED AND THE PROPERTY OWNER HAS RECEIVED NOTICE,";

38  
39 line 10, strike "DEPARTMENT" and substitute "BOARD";

40  
41 strike lines 11 through 20 and substitute the following:

42  
43 "(2) ONCE A PROPERTY OWNER HAS MET THE CLEANUP STANDARDS  
44 ESTABLISHED BY THE BOARD, AS EVIDENCED BY A TEST PERFORMED BY A  
45 CERTIFIED INDUSTRIAL HYGIENIST AND A COPY OF THE RESULTS PROVIDED  
46 TO THE GOVERNING BODY HAVING JURISDICTION OVER THE AREA WHERE  
47 THE PROPERTY IS LOCATED, COMPLIANCE WITH THE STANDARDS SHALL  
48 ESTABLISH IMMUNITY FOR THE PROPERTY OWNER FROM A SUIT FOR  
49 ALLEGED HEALTH-BASED CIVIL ACTIONS BROUGHT BY ANY FUTURE  
50 OWNER, RENTER, OR OTHER PERSON WHO OCCUPIES SUCH PROPERTY IN  
51 WHICH THE ALLEGED CAUSE OF THE INJURY IS THE EXISTENCE OF THE  
52 ILLEGAL DRUG LABORATORY USED TO MANUFACTURE  
53 METHAMPHETAMINE.".

54  
55  
56

1 **JUDICIARY**

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

4  
5 **HB04-1149** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

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

11  
12 "SECTION 1. 19-5-208 (5), Colorado Revised Statutes, is  
13 amended to read:

14  
15 **19-5-208. Petition for adoption.** (5) In all stepparent, custodial,  
16 and kinship adoptions, the petition shall contain a statement informing the  
17 court whether the prospective adoptive parent was convicted at any time  
18 by a court of competent jurisdiction of a felony OR MISDEMEANOR in one  
19 of the following areas: Child abuse or neglect; spousal abuse; any crime  
20 against a child; ~~or~~ ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH  
21 HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF  
22 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;  
23 VIOLATION OF A PROTECTION ORDER, AS DESCRIBED IN SECTION  
24 18-6-803.5, C.R.S.; any crime involving violence, rape, sexual assault, or  
25 homicide; or ~~other~~ ANY FELONY physical assault or battery. In addition,  
26 the petitioner shall attach to the petition a current criminal HISTORY  
27 records check, paid for by the petitioner.

28  
29 **SECTION 2. Effective date - applicability.** This act shall take  
30 effect July 1, 2004, and shall apply to petitions for adoption filed on or  
31 after said date.

32  
33 **SECTION 3. Safety clause.** The general assembly hereby finds,  
34 determines, and declares that this act is necessary for the immediate  
35 preservation of the public peace, health, and safety."

36  
37  
38 **SB04-061** be referred to the Committee of the Whole with favorable  
39 recommendation.

40  
41  
42 **SB04-067** be amended as follows, and as so amended, be referred to  
43 the Committee of the Whole with favorable  
44 recommendation:

45  
46 Amend reengrossed bill, page 20, line 21, strike "2000" and substitute  
47 "2000".

48  
49  
50 **LOCAL GOVERNMENT**

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

53  
54 **HB04-1155** be amended as follows, and as so amended, be referred to  
55 the Committee of the Whole with favorable  
56 recommendation:

1 Amend printed bill, page 2, line 13, strike "GENERALLY COMPATIBLE  
2 WITH" and substitute "DEVOTED PRIMARILY TO".

3  
4 Page 3, strike lines 7 through 9 and substitute the following:

5  
6 "FROM ADOPTING OR ENFORCING TRAFFIC REGULATIONS THAT ARE EITHER  
7 CONSISTENT WITH THE CUSTOMARY OR REGULAR USE OF THE  
8 RIGHT-OF-WAY OR ARE NECESSARY FOR THE SAFETY OF VEHICULAR AND  
9 PEDESTRIAN TRAFFIC USING THE RIGHT-OF-WAY.";

10  
11 line 11, strike "SIXTY" and substitute "THIRTY";

12  
13 strike lines 14 through 22 and substitute the following:

14  
15 "SHALL SEND NOTICE OF THE PROPOSED ORDINANCE OR REGULATION TO  
16 THE FOLLOWING PERSONS BY MEANS OF THE FOLLOWING METHODS:

