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

Forty-fifth Legislative Day

Friday, February 20, 2004

Prayer by Pastor Curtis Miller, Worship Center of Brighton, Brighton. 1 2 3 The Speaker called the House to order at 9:00 a.m. 4 5 Pledge of Allegiance led by Representative Lundberg. 6 7 The roll was called with the following result: 8 9 Present--62. 10 Excused--Representatives Fairbank, Coleman, Stafford--3. Present after Roll Call--Representative Coleman. 11 12 13 The Speaker declared a quorum present. 14 15 On motion of Representative McGihon, the reading of the journal of 16 February 19, 2004, was declared dispensed with and approved as 17 18 corrected by the Chief Clerk. 19 20 21 THIRD READING OF BILLS--FINAL PASSAGE 22 23 The following bills were considered on Third Reading. The titles were 24 publicly read. Reading of the bill at length was dispensed with by 25 unanimous consent. 26 27 HB04-1187 by Representative(s) Harvey, May M; also Senator(s) 28 Andrews--Concerning an alien's ability to establish 29 Colorado domicile for in-state tuition purposes. 30 31 The question being "Shall the bill pass?". A roll call vote was taken. As shown by the following recorded vote, a 32 33 majority of those elected to the House voted in the affirmative and the bill was declared **passed**. 34 35 36 YES 37 NO **EXCUSED** 02 ABSENT 26 00 37 Berry Y Garcia Y **McCluskey** Y Sinclair Y Ν 38 Borodkin Ν Hall Y McFadyen Smith Y 39 Boyd Ν Harvey Y McGihon Ν Spence Y 40 Briggs Y Y Merrifield Stafford Hefley Ν Ε 41 Brophy Y Hodge Ν Miller Y Stengel Y Tochtrop Y Mitchell Y 42 Butcher Ν Hoppe Ν 43 Cadman Y Jahn Ν Paccione Ν Vigil Ν

Page 568 Weddig 1 Carroll Ν Johnson Y Plant Ν Ν 2 Cerbo Ν Judd Ν Pommer Ν Weissmann Ν 3 Clapp Y King Y Ragsdale Ν Welker Y 4 Y Y Cloer Larson Y Rhodes White Ν 5 Y Y Wiens Y Coleman Ν Lee Rippy 6 Y Y Crane Lundberg Y Romanoff Williams S. Ν 7 Decker Y Madden Rose Y Williams T. Y Ν 8 Fairbank Ε Marshall Ν Salazar Ν Witwer Y 9 Ν May Y Schultheis Y Young Y Frangas Speaker Y 10 Co-sponsors added: Representatives Brophy, Cadman, Clapp, Crane, Decker, 11 Hefley, Hoppe, King, Lee, Lundberg, Rhodes, Rose, Schultheis, Sinclair, 12 13 Stengel, Welker, Wiens. 14 15 HB04-1102 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning the regulation of dental health care providers 16 by the state board of dental examiners. 17 18 The question being "Shall the bill pass?". 19 20 A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill 21 22 was declared **passed**. 23 24 YES 63 NO 00 **EXCUSED** 02 ABSENT 00 25 Y Y Garcia Y **McCluskey** Y Sinclair Berry Y Borodkin Y Y 26 Hall Y McFadven Smith 27 Y Y Y Y Boyd Harvey McGihon Spence 28 Briggs Y Hefley Merrifield Y Stafford Ε Y 29 Y Brophy Y Hodge Y Miller Y Stengel 30 Y Y Butcher Y Hoppe Mitchell Y Tochtrop 31 Vigil Y Cadman Y Jahn Y Paccione Y 32 Carroll Y Johnson Y Plant Y Weddig Y 33 Y Cerbo Judd Y Pommer Y Weissmann Y 34 Clapp Y King Y Ragsdale Y Welker Y Y White Y 35 Cloer Larson Y Rhodes Y Y Y 36 Coleman Lee Y Rippy Y Wiens 37 Y Y Romanoff Y Williams S. Y Crane Lundberg 38 Decker Y Madden Y Rose Y Williams T. Y 39 Ε Marshall Y Salazar Y Witwer Y Fairbank 40 Y Frangas Y May Y Schultheis Y Young 41 Speaker Y 42 Co-sponsors added: Representatives Borodkin, Boyd, Cerbo, Cloer, Frangas, 43 Harvey, McFadyen, Tochtrop, Weddig, Williams S. 44 by Representative(s) King, Spradley; also Senator() 45 HB04-1363 46 Kester--Concerning participation in activities not offered 47 within a student's school district. 48 49 The question being "Shall the bill pass?". A roll call vote was taken. As shown by the following recorded vote, a 50 51 majority of those elected to the House voted in the affirmative and the bill 52 was declared **passed**. 53 54 YES NO 00 02 ABSENT 63 **EXCUSED** 00 55 Berry Y Garcia Y **McCluskey** Y Sinclair Y Borodkin Y Y Y Y 56 Hall McFadyen Smith

House Journal--45th Day--February 20, 2004

1	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
2	Briggs	Ŷ	Hefley	Ŷ	Merrifield	Ŷ		Ē
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5	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
6	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
7	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
8	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
9	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
10	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
11	Crane	Y	Lundberg	Y	Romanoff	Y		Y
12	Decker	Ŷ	Madden	Ŷ	Rose	Ŷ		Ŷ
13	Fairbank	Ē	Marshall	Ŷ	Salazar	Ŷ		Ŷ
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21		Co	oncerning the	issua	nce of license	s to	persons who	are in
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30 31	Berry Borodkin	Y Y	Garcia Hall	Y Y	McCluskey McFadyen	Y Y	Sinclair Smith	Y Y
30 31 32	Berry Borodkin Boyd Briggs	Y Y Y	Garcia Hall Harvey Hefley	Y Y Y	McCluskey McFadyen McGihon	Y Y Y Y	Sinclair Smith Spence Stafford	Y Y Y
30 31 32 33 34	Berry Borodkin Boyd Briggs Brophy	Y Y Y Y Y	Garcia Hall Harvey Hefley Hodge	Y Y Y Y Y	McCluskey McFadyen McGihon Merrifield Miller	Y Y Y Y Y	Sinclair Smith Spence Stafford Stengel	Y Y Y E Y
30 31 32 33 34 35	Berry Borodkin Boyd Briggs Brophy Butcher	Y Y Y Y Y Y	Garcia Hall Harvey Hefley Hodge Hoppe	Y Y Y Y Y Y	McCluskey McFadyen McGihon Merrifield Miller Mitchell	Y Y Y Y Y Y	Sinclair Smith Spence Stafford Stengel Tochtrop	Y Y Y E Y Y
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The question being "Shall the bill pass?". A roll call vote was taken. As shown by the following recorded vote, a 2 3 majority of those elected to the House voted in the affirmative and the bill

4 was declared **passed**.

