

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

Forty-fourth Legislative Day

Thursday, February 19, 2004

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

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

5  
6 Pledge of Allegiance led by Mike Dowdy, Developmental Disabilities  
7 Community Centered Day, Cañon City.

8  
9 The roll was called with the following result:

10  
11 Present--62.  
12 Excused--Representatives Fairbank, Stafford--2.  
13 Absent--Representative Pommer--1.  
14 Present after roll call--Representative Pommer.

15  
16 The Speaker declared a quorum present.

17 \_\_\_\_\_

18  
19  
20 On motion of Representative McGihon, the reading of the journal of  
21 February 18, 2004, was declared dispensed with and approved as  
22 corrected by the Chief Clerk.

23  
24 \_\_\_\_\_

25  
26  
27 **CONSIDERATION OF RESOLUTIONS**

28  
29 **HJR04-1016** by Representative(s) Spradley; also Senator(s) Hillman--  
30 Concerning Developmental Disabilities Community  
31 Centered Day.

32  
33 (Printed and placed in member's file.)

34  
35 On motion of Representative Spradley, the resolution was read at length  
36 and **adopted** by **viva voce** vote.

37  
38 Co-sponsors added: Roll Call of the House.

39  
40

1 **HJR04-1014** by Representative(s) Hoppe, Larson; also Senator(s) Entz,  
 2 Isgar--Concerning the recognition of the 125th anniversary  
 3 of the creation of the position of water commissioner and  
 4 the first ten water districts.

5  
 6 (Printed and placed in member's file.)  
 7

8 On motion of Representative Hoppe, the resolution was read at length and  
 9 **adopted by viva voce** vote.

10  
 11 Co-sponsors added: Roll Call of the House.  
 12  
 13  
 14

### 15 **THIRD READING OF BILLS--FINAL PASSAGE**

16  
 17 The following bills were considered on Third Reading. The titles were  
 18 publicly read. Reading of the bill at length was dispensed with by  
 19 unanimous consent.  
 20

21 **HB04-1159** by Representative(s) Decker, White, Briggs, Brophy,  
 22 Hefley; also Senator Evans--Concerning the modification of  
 23 the "Colorado Uniform Jury Selection and Service Act".  
 24

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

26 A roll call vote was taken. As shown by the following recorded vote, a  
 27 majority of those elected to the House voted in the affirmative and the bill  
 28 was declared **passed**.  
 29

| 30 | YES      | 56 | NO       | 07 | EXCUSED    | 02 | ABSENT      | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 31 | Berry    | Y  | Garcia   | Y  | McCluskey  | Y  | Sinclair    | Y  |
| 32 | Borodkin | Y  | Hall     | Y  | McFadyen   | Y  | Smith       | Y  |
| 33 | Boyd     | Y  | Harvey   | Y  | McGihon    | N  | Spence      | Y  |
| 34 | Briggs   | Y  | Hefley   | Y  | Merrifield | Y  | Stafford    | E  |
| 35 | Brophy   | Y  | Hodge    | Y  | Miller     | Y  | Stengel     | Y  |
| 36 | Butcher  | Y  | Hoppe    | Y  | Mitchell   | Y  | Tochtrop    | Y  |
| 37 | Cadman   | Y  | Jahn     | Y  | Paccione   | Y  | Vigil       | Y  |
| 38 | Carroll  | Y  | Johnson  | Y  | Plant      | Y  | Weddig      | Y  |
| 39 | Cerbo    | N  | Judd     | N  | Pommer     | Y  | Weissmann   | Y  |
| 40 | Clapp    | Y  | King     | Y  | Ragsdale   | Y  | Welker      | Y  |
| 41 | Cloer    | N  | Larson   | Y  | Rhodes     | Y  | White       | Y  |
| 42 | Coleman  | Y  | Lee      | N  | Rippy      | Y  | Wiens       | Y  |
| 43 | Crane    | Y  | Lundberg | Y  | Romanoff   | Y  | Williams S. | Y  |
| 44 | Decker   | Y  | Madden   | N  | Rose       | Y  | Williams T. | Y  |
| 45 | Fairbank | E  | Marshall | Y  | Salazar    | Y  | Witwer      | Y  |
| 46 | Frangas  | Y  | May      | Y  | Schultheis | N  | Young       | Y  |
| 47 |          |    |          |    |            |    | Speaker     | Y  |

48 Co-sponsors added: Representative Hoppe.  
 49  
 50

51 **HB04-1216** by Representative(s) Rhodes, Hefley; also Senator(s)  
 52 Dyer--Concerning the repeal of authority to provide pre-  
 53 birth notice to the parent of a child whose other parent is  
 54 relinquishing the parent-child legal relationship by means  
 55 of the expedited relinquishment process.  
 56

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

|    | YES      | 63 | NO       | 00 | EXCUSED    | 02 | ABSENT      | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 7  | Berry    | Y  | Garcia   | Y  | McCluskey  | Y  | Sinclair    | Y  |
| 8  | Borodkin | Y  | Hall     | Y  | McFadyen   | Y  | Smith       | Y  |
| 9  | Boyd     | Y  | Harvey   | Y  | McGihon    | Y  | Spence      | Y  |
| 10 | Briggs   | Y  | Hefley   | Y  | Merrifield | Y  | Stafford    | E  |
| 11 | Brophy   | Y  | Hodge    | Y  | Miller     | Y  | Stengel     | Y  |
| 12 | Butcher  | Y  | Hoppe    | Y  | Mitchell   | Y  | Tochtrop    | Y  |
| 13 | Cadman   | Y  | Jahn     | Y  | Paccione   | Y  | Vigil       | Y  |
| 14 | Carroll  | Y  | Johnson  | Y  | Plant      | Y  | Weddig      | Y  |
| 15 | Cerbo    | Y  | Judd     | Y  | Pommer     | Y  | Weissmann   | Y  |
| 16 | Clapp    | Y  | King     | Y  | Ragsdale   | Y  | Welker      | Y  |
| 17 | Cloer    | Y  | Larson   | Y  | Rhodes     | Y  | White       | Y  |
| 18 | Coleman  | Y  | Lee      | Y  | Rippy      | Y  | Wiens       | Y  |
| 19 | Crane    | Y  | Lundberg | Y  | Romanoff   | Y  | Williams S. | Y  |
| 20 | Decker   | Y  | Madden   | Y  | Rose       | Y  | Williams T. | Y  |
| 21 | Fairbank | E  | Marshall | Y  | Salazar    | Y  | Witwer      | Y  |
| 22 | Frangas  | Y  | May      | Y  | Schultheis | Y  | Young       | Y  |
| 23 |          |    |          |    |            |    | Speaker     | Y  |

24 Co-sponsors added: Representatives Boyd, Crane, Jahn, Lee, White.

25  
 26 **HB04-1308** by Representative(s) Cloer, Jahn, King, Paccione,  
 27 Spradley, White, Lundberg, Schultheis, Boyd, Butcher,  
 28 Fairbank, Miller, Mitchell; also Senator Lamborn--  
 29 Concerning the requirement of pedigree papers for the  
 30 distribution of prescription drugs.

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

|    | YES      | 56 | NO       | 07 | EXCUSED    | 02 | ABSENT      | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 37 | Berry    | Y  | Garcia   | Y  | McCluskey  | Y  | Sinclair    | Y  |
| 38 | Borodkin | Y  | Hall     | Y  | McFadyen   | Y  | Smith       | Y  |
| 39 | Boyd     | Y  | Harvey   | Y  | McGihon    | N  | Spence      | Y  |
| 40 | Briggs   | Y  | Hefley   | Y  | Merrifield | Y  | Stafford    | E  |
| 41 | Brophy   | N  | Hodge    | Y  | Miller     | Y  | Stengel     | Y  |
| 42 | Butcher  | Y  | Hoppe    | Y  | Mitchell   | Y  | Tochtrop    | Y  |
| 43 | Cadman   | Y  | Jahn     | Y  | Paccione   | Y  | Vigil       | Y  |
| 44 | Carroll  | Y  | Johnson  | Y  | Plant      | N  | Weddig      | Y  |
| 45 | Cerbo    | Y  | Judd     | Y  | Pommer     | N  | Weissmann   | Y  |
| 46 | Clapp    | Y  | King     | Y  | Ragsdale   | Y  | Welker      | Y  |
| 47 | Cloer    | Y  | Larson   | Y  | Rhodes     | Y  | White       | Y  |
| 48 | Coleman  | Y  | Lee      | Y  | Rippy      | Y  | Wiens       | Y  |
| 49 | Crane    | Y  | Lundberg | Y  | Romanoff   | Y  | Williams S. | Y  |
| 50 | Decker   | Y  | Madden   | N  | Rose       | Y  | Williams T. | Y  |
| 51 | Fairbank | E  | Marshall | Y  | Salazar    | N  | Witwer      | Y  |
| 52 | Frangas  | Y  | May      | Y  | Schultheis | N  | Young       | Y  |
| 53 |          |    |          |    |            |    | Speaker     | Y  |

54 Co-sponsors added: Representatives Carroll, Coleman, Hefley, Hoppe,  
 55 McFadyen, Rose, Stengel.

56 Representative Schultheis requested his name be removed as sponsor.

1 **HB04-1263** by Representative(s) Lundberg, Schultheis, May M.,  
 2 Brophy, Cloer, Frangas, Hall, Harvey, Lee, Miller, Rippy,  
 3 Rose, Spradley, Tochtrop, Welker; also Senator(s) Cairns-  
 4 -Concerning the removal of the requirement under  
 5 Colorado law for submission of a social security number  
 6 on an application for a license issued by the division of  
 7 wildlife.  
 8

9 The question being "Shall the bill pass?".  
 10 A roll call vote was taken. As shown by the following recorded vote, a  
 11 majority of those elected to the House voted in the affirmative and the bill  
 12 was declared **passed**.  
 13

| YES      | 63 | NO       | 00 | EXCUSED    | 02 | 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    | E  |
| 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 | E  | Marshall | Y  | Salazar    | Y  | Witwer      | Y  |
| Frangas  | Y  | May      | Y  | Schultheis | Y  | Young       | Y  |
|          |    |          |    |            |    | Speaker     | Y  |

32 Co-sponsors added: Representatives Hefley, Hoppe, McFadyen, Paccione,  
 33 Rhodes, Salazar, Spence, Wiens, Williams S., Williams T.  
 34

35 **HB04-1107** by Representative(s) Berry; also Senator(s) Reeves--Concerning  
 36 the transfer of the office of homeless youth services from the  
 37 department of public health and environment to the department  
 38 of human services, and making an appropriation in connection  
 39 therewith.  
 40

41 The question being "Shall the bill pass?".  
 42 A roll call vote was taken. As shown by the following recorded vote, a majority  
 43 of those elected to the House voted in the affirmative and the bill was declared  
 44 **passed**.  
 45

| YES      | 63 | NO      | 00 | EXCUSED    | 02 | 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  | E  |
| 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  |

|   |          |   |          |   |            |   |             |   |
|---|----------|---|----------|---|------------|---|-------------|---|
| 1 | Cloer    | Y | Larson   | Y | Rhodes     | Y | White       | Y |
| 2 | Coleman  | Y | Lee      | Y | Rippy      | Y | Wiens       | Y |
| 3 | Crane    | Y | Lundberg | Y | Romanoff   | Y | Williams S. | Y |
| 4 | Decker   | Y | Madden   | Y | Rose       | Y | Williams T. | Y |
| 5 | Fairbank | E | Marshall | Y | Salazar    | Y | Witwer      | Y |
| 6 | Frangas  | Y | May      | Y | Schultheis | Y | Young       | Y |
| 7 |          |   |          |   |            |   | Speaker     | Y |

8 Co-sponsors added: Representatives Borodkin, Boyd, Carroll, Crane, Hefley,  
9 Madden, McGihon, Merrifield, Mitchell, Paccione, Salazar, Tochtrop, Vigil,  
10 Welker, Williams S.

11  
12 **HB04-1147** by Representative(s) Hall, Brophy, Briggs, Hoppe,  
13 Johnson R., King, McCluskey, Rose; also Senator(s)  
14 Hillman--Concerning the creation of an environmental  
15 management system permit pilot program.

16  
17 The question being "Shall the bill pass?".

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

|    |          |    |          |    |            |    |             |    |
|----|----------|----|----------|----|------------|----|-------------|----|
| 21 |          |    |          |    |            |    |             |    |
| 22 | YES      | 54 | NO       | 09 | EXCUSED    | 02 | ABSENT      | 00 |
| 23 | Berry    | Y  | Garcia   | Y  | McCluskey  | Y  | Sinclair    | Y  |
| 24 | Borodkin | Y  | Hall     | Y  | McFadyen   | Y  | Smith       | Y  |
| 25 | Boyd     | Y  | Harvey   | Y  | McGihon    | Y  | Spence      | Y  |
| 26 | Briggs   | Y  | Hefley   | Y  | Merrifield | N  | Stafford    | E  |
| 27 | Brophy   | Y  | Hodge    | Y  | Miller     | Y  | Stengel     | Y  |
| 28 | Butcher  | N  | Hoppe    | Y  | Mitchell   | Y  | Tochtrop    | Y  |
| 29 | Cadman   | Y  | Jahn     | Y  | Paccione   | Y  | Vigil       | N  |
| 30 | Carroll  | Y  | Johnson  | Y  | Plant      | N  | Weddig      | Y  |
| 31 | Cerbo    | N  | Judd     | N  | Pommer     | N  | Weissmann   | N  |
| 32 | Clapp    | Y  | King     | Y  | Ragsdale   | N  | Welker      | Y  |
| 33 | Cloer    | Y  | Larson   | Y  | Rhodes     | Y  | White       | Y  |
| 34 | Coleman  | Y  | Lee      | Y  | Rippy      | Y  | Wiens       | Y  |
| 35 | Crane    | Y  | Lundberg | Y  | Romanoff   | Y  | Williams S. | Y  |
| 36 | Decker   | Y  | Madden   | Y  | Rose       | Y  | Williams T. | Y  |
| 37 | Fairbank | E  | Marshall | Y  | Salazar    | Y  | Witwer      | Y  |
| 38 | Frangas  | Y  | May      | Y  | Schultheis | Y  | Young       | Y  |
| 39 |          |    |          |    |            |    | Speaker     | Y  |

40 Co-sponsors added: Representatives Cadman, Crane, Decker, Frangas, Hefley,  
41 Miller, Mitchell, Rippy, Welker, Williams T., Young.

42  
43  
44 **HB04-1265** by Representative(s) Witwer, Plant, Young; also  
45 Senator(s) Reeves, Owen, Teck--Concerning the transfer  
46 of the administration of community mental health services  
47 to specified medical assistance recipients from the  
48 department of human services to the department of health  
49 care policy and financing.

50  
51 The question being "Shall the bill pass?".

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

55

|    | YES      | 63 | NO       | 00 | EXCUSED    | 02 | 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    | E  |
| 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   | Y  |
| 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 | E  | Marshall | Y  | Salazar    | Y  | Witwer      | Y  |
| 17 | Frangas  | Y  | May      | Y  | Schultheis | Y  | Young       | Y  |
| 18 |          |    |          |    |            |    | Speaker     | Y  |

19 Co-sponsors added: Representatives Hefley, Hoppe, McGihon, Rose, Weddig.

20  
 21 **SB04-004** by Senator(s) May R.; also Representative(s) Spence--  
 22 Concerning the statewide tolling enterprise, and, in  
 23 connection therewith, clarifying the division of  
 24 responsibilities between the board of the enterprise and the  
 25 transportation commission with respect to the operation of  
 26 the enterprise.

27  
 28 The question being "Shall the bill pass?".