17  
18 (I) TO ANY PERSON WHO OWNS PROPERTY IN THE ANNEXED AREA  
19 THAT IS CONTIGUOUS TO THE RIGHT-OF-WAY, BY CERTIFIED MAIL; AND

20  
21 (II) TO SUCH PERSONS AS APPEAR ON A LIST MAINTAINED BY THE  
22 MUNICIPALITY OF INTERESTED PERSONS WHO ARE TO RECEIVE SUCH NOTICE  
23 BY FIRST-CLASS MAIL. THE NAME OF ANY SUCH PERSON SHALL REMAIN ON  
24 THE LIST UNTIL SUCH TIME AS THE PERSON REQUESTS REMOVAL OF THE  
25 PERSON'S NAME FROM THE LIST."

26  
27  
28  
29  
30 **STATE, VETERANS, & MILITARY AFFAIRS**

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

33  
34 **HB04-1045** be postponed indefinitely.

35  
36  
37 **HB04-1120** be postponed indefinitely.

38  
39  
40 **HB04-1146** be postponed indefinitely.

41  
42  
43  
44  
45 **BUSINESS AFFAIRS & LABOR**

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

48  
49 **HB04-1026** be amended as follows, and as so amended, be referred to  
50 the Committee of the Whole with favorable  
51 recommendation:

52  
53 Amend printed bill, page 2, line 4, strike "OFFERS" and substitute "MAKES  
54 AVAILABLE";

55  
56 line 7, strike "TEN THOUSAND DOLLARS AND" and substitute "FIVE

1 THOUSAND DOLLARS, AS WELL AS ANY OTHER BENEFIT DEEMED  
2 APPROPRIATE BY THE INSURER.";

3  
4 line 8, strike "TWENTY-FIVE THOUSAND DOLLARS.";

5  
6 line 9, strike "OFFERED" and substitute "MADE AVAILABLE".

7  
8  
9  
10 **HB04-1079** 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 5, strikes lines 12 through 14;

15  
16 line 15, strike "(D)" and substitute "(C)".

17  
18  
19  
20 **HB04-1114** 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 2, line 9, strike "HEALTH CARE PROVIDER" and  
25 substitute "LICENSED HEALTH CARE PROVIDER, AS DEFINED IN SECTION  
26 10-4-902 (3),";

27  
28 line 12, after "PROFESSIONS.", add "NOTHING IN THIS PART 6 SHALL  
29 PRECLUDE AN INSURANCE COMPANY FROM SETTING DIFFERENT FEE  
30 SCHEDULES IN AN INSURANCE POLICY FOR DIFFERENT SERVICES  
31 PERFORMED BY DIFFERENT PROFESSIONS, BUT THE SAME FEE SCHEDULE  
32 SHALL BE USED FOR THOSE PORTIONS OF HEALTH SERVICES THAT ARE  
33 SUBSTANTIALLY IDENTICAL ALTHOUGH PERFORMED BY DIFFERENT  
34 PROFESSIONS.";

35  
36 line 13, after "claims.", insert "(1)";

37  
38 after line 16, insert the following:

39  
40 "(2) ADJUSTMENTS TO CLAIMS MADE PURSUANT TO A POLICY  
41 PROVIDING FOR MEDICAL PAYMENTS COVERAGE IN CASES WHERE A  
42 CARRIER HAS REPORTED FRAUD OR ABUSE, PURSUANT TO SECTION  
43 10-1-128 (5) (a) (IV), COMMITTED BY THE PROVIDER SHALL NOT BE  
44 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION."

45  
46  
47  
48 **HB04-1161** be amended as follows, and as so amended, be referred to  
49 the Committee on Appropriations with favorable  
50 recommendation:

51  
52 Amend printed bill, page 2, after line 7, insert the following:

53  
54 "SECTION 2. 24-46-105 (2), Colorado Revised Statutes, is  
55 amended to read:

56

1       **24-46-105. Colorado economic development fund - creation -**  
2 **repeal.** (2) (a) The moneys in the fund shall be subject to annual  
3 appropriation by the general assembly, except as provided in subsection  
4 (2.5) of this section, for the purposes of this article. Any moneys not  
5 expended or encumbered from any appropriation at the end of any fiscal  
6 year shall remain available for expenditure in the next fiscal year without  
7 further appropriation. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
8 SUBSECTION (2), any interest earned on the investment or deposit of  
9 moneys in the fund shall not be credited to the general fund of the state  
10 but shall instead be credited to the revolving account created in  
11 subsection (2.5) of this section. Contributions of money, property, or  
12 services may be received from any state agency, county, municipality,  
13 federal agency, person, or corporation for use in carrying out the purposes  
14 of this article.