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5								
6	YES	54	NO	09	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	Ν	McGihon	Y	Spence	Y
10	Briggs	Y	Hefley	Ν	Merrifield	Y	Stafford	Е
11	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
12	Butcher	Y	Hoppe	Y	Mitchell	Ν	Tochtrop	Y
13	Cadman	Ν	Jahn	Y	Paccione	Y	Vigil	Y
14	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Ν
15	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
16	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
17	Cloer	Ν	Larson	Y	Rhodes	Y	White	Y
18	Coleman	Y	Lee	Ν	Rippy	Y	Wiens	Y
19	Crane	Y	Lundberg	Ν	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	Ν	Young	Y
23	U		2				Speaker	Y
24	Commence		Demonstrate	1' D'			•	

24 Co-sponsors added: Representative Rippy 25

<u>SB04-018</u> by Senator(s) Hillman; also Representative(s) Brophy--26 Concerning an increase in the contribution limit for local 27 28 government retirement plans.

29

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

A roll call vote was taken. As shown by the following recorded vote, a 31 majority of those elected to the House voted in the affirmative and the bill 32 33 was declared **passed**.

34

34								
35	YES	54	NO	09	EXCUSED	02	ABSENT	00
36	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
37	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
38	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
39	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
40	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
41	Butcher	Y	Hoppe	Y	Mitchell	Ν	Tochtrop	Y
42	Cadman	Ν	Jahn	Y	Paccione	Y	Vigil	Y
43	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
44	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Ν
45	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
46	Cloer	Ν	Larson	Y	Rhodes	Y	White	Y
47	Coleman	Ν	Lee	Ν	Rippy	Y	Wiens	Y
48	Crane	Y	Lundberg	Ν	Romanoff	Y	Williams S.	Y
49	Decker	Ν	Madden	Y	Rose	Y	Williams T.	Y
50	Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
51	Frangas	Y	May	Y	Schultheis	Ν	Young	Y
52			-				Speaker	Y
53	Co-sponsors	addeo	1. Represent	atives (Coleman Fran	σas	Hoppe McE	adven

Co-sponsors added: Representatives Coleman, Frangas, Hoppe, McFadyen, 33

54 Merrifield, Miller, Pommer, Ragsdale, Weddig, Williams S., Young.

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

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

29 Co-sponsors added: Representatives Boyd, Cadman, Jahn, Merrifield, Weddig,
30 Welker.

- 30 31
- 32

 HB04-1108 by Representative(s) McFadyen; also Senator Arnold--Concerning the inadmissability of certain confidential communications by juveniles.

3637 The question being "Shall the bill pass?".

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

• •								
42	YES	55	NO	08	EXCUSED	02	ABSENT	00
43	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
44	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
45	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
46	Briggs	Y	Hefley	Ν	Merrifield	Y	Stafford	E
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
48	Butcher	Y	Hoppe	Ν	Mitchell	Y	Tochtrop	Y
49	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
50	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
51	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
52	Clapp	Ν	King	Ν	Ragsdale	Y	Welker	Y
53	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
54	Coleman	Y	Lee	Ν	Rippy	Y	Wiens	Ν
55	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
56	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y

House Journal--45th Day--February 20, 2004 Page 572 Fairbank 1 Witwer Ε Marshall Y Salazar Y Ν 2 Y Y Y Schultheis Y Young Frangas May 3 Speaker Ν 4 Co-sponsors added: Representatives Borodkin, Boyd, Brophy, Butcher, Carroll, 5 Crane, Garcia, Madden, Marshall, Merrifield, Miller, Paccione, Rose, Smith, 6 Stengel, Tochtrop, Vigil, Weissmann, Williams S. 7 8 by Representative(s) Brophy; also Senator(s) Hillman--HB04-1054 Concerning the duties of occupants of vehicles involved in 9 10 accidents resulting in personal harm. 11 The question being "Shall the bill pass?". 12 A roll call vote was taken. As shown by the following recorded vote, a 13 majority of those elected to the House voted in the affirmative and the bill 14 was declared **passed**. 15 16 17 YES NO 08 **EXCUSED** 02 ABSENT 55 00 18 Y Y Y Y Berry Garcia **McCluskey** Sinclair Borodkin 19 Y Hall Y McFadyen Y Smith Y 20 Y Y Y Y Boyd Harvey McGihon Spence 21 Briggs Y Hefley Y Merrifield Y Stafford Ε 22 Y Y Brophy Y Miller Y Stengel Hodge 23 Butcher Y Hoppe Y Mitchell Y Tochtrop Y 24 Cadman Ν Jahn Y Paccione Y Vigil Y 25 Carroll Ν Johnson Y Plant Y Weddig Y Y 26 Y Weissmann Y Cerbo Judd Y Pommer 27 Y Y Ragsdale Y Welker Y Clapp King 28 Ν Larson Rhodes Y White Y Cloer Y 29 Y Coleman Y Lee Y Rippy Ν Wiens 30 Y Crane Lundberg Ν Romanoff Y Williams S. Y 31 Williams T. Y Decker Y Madden Y Rose Y 32 Fairbank Ε Marshall Y Salazar Y Witwer Y 33 Y Mav Y Schultheis Ν Young Ν Frangas 34 Speaker Ν 35 Co-sponsors added: Representatives Borodkin, Frangas, Garcia, Harvey, May, 36 McFadyen, Merrifield, Spence, Weddig, Williams S. 37 38 HB04-1267 by Representative(s) Plant, Witwer, Young; also 39 Senator(s) Teck, Owen, Reeves--Concerning the repeal of 40 transfers to the controlled maintenance trust fund. 41 The question being "Shall the bill pass?". 42 43 A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill 44 was declared **passed**. 45 46 47 YES NO 02 50 13 **EXCUSED** ABSENT 00 Y 48 Berry Y Garcia **McCluskey** Y Sinclair Y 49 Borodkin Y Hall Y McFadyen Y Smith Y 50 Boyd Y Harvey Ν McGihon Y Spence Y 51 Briggs Y Hefley Ν Merrifield Y Stafford E Y 52 Brophy Hodge Y Miller Ν Stengel Ν 53 Butcher Y Hoppe Mitchell Ν Tochtrop Y Y Y Y 54 Cadman Ν Jahn Y Paccione Vigil 55 Carroll Y Johnson Y Plant Y Weddig Y Y Y Weissmann Y 56 Cerbo Judd Y Pommer