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

|    | YES      | 63 | NO       | 00 | EXCUSED    | 02 | ABSENT      | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 33 |          |    |          |    |            |    |             |    |
| 34 | Berry    | Y  | Garcia   | Y  | McCluskey  | Y  | Sinclair    | Y  |
| 35 | Borodkin | Y  | Hall     | Y  | McFadyen   | Y  | Smith       | Y  |
| 36 | Boyd     | Y  | Harvey   | Y  | McGihon    | Y  | Spence      | Y  |
| 37 | Briggs   | Y  | Hefley   | Y  | Merrifield | Y  | Stafford    | E  |
| 38 | Brophy   | Y  | Hodge    | Y  | Miller     | Y  | Stengel     | Y  |
| 39 | Butcher  | Y  | Hoppe    | Y  | Mitchell   | Y  | Tochtrop    | Y  |
| 40 | Cadman   | Y  | Jahn     | Y  | Paccione   | Y  | Vigil       | Y  |
| 41 | Carroll  | Y  | Johnson  | Y  | Plant      | Y  | Weddig      | Y  |
| 42 | Cerbo    | Y  | Judd     | Y  | Pommer     | Y  | Weissmann   | Y  |
| 43 | Clapp    | Y  | King     | Y  | Ragsdale   | Y  | Welker      | Y  |
| 44 | Cloer    | Y  | Larson   | Y  | Rhodes     | Y  | White       | Y  |
| 45 | Coleman  | Y  | Lee      | Y  | Rippy      | Y  | Wiens       | Y  |
| 46 | Crane    | Y  | Lundberg | Y  | Romanoff   | Y  | Williams S. | Y  |
| 47 | Decker   | Y  | Madden   | Y  | Rose       | Y  | Williams T. | Y  |
| 48 | Fairbank | E  | Marshall | Y  | Salazar    | Y  | Witwer      | Y  |
| 49 | Frangas  | Y  | May      | Y  | Schultheis | Y  | Young       | Y  |
| 50 |          |    |          |    |            |    | Speaker     | Y  |

51 Co-sponsors added: Representatives Brophy, Cadman, Harvey, Hefley,  
 52 McFadyen, Welker.

53  
 54  
 55

1 **HB04-1017** by Representative(s) Berry, Borodkin, Larson, McFadyen,  
 2 Pommer, Spence, Stafford, Welker, Williams S.; also  
 3 Senator(s) May R., Isgar--Concerning the age at which a  
 4 person may lawfully drive a motor vehicle.  
 5

6 The question being "Shall the bill pass?".  
 7 A roll call vote was taken. As shown by the following recorded vote, a  
 8 majority of those elected to the House voted in the affirmative and the bill  
 9 was declared **passed**.  
 10

| YES      | 63 | NO       | 00 | EXCUSED    | 02 | 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    | E  |
| 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 | E  | Marshall | Y  | Salazar    | Y  | Witwer      | Y  |
| Frangas  | Y  | May      | Y  | Schultheis | Y  | Young       | Y  |
|          |    |          |    |            |    | Speaker     | Y  |

29 Co-sponsors added: Representatives Boyd, Carroll, Frangas, Hall, Lee, Madden,  
 30 Marshall, May, Merrifield, Romanoff, Sinclair, Tochtrop, Vigil, Weddig.  
 31

32 **HB04-1225** by Representative(s) Berry, Spradley, Romanoff, Boyd,  
 33 Cloer, Stafford; also Senator(s) Sandoval, Jones--  
 34 Concerning the "Low-income Energy Assistance Act".  
 35

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

| YES      | 45 | NO       | 18 | EXCUSED    | 02 | ABSENT      | 00 |
|----------|----|----------|----|------------|----|-------------|----|
| Berry    | Y  | Garcia   | Y  | McCluskey  | Y  | Sinclair    | Y  |
| Borodkin | Y  | Hall     | Y  | McFadyen   | Y  | Smith       | Y  |
| Boyd     | Y  | Harvey   | N  | McGihon    | Y  | Spence      | Y  |
| Briggs   | Y  | Hefley   | N  | Merrifield | Y  | Stafford    | E  |
| Brophy   | Y  | Hodge    | Y  | Miller     | N  | Stengel     | N  |
| Butcher  | Y  | Hoppe    | Y  | Mitchell   | Y  | Tochtrop    | Y  |
| Cadman   | N  | Jahn     | Y  | Paccione   | Y  | Vigil       | Y  |
| Carroll  | Y  | Johnson  | Y  | Plant      | Y  | Weddig      | Y  |
| Cerbo    | Y  | Judd     | Y  | Pommer     | Y  | Weissmann   | Y  |
| Clapp    | N  | King     | N  | Ragsdale   | N  | Welker      | N  |
| Cloer    | Y  | Larson   | Y  | Rhodes     | N  | White       | Y  |
| Coleman  | N  | Lee      | N  | Rippy      | Y  | Wiens       | Y  |
| Crane    | N  | Lundberg | N  | Romanoff   | Y  | Williams S. | Y  |
| Decker   | Y  | Madden   | Y  | Rose       | Y  | Williams T. | Y  |
| Fairbank | E  | Marshall | Y  | Salazar    | Y  | Witwer      | N  |

|   |         |   |     |   |            |   |         |   |
|---|---------|---|-----|---|------------|---|---------|---|
| 1 | Frangas | Y | May | N | Schultheis | N | Young   | N |
| 2 |         |   |     |   |            |   | Speaker | Y |

3 Co-sponsors added: Representatives Borodkin, Carroll, Hodge, Madden,  
4 Marshall, McFadyen, McGihon, Paccione, Plant, Salazar, Tochtrop, Vigil,  
5 Weddig, Weissmann.

## REPORTS OF COMMITTEES OF REFERENCE

### AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

15 **HB04-1151** be amended as follows, and as so amended, be referred to  
16 the Committee of the Whole with favorable  
17 recommendation:

19 Amend printed bill, strike everything below the enacting clause and  
20 substitute the following:

22 "SECTION 1. 23-30-310, Colorado Revised Statutes, is amended  
23 to read:

#### **23-30-310. Wildfire emergency response fund - creation.**

26 (1) There is hereby created in the state treasury the wildfire emergency  
27 response fund, which shall be administered by the Colorado state forest  
28 service. THE COLORADO STATE FOREST SERVICE IS AUTHORIZED TO SEEK  
29 AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM  
30 PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. The  
31 fund shall consist of all moneys that may be appropriated thereto by the  
32 general assembly AND ALL PRIVATE AND PUBLIC FUNDS RECEIVED  
33 THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS THAT ARE  
34 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND. All  
35 interest earned from the investment of moneys in the fund shall be  
36 credited to the fund. The moneys in the fund are hereby continuously  
37 appropriated for the purposes indicated in ~~subsection (2)~~ of this section.  
38 Any moneys not expended at the end of the fiscal year shall remain in the  
39 fund and shall not be transferred to or revert to the general fund.

42 (2) The Colorado state forest service shall use the moneys in the  
43 wildfire emergency response fund to provide funding or reimbursement  
44 for the first aerial tanker flight OR THE FIRST HOUR OF A FIREFIGHTING  
45 HELICOPTER to a wildfire at the request of any county sheriff, municipal  
46 fire department, or fire protection district.

48 (3) (a) TO EFFECTIVELY IMPLEMENT THE PROVISIONS OF THIS  
49 SECTION AND TO PROVIDE RECOMMENDATIONS TO THE GOVERNOR  
50 RELATED TO USE OF THE DISASTER EMERGENCY FUND PURSUANT TO  
51 SECTION 24-32-2106, C.R.S., THE STATE FORESTER, A REPRESENTATIVE OF  
52 THE COUNTY SHERIFFS OF COLORADO, A REPRESENTATIVE OF THE  
53 COLORADO STATE FIRE CHIEFS' ASSOCIATION, THE DIRECTOR OF THE  
54 OFFICE OF EMERGENCY MANAGEMENT, AND THE ADJUTANT GENERAL OR  
55 HIS OR HER DESIGNEE SHALL COLLABORATE TO DEVELOP AN INITIAL  
56 AERIAL ATTACK PLAN DESIGNED TO ADDRESS THE AVAILABILITY OF  
APPROPRIATE AERIAL FIREFIGHTING RESOURCES FOR THE INITIAL AERIAL



1 ATTACK OF A WILDFIRE. THE INITIAL AERIAL ATTACK PLAN SHALL INCLUDE  
2 RECOMMENDATIONS THAT ADDRESS THE FOLLOWING:

3  
4 (I) THE AMOUNT OF AERIAL FIREFIGHTING RESOURCES NECESSARY  
5 FOR THE STATE OF COLORADO AT TIMES OF HIGH AND LOW WILDFIRE RISK;

6  
7 (II) THE AVAILABILITY OF APPROPRIATE AERIAL FIREFIGHTING  
8 EQUIPMENT AND PERSONNEL AT TIMES OF HIGH FIRE RISK TO RESPOND TO  
9 A WILDFIRE; AND

10  
11 (III) A PROCESS FOR ORDERING AND DISPATCHING AERIAL  
12 FIREFIGHTING EQUIPMENT AND PERSONNEL THAT IS CONSISTENT WITH, AND  
13 SUPPORTIVE OF, THE STATEWIDE MOBILIZATION PLAN PREPARED PURSUANT  
14 TO SECTION 24-33.5-1210, C.R.S.

15  
16 (b) THE INITIAL AERIAL ATTACK PLAN RECOMMENDATIONS  
17 DEVELOPED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL  
18 BE COMPLETED NO LATER THAN SEPTEMBER 1, 2004, AND UPDATED EACH  
19 SEPTEMBER 1 THEREAFTER. THE STATE FORESTER SHALL SUBMIT A  
20 WRITTEN REPORT OF THE INITIAL AERIAL ATTACK PLAN TO THE GOVERNOR  
21 AND THE MEMBERS OF THE GENERAL ASSEMBLY NO LATER THAN  
22 SEPTEMBER 15, 2004, AND BY EACH SEPTEMBER 15 THEREAFTER.

23  
24 (c) THE STATE FORESTER, THE REPRESENTATIVE OF THE COUNTY  
25 SHERIFFS OF COLORADO, THE REPRESENTATIVE OF THE COLORADO STATE  
26 FIRE CHIEFS' ASSOCIATION, THE DIRECTOR OF THE OFFICE OF EMERGENCY  
27 MANAGEMENT, AND THE ADJUTANT GENERAL OR HIS OR HER DESIGNEE  
28 SHALL NOT RECEIVE ADDITIONAL COMPENSATION FOR THE  
29 COLLABORATION REQUIRED BY THIS SUBSECTION (3) FOR THE  
30 DEVELOPMENT OF THE INITIAL AERIAL ATTACK PLAN.

31  
32 **SECTION 2. Safety clause.** The general assembly hereby finds,  
33 determines, and declares that this act is necessary for the immediate  
34 preservation of the public peace, health, and safety."

35  
36  
37  
38 **HB04-1279** be amended as follows, and as so amended, be referred to  
39 the Committee on Appropriations with favorable  
40 recommendation:

41  
42 Amend printed bill, strike everything below the enacting clause and  
43 substitute the following:

44  
45 "SECTION 1. Part 1 of article 21 of title 13, Colorado Revised  
46 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
47 read:

48  
49 **13-21-122. Civil actions against dog owners.** (1) AS USED IN  
50 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

51  
52 (a) "BODILY INJURY" MEANS ANY PHYSICAL INJURY THAT RESULTS  
53 IN SEVERE BRUISING, MUSCLE TEARS, OR SKIN LACERATIONS REQUIRING  
54 PROFESSIONAL MEDICAL TREATMENT OR ANY PHYSICAL INJURY THAT  
55 REQUIRES CORRECTIVE OR COSMETIC SURGERY.

56

1 (b) "DOG" MEANS ANY DOMESTICATED ANIMAL RELATED TO THE  
2 FOX, WOLF, COYOTE, OR JACKAL.

3  
4 (c) "DOG OWNER" MEANS A PERSON, FIRM, CORPORATION, OR  
5 ORGANIZATION OWNING, POSSESSING, HARBORING, KEEPING, HAVING  
6 FINANCIAL OR PROPERTY INTEREST IN, OR HAVING CONTROL OR CUSTODY  
7 OF, A DOG.

8  
9 (d) "SERIOUS BODILY INJURY" HAS THE SAME MEANING AS SET  
10 FORTH IN SECTION 18-1-901 (3) (p), C.R.S.

11  
12 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
13 SECTION, A PERSON OR A PERSONAL REPRESENTATIVE OF A PERSON WHO  
14 SUFFERS BODILY INJURY, SERIOUS BODILY INJURY, OR DEATH FROM BEING  
15 BITTEN BY A DOG WHILE LAWFULLY ON PUBLIC OR PRIVATE PROPERTY AS  
16 A RESULT OF THE NEGLIGENCE OF THE DOG OWNER SHALL BE ENTITLED TO  
17 BRING A CIVIL ACTION TO RECOVER DAMAGES AGAINST THE DOG OWNER  
18 REGARDLESS OF THE VICIOUSNESS OR DANGEROUS PROPENSITIES OF THE  
19 DOG OR THE DOG OWNER'S KNOWLEDGE OR LACK OF KNOWLEDGE OF THE  
20 DOG'S VICIOUSNESS OR DANGEROUS PROPENSITIES.

21  
22 (3) (a) IN ANY CASE DESCRIBED IN SUBSECTION (2) OF THIS SECTION  
23 IN WHICH IT IS ALLEGED AND PROVED THAT THE DOG OWNER HAD  
24 KNOWLEDGE OR NOTICE OF THE DOG'S VICIOUSNESS OR DANGEROUS  
25 PROPENSITIES:

26  
27 (I) THE REQUIREMENT OF NEGLIGENCE SHALL NOT APPLY AND THE  
28 DOG OWNER SHALL BE LIABLE TO THE VICTIM OR VICTIM'S ESTATE FOR THE  
29 VICTIM'S PRESENT AND FUTURE COSTS OF MEDICAL CARE THAT WERE OR  
30 WILL BE INCURRED AS A RESULT OF THE DOG BITING INCIDENT THAT IS THE  
31 SUBJECT OF THE CIVIL ACTION; AND

32  
33 (II) THE COURT, UPON A MOTION MADE BY THE VICTIM OR THE  
34 PERSONAL REPRESENTATIVE OF THE VICTIM, MAY ENTER AN ORDER THAT  
35 THE DOG BE EUTHANIZED BY A LICENSED VETERINARIAN OR LICENSED  
36 SHELTER AT THE EXPENSE OF THE DOG OWNER.

37  
38 (b) THE VICTIM OR VICTIM'S ESTATE MAY RECOVER DAMAGES NOT  
39 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) BY PROCEEDING IN  
40 ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION.

41  
42 (4) FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE DEEMED  
43 TO BE LAWFULLY ON PUBLIC OR PRIVATE PROPERTY IF HE OR SHE IS IN THE  
44 PERFORMANCE OF A DUTY IMPOSED UPON HIM OR HER BY LOCAL, STATE OR  
45 FEDERAL LAWS OR REGULATIONS OR IF HE OR SHE IS ON PROPERTY UPON  
46 EXPRESS OR IMPLIED INVITATION OF THE OWNER OF THE PROPERTY OR IS  
47 ON HIS OR HER OWN PROPERTY.

48  
49 (5) A DOG OWNER SHALL NOT BE LIABLE TO A PERSON WHO  
50 SUFFERS BODILY INJURY, SERIOUS BODILY INJURY, OR DEATH FROM BEING  
51 BITTEN BY THE DOG:

52  
53 (a) WHILE THE PERSON IS UNLAWFULLY ON PUBLIC OR PRIVATE  
54 PROPERTY;

55  
56 (b) WHILE THE PERSON IS ON PROPERTY OF THE DOG OWNER AND

1 THE PROPERTY IS CLEARLY AND CONSPICUOUSLY MARKED WITH ONE OR  
2 MORE POSTED SIGNS STATING "NO TRESPASSING" OR "BEWARE OF DOG";  
3

4 (c) WHILE THE DOG IS BEING USED BY A PEACE OFFICER OR  
5 MILITARY PERSONNEL IN THE PERFORMANCE OF PEACE OFFICER OR  
6 MILITARY PERSONNEL DUTIES;  
7

8 (d) AS A RESULT OF THE PERSON KNOWINGLY PROVOKING THE  
9 DOG;  
10

11 (e) IF THE PERSON IS A VETERINARY HEALTH CARE WORKER, DOG  
12 GROOMER, HUMANE AGENCY STAFF PERSON, PROFESSIONAL DOG HANDLER,  
13 TRAINER, OR DOG SHOW JUDGE ACTING IN THE PERFORMANCE OF HIS OR  
14 HER RESPECTIVE DUTIES; OR  
15

16 (f) WHILE THE DOG IS WORKING AS A HUNTING DOG, HERDING DOG,  
17 OR PREDATOR CONTROL DOG ON THE PROPERTY OF OR UNDER THE  
18 CONTROL OF THE DOG'S OWNER.  
19

20 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:  
21

22 (a) AFFECT ANY OTHER CAUSE OF ACTION PREDICATED ON  
23 NEGLIGENCE, INTENTIONAL TORT, OUTRAGEOUS CONDUCT, OR OTHER  
24 THEORIES;  
25

26 (b) AFFECT THE PROVISIONS OF ANY OTHER CRIMINAL OR CIVIL  
27 STATUTE GOVERNING THE REGULATION OF DOGS; OR  
28

29 (c) ABROGATE ANY PROVISION OF THE "COLORADO  
30 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.  
31

32 **SECTION 2.** 18-9-204.5 (1) and (5), Colorado Revised Statutes,  
33 are amended to read:  
34

35 **18-9-204.5. Unlawful ownership of dangerous dog.** (1) The  
36 general assembly hereby finds, determines, and declares that:  
37

38 (a) Dangerous dogs are a serious and widespread threat to the  
39 safety and welfare of citizens throughout the state because of the number  
40 and serious nature of attacks by such dogs; AND  
41

42 (b) THE REGULATION AND CONTROL OF DANGEROUS DOGS IS A  
43 MATTER OF STATEWIDE CONCERN.  
44

45 (5) (a) Nothing in this section shall be construed to prohibit a  
46 municipality from adopting any rule or law for the control of dangerous  
47 dogs; EXCEPT THAT ANY SUCH RULE OR LAW SHALL NOT REGULATE  
48 DANGEROUS DOGS IN A MANNER THAT IS SPECIFIC TO BREED.  
49

50 (b) Nothing in this section shall be construed to abrogate a  
51 county's authority under part 1 of article 15 of title 30, C.R.S., to adopt  
52 dog control and licensing resolutions and to impose the penalties set forth  
53 in section 30-15-102, C.R.S.; EXCEPT THAT ANY SUCH RESOLUTION SHALL  
54 NOT REGULATE DANGEROUS DOGS IN A MANNER THAT IS SPECIFIC TO  
55 BREED.  
56

1       **SECTION 3. Effective date - applicability.** This act shall take  
2 effect July 1, 2004, and shall apply to offenses, acts, and omissions  
3 committed on or after said date.  
4

5       **SECTION 4. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.”.  
8  
9

10  
11 **HB04-1302** be postponed indefinitely.  
12  
13  
14  
15

16 **EDUCATION**

17 After consideration on the merits, the Committee recommends the  
18 following:  
19

20 **HB04-1350** 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 3, line 13, strike "OR TRUST COMPANY".  
25  
26  
27

28 **HB04-1360** be referred favorably to the Committee on Appropriations.  
29  
30

31 **HB04-1361** be referred to the Committee of the Whole with favorable  
32 recommendation.  
33  
34

35 **SB04-062** be amended as follows, and as so amended, be referred to  
36 the Committee of the Whole with favorable  
37 recommendation:  
38

39 Amend reengrossed bill, page 2, strike lines 17 and 18 and substitute the  
40 following:  
41

42 "THE SCHOOL DISTRICT, AND THE DEPARTMENT SHALL PURGE ANNUALLY  
43 EMPLOYEES' INFORMATION FROM THE DATABASE CREATED PURSUANT TO".  
44  
45  
46  
47