15  
16       (b) (I) FOR THE FISCAL YEAR 2004-05, THE FIRST FIFTY THOUSAND  
17 DOLLARS OF INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF  
18 MONEYS IN THE FUND SHALL BE CREDITED TO THE MICROENTERPRISE FUND  
19 FOR THE IMPLEMENTATION OF HOUSE BILL 04-1161. ANY INTEREST  
20 ABOVE FIFTY THOUSAND DOLLARS SHALL BE CREDITED TO THE REVOLVING  
21 ACCOUNT CREATED IN SUBSECTION (2.5) OF THIS SECTION.

22  
23       (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2005."

24  
25 Renumber succeeding sections accordingly.

26  
27 Page 5, line 5, strike "general fund" and substitute "microenterprise  
28 training and technical assistance fund created in section 24-46-105.7,  
29 Colorado Revised Statutes,".

30  
31  
32  
33 **HB04-1167** be postponed indefinitely.

34  
35  
36 **HB04-1210** be referred to the Committee of the Whole with favorable  
37 recommendation.

---

### PRINTING REPORT

40  
41  
42 The Chief Clerk reports the following bills have been correctly printed:  
43 **HB04-1341, 1342.**

---

### INTRODUCTION OF BILLS First Reading

46  
47  
48  
49 The following bills were read by title and referred to the committees  
50 indicated:

51  
52 **HB04-1343** by Representative(s) Jahn--Concerning the preclusion of  
53 the issuance of a court order nunc pro tunc when the order  
54 contains determinations that establish a child's eligibility  
55 under Title IV-E of the federal "Social Security Act".  
56 Committee on Health, Environment, Welfare, & Institutions

- 1 **HB04-1344** by Representative(s) May M.--Concerning the ability of  
2 landowners to petition to be included in the Denver  
3 metropolitan scientific and cultural facilities district.  
4 Committee on Local Government  
5  
6 **HB04-1345** by Representative(s) May M., Pommer, Boyd, Briggs,  
7 Crane, Frangas, Lundberg, Marshall, Stafford; also  
8 Senator(s) McElhany, Evans, Fitz-Gerald, Owen--  
9 Concerning an increase in customers' ability to choose a  
10 telecommunications local exchange provider.  
11 Committee on Transportation & Energy  
12  
13 **HB04-1346** by Representative(s) May M., Harvey, Brophy--  
14 Concerning authorization for a candidate for director of a  
15 school district to have such candidate's political affiliation  
16 listed on the ballot.  
17 Committee on State, Veterans, & Military Affairs  
18  
19 **SB04-057** by Senator(s) Johnson S.; also Representative(s) Johnson  
20 R.--Concerning the provision of information on  
21 meningococcal disease to students at postsecondary  
22 institutions.  
23 Committee on Health, Environment, Welfare, & Institutions  
24  
25  
26

## INTRODUCTION OF RESOLUTIONS

- 27  
28  
29 The following resolution was read by title and referred to the committee  
30 indicated:  
31  
32 **HJR04-1010** by Representative(s) Butcher, Paccione--Concerning an  
33 analysis of the feasibility of a passenger rail service along  
34 the Front Range area by the Colorado Department of  
35 Transportation.  
36 Committee on Transportation & Energy  
37  
38

- 39 The following resolution was read by title and laid over one day under the  
40 rules:  
41  
42 **HJR04-1011** by Representative(s) Borodkin, Berry, Boyd, Butcher,  
43 Decker, Hefley, Hodge, Jahn, Judd, Larson, Miller,  
44 Paccione, Rhodes, Rose, Tochtrop, Witwer; also  
45 Senator(s) Fitz-Gerald--Concerning American Heart  
46 Month and "Go Red for Women Day".  
47  
48

## LAY OVER OF CALENDAR ITEMS

- 49  
50  
51 On motion of Representative King, the following items on the Calendar  
52 were laid over until February 5, retaining place on Calendar:  
53  
54 Consideration of Resolutions--**HJR04-1007, 1008, 1009.**  
55  
56



1 On motion of Representative King, the House adjourned until 9:00 a.m.,  
2 February 5, 2004.

3

4

Approved:

5

6

7

8

LOLA SPRADLEY,  
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,  
13 Chief Clerk