House Journal--45th Day--February 20, 2004

1 2 3 4 5 6 7 8	Clapp Cloer Coleman Crane Decker Fairbank Frangas	Y N Y N E Y	King Larson Lee Lundberg Madden Marshall May	Y Y N Y Y Y	Ragsdale Rhodes Rippy Romanoff Rose Salazar Schultheis	Y N Y Y Y N	Williams S. Williams T.	N Y Y Y Y Y Y
9 10 11 12 13 14 15 16	<u>HB04-1200</u>	Fra Ma Se co pro	angas, Harv adden, Plan nator(s) Ar llaborative ovided to ch	ey, He nt, Pe nderso mana ildren		Johns ulthe Teck	son R., Lung is, Young; Concerning	dberg, also
17 18 19 20 21		ote w hose	as taken. A elected to the	s shov	bass?". wn by the foll se voted in the			
22	YES	58	NO	05	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	Y	Stafford	E
27	Brophy	Ν	Hodge	Y	Miller	Y	Stengel	Y
28	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
29	Cadman	Ν	Jahn	Y	Paccione	Y	Vigil	Y
30	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Ν
31	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
32	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
33	Cloer	Y	Larson	Ν	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	Е	Marshall	Y	Salazar	Y	Witwer	Y
38 39	Frangas	Y	May	Y	Schultheis	Y	Young Speaker	Y N
40 41 42 43 44 45 46 7 48 90 51 25 34 55 55 55 55	McFadyen, M On motion (1264, 1350, 1356, 1357, February 20 On motion	IcGih of Re 136 , 200 of R of the	on, Merrifield presentative 1, 1298, 13 were added 4. epresentativ Whole for c	d, Pacc e King 07, 13 l to the re Cla onside	Borodkin, E cione, Williams g, at 10:16 a. 43, 1205, 12 e Special Ord pp, the Hou eration of Spe ian.	s S. m., H 2 24, 2 ers C	HB04-1274, 1305, 1354, alendar on F esolved itsel	1160, 1230, riday, f into

SPECIAL ORDERS--SECOND READING OF BILLS 1 2 3 The Committee of the Whole having risen, the Chairman reported the 4 titles of the following bills had been read (reading at length had been 5 dispensed with by unanimous consent), the bills considered and action 6 taken thereon as follows: 7 8 (Amendments to the committee amendment are to the printed committee 9 report which was printed and placed in the members' bill file.) 10 11 HB04-1266 by Representative(s) Pommer--Concerning creation of the 12 crime of criminal invasion of privacy. 13 Amendment No. 1, Information & Technology Report, dated February 14 16, 2004, and placed in member's bill file; Report also printed in House 15 Journal, February 17, pages 467-468. 16 17 As amended, ordered engrossed and placed on the Calendar for Third 18 19 Reading and Final Passage. 20 21 HB04-1346 by Representative(s) May M., Harvey, Brophy--22 Concerning authorization for a candidate for director of a 23 school district to have such candidate's political affiliation 24 listed on the ballot. 25 26 Ordered engrossed and placed on the Calendar for Third Reading and 27 Final Passage. 28 <u>HB04-1236</u> 29 by Representative(s) McCluskey; also Senator(s) Cairns--30 Concerning notice requirements to be made by an insurer 31 to an applicant for homeowner's insurance. 32 33 Amendment No. 1, by Representative McCluskey. 34 35 Amend printed bill, page 2, strike lines 16 through 20 and substitute the 36 following: 37 38 "(b) IF AN INSURER USES CLAIMS EXPERIENCE FOR THE PROPERTY 39 AND SUCH CLAIMS HISTORY RESULTS IN AN ADVERSE ACTION TO THE 40 APPLICANT OR POLICYHOLDER, THE INSURER SHALL DISCLOSE TO THE 41 APPLICANT OR POLICYHOLDER THE SPECIFIC CLAIM INFORMATION THAT 42 RESULTED IN THE ADVERSE ACTION.". 43 44 As amended, ordered engrossed and placed on the Calendar for Third 45 Reading and Final Passage. 46 47 HB04-1292 by Representative(s) Clapp, Stengel, Cadman, Fairbank, Jahn, Lee, May M., Rose, Stafford, Welker, White, 48 49 also Senator(s) Hagedorn--Concerning Young; 50 requirements of an insurer regarding factors that may 51 negatively affect an insured's ability to obtain 52 homeowner's insurance. 53 54 <u>Amendment No. 1</u>, Business Affairs & Labor Report, dated February 17, 55 2004, and placed in member's bill file; Report also printed in House 56 Journal, February 18, pages 496-498.

1 Amendment No. 2, by Representative Clapp. 2 3 Amend the Business Affairs and Labor Committee Report, dated 4 February 17, 2004, page 2, line 11, strike "FOR" and substitute "OR". 5 6 Amendment No. 3, by Representative Larson. 7 8 Amend the Business Affairs and Labor Committee Report, dated 9 February 17, 2004, page 2, strike lines 14 through 19 and substitute the 10 following: 11 12 "line 15, strike "AS THE ONLY CRITERION".". 13 Page 3, strike line 6 and substitute the following: 14 15 "INSURER. 16 17 SECTION 4. Repeal. 10-4-616, Colorado Revised Statutes, is 18 repealed.".". 19 20 21 Amendment No. 4, by Representative Jahn. 22 Amend printed bill, page 2, line 21, after "EACH", insert "PACKET 23 24 CONTAINING THE": 25 26 line 22, before "RENEWAL", insert "EACH PACKET CONTAINING THE". 27 28 As amended, ordered engrossed and placed on the Calendar for Third 29 Reading and Final Passage. 30 by Representative(s) Hefley, Carroll, Cloer, Romanoff, 31 HB04-1277 32 Rose, Stafford, Williams S., Clapp, Frangas, Paccione, 33 White; also Senator(s) Cairns--Concerning the child care 34 commission, and, in connection therewith, modifying the 35 responsibilities of the commission and changing the name 36 of the commission to the early childhood and school 37 readiness commission. 38 Amendment No. 1, Health, Environment, Welfare, & Institutions Report, 39 40 dated February 16, 2004, and placed in member's bill file; Report also 41 printed in House Journal, February 18, page 502. 42 43 <u>Amendment No. 2</u>, by Representative Hefley. 44 Amend printed bill, page 9, line 7, after "elect", insert "EXECUTIVE 45 46 OFFICERS TO PRESIDE AT ALL MEETINGS OF THE COMMISSION"; 47 48 strike lines 8 through 15 and substitute the following: "a chairperson or vice-chairperson and who shall hold office until their 49 successors are elected. The chairperson or his or her designee, shall 50 51 preside at all meetings of the commission, and The". 52 53 Page 10, line 16, strike "TO MAKE RECOMMENDATIONS TO THE 54 GOVERNOR"; 55 56 strike lines 17 through 20.