48 **FINANCE**

49 After consideration on the merits, the Committee recommends the  
50 following:  
51

52 **HB04-1239** be postponed indefinitely.  
53  
54

55 **HB04-1245** be postponed indefinitely.  
56

1 **HB04-1298** 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 2, strike "amended" and substitute  
6 "amended, and the said 25-5-426 is further amended BY THE  
7 ADDITION OF A NEW SUBSECTION,";  
8  
9 line 4, strike "**fund.**" and substitute "**fund - repeal.**";  
10  
11 after line 11, insert the following:  
12  
13 "(b.2) "GRAIN" MEANS A SMALL HARD FRUIT OR SEED PRODUCED  
14 BY A CEREAL GRASS AND THE SEEDS OF SUCH PLANTS AS A WHOLE.  
15  
16 (b.3) "GRAIN STORAGE FACILITY" MEANS ANY ESTABLISHMENT,  
17 STRUCTURE, OR STRUCTURES UNDER ONE MANAGEMENT AT ONE GENERAL  
18 PHYSICAL LOCATION THAT HOLDS GRAIN WITHOUT FURTHER  
19 MANUFACTURING OR PROCESSING AFTER HARVEST.";  
20  
21 after line 15, insert the following:  
22  
23 (b.7) "MANUFACTURING OR PROCESSING" MEANS MAKING FOOD  
24 FROM ONE OR MORE INGREDIENTS, OR SYNTHESIZING, PREPARING,  
25 TREATING, MODIFYING, OR MANIPULATING FOOD, INCLUDING FOOD CROPS  
26 OR INGREDIENTS. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO:  
27 CUTTING, PEELING, TRIMMING, WASHING, WAXING, EVISCERATING,  
28 RENDERING, COOKING, BAKING, FREEZING, COOLING, PASTEURIZING,  
29 HOMOGENIZING, MIXING, FORMULATING, BOTTLING, MILLING, GRINDING,  
30 EXTRACTING JUICES, DISTILLING, LABELING, OR PACKAGING.";  
31  
32 after line 22, insert the following:  
33  
34 "(d.5) "NONPROFIT FACILITY" MEANS A CHARITABLE ENTITY THAT  
35 PROVIDES FOOD TO THE PUBLIC, INCLUDING, BUT NOT LIMITED TO, FOOD  
36 BANKS AND NONPROFIT FOOD FACILITIES. TO QUALIFY AS A NONPROFIT  
37 FACILITY, THE ENTITY SHALL BE EXEMPT FROM PAYING FEDERAL INCOME  
38 TAX UNDER THE FEDERAL INTERNAL REVENUE CODE."  
39  
40 Page 3, line 11, strike "TEN" and substitute "FIFTEEN" and, strike "YEAR"  
41 and substitute "YEAR, A NONPROFIT FACILITY, AND A GRAIN STORAGE  
42 FACILITY SHALL REGISTER BUT";  
43  
44 line 21, strike "FIFTY" and substitute "FORTY-FIVE";  
45  
46 line 23, strike "~~two~~" and substitute "two";  
47  
48 line 24, strike "~~hundred forty-five~~ ONE HUNDRED SEVENTY-FIVE" and  
49 substitute "hundred ~~forty-five~~ FORTY";  
50  
51 line 27, after "HUNDRED", insert "FIVE".  
52  
53 Page 4, line 1, strike "three" and substitute "~~three~~ ONE";  
54  
55 after line 2, insert the following:  
56 "(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2007.".

1 **HB04-1307** 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, strike everything below the enacting clause and  
6 substitute the following:  
7

8 "SECTION 1. Part 6 of article 4 of title 10, Colorado Revised  
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
10 read:  
11

12 **10-4-634. Prohibited practices.** (1) (a) AN INSURER OFFERING  
13 COVERAGE PURSUANT TO THIS PART 6 SHALL NOT USE CREDIT  
14 INFORMATION OR INSURANCE SCORING TO REFUSE TO ISSUE, TO CANCEL,  
15 OR TO NONRENEW INSURANCE COVERAGE, OR TO INCREASE PREMIUMS  
16 WITHOUT CONSIDERATION OF OTHER APPLICABLE UNDERWRITING AND  
17 RATING FACTORS.  
18

19 (b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
20 SUBSECTION (1) TO THE CONTRARY, AN INSURER MAY OFFER COVERAGE BY  
21 AN AFFILIATED INSURER WITH CONTINUOUS COVERAGE, SO LONG AS THE  
22 INSURER USES OTHER UNDERWRITING AND RATING FACTORS IN ADDITION  
23 TO AN APPLICANT OR POLICYHOLDER'S CREDIT INFORMATION OR  
24 INSURANCE SCORE.  
25

26 (2) UPON REQUEST OF THE COMMISSIONER, AN INSURER OFFERING  
27 COVERAGE PURSUANT TO THIS PART 6 THAT USES CREDIT INFORMATION  
28 SHALL MAKE AVAILABLE TO THE COMMISSIONER DETAILED INFORMATION  
29 ABOUT THE MANNER IN WHICH CREDIT INFORMATION IS USED AND HOW IT  
30 AFFECTS THE DECISIONS MADE BY THE INSURER. THE DETAILED  
31 INFORMATION MAY INCLUDE, BUT IS NOT LIMITED TO, A DEMONSTRATION  
32 THAT THE CREDIT INFORMATION OR THE PARTICULAR MANNER IN WHICH  
33 THE INSURER USES CONSUMER REPORTS AND INSURANCE SCORES IS  
34 RELATED TO OR PREDICTIVE OF THE RISK OF LOSS. THE INSURER MAY  
35 REQUEST THAT INFORMATION REQUESTED PURSUANT TO THIS SUBSECTION  
36 (2) NOT BE OPEN TO PUBLIC INSPECTION OR CONSIDERED AN OPEN RECORD  
37 PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S.  
38

39 (3) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
40 OTHERWISE REQUIRES:  
41

42 (a) "CREDIT INFORMATION" MEANS ANY CREDIT-RELATED  
43 INFORMATION WHETHER OBTAINED THROUGH A REVIEW OF A CREDIT  
44 HISTORY, CREDIT REPORT, CREDIT SCORING, INSURANCE SCORING, OR AS  
45 OTHERWISE PROVIDED ON AN APPLICATION FOR INSURANCE.  
46

47 (b) "CREDIT SCORING" OR "INSURANCE SCORING" MEANS THE  
48 PRACTICE OF QUANTIFYING THE INSURANCE RISK A PERSON PRESENTS  
49 USING SUCH PERSON'S ATTRIBUTES DERIVED FROM CREDIT INFORMATION  
50 IN A FORMULA DESIGNED TO OBJECTIVELY RATE INSURANCE RISK OF LOSS  
51 AND EXCLUDING INFORMATION BASED ON RACE; RELIGION; NATIONAL  
52 ORIGIN; GENDER; AGE; RESIDENCE; MARTIAL STATUS; LAWFUL  
53 OCCUPATION, INCLUDING, BUT NOT LIMITED TO, MILITARY SERVICE;  
54 PHYSICAL OR MENTAL IMPAIRMENT OF THE APPLICANT OR POLICYHOLDER;  
55 OR ANY ARBITRARY, CAPRICIOUS, OR UNFAIRLY DISCRIMINATORY REASON.  
56

1       **SECTION 2. Effective date - applicability.** This act shall take  
2 effect July 1, 2004, and shall apply to insurance policies issued or  
3 renewed on or after said date.  
4

5       **SECTION 3. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety."  
8  
9

10  
11 **HB04-1342** be postponed indefinitely.  
12  
13  
14  
15

16 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

17 After consideration on the merits, the Committee recommends the  
18 following:  
19

20 **HB04-1200** 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 3, line 19, strike "INTERAGENCY STAFFING  
25 GROUPS" and substitute "INDIVIDUALIZED SERVICE AND SUPPORT TEAMS".  
26

27 Page 4, line 1, after "SYSTEM", insert "AND OTHER SYSTEMS";  
28

29 line 5, strike "INTERAGENCY GROUPS" and substitute "MEMORANDUMS OF  
30 UNDERSTANDING";  
31

32 line 12, after "ADDITIONAL", insert "EXISTING";  
33

34 line 18, strike "**staffing groups**" and substitute "**individualized service**  
35 **and support teams**".  
36

37 Page 5, line 1, strike "INTERAGENCY STAFFING GROUPS" and substitute  
38 "INDIVIDUALIZED SERVICE AND SUPPORT TEAMS";  
39

40 line 12, strike "INTERAGENCY STAFFING GROUPS" and substitute  
41 "INDIVIDUALIZED SERVICE AND SUPPORT TEAMS";  
42

43 line 21, strike "JUDICIAL DEPARTMENT," and substitute "LOCAL JUDICIAL  
44 DISTRICTS,";  
45

46 line 24, strike "THE DEPARTMENT OF EDUCATION;" and substitute "THE  
47 LOCAL SCHOOL DISTRICT OR SCHOOL DISTRICTS;"  
48

49 Page 6, line 9, strike "INTERAGENCY STAFFING GROUPS" and substitute  
50 "INDIVIDUALIZED SERVICE AND SUPPORT TEAMS";  
51

52 after line 14, insert the following:  
53

54       "(e) NOTHING SHALL PRECLUDE THE AGENCIES SPECIFIED IN  
55 PARAGRAPH (a) OF THIS SUBSECTION (1) FROM INCLUDING PARTIES IN  
56 ADDITION TO THE AGENCIES SPECIFIED IN PARAGRAPH (a) OF THIS

1 SUBSECTION (1) IN THE MEMORANDUMS OF UNDERSTANDING DEVELOPED  
2 FOR PURPOSES OF THIS SECTION.";  
3  
4 line 17, after the period, add "ON OR BEFORE OCTOBER 1, 2004, UTILIZING  
5 MONEYS IN THE PERFORMANCE INCENTIVE CASH FUND CREATED IN  
6 SECTION 26-5-105.5 (3.2) (a), C.R.S., THE STATE DEPARTMENT OF HUMAN  
7 SERVICES, IN CONJUNCTION WITH THE JUDICIAL DEPARTMENT, SHALL  
8 DEVELOP AND MAKE AVAILABLE TO THE PARTIES SPECIFIED IN PARAGRAPH  
9 (a) OF SUBSECTION (1) OF THIS SECTION, A MODEL MEMORANDUM OF  
10 UNDERSTANDING BASED ON THE REQUIREMENTS SPECIFIED IN PARAGRAPHS  
11 (b) TO (j) OF THIS SUBSECTION (2).".  
12

13 Page 7, line 11, strike "SERVICES" THAT INCLUDES CHILDREN AND" and  
14 substitute "SERVICES".";  
15

16 strike lines 12 through 14.  
17

18 Page 8, line 26, strike "**interagency staffing groups.**" and substitute  
19 "**individualized service and support teams.**".  
20

21 Page 9, strike lines 1 and 2 and substitute the following:  
22

23 "THE INTERAGENCY OVERSIGHT GROUP TO ESTABLISH INDIVIDUALIZED  
24 SERVICE AND SUPPORT TEAMS TO DEVELOP A SERVICE AND SUPPORT PLAN  
25 AND TO PROVIDE SERVICES TO CHILDREN AND FAMILIES WHO";  
26

27 line 15, after "**families.**", insert "(I)".  
28

29 Page 10, line 1, after "ADDITIONAL", insert "EXISTING";  
30

31 line 2, strike "SERVICES." and substitute "SERVICES, AS SUCH POPULATION  
32 IS DEFINED BY THE MEMORANDUM OF UNDERSTANDING PURSUANT TO  
33 PARAGRAPH (c) OF THIS SUBSECTION (2).";  
34

35 before line 3, insert the following:  
36

37 "(II) A COUNTY THAT HAS IMPLEMENTED A COLLABORATIVE  
38 MANAGEMENT PROCESS FOR SERVICES TO CHILDREN AND FAMILIES, WHICH  
39 SERVICES ARE NOT INCLUDED AS SERVICES TO BE PROVIDED TO CHILDREN  
40 AND FAMILIES WHO WOULD BENEFIT FROM INTEGRATED MULTI-AGENCY  
41 SERVICES IN THE MEMORANDUM OF UNDERSTANDING PURSUANT TO  
42 PARAGRAPH (b) OF THIS SUBSECTION (2), AND THAT UNDERSPENDS THE  
43 GENERAL FUND PORTION OF ITS CAPPED OR TARGETED ALLOCATION MAY  
44 USE THE GENERAL FUND PORTION OF ITS CAPPED OR TARGETED  
45 ALLOCATION FOR PROVISION OF EXISTING SERVICES FOR SUCH CHILDREN  
46 AND FAMILIES IN THE COUNTY.";  
47

48 line 18, after "ADDITIONAL", insert "EXISTING";  
49

50 line 20, strike "SERVICES." and substitute "SERVICES, AS SUCH POPULATION  
51 IS DEFINED BY THE MEMORANDUM OF UNDERSTANDING PURSUANT TO  
52 PARAGRAPH (c) OF THIS SUBSECTION (2).";  
53

54 line 25, strike "INTERAGENCY STAFFING" and substitute "INDIVIDUALIZED  
55 SERVICE AND SUPPORT TEAMS";  
56



1 line 26, strike "GROUP".

2  
3 Page 11, line 24, strike "WAIVER." and substitute "WAIVER; EXCEPT THAT,  
4 FOR A WAIVER REQUESTED BY A COUNTY DEPARTMENT OF SOCIAL  
5 SERVICES, THE STATE BOARD OF HUMAN SERVICES SHALL BE THE ENTITY  
6 AUTHORIZED TO ISSUE A WAIVER OF THIS SECTION OF LAW REQUIRING  
7 PARTICIPATION IN A MEMORANDUM OF UNDERSTANDING IF EFFECTIVE  
8 PARTICIPATION OF THE PARTIES IS NOT POSSIBLE DUE TO EXTRAORDINARY  
9 CONSTRAINTS ON A COUNTY DEPARTMENT OF SOCIAL SERVICES.";

10  
11 line 25, strike "review." and substitute "**review - report to the joint**  
12 **budget committee.**".

13  
14 Page 12, line 5, strike "INTERAGENCY STAFFING GROUPS" and substitute  
15 "INDIVIDUALIZED SERVICE AND SUPPORT TEAMS";

16  
17 line 12, strike "INTERAGENCY STAFFING GROUPS;" and substitute  
18 "INDIVIDUALIZED SERVICE AND SUPPORT TEAMS;"

19  
20 line 27, strike "DIRECTORS" and substitute "DIRECTORS, A DIRECTOR OF A  
21 COUNTY DEPARTMENT OF SOCIAL SERVICES, A DIRECTOR OF A LOCAL  
22 MENTAL HEALTH CENTER, A SUPERINTENDENT OF A SCHOOL,".

23  
24 Page 13, line 2, strike "SUBSECTION (2)" and substitute "SUBSECTION (2),  
25 OR SUCH PERSON'S DESIGNEE,";

26  
27 after line 15, insert the following:

28  
29 "(II) A SUPERINTENDENT OF A SCHOOL DISTRICT THAT HAS  
30 ENTERED INTO A MEMORANDUM OF UNDERSTANDING AND HAS MET OR  
31 EXCEEDED THE PERFORMANCE MEASURES SPECIFIED BY THE DEPARTMENT  
32 OF HUMAN SERVICES AND THE ELEMENTS OF COLLABORATIVE  
33 MANAGEMENT ESTABLISHED BY RULE OF THE STATE BOARD, AS SUCH  
34 SUPERINTENDENT IS SELECTED BY THE COMMISSIONER OF EDUCATION;

35  
36 "(III) A DIRECTOR OF A COUNTY DEPARTMENT OF SOCIAL SERVICES  
37 THAT HAS ENTERED INTO A MEMORANDUM OF UNDERSTANDING AND HAS  
38 MET OR EXCEEDED THE PERFORMANCE MEASURES SPECIFIED BY THE  
39 DEPARTMENT OF HUMAN SERVICES AND THE ELEMENTS OF COLLABORATIVE  
40 MANAGEMENT ESTABLISHED BY RULE OF THE STATE BOARD, AS SUCH  
41 DIRECTOR IS SELECTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
42 OF HUMAN SERVICES;"

43  
44 Renumber succeeding sub-paragraphs accordingly.

45  
46 Page 13, after line 19, insert the following:

47  
48 "(VI) A DIRECTOR OF A LOCAL MENTAL HEALTH CENTER THAT HAS  
49 ENTERED INTO A MEMORANDUM OF UNDERSTANDING AND HAS MET OR  
50 EXCEEDED THE PERFORMANCE MEASURES SPECIFIED BY THE DEPARTMENT  
51 OF HUMAN SERVICES AND THE ELEMENTS OF COLLABORATIVE  
52 MANAGEMENT ESTABLISHED BY RULE OF THE STATE BOARD, AS SUCH  
53 DIRECTOR IS SELECTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
54 OF HUMAN SERVICES;"

55  
56 Renumber succeeding sub-paragraphs accordingly.

1 Page 13, after line 22, insert the following:

2  
3 "(3) COMMENCING NOVEMBER 1, 2004, AND CONTINUING EACH  
4 NOVEMBER 1 THEREAFTER, THE DIVISION OF YOUTH CORRECTIONS SHALL  
5 SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL  
6 ASSEMBLY, TO THE MEMBERS OF THE GENERAL ASSEMBLY, AND TO THE  
7 GOVERNOR, SPECIFYING THE FOLLOWING:

8  
9 (a) THE NUMBER OF MEMORANDUMS OF UNDERSTANDING ENTERED  
10 INTO PURSUANT TO THIS SECTION;

11  
12 (b) THE NUMBER OF REQUESTS BY PARTIES TO THE MEMORANDUMS  
13 OF UNDERSTANDING FOR THE DIVISION OF YOUTH CORRECTIONS TO  
14 CONTRIBUTE FUNDING TO ADDRESS THE PROVISIONS OF SECTION  
15 24-1.9-102 (2) (g);

16  
17 (c) THE REQUESTS TO CONTRIBUTE FUNDING THAT WERE APPROVED  
18 BY THE DIVISION OF YOUTH CORRECTIONS AND THE EXECUTIVE DIRECTOR  
19 OF THE DEPARTMENT OF HUMAN SERVICES, INCLUDING THE AMOUNT OF  
20 FUNDS ALLOCATED FOR EACH REQUEST, AND THE REASONS FOR APPROVAL;

21  
22 (d) THE REQUESTS TO CONTRIBUTE FUNDING THAT WERE  
23 DISAPPROVED BY THE DIVISION OF YOUTH CORRECTIONS OR THE  
24 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, AND THE  
25 REASON FOR DISAPPROVAL; AND

26  
27 (e) RECOMMENDATIONS TO THE JOINT BUDGET COMMITTEE OF THE  
28 GENERAL ASSEMBLY FOR MODIFYING THE METHOD FOR APPROPRIATING  
29 MONEYS TO THE DIVISION OF YOUTH CORRECTIONS IN FUTURE YEARS FOR  
30 IMPLEMENTATION OF THIS SECTION."