1 Amendment No. 3, by Representatives Lundberg, Hefley, Schultheis. 2 Amend printed bill, page 3, after line 12, insert the following: 3 4 "(d) THE GENERAL ASSEMBLY RECOGNIZES THAT IT IS THE PRIMARY 5 RIGHT AND OBLIGATION OF PARENTS TO DETERMINE AND PROVIDE THE 6 PROPER EARLY CHILDHOOD CARE AND EDUCATION FOR THEIR CHILDREN. 7 THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT PRESCHOOL 8 CHILDREN RECEIVE THE BEST START IN LIFE WHEN THEIR PARENTS ARE 9 ACTIVELY ENGAGED IN THEIR DAILY ACTIVITIES AND ARE DIRECTLY 10 PROVIDING THEIR CARE AND EDUCATION. RECOGNIZING THESE PRINCIPLES, 11 THE GENERAL ASSEMBLY DIRECTS THE COMMISSION TO WORK TOWARD EARLY CHILDHOOD SYSTEMS THAT FOSTER AS MUCH PARENTAL 12 13 INVOLVEMENT AS POSSIBLE AND MAINTAIN THE MAXIMUM AMOUNT OF 14 AUTHORITY AND RESPONSIBILITY FOR PARENTS.". 15 16 Reletter succeeding paragraphs accordingly. 17 As amended, referred to the Committee on Appropriations. 18 19 20 by Representative(s) Sinclair, Cadman, Schultheis, Berry, HB04-1242 21 Crane, Fairbank, Harvey, Hefley, Johnson R., King, Lee, 22 May M., McCluskey, Rhodes, Spence, Young; also 23 Senator(s) McElhany--Concerning a meeting of a school 24 district board of education at which employment contracts 25 are negotiated. 26 Amendment No. 1, State, Veterans, & Military Affairs Report, dated February 17, 2004, and placed in member's bill file; Report also printed 27 28 29 in House Journal, February 18, page 503. 30 31 As amended, ordered engrossed and placed on the Calendar for Third 32 Reading and Final Passage. 33 34 On motion of Representative King, the remainder of the Special Orders Calendar (HB04-1173, 1347, SB04-067, 035, 012, 026, HB04-1067, 35 1341, 1036, 1094, 1274, 1160, 1264, 1350, 1361, 1298, 1307, 1343, 36 1205, 1224, 1305, 1354, 1230, 1356, 1357, 1348) was laid over until 37 38 February 23, retaining place on Calendar. 39 40 41 42 43 AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT 44 45 Representatives Lee, Clapp, and White moved to amend the Report of the 46 Committee of the Whole to show that the following Larson amendment, 47 to HB04-1292, did not pass, and that HB04-1292, as amended, did pass. 48 Amend the Business Affairs and Labor Committee Report, dated 49 50 February 17, 2004, page 2, strike lines 14 through 19 and substitute the 51 following: 52 53 "line 15, strike "AS THE ONLY CRITERION".". 54 55

Page 3, strike line 6 and substitute the following: 1

"INSURER.

SECTION 4. Repeal. 10-4-616, Colorado Revised Statutes, is repealed.".".

7 8 Pursuant to House Rule 16, Representative Clapp moved "Shall the main 9 question be now put?" The motion was declared lost by the following 10 roll call vote:

11

12	YES	29	NO	30	EXCUSED	05	ABSENT	01
13	Berry	Y	Garcia	Ν	McCluskey	Y	Sinclair	Y
14	Borodkin	Ν	Hall	Y	McFadyen	Ν	Smith	Ν
15	Boyd	Ν	Harvey	Y	McGihon	Ν	Spence	Y
16	Briggs	Y	Hefley	Y	Merrifield	Ν	Stafford	Е
17	Brophy	Y	Hodge	Ν	Miller	Y	Stengel	Ν
18	Butcher	Ν	Hoppe	Y	Mitchell	Y	Tochtrop	Ν
19	Cadman	Y	Jahn	Ν	Paccione	Ν	Vigil	Ν
20	Carroll	Ν	Johnson	Y	Plant	Ν	Weddig	Ν
21	Cerbo	Ν	Judd	Ν	Pommer	Ν	Weissmann	Ν
22	Clapp	Y	King	Y	Ragsdale	Ν	Welker	-
23	Cloer	E	Larson	Ν	Rhodes	Y	White	Y
24	Coleman	Ν	Lee	Y	Rippy	Y	Wiens	Y
25	Crane	Y	Lundberg	E	Romanoff	Ν	Williams S.	Ν
26	Decker	Y	Madden	Ν	Rose	Y	Williams T.	Y
27	Fairbank	E	Marshall	Ν	Salazar	Ν	Witwer	Y
28	Frangas	Ν	May	Y	Schultheis	E	Young	Y
29	J		-				Speaker	Y
30							• • • • • •	

Representative Lee's amendment to HB04-1292 was declared lost by the 31 32 following roll call vote:

33

55								
34	YES	20	NO	39	EXCUSED	06	ABSENT	00
35	Berry	Ν	Garcia	Ν	McCluskey	Y	Sinclair	Y
36	Borodkin	Ν	Hall	Y	McFadyen	Ν	Smith	Ν
37	Boyd	Ν	Harvey	Y	McGihon	Ν	Spence	Y
38	Briggs	Y	Hefley	Y	Merrifield	Ν	Stafford	E
39	Brophy	Y	Hodge	Ν	Miller	Ν	Stengel	Ν
40	Butcher	Ν	Hoppe	Y	Mitchell	Ν	Tochtrop	Ν
41	Cadman	Y	Jahn	Ν	Paccione	Ν	Vigil	Ν
42	Carroll	Ν	Johnson	Ν	Plant	Ν	Weddig	Ν
43	Cerbo	Ν	Judd	Y	Pommer	Ν	Weissmann	Ν
44	Clapp	Y	King	Y	Ragsdale	Ν	Welker	E
45	Cloer	E	Larson	Ν	Rhodes	Y	White	Y
46	Coleman	Ν	Lee	Y	Rippy	Ν	Wiens	Y
47	Crane	Y	Lundberg	E	Romanoff	Ν	Williams S.	Ν
48	Decker	Ν	Madden	Ν	Rose	Ν	Williams T.	Y
49	Fairbank	Ε	Marshall	Ν	Salazar	Ν	Witwer	Ν
50	Frangas	Ν	May	Y	Schultheis	E	Young	Ν
51	Ũ		-				Speaker	Ν
52							-	

52

Representative Merrifield moved to amend the Report of the Committee 53 of the Whole to show that HB 04-1242, as amended, did not pass. 54

55

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

Page 578

1 10 20 Derve No 100<	1	YES	29	NO	30	EXCUSED	06	ABSENT	00
3 Borodkin Y Hall N McFadyen Y Smith N 4 Boyd Y Harvey N McGihon Y Spence N 5 Briggs N Hefley Y Merrifield Y Stafford E 6 Brophy N Hodge Y Miller N Stengel N 7 Butcher Y Hoppe N Mitchell N Tochtrop Y 8 Cadman N Jahn Y Paccione Y Weikig Y 9 Carroll Y Judd Y Pommer Y Weikig Y 10 Cerbo Y Judd Y Pommer Y Weiker E 12 Cloer E Larson N Ragsdale Y Williams S. Y 15 Decker Y Madden Y Rose N Williams S. Y 16 Fairobank E Mary <									
4 Boyd Y Harvey N McGihon Y Spence N 5 Briggs N Hefley Y Merrifield Y Stafford E 6 Brophy N Hodge Y Miller N Stafford E 7 Butcher Y Hoppe N Mitchell N Tochtrop Y 8 Cadman N Jahn Y Paccione Y Vigil Y 9 Carroll Y Johnson N Plant Weeldig Y 10 Caroll Y Johnson N Ragsdale Weeldig Y 11 Cloer E Larson N Rhodes N Wiliams S. N 12 Cloer N Lundberg E Romanoff Y Witwer N 13 Coleran N Lundberg Romanoff Y Witwer N 14 Grane N Lundberg Romanoff Y	$\frac{2}{3}$								
5BriggsNHefleyYMerrifieldYStaffordE6BrophyNHodgeYMillerNStaffordN7ButcherYHoppeNMitchellNTochtropY8CadmanNJahnYPaccioneYVigilY9CarrollYJohnsonNPlantYWeddigY9CarrollYJuddYPommerYWeismannY10CerboYJuddYPommerYWeismannY11ClappNKingNRagsdaleYWelkerE12CloerELarsonNRhodesNWhiteN14CraneNLundbergERomanoffYWilliams T.N15DeckerYMaddenYRoseNWilliams T.N16FairbankEMayNSchultheisEYoungN17FrangasYMayNSchultheisEYoungN18SpeakerN19SpeakerN20									
6 Brophy N Hodge Y Miller N Stengel N 7 Butcher Y Hoppe N Mitchell N Tochtrop Y 8 Cadman N Jahn Y Paccione Y Vigil Y 9 Carroll Y Johnson N Plant Y Weddig Y 9 Carroll Y Judd Y Pommer Y Weissmann Y 10 Cerbo Y Judd Y Pommer Y Weissmann Y 11 Clap N King N Ragsdale Y Weissmann Y 12 Cloer E Laroon N Rhodes N While N 13 Coler Y Maden Y Rose N Williams S. Y 14 Carae N May N Schultheis Y outgen N 14 Decker Y May N Schult				•					
7 Butcher Y Hoppe N Mitchell N Tochtrop Y 8 Cadman N Jahn Y Paccione Y Vigil Y 9 Carroll Y Johnson N Plant Y Weidig Y 10 Cerbo Y Judd Y Pommer Y Weissmann Y 11 Clapp N King N Ragsdale Y Weiksmann Y 12 Cloer E Larson N Rhodes N White N 13 Coleman Y Lee N Rippy N Wiens N 14 Crane N Lundberg E Romanoff Y Williams S. Y 15 Decker Y Maden Y Rose N Speaker N 16 Fairbank E Marshall Y Salazar Y Witwer N 17 ADOPTION OF COMMITTEE OF THE WHOLE REPORT Pa				•					
8CadmanNJahnYPaccioneYVigilY9CarrollYJohnsonNPlantYWeddigY9CarrollYJohnsonNPlantYWedkigY9CarrollYJuddYPommerYWeissmannY11ClappNKingNRagsdaleYWelkerE12CloerELarsonNRhodesNWhiteN13ColemanYLeeNRippyNWiensN14CraneNLundbergERomanoffYWilliams S.Y15DeckerYMaddenYRoseNWilliams T.N16FairbankEMarshallYSalazarYWitwerN18SalazarYWitwerNSpeakerN19				0					
9 Carroll Y Johnson N Plant Y Weddig Y 10 Carbo Y Judd Y Pommer Y Weissmann Y 11 Clapp N King N Ragsdale Y Weiker E 12 Cloer E Larson N Rhodes N White N 13 Coleman Y Lee N Rippy N Wiens N 14 Crane N Lundberg E Romanoff Y Williams S. Y 15 Decker Y Madden Y Rose N Williams S. Y 16 Frangas Y May N Schultheis E Young N 17 Frangas Y May N Schultheis E Young N 18									
10 Cerbo Y Judd Y Pommer Y Weissmann Y 11 Clapp N King N Ragsdale Y Welker E 12 Cloer E Larson N Rhodes N White N 13 Coleman Y Lee N Rippy N Wiens N 14 Crane N Lundberg E Romanoff Y Williams S. Y 15 Decker Y Madden Y Rose N Williams T. N 16 Fairbank E Marshall Y Salazar Y Witwer N 18									
11 Clapp N King N Ragsdale Y Welker E 12 Cloer E Larson N Rhodes N White N 13 Coleman Y Lee N Rippy N Wiens N 14 Crane N Lundberg E Romanoff Y Williams T. N 15 Decker Y Madden Y Salazar Y Williams T. N 16 Fairbank E Marshall Y Salazar Y Williams T. N 17 Frangas Y May N Schultheis E Young N 18									
12 Cloer E Larson N Rhodes N White N 13 Coleman Y Lee N Rippy N Wints N 14 Crane N Lundberg E Romanoff Y Williams S. Y 15 Decker Y Madden Y Rose N Williams S. Y 16 Fairbank E Marshall Y Salazar Y Witwer N 17 Frangas Y May N Schultheis E Young N 18									
13 Coleman Y Lee N Rippy N Wiens N 14 Crane N Lundberg E Romanoff Y Williams S. Y 15 Decker Y Madden Y Rose N Williams S. Y 16 Fairbank E Marshall Y Salazar Y Witwer N 17 Frangas Y May N Schultheis E Young N 18									
14 Crane N Lundberg E Romanoff Y Williams S. Y 15 Decker Y Madden Y Rose N Williams T. N 16 Fairbank E Marshall Y Salazar Y Witwer N 16 Fairbank E Marshall Y Salazar Y Witwer N 17 Frangas Y May N Schultheis E Young N 18									
15 Decker Y Madden Y Rose N Williams T. N 16 Fairbank E Marshall Y Salazar Y Witwer N 17 Frangas Y May N Schultheis E Young N 18									
16 Fairbank E Marshall Y Salazar Y Witwer N 17 Frangas Y May N Schultheis E Young N 18									
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18 Speaker N 19									
19		Frangas	1	Widy	18	Schultheis	Г		
ADOPTION OF COMMITTEE OF THE WHOLE REPORT ADOPTION OF COMMITTEE OF THE WHOLE REPORT Passed Second Reading: HB04-1266 amended, 1346, 1236 amended, 1292 amended, 1242 amended. Laid over until date indicated retaining place on Calendar: HB04-117. 1347, SB04-067, 035, 012, 026, HB04-1067, 1341, 1036, 1094, 1274 1160, 1264, 1350, 1361, 1298, 1307, 1343, 1205, 1224, 1305, 1357 1230, 1356, 1357, 1348February 23, 2004. Referred to Committee indicated: HB04-1277 amendedCommittee of Appropriations. The Chairman moved the adoption of the Committee of the Who Report. As shown by the following roll call vote, a majority of those elected to the House voted in the affirmative, and the Report wat adopted. WES 59 NO 00 EXCUSED 66 ABSENT 00 Berry Y Garcia Y McCluskey Y Sinclair Y Borodkin Y Hall Y McGihon Y Spence Y Biggs Y Hefley Y Merrifield Y Stafford E Borodkin Y Hall Y Paccione Y Weidig Y 41 Boyd Y Halley Y								Бреакег	IN