31  
32 Page 14, strike lines 24 through 27 and substitute the following::

33  
34 "(3) (a) ON AND AFTER JULY 1, 2006, THE EXECUTIVE DIRECTOR OF  
35 THE DEPARTMENT OF HUMAN SERVICES SHALL ALLOCATE THE MONEYS IN  
36 THE FUND TO PROVIDE INCENTIVES TO PARTIES TO A MEMORANDUM OF  
37 UNDERSTANDING WHO HAVE AGREED TO PERFORMANCE-BASED  
38 COLLABORATIVE MANAGEMENT PURSUANT TO SECTION 24-1.9-102 (2) (i)  
39 AND WHO HAVE SUCCESSFULLY IMPLEMENTED THE ELEMENTS OF  
40 COLLABORATIVE MANAGEMENT SPECIFIED BY RULE OF THE STATE BOARD  
41 AND ALSO MET OR EXCEEDED THE PERFORMANCE MEASURES SPECIFIED BY  
42 THE DEPARTMENT OF HUMAN SERVICES. THE INCENTIVES SHALL BE USED  
43 TO PROVIDE SERVICES TO CHILDREN AND FAMILIES WHO WOULD BENEFIT  
44 FROM INTEGRATED MULTI-AGENCY SERVICES, AS SUCH POPULATION IS  
45 DEFINED BY THE MEMORANDUM OF UNDERSTANDING PURSUANT TO  
46 SECTION 24-1.9-102 (2) (c).

47  
48 (b) FOR PURPOSES OF ALLOCATING INCENTIVE MONEYS IN THE  
49 FUND PURSUANT TO THIS SUBSECTION (3), THE EXECUTIVE DIRECTOR OF  
50 THE DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT AN ACCOUNTING OF  
51 MONEYS IN THE FUND AVAILABLE FOR INCENTIVES AND A PROPOSAL FOR  
52 THE ALLOCATION OF INCENTIVE MONEYS TO THE STATE BOARD OF HUMAN  
53 SERVICES FOR REVIEW AND APPROVAL PRIOR TO THE ALLOCATION OF THE  
54 MONEYS. THE STATE BOARD OF HUMAN SERVICES SHALL APPROVE THE  
55 PROPOSAL NOT LATER THAN THIRTY DAYS AFTER RECEIPT OF THE  
56 PROPOSAL FROM THE EXECUTIVE DIRECTOR OF HUMAN SERVICES."

1 Page 15, strike lines 1 through 27.

2  
3 Page 16, strike lines 1 through 3.

4  
5  
6  
7 **HB04-1290** be postponed indefinitely.

8  
9  
10 **HB04-1343** be referred to the Committee of the Whole with favorable  
11 recommendation.

12  
13  
14  
15  
16 **INFORMATION & TECHNOLOGY**

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

19  
20 **HB04-1083** 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, strike everything below the enacting clause and  
25 substitute the following:

26  
27 "SECTION 1. Article 4 of title 19, Colorado Revised Statutes, is  
28 amended BY THE ADDITION OF A NEW SECTION to read:

29  
30 **19-4-107.3. Determination of parentage final - modifications -**  
31 **exceptions.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF  
32 THIS SECTION, AN ORDER DETERMINING PARENTAGE PURSUANT TO THIS  
33 ARTICLE IS FINAL.

34  
35 (2) (a) NOTWITHSTANDING THE PROVISIONS SET FORTH IN SECTION  
36 19-4-107, AN ORDER DETERMINING PARENTAGE PURSUANT TO THIS  
37 ARTICLE SHALL BE MODIFIED OR SET ASIDE IF GENETIC TEST RESULTS  
38 BASED ON DNA TESTING, ADMINISTERED IN ACCORDANCE WITH SECTION  
39 13-25-126, C.R.S., ESTABLISHES THE EXCLUSION OF THE INDIVIDUAL  
40 NAMED AS THE FATHER IN THE ORDER.

41  
42 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2),  
43 A DETERMINATION OF PARENTAGE SHALL NOT BE MODIFIED OR SET ASIDE  
44 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) IF:

45  
46 (I) THE INDIVIDUAL NAMED IN THE ORDER ACKNOWLEDGED  
47 PATERNITY KNOWING THAT HE WAS NOT THE FATHER OF THE CHILD;

48  
49 (II) THE CHILD WAS ADOPTED BY THE INDIVIDUAL; OR

50  
51 (III) THE CHILD WAS CONCEIVED BY MEANS OF ASSISTED  
52 REPRODUCTION.

53  
54 (3) IF THE COURT FINDS THAT THE GENETIC TEST RESULTS BASED  
55 ON DNA TESTING CONCLUSIVELY DEMONSTRATE THAT AN INDIVIDUAL  
56 NAMED AS THE FATHER IN THE ORDER IS NOT THE BIOLOGICAL PARENT OF

1 THE CHILD, THE COURT SHALL MODIFY THE PROVISIONS OF ANY ORDER  
2 RESPECTING CHILD SUPPORT BY TERMINATING THE CHILD SUPPORT  
3 OBLIGATION AS TO INSTALLMENTS ACCRUING SUBSEQUENT TO THE FILING  
4 OF THE MOTION.

5  
6 (4) FOR PURPOSES OF THIS SECTION, "DNA" MEANS  
7 DEOXYRIBONUCLEIC ACID.

8  
9 **SECTION 2.** 14-10-122, Colorado Revised Statutes, is amended  
10 BY THE ADDITION OF A NEW SUBSECTION to read:

11  
12 **14-10-122. Modification and termination of provisions for**  
13 **maintenance, support, and property disposition - automatic lien.**

14 (6) (a) A PARTY MAY SEEK TO MODIFY OR SET ASIDE A COURT ORDER FOR  
15 CHILD SUPPORT ENTERED PURSUANT TO THIS ARTICLE IF THE PARTY  
16 ESTABLISHES THROUGH THE RESULTS OF A GENETIC TEST BASED ON DNA  
17 TESTING, ADMINISTERED IN ACCORDANCE WITH SECTION 13-25-126,  
18 C.R.S., THE EXCLUSION OF THE PARTY AS THE BIOLOGICAL PARENT OF THE  
19 CHILD FOR WHOSE BENEFIT THE CHILD SUPPORT ORDER WAS ENTERED.

20  
21 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (6),  
22 A COURT ORDER FOR CHILD SUPPORT SHALL NOT BE MODIFIED OR SET  
23 ASIDE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) IF:

24  
25 (I) THE CHILD SUPPORT OBLIGOR ACKNOWLEDGED PATERNITY  
26 KNOWING THAT HE WAS NOT THE FATHER OF THE CHILD;

27  
28 (II) THE CHILD WAS ADOPTED BY THE INDIVIDUAL; OR

29  
30 (III) THE CHILD WAS CONCEIVED BY MEANS OF ASSISTED  
31 REPRODUCTION.

32  
33 (c) IF THE COURT FINDS THAT THE GENETIC TEST RESULTS BASED  
34 ON DNA TESTING CONCLUSIVELY DEMONSTRATE THAT A PARTY IS NOT THE  
35 BIOLOGICAL PARENT OF THE CHILD, THE COURT SHALL MODIFY THE  
36 PROVISIONS OF ANY ORDER RESPECTING CHILD SUPPORT BY TERMINATING  
37 THE CHILD SUPPORT OBLIGATION AS TO INSTALLMENTS ACCRUING  
38 SUBSEQUENT TO THE FILING OF THE MOTION.

39  
40 (d) FOR PURPOSES OF THIS SUBSECTION (6), "DNA" MEANS  
41 DEOXYRIBONUCLEIC ACID.

42  
43 **SECTION 3.** 13-25-126 (1) (a), Colorado Revised Statutes, is  
44 amended to read:

45  
46 **13-25-126. Genetic tests to determine parentage.** (1) (a) In any  
47 action, suit, or proceeding in which the parentage of any child is at issue  
48 OR IN ANY ACTION, SUIT, OR PROCEEDING IN WHICH A PERSON SEEKS TO  
49 MODIFY OR SET ASIDE A DETERMINATION OF PARENTAGE AND AN ORDER  
50 FOR CHILD SUPPORT PURSUANT TO SECTION 19-4-107.3, C.R.S., OR IN ANY  
51 PROCEEDING IN WHICH A PERSON SEEKS TO MODIFY OR SET ASIDE AN  
52 ORDER FOR CHILD SUPPORT PURSUANT TO SECTION 14-10-122 (6), C.R.S.,  
53 upon motion of the court or any of the interested parties, the court shall  
54 order the alleged mother, the child or children, and the alleged father to  
55 submit to genetic testing and other appropriate testing of inherited  
56 characteristics, including but not limited to blood and tissue type, for the

1 purpose of determining probability of parentage. If any party refuses to  
2 submit to these tests, the court may resolve the question of parentage  
3 against such party to enforce its order if the rights of others and the  
4 interests of justice so require.

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

15  
16  
17  
18 **HB04-1205** be amended as follows, and as so amended, be referred to  
19 the Committee of the Whole with favorable  
20 recommendation:

21  
22 Amend printed bill, page 2, strike lines 8 through 10 and substitute the  
23 following:

24  
25 "permit. A database LIST maintained pursuant to this subsection (3) and  
26 ~~any database operated by a state agency~~ that includes permittees shall be  
27 searchable only by name.";

28  
29 after line 20, insert the following:

30  
31 **"SECTION 2. Effective date.** This act shall take effect July 1,  
32 2004.".

33  
34 Renumber succeeding section accordingly.

35  
36  
37  
38 **HB04-1224** be referred to the Committee of the Whole with favorable  
39 recommendation.

40  
41  
42  
43  
44 **JUDICIARY**

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

47  
48 **HB04-1272** 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, line 11, after "OF", insert "A MINOR INCIDENT  
53 OF";

54  
55 line 15, strike "DEPARTMENT." and substitute "DEPARTMENT, IF THE  
56 REPORT IS BASED ON A MINOR INCIDENT OF CHILD ABUSE OR NEGLECT, AS

1 DETERMINED BY THE COUNTY DEPARTMENT OR THE AGENCY THAT HAS  
2 CONTRACTED WITH THE STATE BASED UPON RULES OF THE STATE BOARD  
3 OF HUMAN SERVICES.";

4  
5 line 22, after "THE", insert "MINOR INCIDENT OF".

6  
7 Page 3, after line 10, insert the following:

8  
9 "(b) CONFIDENTIALITY OF THE CHILD ABUSE OR NEGLECT REPORTS  
10 AND ANY INFORMATION FROM THE COMPLETE CASE FILE THAT THE CITIZEN  
11 REVIEW PANEL MAY OBTAIN ACCESS TO IN ORDER TO CARRY OUT THE  
12 REVIEWS OF FINDINGS AND DETERMINATIONS OF A COUNTY DEPARTMENT  
13 OR THE AGENCY THAT CONTRACTS WITH THE STATE, IN A MANNER THAT IS  
14 CONSISTENT WITH STATE AND FEDERAL LAW;"

15  
16 Reletter succeeding paragraphs accordingly.

17  
18 Page 3, line 16, after "THE", insert "MINOR INCIDENT OF".

19  
20 Page 5, line 12, after "FOR", insert "A MINOR INCIDENT OF" and, after  
21 "NEGLECT,", insert "AS DEFINED BY THE STATE BOARD OF HUMAN  
22 SERVICES,";

23  
24 line 22, after "HAVE", insert "REASONABLE".

25  
26 Page 6, line 18, after "FOR", insert "THE MINOR INCIDENT OF";

27  
28 after line 24, insert the following:

29  
30 "(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE  
31 A RIGHT OF APPEAL BY A PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR  
32 A MINOR INCIDENT OF CHILD ABUSE OR NEGLECT TO A CITIZEN REVIEW  
33 PANEL. THE PURPOSE OF A CITIZEN REVIEW PANEL REVIEW SHALL BE  
34 SOLELY TO ALLOW A PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR A  
35 MINOR INCIDENT OF ABUSE OR NEGLECT OF A CHILD, PRIOR TO A  
36 CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT BEING FILED WITH THE  
37 STATE DEPARTMENT, TO REQUEST A REVIEW OF AND A RECOMMENDATION  
38 PERTAINING TO THE FINDINGS AND DETERMINATIONS OF THE COUNTY  
39 DEPARTMENT OR THE AGENCY THAT CONTRACTS WITH THE STATE BY AN  
40 OBJECTIVE PANEL OF CITIZENS. THE RECOMMENDATIONS OF THE CITIZEN  
41 REVIEW PANEL SHALL NOT BE BINDING UPON A COUNTY DEPARTMENT OR  
42 THE AGENCY THAT CONTRACTS WITH THE STATE NOR SHALL THE  
43 RECOMMENDATIONS ALONE CREATE A BASIS FOR APPEAL."

44  
45 Page 7, line 6, strike the first "THE" and substitute "A MINOR INCIDENT  
46 OF";

47  
48 line 15, strike "amended" and substitute "amended, and the said 19-3-211  
49 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

50  
51 after line 27, insert the following:

52  
53 "(6) IN ADDITION TO THE CONFLICT RESOLUTION DUTIES  
54 ESTABLISHED PURSUANT TO THIS SECTION, EACH CITIZEN REVIEW PANEL  
55 SHALL HAVE THE RESPONSIBILITIES SPECIFIED IN SECTION 19-3-313.7 AND  
56 FURTHER SPECIFIED IN RULES OF THE STATE BOARD OF HUMAN SERVICES."

1 **HB04-1305** 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 11, after "(2.4)", insert "(a)";  
6  
7 line 17, strike "to" and substitute "to:";  
8  
9 strike line 18 and substitute the following:  
10  
11 "(I) This article, ~~sections 14-4-101 to 14-4-105, C.R.S., section~~  
12 ~~14-10-107;~~";  
13  
14 strike line 21 and substitute the following:  
15  
16 "rule 365 of the Colorado rules of county court civil procedure;  
17  
18 (II) SECTIONS 14-4-101 TO 14-4-105, C.R.S., SECTION 14-10-107,  
19 C.R.S., SECTION 14-10-108, C.R.S., OR SECTION 19-3-316, C.R.S., AS  
20 THOSE SECTIONS EXISTED PRIOR TO JULY 1, 2004;  
21  
22 (III) An order";  
23  
24 strike line 23 and substitute the following:  
25  
26 "ordinance violation; or  
27  
28 (IV) Any other order of a court that prohibits a person".  
29  
30 Page 3, strike line 2 and substitute the following:  
31  
32 "premises.  
33  
34 (b) For purposes of this article only, "protection order" includes";  
35  
36 line 8, after the second "13-14-102", insert "(15) (e) and".  
37  
38 Page 4, line 21, strike "TEMPORARY ORDERS" and substitute "A  
39 PROTECTION ORDER ACCOMPANIED BY AN AFFIDAVIT FILED";  
40  
41 strike lines 22 and 23 and substitute the following:  
42  
43 "10 OF TITLE 14, C.R.S. EITHER PARTY MAY REQUEST".  
44  
45 Page 5, line 20, strike "permanent;" and substitute "permanent.";  
46  
47 strike lines 21 through 27 and substitute the following:  
48  
49 ~~"except that, if the temporary protection order is issued by the district~~  
50 ~~court in connection with an action filed under the "Uniform Dissolution~~  
51 ~~of Marriage Act", article 10 of title 14, C.R.S., or by the juvenile court~~  
52 ~~under the "Uniform Parentage Act", article 4 of title 19, C.R.S., the court~~  
53 ~~may dispense with the issuance of a citation and require that the~~  
54 ~~temporary protection order remain in effect until revoked, modified, or~~  
55 ~~terminated as provided in section 14-10-108, C.R.S. In addition, the".~~  
56

1 Page 6, line 3, strike "If" and substitute "If";

2

3 strike lines 4 through 12 and substitute the following:

4

5 ~~"the defendant fails to appear before the court for the show cause hearing~~  
6 ~~at the time and on the date identified in the citation issued by the court~~  
7 ~~and the court finds that the defendant was properly served with the~~  
8 ~~temporary protection order and such citation, it shall not be necessary to~~  
9 ~~re-serve the defendant to make the protection order permanent."~~

10

11 Page 8, strike lines 1 through 4 and substitute the following:

12

13 ~~"defendant fails to appear at the return date and the petition is for a~~  
14 ~~protection order to prevent domestic abuse, the court shall order the terms~~  
15 ~~of the temporary protection order to be made permanent without further~~  
16 ~~notice or service upon the defendant BEFORE THE COURT FOR THE SHOW~~  
17 ~~CAUSE HEARING AT THE TIME AND ON THE DATE IDENTIFIED IN THE~~  
18 ~~CITATION ISSUED BY THE COURT AND THE COURT FINDS THAT THE~~  
19 ~~DEFENDANT WAS PROPERLY SERVED WITH THE TEMPORARY PROTECTION~~  
20 ~~ORDER AND SUCH CITATION, IT SHALL NOT BE NECESSARY TO RE-SERVE~~  
21 ~~THE DEFENDANT TO MAKE THE PROTECTION ORDER PERMANENT.~~  
22 ~~HOWEVER, IF THE COURT MODIFIES THE PROTECTION ORDER ON THE~~  
23 ~~MOTION OF THE PROTECTED PARTY, THE MODIFIED PROTECTION ORDER~~  
24 ~~SHALL BE SERVED UPON THE DEFENDANT."~~

25

26 line 23, strike "ITS OWN MOTION OR";

27

28 line 24, strike "ANY INTERESTED PARTY," and substitute "EITHER PARTY IF  
29 BOTH PARTIES AGREE TO THE CONTINUANCE,".