ADOPTION OF COMMITTEE OF THE WHOLE REPORT Passed Second Reading: HB04-1266 amended, 1346, 1236 amended 1292 amended, 1242 amended. Laid over until date indicated retaining place on Calendar: HB04-117, 1347, SB04-067, 035, 012, 026, HB04-1067, 1341, 1036, 1094, 1274 1160, 1264, 1350, 1361, 1298, 1307, 1343, 1205, 1224, 1305, 1354 1230, 1356, 1357, 1348February 23, 2004. O O Appropriations. The Chairman moved the adoption of the Committee of the Who Referred to Committee indicated: HB04-1277 amendedCommittee of Appropriations. The Chairman moved the adoption of the Committee of the Who Report. As shown by the following roll call vote, a majority of those elected to the House voted in the affirmative, and the Report way adopted. S 9 NO 00 EXCUSED 06 ABSENT 00 Berry Y Garcia Y McCluskey Y Sinclair Y Boy Y Hefley Y McFadyen Y Smith Y Boy Y Hefley Y McFadyen Y Smith Y Boy Y Hefley Y McFadyen Y Stengel Y Y Hefley Y McFadyen Y Stengel Y									
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43BrophyYHodgeYMillerYStengelY44ButcherYHoppeYMitchellYTochtropY45CadmanYJahnYPaccioneYVigilY46CarrollYJohnsonYPlantYWeddigY47CerboYJuddYPommerYWeissmannY48ClappYKingYRagsdaleYWelkerE49CloerELarsonYRhodesYWhiteY50ColemanYLeeYRippyYWiensY51CraneYLundbergERomanoffYWilliams S.Y52DeckerYMaddenYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation) The Chairm Report. As elected to the theorem of theorem of theorem of the theorem of theorem of the theorem	-067, 1350 1357 Comr ons. nan m show he H <u>59</u> Y Y	035, 012, 0 $0, 1361, 129$ $0, 1361, 129$ $0, 1348$	26, H 98, 13 ruary ted: H doptic llowin in th 00 Y Y	B04-1067, 13 27, 1343, 12 23, 2004. IB04-1277 an on of the Corner of the Corne	41, 05, 2 nend nmit te, a and <u>06</u> Y Y	1036, 1094, 1224, 1305, ded Committed the of the V a majority of d the Reported ABSENT Sinclair Smith	1274, 1354, tee on Vhole those t was $\overline{\begin{array}{c} 00\\ Y\\ Y\\ Y\end{array}}$
44ButcherYHoppeYMitchellYTochtropY45CadmanYJahnYPaccioneYVigilY46CarrollYJohnsonYPlantYWeddigY47CerboYJuddYPommerYWeissmannY48ClappYKingYRagsdaleYWelkerE49CloerELarsonYRhodesYWhiteY50ColemanYLeeYRippyYWiensY51CraneYLundbergERomanoffYWilliams S.Y52DeckerYMaddenYSalazarYWitwerY53FairbankEMarshallYSchultheisEYoungY	26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to the adopted. YES Berry Borodkin Boyd	$ \begin{array}{r} -067, \\ 1350, \\ 1357 \\ Commons. \\ nan m show \\ he H \\ \hline \underline{59} \\ Y \\ Y \\ Y \\ Y \end{array} $	035, 012, 0 $0, 1361, 129$ $0, 1361, 129$ $0, 1348$ $0, 1348$ $0, 1348$ $0, 129$ $0, 1348$ $0, 129$	26, H 98, 13 ruary ted: H doptic llowin in th 00 Y Y Y Y	B04-1067, 13 07, 1343, 12 23, 2004. IB04-1277 an on of the Corn ng roll call vo e affirmative, <u>EXCUSED</u> McCluskey McFadyen McGihon	41, 05, 2 nend nmit te, a and <u>06</u> Y Y Y Y	1036, 1094, 1224, 1305, ded Committed the of the V a majority of d the Reported ABSENT Sinclair Smith Spence	1274, 1354, tee on Vhole those t was 00 Y Y Y Y
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46CarrollYJohnsonYPlantYWeddigY47CerboYJuddYPommerYWeissmannY48ClappYKingYRagsdaleYWelkerE49CloerELarsonYRhodesYWhiteY50ColemanYLeeYRippyYWiensY51CraneYLundbergERomanoffYWilliams S.Y52DeckerYMaddenYRoseYWilliams T.Y53FairbankEMarshallYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43	1347, SB04 1160, 1264, 1230, 1356, Referred to 6 Appropriation The Chairm Report. As elected to t adopted. YES Berry Borodkin Boyd Briggs Brophy	-067, 1350 1357 Comrons. an m show he H 59 Y Y Y Y Y Y Y	035, 012, 0 $0, 1361, 129$ $0, 1361, 129$ $0, 1348$ $0, 1348$ $0, 1348$ $0, 129$ $0, 1348$ $0, 129$	26, H 98, 13 ruary ted: H doptic llowin in th 00 Y Y Y Y Y Y Y	B04-1067, 13 307, 1343, 12 23, 2004. IB04-1277 an on of the Corn g roll call vo e affirmative, <u>EXCUSED</u> McCluskey McFadyen McGihon Merrifield Miller	141, 105, 1 nend nmit te, a and 1 0 Y Y Y Y Y Y Y Y	1036, 1094, 1224, 1305, edCommittent tee of the V majority of d the Reportent ABSENT Sinclair Smith Spence Stafford Stengel	1274, 1354, tee on Vhole those t was $\overline{\begin{array}{c} 00\\ Y\\ Y\\ Y\\ E\\ Y\\ \end{array}}$
47CerboYJuddYPommerYWeissmannY48ClappYKingYRagsdaleYWelkerE49CloerELarsonYRhodesYWhiteY50ColemanYLeeYRippyYWiensY51CraneYLundbergERomanoffYWilliams S.Y52DeckerYMaddenYRoseYWilliams T.Y53FairbankEMarshallYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	1347, SB04 1160, 1264, 1230, 1356, Referred to 6 Appropriation The Chairm Report. As elected to t adopted. <u>YES</u> Berry Borodkin Boyd Briggs Brophy Butcher	-067, 1357 1357 Comrons. nan m show he H 59 Y Y Y Y Y Y Y Y	035, 012, 0 $0, 1361, 129$ $0, 1361, 129$ $1, 1348$ $0, 1348$ $0, 1348$ $0, 129$ $0, 1348$ $0, 129$	26, H 98, 13 ruary ted: E doptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 07, 1343, 120 23, 2004. B04-1277 and on of the Corn g roll call vo e affirmative, <u>EXCUSED</u> McCluskey McFadyen McGihon Merrifield Miller Mitchell	141, 105, 1 nend nmit te, a and 0 Y Y Y Y Y Y Y Y	1036, 1094, 1224, 1305, ledCommittent tee of the V majority of d the Reportent ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop	1274, 1354, tee on Vhole those t was 00 Y Y Y E Y Y Y Y
48ClappYKingYRagsdaleYWelkerE49CloerELarsonYRhodesYWhiteY50ColemanYLeeYRippyYWiensY51CraneYLundbergERomanoffYWilliams S.Y52DeckerYMaddenYRoseYWilliams T.Y53FairbankEMarshallYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to the adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman	$ \begin{array}{c} -067, \\ 1350, \\ 1357, $	035, 012, 0 $0, 1361, 129$ $0, 1361, 129$ $1, 1348$ $0, 1348$ $0, 1348$ $0, 129$ $0, 1348$ $0, 129$	26, H 98, 13 ruary ted: H doptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 07, 1343, 120 23, 2004. B04-1277 an on of the Corn g roll call vo e affirmative, <u>EXCUSED</u> McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione	$\frac{41}{05}, \frac{1}{2}$ nend nmit te, a and $\frac{06}{Y}$ Y Y Y Y Y Y Y Y	1036, 1094, 1224, 1305, edCommitted tree of the V majority of d the Reported ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop Vigil	1274, 1354, tee on Vhole those t was 00 Y Y Y Y Y Y Y Y Y Y
49CloerELarsonYRhodesYWhiteY50ColemanYLeeYRippyYWiensY51CraneYLundbergERomanoffYWilliams S.Y52DeckerYMaddenYRoseYWilliams T.Y53FairbankEMarshallYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to the adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll	-067, 1350 1357 Comrons. an m show he H $\overline{59}$ Y Y Y Y Y Y Y Y Y Y	035, 012, 0 $0, 1361, 129$ $0, 1361, 129$ $0, 1361, 129$ $0, 1361, 129$ $0, 1361, 129$ $0, 129$ $0, 1361, 129$ $0, 129$ $0, 1361, 129$ $0,$	26, H 98, 13 ruary ted: H doptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 07, 1343, 120 23, 2004. B04-1277 an on of the Corn ng roll call vo e affirmative, <u>EXCUSED</u> McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant	141, 105, 1 nend nmit te, a and 1 0 1 Y Y Y Y Y Y Y Y	1036, 1094, 1224, 1305, dedCommitted the of the V a majority of d the Reported ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop Vigil Weddig	1274, 1354, tee on Vhole those t was 00 Y Y Y Y Y Y Y Y Y Y Y
50ColemanYLeeYRippyYWiensY51CraneYLundbergERomanoffYWilliams S.Y52DeckerYMaddenYRoseYWilliams T.Y53FairbankEMarshallYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ 47\\ \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to 6 Appropriation The Chairm Report. As elected to the adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll Cerbo	-067, 1350 1357 Comrons. nan m show he H <u>59</u> Y Y Y Y Y Y Y Y Y Y Y Y	035, 012, 0 0, 1361, 129 7, 1348Febr nittee indica noved the advised to by the fo couse voted \overline{NO} Garcia Hall Harvey Hefley Hodge Hoppe Jahn Johnson Judd	26, H 98, 13 ruary ted: H loptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 07, 1343, 120 23, 2004. B04-1277 an on of the Corn ng roll call vo e affirmative, <u>EXCUSED</u> McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant Pommer	141, 105, 1 nend nmit te, a and 1 06 Y Y Y Y Y Y Y Y	1036, 1094, 1224, 1305, edCommittent tee of the V majority of d the Reportent ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop Vigil Weddig Weissmann	1274, 1354, tee on Vhole those t was $\overline{\begin{array}{c} 00\\ Y\\ Y\\$
51CraneYLundbergERomanoffYWilliams S.Y52DeckerYMaddenYRoseYWilliams T.Y53FairbankEMarshallYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ 47\\ 48 \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to 6 Appropriation The Chairm Report. As elected to t adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll Cerbo Clapp	-067, 1357 1357 Comrons. an m show he H 59 Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	035, 012, 0 0, 1361, 129 7, 1348Febi nittee indica noved the advised to be the fo- couse voted $\overline{}$ Garcia Hall Harvey Hefley Hodge Hoppe Jahn Johnson Judd King	26, H 98, 13 ruary ted: H loptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 07, 1343, 120 23, 2004. B04-1277 an on of the Corn g roll call vo e affirmative, <u>EXCUSED</u> McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant Pommer Ragsdale	141, 105, 1 nend nmit te, a and 1 0 Y Y Y Y Y Y Y Y	1036, 1094, 1224, 1305, edCommittent tee of the V majority of d the Reportent ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop Vigil Weddig Weissmann Welker	1274, 1354, tee on Vhole those t was $\overline{\begin{array}{c}00\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\E\end{array}$
52DeckerYMaddenYRoseYWilliams T.Y53FairbankEMarshallYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ 47\\ 48\\ 49 \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to t adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll Cerbo Clapp Cloer	-067, 1357 1357 Comrons. an m show he H 59 Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	035, 012, 0 0, 1361, 129 7, 1348Febi nittee indica noved the advised to by the fo fouse voted NO Garcia Hall Harvey Hefley Hodge Hoppe Jahn Johnson Judd King Larson	26, H 98, 13 ruary ted: H doptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 07, 1343, 12 23, 2004. B04-1277 and on of the Correst ng roll call void e affirmative, EXCUSED McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant Pommer Ragsdale Rhodes	$\frac{41}{05}, \frac{1}{2}$ nend nmit te, a and $\frac{06}{Y}$ Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	1036, 1094, 1224, 1305, ledCommittent tee of the V majority of d the Reportent ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop Vigil Weddig Weissmann Welker White	$1274,$ $1354,$ $tree on$ $tree on$ $troset$ $troset$ $troset$ $\frac{00}{Y}$ Y
53FairbankEMarshallYSalazarYWitwerY54FrangasYMayYSchultheisEYoungY	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ 47\\ 48\\ 9\\ 50\\ \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to t adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll Cerbo Clapp Cloer Coleman	-067, 1357 1357 Comrons. an m show he H 59 Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	035, 012, 0 0, 1361, 129 7, 1348Febi nittee indica noved the ad yn by the fo couse voted NO Garcia Hall Harvey Hefley Hodge Hoppe Jahn Johnson Judd King Larson Lee	26, H 98, 13 ruary ted: H doptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 307, 1343, 120 23, 2004. IB04-1277 and on of the Corn a roll call vo e affirmative, EXCUSED McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant Pommer Ragsdale Rhodes Rippy	41, 05, 1 nend nmit te, a and 06 Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	1036, 1094, 1224, 1305, ledCommittent tree of the V majority of d the Reportent ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop Vigil Weddig Weissmann Welker White Wiens	$1274,$ $1354,$ $tree on$ $those$ $those$ $those$ $\frac{00}{Y}$ Y