30

31 Page 9, after line 12, insert the following:

32

33 "(e) (I) Awarding temporary care and control of any minor  
34 children of either party involved for a period of not more than one  
35 hundred twenty days.

36

37 (II) If temporary care and control is awarded, the order may  
38 include parenting time rights for the other party involved and any  
39 conditions of such parenting time, including the supervision of such  
40 parenting time by a third party who agrees on the record to the terms of  
41 the supervised parenting time and any costs associated with supervised  
42 parenting time, if necessary. If the restrained party is unable to pay the  
43 ordered costs, the court shall not place such responsibility with publicly  
44 funded agencies. If the court finds that the safety of any child or the  
45 protected party cannot be ensured with any form of parenting time  
46 reasonably available, the court may deny parenting time.

47

48 (II.5) THE COURT MAY AWARD INTERIM DECISION-MAKING  
49 RESPONSIBILITY OF A CHILD TO A PERSON ENTITLED TO BRING AN ACTION  
50 FOR THE ALLOCATION OF PARENTAL RESPONSIBILITIES UNDER SECTION  
51 14-10-123, C.R.S., WHEN SUCH AWARD IS REASONABLY RELATED TO  
52 PREVENTING DOMESTIC ABUSE AS DEFINED IN SECTION 13-14-101 (2), OR  
53 PREVENTING THE CHILD FROM WITNESSING DOMESTIC ABUSE.

54

55 (III) The standard for the award of temporary care and control OR  
56 INTERIM DECISION MAKING RESPONSIBILITY shall be in accordance with



1 section 14-10-124, C.R.S.";

2

3 line 25, strike "PARTY OR" and substitute "PARTY, A";

4

5 line 26, strike "PARTIES;" and substitute "PARTIES, OR A MINOR CHILD WHO  
6 IS IN DANGER IN THE REASONABLY FORESEEABLE FUTURE OF BEING A  
7 VICTIM OF AN UNLAWFUL SEXUAL OFFENSE OR DOMESTIC ABUSE;"

8

9 Page 10, line 4, strike "INVOLVED." and substitute "INVOLVED; OR";

10

11 after line 4, insert the following:

12

13 "(IV) ENJOINING AN INDIVIDUAL FROM CONTACTING A MINOR  
14 CHILD AT SCHOOL, AT WORK, OR WHEREVER HE OR SHE MAY BE FOUND.

15

16 (c) IN CASES INVOLVING A MINOR CHILD, THE JUVENILE COURT AND  
17 THE DISTRICT COURT SHALL HAVE THE AUTHORITY TO ISSUE EMERGENCY  
18 PROTECTION ORDERS TO PREVENT AN UNLAWFUL SEXUAL OFFENSE, AS  
19 DEFINED IN SECTION 18-3-411 (1), C.R.S., OR TO PREVENT DOMESTIC  
20 ABUSE, AS DEFINED IN SECTION 13-14-101 (2), WHEN REQUESTED BY THE  
21 LOCAL LAW ENFORCEMENT AGENCY, THE COUNTY DEPARTMENT OF SOCIAL  
22 SERVICES, OR A RESPONSIBLE PERSON WHO ASSERTS, IN A VERIFIED  
23 PETITION SUPPORTED BY AFFIDAVIT, THAT THERE ARE REASONABLE  
24 GROUNDS TO BELIEVE THAT A MINOR CHILD IS IN DANGER IN THE  
25 REASONABLY FORESEEABLE FUTURE OF BEING THE VICTIM OF AN  
26 UNLAWFUL SEXUAL OFFENSE OR DOMESTIC ABUSE, BASED UPON AN  
27 ALLEGATION OF A RECENT ACTUAL UNLAWFUL SEXUAL OFFENSE OR  
28 DOMESTIC ABUSE OR THREAT OF THE SAME. ANY EMERGENCY PROTECTION  
29 ORDER ISSUED PURSUANT TO THIS SUBSECTION (1) SHALL BE ON A  
30 STANDARDIZED FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT AND A  
31 COPY SHALL BE PROVIDED TO THE PROTECTED PERSON."

32

33 Reletter succeeding paragraphs accordingly.

34

35 Page 10, line 10, strike the second "OR";

36

37 line 11, strike "JUDGE." and substitute "JUDGE, OR A MAGISTRATE.";

38

39 strike line 12 and substitute the following:

40

41 "(e) WHEN THE COUNTY, DISTRICT, AND JUVENILE COURTS ARE  
42 UNAVAILABLE FROM";

43

44 line 18, after "ABUSE," insert "OR THAT A MINOR CHILD IS IN IMMEDIATE  
45 AND PRESENT DANGER OF AN UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN  
46 SECTION 18-3-411 (1), C.R.S., OR OF DOMESTIC ABUSE, AS DEFINED IN  
47 SECTION 13-14-101 (2),";

48

49 line 19, strike "(c)" and substitute "(d)";

50

51 line 26, strike "THIRD" and substitute "NEXT".

52

53 Page 11, line 1, after "ORDER", insert "FILED TO PREVENT DOMESTIC  
54 ABUSE PURSUANT TO THIS SUBSECTION (1)" and, strike "THE PLAINTIFF  
55 HAS";

56

1 strike line 2;  
2  
3 line 3, strike "ABUSE PURSUANT TO THIS ARTICLE, AND";  
4  
5 line 5, strike "FILED." and substitute "FILED PURSUANT TO SECTION  
6 13-14-102; EXCEPT THAT THIS LIMITATION ON A COURT'S POWER TO  
7 CONTINUE AN EMERGENCY PROTECTION ORDER SHALL NOT APPLY TO AN  
8 EMERGENCY PROTECTION ORDER FILED TO PROTECT A MINOR CHILD FROM  
9 AN UNLAWFUL SEXUAL OFFENSE OR DOMESTIC ABUSE. FOR ANY  
10 EMERGENCY PROTECTION ORDER CONTINUED PURSUANT TO THE  
11 PROVISIONS OF THIS PARAGRAPH (f), FOLLOWING TWO DAYS' NOTICE TO  
12 THE PARTY WHO OBTAINED THE EMERGENCY PROTECTION ORDER OR ON  
13 SUCH SHORTER NOTICE TO SAID PARTY AS THE COURT MAY PRESCRIBE, THE  
14 ADVERSE PARTY MAY APPEAR AND MOVE ITS DISSOLUTION OR  
15 MODIFICATION. THE MOTION TO DISSOLVE OR MODIFY THE EMERGENCY  
16 PROTECTION ORDER SHALL BE SET DOWN FOR HEARING AT THE EARLIEST  
17 POSSIBLE TIME AND SHALL TAKE PRECEDENCE OVER ALL MATTERS EXCEPT  
18 OLDER MATTERS OF THE SAME CHARACTER, AND THE COURT SHALL  
19 DETERMINE SUCH MOTIONS AS EXPEDITIOUSLY AS THE ENDS OF JUSTICE  
20 REQUIRE.";  
21  
22 strike lines 6 through 27.  
23  
24 Strike page 12.  
25  
26 Page 13, strike lines 1 through 7.  
27  
28 Renumber succeeding subsections accordingly.  
29  
30 Page 13, line 11, strike "PERSONS." and substitute "PERSONS OR THAT A  
31 DANGER EXISTS TO THE LIFE OR HEALTH OF THE MINOR CHILD IN THE  
32 REASONABLY FORESEEABLE FUTURE.";  
33  
34 strike lines 12 through 15;  
35  
36 line 16, strike "(c)" and substitute "(b)";  
37  
38 line 26, strike "(3)" and substitute "(2)".  
39  
40 Page 17, line 26, strike "As a" and substitute "As a";  
41  
42 strike line 27 and substitute the following:  
43  
44 "part of a motion of such temporary orders".  
45  
46 Page 18, line 1, strike "DISSOLUTION";  
47  
48 strike lines 7 through 27 and substitute the following:  
49  
50 ~~"(2.5) As part of a temporary protection order, the court may~~  
51 ~~award interim decision-making responsibility of a child to a person~~  
52 ~~entitled to bring an action for the allocation of parental responsibilities~~  
53 ~~under section 14-10-123, when such award is reasonably related to~~  
54 ~~preventing domestic abuse as defined in section 14-4-101 (2) or~~  
55 ~~preventing the child from witnessing domestic abuse. The interim~~  
56 ~~decision-making responsibility order may be modified or dissolved, based~~

1 ~~upon the best interests of the child as set forth in section 14-10-124, at a~~  
2 ~~subsequent temporary or permanent orders hearing or as otherwise~~  
3 ~~provided by subsection (6) of this section or as otherwise ordered by the~~  
4 ~~court. The interim decision-making responsibility order may be issued~~  
5 ~~without notice to the other party only if the court finds that irreparable~~  
6 ~~injury would result to the moving party or the child if no order were~~  
7 ~~issued until the time for responding to the motion had elapsed. The~~  
8 ~~interim decision-making responsibility order shall be without prejudice~~  
9 ~~to the rights of the parties or child at subsequent hearings in the~~  
10 ~~proceedings. The interim decision-making responsibility order may~~  
11 ~~provide for parenting time for any other party."~~  
12

13 Page 22, line 12, after "(a.5)", insert "(I)";

14  
15 line 18, strike "to" and substitute "to:";

16  
17 strike line 19 and substitute the following:

18  
19 "(A) Article 14 of title 13, C.R.S., ~~sections 14-4-101 to 14-4-105,~~  
20 ~~C.R.S.,~~";

21  
22 line 22, strike "procedure," and substitute "procedure;"

23  
24 strike lines 23 and 24 and substitute the following:

25  
26 "(B) SECTIONS 14-4-101 TO 14-4-105, C.R.S., SECTION 14-10-107,  
27 C.R.S., SECTION 14-10-108, C.R.S., OR SECTION 19-3-316, C.R.S., AS  
28 THOSE SECTIONS EXISTED PRIOR TO JULY 1, 2004;

29  
30 (C) An order issued as part of the proceedings concerning a  
31 criminal municipal ordinance violation; or

32  
33 (D) Any other order of a court that prohibits".

34  
35 Page 23, strike line 1 and substitute the following:

36  
37 "person or premises.

38  
39 (II) For purposes of this section only, "protection order";

40  
41 line 10, after "(b.5)", insert "(I)";

42  
43 strike line 15 and substitute the following:

44  
45 "authorized municipal court, and that is issued pursuant to:

46  
47 (A) Article 14 of";

48  
49 strike line 19 and substitute the following:

50  
51 "rule 365 of the Colorado rules of county court civil procedure;

52  
53 (B) SECTIONS 14-4-101 TO 14-4-105, C.R.S., SECTION 14-10-107,  
54 C.R.S., SECTION 14-10-108, C.R.S., OR SECTION 19-3-316, C.R.S., AS  
55 THOSE SECTIONS EXISTED PRIOR TO JULY 1, 2004; or

56

1 (C) An order";  
2  
3 strike line 21 and substitute the following:  
4  
5 "ordinance violation.

6  
7 (II) "Protection order" also includes any restraining".  
8  
9

10  
11 **HB04-1312** be postponed indefinitely.  
12

13  
14 **HB04-1354** be amended as follows, and as so amended, be referred to  
15 the Committee of the Whole with favorable  
16 recommendation:  
17

18 Amend printed bill, page 5, line 20, after "SECTION.", insert "THE FORM  
19 MAY BE SUBMITTED ELECTRONICALLY OR BY PAPER COPY."  
20

21 Page 8, strike lines 10 through 27.  
22

23 Strike pages 9 and 10.  
24

25 Page 11, strike lines 1 through 15.  
26

27 Renumber succeeding sections accordingly.  
28  
29  
30  
31

### 32 **LOCAL GOVERNMENT**

33 After consideration on the merits, the Committee recommends the  
34 following:  
35

36 **HB04-1230** be amended as follows, and as so amended, be referred to  
37 the Committee of the Whole with favorable  
38 recommendation:  
39

40 Amend printed bill, page 2, strike lines 2 and 3 and substitute the  
41 following:  
42

43 "SECTION 1. 22-31-105 (2) and (7) (a), Colorado Revised  
44 Statutes, are amended, and the said 22-31-105 is further amended BY  
45 THE ADDITION OF A NEW SUBSECTION, to read:"  
46

47 strike lines 6 through 11 and substitute the following:  
48

49 "22-31-131 (1.5) (b) (I) AND SUBSECTION (6.5) OF THIS SECTION, all  
50 school directors shall be voted on at large by the eligible electors of the  
51 entire school district, regardless of the school district's plan of  
52 representation.  
53

54 (6.5) (a) THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT  
55 THAT DESIRES TO HAVE ALL OR SOME MEMBERS OF THE BOARD OF  
56 EDUCATION ELECTED BY THE VOTE OF ELIGIBLE ELECTORS WITHIN A

1 DIRECTOR DISTRICT RATHER THAN AT-LARGE MAY SUBMIT A PLAN TO  
2 IMPLEMENT SUCH CHANGE TO THE ELIGIBLE ELECTORS OF THE SCHOOL  
3 DISTRICT AT ANY REGULAR BIENNIAL SCHOOL ELECTION OR AT A SPECIAL  
4 SCHOOL ELECTION CALLED BY THE BOARD FOR THAT PURPOSE. A CHANGE  
5 IN THE METHOD FOR ELECTING MEMBERS OF THE BOARD OF EDUCATION  
6 MAY CONSIST OF THE ADOPTION OF A DIRECTOR DISTRICT PLAN OF  
7 REPRESENTATION OR THE ADOPTION OF A PLAN OF REPRESENTATION THAT  
8 COMBINES DIRECTOR DISTRICTS WITH AN AT-LARGE PLAN OF  
9 REPRESENTATION. THE PLAN SHALL BE ADOPTED BY THE BOARD OF  
10 EDUCATION AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE ELECTION.  
11

12 (b) THE ELIGIBLE ELECTORS OF ANY SCHOOL DISTRICT WHO DESIRE  
13 TO PROPOSE THE ADOPTION OF ANY CHANGE IN THE MANNER OF THE  
14 ELECTION OF MEMBERS OF THE BOARD OF EDUCATION SPECIFIED IN  
15 PARAGRAPH (a) OF THIS SUBSECTION (6.5) MAY PETITION THE BOARD OF  
16 EDUCATION OF THE SCHOOL DISTRICT TO SUBMIT A PLAN TO IMPLEMENT  
17 THE CHANGE TO THE ELIGIBLE ELECTORS OF THE DISTRICT AT ANY  
18 REGULAR BIENNIAL SCHOOL ELECTION. THE PETITION SHALL BE SIGNED BY  
19 AT LEAST FIVE PERCENT OF THE ELIGIBLE ELECTORS OF THE SCHOOL  
20 DISTRICT, AND THE PROPOSED PLAN OF ELECTION SHALL BE ATTACHED  
21 THERETO. THE PETITION, TOGETHER WITH THE PROPOSED PLAN, SHALL BE  
22 SUBMITTED TO THE SECRETARY OF THE BOARD OF EDUCATION OF THE  
23 SCHOOL DISTRICT AT LEAST ONE HUNDRED TEN DAYS PRIOR TO THE  
24 ELECTION. IF THE PLAN MEETS STATUTORY REQUIREMENTS, THE BOARD OF  
25 EDUCATION SHALL SUBMIT THE PLAN TO THE ELIGIBLE ELECTORS OF THE  
26 SCHOOL DISTRICT AT THE NEXT REGULAR BIENNIAL SCHOOL ELECTION.  
27

28 (c) A PLAN OF ELECTION DEVELOPED PURSUANT TO PARAGRAPH (a)  
29 OR (b) OF THIS SUBSECTION (6.5) SHALL BE SUBJECT TO THE  
30 SPECIFICATIONS PRESCRIBED IN SECTION 22-31-109.  
31

32 (d) THE SECRETARY OF THE BOARD OF EDUCATION SHALL CAUSE  
33 NOTICE TO BE GIVEN ON THE QUESTION OF WHETHER THE EXISTING PLAN  
34 OF REPRESENTATION SHALL BE REPLACED BY THE PLAN OF  
35 REPRESENTATION PROPOSED IN THE MANNER PROVIDED IN PARAGRAPH (a)  
36 OR (b) OF THIS SUBSECTION (6.5), PURSUANT TO SECTION 1-5-205, C.R.S.,  
37 WHICH SHALL INCLUDE NOTICE THAT THE PLAN OF ELECTION IS AVAILABLE  
38 AT THE ADMINISTRATION OFFICES OF THE SCHOOL DISTRICT FOR PUBLIC  
39 INSPECTION DURING REASONABLE BUSINESS HOURS.  
40

41 (e) THE BALLOT SHALL CONTAIN THE WORDS "FOR THE PROPOSED  
42 ELECTION OF DIRECTORS BY THE ELECTORS OF A DIRECTOR DISTRICT" AND  
43 "AGAINST THE PROPOSED ELECTION OF DIRECTORS BY THE ELECTORS OF  
44 A DIRECTOR DISTRICT". OTHERWISE, THE BALLOTS AND ELECTION  
45 PROCEDURES SHALL BE, AS NEARLY AS PRACTICABLE, AS PRESCRIBED FOR  
46 A REGULAR BIENNIAL SCHOOL ELECTION.  
47

48 (f) IF A MAJORITY OF THE VOTES CAST AT THE ELECTION ARE FOR  
49 THE PROPOSED PLAN OF ELECTION, THE PLAN SHALL BECOME EFFECTIVE  
50 UPON THE SURVEY OF ELECTION RETURNS; BUT NO PLAN OF ELECTION  
51 SHALL TERMINATE THE OFFICE OF ANY SCHOOL DIRECTOR ELECTED AT OR  
52 PRIOR TO THE ELECTION AT WHICH THE PLAN IS SUBMITTED. THE PLAN  
53 SHALL BE EFFECTIVE AFTER THE ELECTION FOR SUBSEQUENT VACANCIES  
54 AND THE ELECTION OF SCHOOL DIRECTORS AT ANY SUBSEQUENT REGULAR  
55 BIENNIAL SCHOOL ELECTION. IN THE EVENT THAT, AS A RESULT OF THE  
56 ADOPTION OF A PLAN OF REPRESENTATION, TWO OR MORE MEMBERS OF

1 THE BOARD OF EDUCATION RESIDE IN THE SAME NEW DIRECTOR DISTRICT  
2 AND THE OFFICE OF ANY ONE OF THE MEMBERS THEREAFTER BECOMES  
3 VACANT, THE VACANCY SHALL BE FILLED BY THE APPOINTMENT OF AN  
4 ELIGIBLE ELECTOR RESIDING IN A DIRECTOR DISTRICT THAT DOES NOT AT  
5 THAT TIME HAVE A REPRESENTATIVE ON THE BOARD OF EDUCATION. IF THE  
6 MAJORITY OF THE VOTES CAST AT THE ELECTION ARE AGAINST THE  
7 PROPOSED PLAN OF ELECTION, THE SCHOOL DIRECTORS OF THE DISTRICT  
8 SHALL CONTINUE TO BE ELECTED OR APPOINTED AS PROVIDED UNDER THE  
9 EXISTING PLAN OF ELECTION, EXCEPT AS OTHERWISE PROVIDED IN SECTION  
10 22-31-110.

11  
12 (7) (a) A resolution by a board of education of a school district or  
13 a petition of the eligible electors of a school district may propose any of  
14 the issues specified in subsections (3) to ~~(6)~~ (6.5) of this section for  
15 consideration in one election.";

16  
17 line 14, strike "In" and substitute "EXCEPT FOR DIRECTOR DISTRICTS  
18 ESTABLISHED PURSUANT TO SECTION 22-31-131, in";

19  
20 line 16, strike "representation:" and substitute "representation WHERE ALL  
21 MEMBERS OF THE BOARD OF EDUCATION ARE VOTED ON BY THE ELIGIBLE  
22 ELECTORS OF THE ENTIRE SCHOOL DISTRICT:";

23  
24 line 19, strike "COMPOSED" and substitute "as nearly equal in population  
25 as possible.";

26  
27 strike lines 20 through 22.

28  
29 Page 3, strike lines 1 through 6;

30  
31 line 7, strike "(d)" and substitute "(c)";

32  
33 after line 8, insert the following:

34  
35 "(2) IN SCHOOL DISTRICTS HAVING A DIRECTOR DISTRICT PLAN OF  
36 REPRESENTATION OR A COMBINED DIRECTOR DISTRICT AND AT-LARGE  
37 PLAN OF REPRESENTATION WHERE SOME OR ALL OF THE MEMBERS OF THE  
38 BOARD OF EDUCATION ARE VOTED ON BY THE ELIGIBLE ELECTORS OF A  
39 DIRECTOR DISTRICT:

40  
41 (a) AT LEAST ONE MEMBER OF THE BOARD OF EDUCATION OF THE  
42 SCHOOL DISTRICT SHALL BE ELECTED FROM EACH OF THE DIRECTOR  
43 DISTRICTS.

44  
45 (b) DIRECTOR DISTRICTS SHALL BE CONTIGUOUS, COMPACT, AND  
46 COMPOSED OF WHOLE PRECINCTS AS ESTABLISHED, PURSUANT TO SECTION  
47 1-5-101, C.R.S., BY THE CLERK OF THE COUNTY IN WHICH THE PRECINCT  
48 IS LOCATED.

49  
50 (c) DIRECTOR DISTRICTS SHALL BE AS NEARLY EQUAL IN  
51 POPULATION AS POSSIBLE, BASED UPON THE MOST RECENT FEDERAL  
52 CENSUS OF THE UNITED STATES, MINUS THE NUMBER OF PERSONS SERVING  
53 A SENTENCE OF DETENTION OR CONFINEMENT IN ANY CORRECTIONAL  
54 FACILITY LOCATED IN A DIRECTOR DISTRICT, AS INDICATED IN THE  
55 STATISTICAL REPORT OF THE DEPARTMENT OF CORRECTIONS FOR THE MOST  
56 RECENT FISCAL YEAR.

1 (d) DIRECTOR DISTRICTS SHALL BE NOT LESS THAN FIVE NOR MORE  
2 THAN SEVEN IN NUMBER.";

3  
4 line 9, strike "(a) and (4)," and substitute "(b),";

5  
6 line 10, strike "are" and substitute "is";

7  
8 strike lines 11 through 25 and substitute the following:

9  
10 **"22-31-110. Changes in director districts.** (1) (b) (I) The  
11 provisions of this section shall not apply to any school district  
12 coterminous with a city and county. The director districts for any such  
13 school district shall be established as provided in section 22-31-131.

14  
15 (II) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION,  
16 FOR SCHOOL DISTRICTS IN WHICH MEMBERS OF THE BOARD OF EDUCATION  
17 ARE VOTED ON BY ELIGIBLE ELECTORS OF A DIRECTOR DISTRICT, NOT  
18 LATER THAN MARCH 1 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE  
19 ELECTION IS CONDUCTED PURSUANT TO SECTION 22-31-105 (6.5), NOT  
20 LATER THAN MARCH 1, 2012, AND NOT LATER THAN MARCH 1 EVERY  
21 TENTH YEAR THEREAFTER, THE BOARD OF EDUCATION OF EACH SUCH  
22 SCHOOL DISTRICT SHALL DETERMINE THE POPULATION IN EACH OF THE  
23 DIRECTOR DISTRICTS AND, IF EACH DIRECTOR DISTRICT DOES NOT CONTAIN  
24 SUBSTANTIALLY THE SAME NUMBER OF PERSONS AS EACH OF THE OTHER  
25 DIRECTOR DISTRICTS, IT SHALL BE THE DUTY OF THE BOARD, BY  
26 RESOLUTION, TO REVISE THE DIRECTOR DISTRICT BOUNDARIES AND  
27 REDESIGNATE THE DIRECTOR DISTRICTS TO COMPLY WITH THE  
28 SPECIFICATIONS PRESCRIBED IN SECTION 22-31-109 (2) WITHOUT  
29 CHANGING THE NUMBER OF DIRECTOR DISTRICTS."

30  
31  
32  
33 **HB04-1356** be referred to the Committee of the Whole with favorable  
34 recommendation.

35  
36  
37 **HB04-1357** be amended as follows, and as so amended, be referred to  
38 the Committee of the Whole with favorable  
39 recommendation:

40  
41 Amend printed bill, strike everything below the enacting clause and  
42 substitute the following:

43  
44 **"SECTION 1.** 12-47-103 (40), Colorado Revised Statutes, is  
45 amended, and the said 12-47-103 is further amended BY THE  
46 ADDITION OF A NEW SUBSECTION, to read:

47  
48 **12-47-103. Definitions.** As used in this article and article 46 of  
49 this title, unless the context otherwise requires:

50  
51 (39.5) "VINTNER'S RESTAURANT" MEANS A RETAIL ESTABLISHMENT  
52 THAT SELLS FOOD FOR CONSUMPTION ON THE PREMISES AND THAT  
53 MANUFACTURES NOT MORE THAN FIVE HUNDRED THOUSAND GALLONS OF  
54 WINE ON ITS PREMISES EACH YEAR.

55  
56 (40) "Winery" means any establishment where vinous liquors are

1 manufactured; EXCEPT THAT THE TERM DOES NOT INCLUDE A VINTNER'S  
2 RESTAURANT LICENSED PURSUANT TO SECTION 12-47-420.

3  
4 **SECTION 2.** 12-47-309 (1), Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6  
7 **12-47-309. Local licensing authority - applications - optional**  
8 **premises licenses.** (1) A local licensing authority may issue only the  
9 following malt, vinous, and spirituous liquor licenses upon payment of  
10 the fee specified in section 12-47-505:

11  
12 (l) VINTNER'S RESTAURANT LICENSE.

13  
14 **SECTION 3.** 12-47-401 (1), Colorado Revised Statutes, is  
15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16  
17 **12-47-401. Classes of licenses.** (1) For the purpose of regulating  
18 the manufacture, sale, and distribution of malt, vinous, and spirituous  
19 liquors, the state licensing authority in its discretion, upon application in  
20 the prescribed form made to it, may issue and grant to the applicant a  
21 license from any of the following classes, subject to the provisions and  
22 restrictions provided by this article:

23  
24 (t) VINTNER'S RESTAURANT LICENSE.

25  
26 **SECTION 4.** Part 4 of article 47 of title 12, Colorado Revised  
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
28 read:

29  
30 **12-47-420. Vintner's restaurant license.** (1) A VINTNER'S  
31 RESTAURANT LICENSE MAY BE ISSUED TO A PERSON OPERATING A  
32 VINTNER'S RESTAURANT AND ALSO SELLING MALT, VINOUS, AND  
33 SPIRITUOUS LIQUORS IN THE PLACE WHERE SUCH LIQUORS ARE TO BE  
34 CONSUMED.

35  
36 (2) DURING THE HOURS ESTABLISHED IN SECTION 12-47-901 (5)  
37 (b), VINOUS LIQUORS MANUFACTURED BY A VINTNER'S RESTAURANT  
38 LICENSEE ON THE LICENSED PREMISES MAY BE:

39  
40 (a) FURNISHED FOR CONSUMPTION ON THE PREMISES;

41  
42 (b) SOLD TO INDEPENDENT WHOLESALERS FOR DISTRIBUTION TO  
43 LICENSED RETAILERS;

44  
45 (c) SOLD TO THE PUBLIC IN SEALED CONTAINERS FOR OFF-PREMISES  
46 CONSUMPTION. ONLY VINOUS LIQUORS MANUFACTURED AND PACKAGED  
47 ON THE PREMISES BY THE LICENSEE SHALL BE SOLD IN SEALED  
48 CONTAINERS.

49  
50 (d) SOLD AT WHOLESALE TO LICENSED RETAILERS IN AN AMOUNT  
51 UP TO THREE HUNDRED THOUSAND GALLONS PER CALENDAR YEAR.

52  
53 (3) EVERY PERSON SELLING MALT, VINOUS, AND SPIRITUOUS  
54 LIQUORS PURSUANT TO THIS SECTION SHALL PURCHASE SUCH MALT,  
55 VINOUS, AND SPIRITUOUS LIQUORS, OTHER THAN THOSE THAT ARE  
56 MANUFACTURED AT THE LICENSED VINTNER'S RESTAURANT, FROM A



1 WHOLESALER LICENSED PURSUANT TO THIS ARTICLE; EXCEPT THAT NOT  
2 MORE THAN FIVE HUNDRED DOLLARS' WORTH OF MALT, VINOUS, AND  
3 SPIRITUOUS LIQUORS MAY BE PURCHASED DURING EACH CALENDAR YEAR  
4 FROM A RETAIL LIQUOR STORE. EACH SUCH PURCHASE OF MALT, VINOUS,  
5 AND SPIRITUOUS LIQUORS SHALL BE EVIDENCED BY A PURCHASE RECEIPT  
6 SHOWING THE NAME OF THE RETAIL LIQUOR STORE, THE DATE OF  
7 PURCHASE, A DESCRIPTION OF THE LIQUOR PURCHASED, AND THE PRICE  
8 PAID FOR SUCH PURCHASE. SUCH RECEIPT SHALL BE RETAINED AND MADE  
9 AVAILABLE TO STATE AND LOCAL LICENSING AUTHORITIES AT ALL TIMES  
10 DURING BUSINESS HOURS.

11  
12 (4) A VINTNER'S RESTAURANT LICENSEE SHALL SELL MALT,  
13 VINOUS, AND SPIRITUOUS LIQUORS FOR ON-PREMISES CONSUMPTION ONLY  
14 IF AT LEAST FIFTEEN PERCENT OF THE GROSS ON-PREMISES FOOD AND  
15 DRINK INCOME OF THE BUSINESS OF THE LICENSED PREMISES IS FROM THE  
16 SALE OF FOOD.

17  
18 (5) (a) SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (5), IT IS  
19 UNLAWFUL FOR AN OWNER, PART OWNER, SHAREHOLDER, OR PERSON  
20 INTERESTED DIRECTLY OR INDIRECTLY IN A VINTNER'S RESTAURANT  
21 LICENSE TO CONDUCT, OWN EITHER IN WHOLE OR IN PART, OR BE DIRECTLY  
22 OR INDIRECTLY INTERESTED IN ANOTHER BUSINESS LICENSED PURSUANT  
23 TO THIS ARTICLE.

24  
25 (b) A PERSON INTERESTED DIRECTLY OR INDIRECTLY IN A  
26 VINTNER'S RESTAURANT LICENSE MAY CONDUCT, OWN IN WHOLE OR IN  
27 PART, OR BE DIRECTLY OR INDIRECTLY INTERESTED IN ANOTHER VINTNER'S  
28 RESTAURANT, BREW PUB, OR HOTEL AND RESTAURANT LICENSE, AN ARTS  
29 LICENSE, OR AN AIRLINE PUBLIC TRANSPORTATION SYSTEM LICENSE  
30 GRANTED UNDER THIS ARTICLE, OR IN A FINANCIAL INSTITUTION REFERRED  
31 TO IN SECTION 12-47-308 (4).

32  
33 **SECTION 5.** 12-47-503 (1) (a), Colorado Revised Statutes, is  
34 amended to read:

35  
36 **12-47-503. Excise tax - records.** (1) (a) An excise tax at the rate  
37 of 8.0 cents per gallon, or the same per unit volume tax applied to metric  
38 measure, on all malt liquors, fermented malt beverages, and hard cider,  
39 7.33 cents per liter on all vinous liquors except hard cider, and 60.26  
40 cents per liter on all spirituous liquors is imposed, and such taxes shall be  
41 collected on all such respective beverages, not otherwise exempt from the  
42 tax, sold, offered for sale, or used in this state; except that, upon the same  
43 beverages, only one such tax shall be paid in this state. The manufacturer  
44 thereof, or the first licensee receiving alcohol beverages in this state if  
45 shipped from without the state, shall be primarily liable for the payment  
46 of any tax or tax surcharge imposed pursuant to this section; but, if such  
47 beverage is transported by a manufacturer or wholesaler to a point outside  
48 of the state and there disposed of, then such manufacturer or wholesaler,  
49 upon the filing with the state licensing authority of a duplicate bill of  
50 lading, invoice, or affidavit showing such transaction, shall not be subject  
51 to the tax provided in this section on such beverages, and, if such tax has  
52 already been paid, it shall be refunded to said manufacturer or  
53 wholesaler. For purposes of this section, "manufacturer" includes brew  
54 pub licensees AND VINTNER'S RESTAURANT LICENSEES.

55  
56 **SECTION 6.** 12-47-501 (1) (h) and (2), Colorado Revised

1 Statutes, are amended to read:

2  
3 **12-47-501. State fees.** (1) The following license fees shall be  
4 paid to the department of revenue annually in advance:

5  
6 (h) For each hotel and restaurant OR VINTNER'S RESTAURANT  
7 license, seventy-five dollars;

8  
9 (2) The state licensing authority shall establish fees for processing  
10 the following types of applications, notices, or reports required to be  
11 submitted to the state licensing authority: Applications for new liquor  
12 licenses pursuant to section 12-47-304 and regulations thereunder;  
13 applications to change location pursuant to section 12-47-301 (9) and  
14 regulations thereunder; applications for transfer of ownership pursuant to  
15 section 12-47-303 (1) (c) and regulations thereunder; applications for  
16 modification of licensed premises pursuant to section 12-47-301 and  
17 regulations thereunder; applications for branch warehouse permits  
18 pursuant to section 12-47-406 and regulations thereunder; applications for  
19 approval of a contract to sell alcohol beverages pursuant to section  
20 12-47-411 (3) (c); applications for warehouse storage permits pursuant  
21 to section 12-47-202 and regulations thereunder; applications for  
22 duplicate licenses; applications for wine shipment permits pursuant to  
23 section 12-47-104; sole source registrations or new product registrations  
24 pursuant to section 12-47-901 (3) (b); hotel and restaurant OR VINTNER'S  
25 RESTAURANT optional premises registrations PURSUANT TO SECTIONS  
26 12-47-411 AND 12-47-420; expired license renewal applications pursuant  
27 to section 12-47-302; and notice of change of name or trade name  
28 pursuant to section 12-47-301 and regulations thereunder. The amounts  
29 of such fees, when added to the other fees transferred to the liquor  
30 enforcement division and state licensing authority cash fund pursuant to  
31 sections 12-46-105, 12-47-502 (1), and 12-48-104, shall reflect the direct  
32 and indirect costs of the liquor enforcement division and the state  
33 licensing authority in the administration and enforcement of this article  
34 and articles 46 and 48 of this title. The state licensing authority may  
35 charge corporate applicants and limited liability companies licensed  
36 under articles 46 and 47 of this title a fee for the cost of each fingerprint  
37 analysis and background investigation undertaken to qualify new officers,  
38 directors, stockholders, members, or managers pursuant to the  
39 requirements of section 12-47-307 (1); however, the state licensing  
40 authority shall not collect such a fee if the applicant has already  
41 undergone a background investigation by and paid a fee to a local  
42 licensing authority. At least annually, the amounts of the fees shall be  
43 reviewed and, if necessary, adjusted to reflect such direct and indirect  
44 costs.

45  
46 **SECTION 7.** 12-47-505 (1) (d), Colorado Revised Statutes, is  
47 amended to read:

48  
49 **12-47-505. Local license fees.** (1) The following license fees  
50 shall be paid to the treasurer of the municipality, city and county, or  
51 county where the licensed premises is located annually in advance:

52  
53 (d) For each hotel and restaurant OR VINTNER'S RESTAURANT  
54 license, five hundred dollars;

55  
56 **SECTION 8.** 12-47-301 (2) (a), Colorado Revised Statutes, is

1 amended to read:

2  
3 **12-47-301. Licensing in general.** (2) (a) Before granting any  
4 license, all licensing authorities shall consider, except where this article  
5 and article 46 of this title specifically provide otherwise, the reasonable  
6 requirements of the neighborhood, the desires of the adult inhabitants as  
7 evidenced by petitions, remonstrances, or otherwise, and all other  
8 reasonable restrictions that are or may be placed upon the neighborhood  
9 by the local licensing authority. With respect to a second or additional  
10 hotel and restaurant OR VINTNER'S RESTAURANT license for the same  
11 licensee, all licensing authorities shall consider the effect on competition  
12 of the granting or disapproving of additional licenses to such licensee,  
13 and no application for a second or additional hotel and restaurant OR  
14 VINTNER'S RESTAURANT license that would have the effect of restraining  
15 competition shall be approved.

16  
17 **SECTION 9.** 12-47-901 (5) (b) (II), Colorado Revised Statutes,  
18 is amended to read:

19  
20 **12-47-901. Unlawful acts - exceptions.** (5) It is unlawful for any  
21 person licensed to sell at retail pursuant to this article:

22  
23 (b) To sell, serve, or distribute any malt, vinous, or spirituous  
24 liquors at any time other than the following:

25  
26 (II) In sealed containers, on Monday through Saturday, beginning  
27 at 8 a.m. until 12 midnight each day; except that, for a limited winery OR  
28 VINTNER'S RESTAURANT licensee, sales of vinous liquors in sealed  
29 containers or by the glass shall be permitted on Sunday beginning at 8  
30 a.m. until 12 midnight. No malt, vinous, or spirituous liquors shall be  
31 sold, served, or distributed in a sealed container on Christmas day.

32  
33 **SECTION 10.** 12-47-308 (8), Colorado Revised Statutes, is  
34 amended to read:

35  
36 **12-47-308. Unlawful financial assistance.** (8) It is unlawful for  
37 an owner, part owner, shareholder, or person interested directly or  
38 indirectly in ~~any~~ A brew pub OR VINTNER'S RESTAURANT license to  
39 conduct, own in whole or in part, or be directly or indirectly interested in  
40 a wholesaler's license issued under this article.

41  
42 **SECTION 11.** 12-47-411 (13) (b), Colorado Revised Statutes, is  
43 amended to read:

44  
45 **12-47-411. Hotel and restaurant license.**  
46 (13) (b) Notwithstanding paragraph (a) of this subsection (13), an owner,  
47 part owner, shareholder, or person interested directly or indirectly in a  
48 hotel and restaurant license may conduct, own in whole or in part, or be  
49 directly or indirectly interested in ~~part~~ in another hotel and restaurant  
50 LICENSE, brew pub license or establishment, VINTNER'S RESTAURANT  
51 LICENSE, OR tavern license, an arts license, or an airline public  
52 transportation system license granted under this article, or in a financial  
53 institution referred to in section 12-47-308 (4).

54  
55 **SECTION 12.** 12-47-415 (5) (b), Colorado Revised Statutes, is  
56 amended to read:

1       **12-47-415. Brew pub license.** (5) (b) Notwithstanding paragraph  
2 (a) of this subsection (5), a person interested directly or indirectly in a  
3 brew pub license may conduct, own in whole or in part, or be directly or  
4 indirectly interested in another brew pub, VINTNER'S RESTAURANT, or  
5 hotel and restaurant license, an arts license, or an airline public  
6 transportation system license granted under this article, or in a financial  
7 institution referred to in section 12-47-308 (4).  
8

9       **SECTION 13. Effective date.** This act shall take effect at 12:01  
10 a.m. on the day following the expiration of the ninety-day period after  
11 final adjournment of the general assembly that is allowed for submitting  
12 a referendum petition pursuant to article V, section 1 (3) of the state  
13 constitution (August 4, 2004, if adjournment sine die is on May 5, 2004);  
14 except that, if a referendum petition is filed against this act or an item,  
15 section, or part of this act within such period, then the act, item, section,  
16 or part, if approved by the people, shall take effect on the date of the  
17 official declaration of the vote thereon by proclamation of the governor."  
18  
19  
20

21       **HB04-1365** be amended as follows, and as so amended, be referred to  
22 the Committee on Appropriations with favorable  
23 recommendation:  
24

25 Amend printed bill, page 6, line 13, strike "~~Within five years after June~~  
26 ~~4, 1991~~, Each" and substitute "Within five years after June 4, 1991,  
27 each";  
28

29 line 14, strike "ALREADY".  
30

31 Page 8, strike lines 13 through 16 and substitute the following:  
32

33 "~~(H)~~ (VIII) The department of local affairs may provide technical  
34 assistance to covered entities that are local governments to implement  
35 water billing systems that show customer water usage and that implement  
36 tiered billing systems;"

37  
38 Renumber succeeding subparagraphs accordingly.  
39

40 Page 9, line 5, strike "REVIEW" and substitute "REVIEW AND UPDATE".  
41  
42  
43  
44

#### 45 **TRANSPORTATION & ENERGY**

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

49       **HB04-1345** 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 3, strike lines 3 through 19 and substitute the  
54 following:  
55

56       "(b) (I) THE COMMISSION SHALL:

1 (A) IDENTIFY ALL METHODS BEING USED BY TELECOMMUNICATION  
2 SERVICE PROVIDERS THAT ALLOW CUSTOMERS TO CHANGE PROVIDERS OF  
3 LOCAL TELECOMMUNICATIONS SERVICES;

4  
5 (B) DETERMINE WHETHER SUCH METHODS ADVANCE CUSTOMER  
6 CONVENIENCE AND INDUSTRY EFFICIENCY, AND ALLOW FOR PARITY  
7 AMONG AND BETWEEN PROVIDERS OF LOCAL TELECOMMUNICATIONS  
8 SERVICES; AND

9  
10 (C) PROMULGATE RULES TO ALLOW CUSTOMERS TO CHANGE LOCAL  
11 TELECOMMUNICATIONS SERVICE AMONG PROVIDERS WITH THE SAME EASE,  
12 TIMELINESS, AND COST AS A CHANGE OF TOLL SERVICE PROVIDERS.

13  
14 (II) IF THE COMMISSION DETERMINES THAT FURTHER INVESTMENT  
15 IN FACILITIES IS NECESSARY IN ORDER TO ACHIEVE THE PURPOSES OF THIS  
16 SUBSECTION (1), THE COMMISSION SHALL DETERMINE THE EXTENT OF THE  
17 INVESTMENT AND ENSURE THAT THE COST OF THE INVESTMENT IS  
18 RECOVERED IN AN EQUITABLE AND NONDISCRIMINATORY FASHION FROM  
19 THOSE USING AND BENEFITTING FROM THE INVESTMENT. RATES FOR BASIC  
20 LOCAL EXCHANGE SERVICE SHALL NOT BE INCREASED AS A RESULT OF THE  
21 INVESTMENT.

22  
23 (III) THIS PARAGRAPH (b) SHALL NOT APPLY TO A RURAL  
24 TELECOMMUNICATIONS PROVIDER THAT IS SUBJECT TO THE EXEMPTION  
25 FOR RURAL TELEPHONE COMPANIES PROVIDED BY 47 U.S.C. SEC. 251 (f)  
26 (1) (A).".

27  
28  
29  
30 **HB04-1348** be referred to the Committee of the Whole with favorable  
31 recommendation.

32  
33  
34  
35 **PRINTING REPORT**

36  
37 The Chief Clerk reports the following bills have been correctly printed:  
38 **HB04-1372, 1373; HCR04-1005.**

39  
40  
41 House in recess. House reconvened.

42  
43  
44 **MESSAGES FROM THE SENATE**

45  
46 Madam Speaker:

47  
48 The Senate voted to concur in House amendments to SB04-106, and  
49 repassed the bill as amended.

50  
51  
52 The Senate has adopted and returns herewith: HJR04-1014.

53 The Senate has adopted and returns herewith: HJR04-1016.  
54  
55  
56

**INTRODUCTION OF BILLS**  
**First Reading**

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

**HB04-1374** by Representative(s) Wiens, Harvey, May M., Rippy, Smith, White; also Senator(s) Evans--Concerning the power of a governmental district, and, in connection therewith, modifying the power of a water and sanitation district or a water district to furnish certain water service, authorizing water districts to seek voter approval to levy a sales and use tax to address water issues, modifying the method used for the inclusion of additional lands in a water conservancy district, and specifying the types of services overlapping districts can provide.  
Committee on Agriculture, Livestock, & Natural Resources

**SB04-029** by Senator(s) Windels; also Representative(s) Jahn--Concerning medically fragile individuals.  
Committee on Health, Environment, Welfare, & Institutions

**SB04-084** by Senator(s) Windels; also Representative(s) Sinclair--Concerning technical modifications to voter identification requirements implementing the federal "Help America Vote Act of 2002".  
Committee on State, Veterans, & Military Affairs

**SB04-101** by Senator(s) Gordon, Chlouber, Dyer, Entz, Evans, Grossman, Isgar, Kester, Tapia, Teck; also Representative(s) Stafford, Berry, Briggs, Decker, Salazar, White, Young--Concerning required disclosure of a nonrenewable water source in a contract for the purchase and sale of residential real property.  
Committee on Agriculture, Livestock, & Natural Resources  
Committee on Finance

**SB04-121** by Senator(s) Takis; also Representative(s) Hodge--Concerning the power of a hazardous materials team to clean up illegal drug labs.  
Committee on Health, Environment, Welfare, & Institutions

**SB04-130** by Senator(s) Johnson S.; also Representative(s) Lundberg--Concerning limitations on exemplary damages for assisted living residences.  
Committee on Judiciary

**SB04-145** by Senator(s) Groff; also Representative(s) Frangas--Concerning minimum core academic requirements for high school graduation.  
Committee on Education

**SB04-156** by Senator(s) Groff; also Representative(s) Berry--Concerning limitations on the employment of sex offenders in facilities for the confinement of persons.  
Committee on Judiciary

1 **SB04-159** by Senator(s) Isgar, Tupa; also Representative(s) Larson--  
 2 Concerning tests to determine the blood alcohol content  
 3 level of a driver.  
 4 Committee on Transportation & Energy

## INTRODUCTION OF RESOLUTIONS

10 The following resolution was read by title and referred to the committee  
 11 indicated:

13 **HJR04-1019** by Representative(s) Paccione; also Senator(s) Tupa,  
 14 Gordon--Concerning "No Name-Calling Week" in  
 15 Colorado.  
 16 Committee on Education

19 The following resolution was read by title and laid over one day under the  
 20 rules:

22 **HJR04-1020** by Representative(s) Spradley; also Senator(s) Lamborn--  
 23 Concerning the abolition of the death tax.

26 House in recess. House reconvened.

## CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

32 **HB04-1206** by Representative(s) Mitchell, Butcher, Clapp, Coleman,  
 33 Decker, Frangas, Hall, Harvey, Judd, Marshall, May M.,  
 34 McFadyen, Pommer, Rose, Salazar, Stafford, Tochtrop,  
 35 Williams T.; also Senator(s) Hillman--Concerning the  
 36 second pool of premium tax credits available under the  
 37 "Certified Capital Company Act", and, in connection  
 38 therewith, creating an insurance premium tax credit for  
 39 contributions to CoverColorado by an insurance company.

41 (Amended as printed in Senate Journal, February 18.)

43 Representative Mitchell moved that the House **concur** in Senate  
 44 amendments. The motion was declared **passed** by the following roll call  
 45 vote:

|    | YES      | 52 | NO      | 11 | EXCUSED    | 02 | ABSENT    | 00 |
|----|----------|----|---------|----|------------|----|-----------|----|
| 48 | Berry    | Y  | Garcia  | N  | McCluskey  | Y  | Sinclair  | Y  |
| 49 | Borodkin | Y  | Hall    | Y  | McFadyen   | Y  | Smith     | Y  |
| 50 | Boyd     | Y  | Harvey  | Y  | McGihon    | Y  | Spence    | Y  |
| 51 | Briggs   | Y  | Hefley  | Y  | Merrifield | Y  | Stafford  | E  |
| 52 | Brophy   | N  | Hodge   | N  | Miller     | Y  | Stengel   | Y  |
| 53 | Butcher  | Y  | Hoppe   | Y  | Mitchell   | Y  | Tochtrop  | Y  |
| 54 | Cadman   | N  | Jahn    | Y  | Paccione   | Y  | Vigil     | N  |
| 55 | Carroll  | N  | Johnson | Y  | Plant      | N  | Weddig    | Y  |
| 56 | Cerbo    | Y  | Judd    | Y  | Pommer     | Y  | Weissmann | N  |

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

9  
10 The question being, "Shall the bill, as amended, pass?".  
11 A roll call vote was taken. As shown by the following recorded vote, a  
12 majority of those elected to the House voted in the affirmative, and the  
13 bill, as amended, was declared **repassed**.  
14

|    |            |           |           |           |                |           |               |           |
|----|------------|-----------|-----------|-----------|----------------|-----------|---------------|-----------|
| 15 | <b>YES</b> | <b>44</b> | <b>NO</b> | <b>19</b> | <b>EXCUSED</b> | <b>02</b> | <b>ABSENT</b> | <b>00</b> |
| 16 | Berry      | Y         | Garcia    | N         | McCluskey      | Y         | Sinclair      | Y         |
| 17 | Borodkin   | Y         | Hall      | Y         | McFadyen       | Y         | Smith         | Y         |
| 18 | Boyd       | Y         | Harvey    | Y         | McGihon        | N         | Spence        | Y         |
| 19 | Briggs     | Y         | Hefley    | N         | Merrifield     | Y         | Stafford      | E         |
| 20 | Brophy     | N         | Hodge     | N         | Miller         | Y         | Stengel       | N         |
| 21 | Butcher    | Y         | Hoppe     | N         | Mitchell       | Y         | Tochtrop      | Y         |
| 22 | Cadman     | Y         | Jahn      | N         | Paccione       | Y         | Vigil         | N         |
| 23 | Carroll    | N         | Johnson   | Y         | Plant          | N         | Weddig        | Y         |
| 24 | Cerbo      | Y         | Judd      | Y         | Pommer         | Y         | Weissmann     | N         |
| 25 | Clapp      | Y         | King      | Y         | Ragsdale       | Y         | Welker        | Y         |
| 26 | Cloer      | N         | Larson    | N         | Rhodes         | N         | White         | Y         |
| 27 | Coleman    | Y         | Lee       | Y         | Rippy          | Y         | Wiens         | Y         |
| 28 | Crane      | Y         | Lundberg  | N         | Romanoff       | N         | Williams S.   | Y         |
| 29 | Decker     | Y         | Madden    | Y         | Rose           | Y         | Williams T.   | Y         |
| 30 | Fairbank   | E         | Marshall  | Y         | Salazar        | Y         | Witwer        | Y         |
| 31 | Frangas    | Y         | May       | Y         | Schultheis     | N         | Young         | N         |
| 32 |            |           |           |           |                |           | Speaker       | Y         |

33  
34  
35 On motion of Representative King, at 4:24 p.m., **HB04-1108, 1054, 1067,**  
36 **1267, 1341, 1036, 1266, 1346, 1236, 1292, 1277, 1242, 1094, 1200** were  
37 added to the Special Orders Calendar on Thursday, February 19, 2004.  
38

39  
40 On motion of Representative Hall, the House resolved itself into  
41 Committee of the Whole for consideration of Special Orders and he was  
42 called to the Chair to act as Chairman.  
43

### 44 **SPECIAL ORDERS--SECOND READING OF BILLS**

45  
46  
47 The Committee of the Whole having risen, the Chairman reported the  
48 titles of the following bills had been read (reading at length had been  
49 dispensed with by unanimous consent), the bills considered and action  
50 taken thereon as follows:  
51

52 (Amendments to the committee amendment are to the printed committee  
53 report which was printed and placed in the members' bill file.)  
54  
55  
56



1 **HB04-1187** by Representative(s) Harvey, May M.; also Senator  
2 Andrews--Concerning an alien's ability to establish  
3 Colorado domicile for in-state tuition purposes.  
4

5 Amendment No. 1, Education Report, dated February 2, 2004, and placed  
6 in member's bill file; Report also printed in House Journal, February 3,  
7 page 279.  
8

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

12 **HB04-1102** by Representative(s) Clapp; also Senator(s) Johnson S.--  
13 Concerning the regulation of dental health care providers  
14 by the state board of dental examiners.  
15

16 Amendment No. 1, Appropriations Report, dated February 13, 2004, and  
17 placed in member's bill file; Report also printed in House Journal,  
18 February 13, pages 439-440.  
19

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

23 **HB04-1363** by Representative(s) King, Spradley; also Senator Kester--  
24 Concerning participation in activities not offered within a  
25 student's school district.  
26

27 Amendment No. 1, Education Report, dated February 16, 2004, and  
28 placed in member's bill file; Report also printed in House Journal,  
29 February 17, page 467.  
30

31 As amended, ordered engrossed and placed on the Calendar for Third  
32 Reading and Final Passage.  
33

34 **HB04-1306** by Representative(s) Jahn; also Senator Kester--  
35 Concerning the issuance of licenses to persons who are in  
36 the business of selling motor vehicles.  
37

38 Ordered engrossed and placed on the Calendar for Third Reading and  
39 Final Passage.  
40

41 **HB04-1222** by Representative(s) Young, Plant, Witwer; also  
42 Senator(s) Owen, Reeves, Teck--Concerning the  
43 elimination of the designated cash flow reserve within the  
44 controlled maintenance trust fund, and, in connection  
45 therewith, transferring the balance of the reserve to the  
46 state general fund.  
47

48 Ordered engrossed and placed on the Calendar for Third Reading and  
49 Final Passage.  
50

51 **SB04-018** by Senator(s) Hillman; also Representative(s) Brophy--  
52 Concerning an increase in the contribution limit for local  
53 government retirement plans.  
54

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

1 **HB04-1285** by Representative(s) Johnson R., Marshall, Fairbank, Hall,  
2 King, Lundberg, Sinclair, Stengel; also Senator(s) Kester--  
3 Concerning disclosure of outstanding debt prior to such  
4 debt going to collections.  
5

6 Amendment No. 1, Information & Technology Report, dated February  
7 16, 2004, and placed in member's bill file; Report also printed in House  
8 Journal, February 17, pages 468-469.  
9

10 Amendment No. 2, by Representative Johnson.  
11

12 Amend the Information and Technology Committee Report, dated  
13 February 16, 2004, page 1, line 15, strike "RELIED ON A THIRD-PARTY  
14 PAYOR" and substitute "HEALTH BENEFIT COVERAGE".  
15

16 Page 2 of the committee report, line 1, strike "PROVIDER," and substitute  
17 "PROVIDER AND THE PERSON HAS NOTIFIED THE HEALTH CARE PROVIDER  
18 OF COVERAGE,";  
19

20 line 2, strike "THIRD-PARTY PAYOR" and substitute "HEALTH COVERAGE  
21 PLAN AS DEFINED IN SECTION 10-16-102 (22.5), C.R.S.,";  
22

23 line 10, strike "MADE;" and substitute "MADE; THE DATE OF SERVICE;"  
24

25 line 12, strike "CREDIT" and substitute "CONSUMER";  
26

27 strike lines 29 through 32 and substitute the following:  
28

29 "NOTICE BY PROVIDING A WRITTEN REPORT TO THE COLLECTION AGENCY  
30 TO WITHHOLD ANY COLLECTION EFFORTS AND WITHHOLDING ANY OF THE  
31 HEALTH CARE PROVIDER'S OWN".  
32

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

36 **HB04-1204** by Representative(s) Rhodes; also Senator(s) McElhany--  
37 Concerning limitations on the type of criminal history  
38 information that appears on credit reports under the  
39 "Colorado Consumer Credit Reporting Act".  
40

41 Lost on Second Reading.  
42

43 **HB04-1108** by Representative(s) McFadyen--Concerning the  
44 inadmissability of certain confidential communications by  
45 juveniles.  
46

47 Amendment No. 1, Information & Technology Report, dated January 28,  
48 2004, and placed in member's bill file; Report also printed in House  
49 Journal, January 29, page 220.  
50

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

54 **HB04-1054** by Representative(s) Brophy; also Senator(s) Hillman--  
55 Concerning the duties of occupants of vehicles involved in  
56 accidents resulting in personal harm.

1 Amendment No. 1, by Representative Brophy.  
2  
3 Amend printed bill, page 2, line 11, strike "(1) (a)" and substitute (1);  
4  
5 line 15, strike "(1)";  
6  
7 line 16, strike "(a) AND";  
8  
9 strike line 20 and substitute the following:  
10  
11 "REQUIREMENT OF SECTION 42-4-1603 (2) (b);  
12  
13 line 24, strike "(a)".  
14  
15 Page 3, strike lines 11 through 17;  
16  
17 line 22, strike "PARAGRAPH (a) OF".  
18  
19 Page 4, line 14, strike "shall, AFTER" and substitute "shall";  
20  
21 strike line 15 and substitute the following:  
22  
23 "give or".  
24  
25 As amended, ordered engrossed and placed on the Calendar for Third  
26 Reading and Final Passage.  
27  
28 **HB04-1267** by Representative(s) Plant, Witwer, Young; also  
29 Senator(s) Teck, Owen, Reeves--Concerning the repeal of  
30 transfers to the controlled maintenance trust fund.  
31  
32 Ordered engrossed and placed on the Calendar for Third Reading and  
33 Final Passage.  
34 (For change in action, see Amendments to Report, page 564.)  
35  
36 **HB04-1200** by Representative(s) Clapp, Stafford, Berry, Boyd, Cloer,  
37 Frangas, Harvey, Hefley, Jahn, Johnson R., Lundberg,  
38 Madden, Plant, Pommer, Schultheis, Young; also  
39 Senator(s) Anderson, Reeves, Teck--Concerning the  
40 collaborative management of multi-agency services  
41 provided to children.  
42  
43 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,  
44 dated February 18, 2004, and placed in member's bill file; Report also  
45 printed in House Journal, February 19, pages 533-537.  
46  
47 Amendment No. 2, by Representative Clapp.  
48  
49 Amend the Health, Environment, Welfare, & Institutions Committee  
50 Report, dated February 18, 2004, page 2, after line 4, insert the following:  
51  
52 "line 14, strike "SECTOR." and substitute "SECTOR, AS WELL AS FAMILY  
53 MEMBERS OR CAREGIVERS OF CHILDREN WHO WOULD BENEFIT FROM  
54 MULTI-AGENCY SERVICES."";  
55  
56 after line 21, insert the following:

1 "Page 8, line 10, strike "INTERAGENCY STAFFING GROUPS" and substitute  
2 "INDIVIDUALIZED SERVICE AND SUPPORT TEAMS";";

3  
4 line 22, strike "Page 8,".

5  
6 Page 3 of the committee report, strike lines 24 through 29 and substitute  
7 the following:

8  
9 "Page 11, line 24, after the period, add "FOR PURPOSES OF PROCESSING  
10 REQUESTS FOR WAIVERS BY COUNTY DEPARTMENTS OF SOCIAL SERVICES,  
11 THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES FOR  
12 THE STATE DEPARTMENT OF HUMAN SERVICES TO FOLLOW IN DETERMINING  
13 IF EFFECTIVE PARTICIPATION OF A COUNTY DEPARTMENT OF SOCIAL  
14 SERVICES IS NOT POSSIBLE DUE TO EXTRAORDINARY CONSTRAINTS ON  
15 THAT COUNTY DEPARTMENT OF SOCIAL SERVICES.";"

16  
17 Page 4 of the committee report, strike line 1.

18  
19 Page 6 of the committee report, strike lines 17 through 25 and substitute  
20 the following:

21  
22 "(b) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE  
23 RULES FOR THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF  
24 HUMAN SERVICES TO FOLLOW IN ALLOCATING THE INCENTIVE MONEYS IN  
25 THE FUND PURSUANT TO THIS SUBSECTION (3).".

26  
27 Amendment No. 3, by Representative Boyd.

28  
29 Amend the Health, Environment, Welfare, & Institutions Committee  
30 Report, dated February 18, 2004, page 3, strike lines 7 through 16 and  
31 substitute the following:

32  
33 ""(II) A COUNTY DEPARTMENT OF SOCIAL SERVICES THAT HAS  
34 IMPLEMENTED A COLLABORATIVE MANAGEMENT PROCESS FOR PROVISION  
35 OF SERVICES TO CHILDREN AND FAMILIES IN A MEMORANDUM OF  
36 UNDERSTANDING PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2),  
37 AND THAT PROVIDES CHILD WELFARE SERVICES TO CHILDREN AND  
38 FAMILIES OTHER THAN THOSE SERVICES INCLUDED IN THE MEMORANDUM  
39 OF UNDERSTANDING, AND THAT UNDERSPENDS THE GENERAL FUND  
40 PORTION OF ITS CAPPED OR TARGETED ALLOCATION, MAY USE THE  
41 UNSPENT GENERAL FUND PORTION OF ITS CAPPED OR TARGETED  
42 ALLOCATION TO PROVIDE ADDITIONAL CHILD WELFARE SERVICES OR  
43 ADDITIONAL SERVICES TO OTHER CHILDREN AND FAMILIES IN THE  
44 COUNTY.";"

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

48  
49 On motion of Representative King, the remainder of the Special Orders  
50 Calendar (**HB04-1173, 1347, SB04-067, 035, 012, 026, HB04-1067,**  
51 **1341, 1036, 1266, 1346, 1236, 1292, 1277, 1242, 1094**) was laid over  
52 until February 20, retaining place on Calendar.

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

Representative Vigil moved to amend the Report of the Committee of the Whole to show that HB 04-1187, as amended, did not pass.

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

| YES      | 26 | NO       | 35 | EXCUSED    | 04 | ABSENT      | 00 |
|----------|----|----------|----|------------|----|-------------|----|
| Berry    | N  | Garcia   | N  | McCluskey  | N  | Sinclair    | N  |
| Borodkin | Y  | Hall     | N  | McFadyen   | Y  | Smith       | E  |
| Boyd     | Y  | Harvey   | N  | McGihon    | Y  | Spence      | N  |
| Briggs   | N  | Hefley   | N  | Merrifield | Y  | Stafford    | E  |
| Brophy   | N  | Hodge    | Y  | Miller     | N  | Stengel     | N  |
| Butcher  | Y  | Hoppe    | N  | Mitchell   | E  | Tochtrop    | Y  |
| Cadman   | N  | Jahn     | Y  | Paccione   | Y  | Vigil       | Y  |
| Carroll  | Y  | Johnson  | N  | Plant      | Y  | Weddig      | Y  |
| Cerbo    | Y  | Judd     | Y  | Pommer     | Y  | Weissmann   | Y  |
| Clapp    | N  | King     | N  | Ragsdale   | Y  | Welker      | N  |
| Cloer    | N  | Larson   | N  | Rhodes     | N  | White       | Y  |
| Coleman  | Y  | Lee      | N  | Rippy      | N  | Wiens       | N  |
| Crane    | N  | Lundberg | N  | Romanoff   | N  | Williams S. | Y  |
| Decker   | N  | Madden   | Y  | Rose       | N  | Williams T. | N  |
| Fairbank | E  | Marshall | Y  | Salazar    | Y  | Witwer      | N  |
| Frangas  | Y  | May      | N  | Schultheis | N  | Young       | N  |
|          |    |          |    |            |    | Speaker     | N  |

Representatives Weissmann, Lee, and May M., moved to amend the Report of the Committee of the Whole to show that the following Weissmann amendment, (L.001) to HB 04-1306, did pass, and that HB 04-1306, as amended, did pass.

Amend printed bill, page 3, after line 12, insert the following:

**"SECTION 4.** 12-6-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-6-108. Classes of licenses.** (3) PART 3 OF THIS ARTICLE SHALL NOT APPLY TO A PERSON WHO POSSESSES A LICENSE ENUMERATED BY SUBSECTION (1) OF THIS SECTION."

Renumber succeeding section accordingly.

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

| YES      | 20 | NO      | 41 | EXCUSED    | 04 | ABSENT    | 00 |
|----------|----|---------|----|------------|----|-----------|----|
| Berry    | N  | Garcia  | Y  | McCluskey  | N  | Sinclair  | N  |
| Borodkin | Y  | Hall    | N  | McFadyen   | N  | Smith     | E  |
| Boyd     | Y  | Harvey  | Y  | McGihon    | N  | Spence    | N  |
| Briggs   | N  | Hefley  | N  | Merrifield | N  | Stafford  | E  |
| Brophy   | Y  | Hodge   | N  | Miller     | N  | Stengel   | Y  |
| Butcher  | N  | Hoppe   | N  | Mitchell   | E  | Tochtrop  | Y  |
| Cadman   | N  | Jahn    | N  | Paccione   | N  | Vigil     | N  |
| Carroll  | Y  | Johnson | N  | Plant      | Y  | Weddig    | N  |
| Cerbo    | N  | Judd    | Y  | Pommer     | Y  | Weissmann | Y  |
| Clapp    | N  | King    | N  | Ragsdale   | N  | Welker    | Y  |
| Cloer    | N  | Larson  | N  | Rhodes     | N  | White     | N  |

|   |          |   |          |   |            |   |             |   |
|---|----------|---|----------|---|------------|---|-------------|---|
| 1 | Coleman  | N | Lee      | Y | Rippy      | N | Wiens       | N |
| 2 | Crane    | N | Lundberg | Y | Romanoff   | Y | Williams S. | N |
| 3 | Decker   | N | Madden   | N | Rose       | N | Williams T. | N |
| 4 | Fairbank | E | Marshall | N | Salazar    | Y | Witwer      | Y |
| 5 | Frangas  | N | May      | Y | Schultheis | N | Young       | Y |
| 6 |          |   |          |   |            |   | Speaker     | N |

7  
8 Representatives Weissmann and Larson moved to amend the Report of  
9 the Committee of the Whole to show that the following Weissmann  
10 amendment, (L.001) to HB 04-1267, did pass, and that HB 04-1267, as  
11 amended, did pass.

12  
13 Amend printed bill, page 2, line 1, strike "repealed" and substitute  
14 "amended";

15  
16 strike lines 4 through 9, and substitute the following:

17  
18 "(b) (I) On July 1, ~~2004~~ 2006, the state treasurer and the controller  
19 shall transfer an amount equal to one hundred thirty-eight million two  
20 hundred thousand dollars from the general fund to the trust fund.

21  
22 (II) On July 1, ~~2005~~ 2007, the state treasurer and the controller  
23 shall transfer an amount equal to one hundred thirty-eight million two  
24 hundred thousand dollars from the general fund to the trust fund."

25  
26 The amendment was declared **passed** by the following roll call vote:

|    |          |    |          |    |            |    |             |    |
|----|----------|----|----------|----|------------|----|-------------|----|
| 27 | YES      | 35 | NO       | 26 | EXCUSED    | 04 | ABSENT      | 00 |
| 28 | Berry    | Y  | Garcia   | Y  | McCluskey  | N  | Sinclair    | N  |
| 29 | Borodkin | Y  | Hall     | N  | McFadyen   | Y  | Smith       | E  |
| 30 | Boyd     | Y  | Harvey   | Y  | McGihon    | N  | Spence      | Y  |
| 31 | Briggs   | Y  | Hefley   | N  | Merrifield | Y  | Stafford    | E  |
| 32 | Brophy   | Y  | Hodge    | Y  | Miller     | Y  | Stengel     | N  |
| 33 | Butcher  | Y  | Hoppe    | N  | Mitchell   | E  | Tochtrop    | Y  |
| 34 | Cadman   | N  | Jahn     | Y  | Paccione   | N  | Vigil       | N  |
| 35 | Carroll  | Y  | Johnson  | N  | Plant      | N  | Weddig      | Y  |
| 36 | Cerbo    | Y  | Judd     | Y  | Pommer     | Y  | Weissmann   | Y  |
| 37 | Clapp    | Y  | King     | Y  | Ragsdale   | Y  | Welker      | Y  |
| 38 | Cloer    | Y  | Larson   | Y  | Rhodes     | N  | White       | N  |
| 39 | Coleman  | Y  | Lee      | Y  | Rippy      | N  | Wiens       | N  |
| 40 | Crane    | Y  | Lundberg | Y  | Romanoff   | N  | Williams S. | Y  |
| 41 | Decker   | Y  | Madden   | N  | Rose       | N  | Williams T. | N  |
| 42 | Fairbank | E  | Marshall | N  | Salazar    | N  | Witwer      | N  |
| 43 | Frangas  | N  | May      | Y  | Schultheis | Y  | Young       | N  |
| 44 |          |    |          |    |            |    | Speaker     | N  |

#### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

45  
46  
47  
48  
49 Passed Second Reading: **HB04-1187 amended, 1102 amended, 1363**  
50 **amended, 1306, 1222, SB04-018, HB04-1285 amended, 1108 amended,**  
51 **1054 amended, 1267 amended, 1200 amended.**

52  
53  
54  
55 Lost on Second Reading: **HB04-1204.**

56

1 Laid over until date indicated retaining place on Calendar: **HB04-1173,**  
 2 **1347, SB04-067, 035, 012, 026, HB04-1067, 1341, 1036, 1266, 1346,**  
 3 **1236, 1292, 1277, 1242, 1094**--February 20, 2004.

4  
 5 The Chairman moved the adoption of the Committee of the Whole  
 6 Report. As shown by the following roll call vote, a majority of those  
 7 elected to the House voted in the affirmative, and the Report was  
 8 **adopted.**

| YES      | 61 | NO       | 00 | EXCUSED    | 04 | ABSENT      | 00 |
|----------|----|----------|----|------------|----|-------------|----|
| Berry    | Y  | Garcia   | Y  | McCluskey  | Y  | Sinclair    | Y  |
| Borodkin | Y  | Hall     | Y  | McFadyen   | Y  | Smith       | E  |
| Boyd     | Y  | Harvey   | Y  | McGihon    | Y  | Spence      | Y  |
| Briggs   | Y  | Hefley   | Y  | Merrifield | Y  | Stafford    | E  |
| Brophy   | Y  | Hodge    | Y  | Miller     | Y  | Stengel     | Y  |
| Butcher  | Y  | Hoppe    | Y  | Mitchell   | E  | 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 | E  | Marshall | Y  | Salazar    | Y  | Witwer      | Y  |
| Frangas  | Y  | May      | Y  | Schultheis | Y  | Young       | Y  |
|          |    |          |    |            |    | Speaker     | Y  |

### LAY OVER OF CALENDAR ITEMS

33 On motion of Representative King, the following items on the Calendar  
 34 were laid over until February 20, 2004, retaining place on Calendar:

36 Consideration of General Orders--**HB04-1175, SB04-096, HB04-1210,**  
 37 **1196, 1040, 1093, 1121, 1257, 1218, 1209, 1274, 1153, 1270, 1160.**

38 Consideration of Resolutions--**HJR04-1008, 1009, 1012, SJR04-009,**  
 39 **HJR04-1013, 1005, SJR04-003, 004, HJR04-1015, 1018.**

40 Consideration of Senate Amendments--**HB04-1112, 1038, 1072, 1052,**  
 41 **1100, 1110, 1005.**

44 On motion of Representative King, the House adjourned until 9:00 a.m.,  
 45 February 20, 2004.

47 Approved:

51 LOLA SPRADLEY,  
 52 Speaker

53 Attest:

55 JUDITH RODRIGUE,  
 56 Chief Clerk