54 Frangas Y May Y Schultheis E Young Y	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ 47\\ 48\\ 49\\ 50\\ 51\\ \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to the adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll Cerbo Clapp Cloer Coleman Crane	-067, 1350 1357 Comrons. an m show he H 59 Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	035, 012, 0 0, 1361, 129 7, 1348Feb nittee indica noved the ad yn by the fo couse voted $\overline{\mathbf{NO}}$ Garcia Hall Harvey Hefley Hodge Hoppe Jahn Johnson Judd King Larson Lee Lundberg	26, H P_8 , 13 ruary ted: H doptic llowin in th 00 Y Y Y Y Y Y Y Y	B04-1067, 13 307, 1343, 120 23, 2004. B04-1277 an on of the Corn ng roll call vo e affirmative, EXCUSED McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant Pommer Ragsdale Rhodes Rippy Romanoff	$\frac{41}{05}, \frac{1}{2}$ nend $\frac{1}{06}$ $\frac{1}{7}$	1036, 1094, 1224, 1305, edCommittent tee of the V majority of d the Report ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop Vigil Weddig Weissmann Welker White Wiens Williams S.	1274, 1354, tee on Vhole those t was 00 Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y
	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ 47\\ 48\\ 49\\ 50\\ 51\\ 52\\ \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to the adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll Cerbo Clapp Cloer Coleman Crane Decker	$ \begin{array}{c} -067, \\ 1350, \\ 1357 \\ Comrons. \\ nan m show \\ he H \\ \hline $	035, 012, 0 0, 1361, 129 7, 1348Febr nittee indica noved the advised to be the focuse to be the focuse voted $\overline{\mathbf{NO}}$ Garcia Hall Harvey Hefley Hodge Hoppe Jahn Johnson Judd King Larson Lee Lundberg Madden	26, H P_8 , 13 ruary ted: H doptic llowin in th 00 Y Y Y Y Y Y Y Y	B04-1067, 13 307, 1343, 120 23, 2004. B04-1277 an on of the Corn ng roll call vo e affirmative, EXCUSED McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant Pommer Ragsdale Rhodes Rippy Romanoff Rose	$\begin{array}{c} 41, \\ 05, \\ 105, \\ \mathbf$	1036, 1094, 1224, 1305, 1224, 1224, 1305, 1224,	1274, 1354, tee on Vhole those t was 00 Y Y Y Y Y Y Y Y Y Y
NUEWKEL Y	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ 47\\ 48\\ 49\\ 50\\ 51\\ 52\\ 53\\ \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to t adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll Cerbo Clapp Cloer Coleman Crane Decker Fairbank	-067, 1357 1357 Comrons. an m show he H 59 Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	035, 012, 0 0, 1361, 129 7, 1348Febr nittee indica noved the advice voted $\overline{}$ Couse voted $\overline{}$ Garcia Hall Harvey Hefley Hodge Hoppe Jahn Johnson Judd King Larson Lee Lundberg Madden Marshall	26, H 98, 13 ruary ted: H loptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 07, 1343, 120 23, 2004. B04-1277 an on of the Corn ng roll call vo e affirmative, EXCUSED McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant Pommer Ragsdale Rhodes Rippy Romanoff Rose Salazar	141, 105, 1 1 1 1 1 1 1 1	1036, 1094, 1224, 1305, edCommitted the e of the V majority of d the Reported <u>ABSENT</u> Sinclair Smith Spence Stafford Stengel Tochtrop Vigil Weddig Weissmann Welker White Wiens Williams S. Williams T. Witwer	1274, 1354, tee on Vhole those t was $\overline{\begin{array}{c} 00\\ Y\\ Y\\$
56	$\begin{array}{c} 26\\ 27\\ 28\\ 29\\ 30\\ 31\\ 32\\ 33\\ 34\\ 35\\ 36\\ 37\\ 38\\ 39\\ 40\\ 41\\ 42\\ 43\\ 44\\ 56\\ 47\\ 48\\ 49\\ 50\\ 51\\ 52\\ 53\\ 54 \end{array}$	1347, SB04 1160, 1264, 1230, 1356, Referred to (Appropriation The Chairm Report. As elected to t adopted. YES Berry Borodkin Boyd Briggs Brophy Butcher Cadman Carroll Cerbo Clapp Cloer Coleman Crane Decker Fairbank	-067, 1357 1357 Comrons. an m show he H 59 Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	035, 012, 0 0, 1361, 129 7, 1348Febr nittee indica noved the advice voted $\overline{}$ Couse voted $\overline{}$ Garcia Hall Harvey Hefley Hodge Hoppe Jahn Johnson Judd King Larson Lee Lundberg Madden Marshall	26, H 98, 13 ruary ted: H loptic llowin in th 00 Y Y Y Y Y Y Y Y Y Y Y Y Y	B04-1067, 13 07, 1343, 120 23, 2004. B04-1277 an on of the Corn ng roll call vo e affirmative, EXCUSED McCluskey McFadyen McGihon Merrifield Miller Mitchell Paccione Plant Pommer Ragsdale Rhodes Rippy Romanoff Rose Salazar	141, 105, 1 1 1 1 1 1 1 1	1036, 1094, 1224, 1305, edCommittent tee of the V majority of d the Reportent ABSENT Sinclair Smith Spence Stafford Stengel Tochtrop Vigil Weddig Weissmann Welker White Wiens Williams S. Williams T. Witwer Young	1274, 1354, tee on Vhole those t was $\overline{\begin{array}{c}00\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\Y\\$

REPORTS OF COMMITTEES OF REFERENCE 1 2 3 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES** 4 After consideration on the merits, the Committee recommends the 5 following: 6 7 HB04-1221 be referred favorably to the Committee on Appropriations. 8 9 10 HB04-1233 be postponed indefinitely. 11 12 13 HB04-1351 be amended as follows, and as so amended, be referred to 14 the Committee on Appropriations with favorable recommendation: 15 16 17 Amend printed bill, page 2, line 15, strike "all of whom shall" and 18 substitute "all of whom shall"; 19 20 strike line 16 and substitute the following: 21 22 "be actively engaged in the production or feeding of cattle, HORSES, or 23 sheep and". 24 25 Page 3, line 17, strike "emergency declared in" and substitute 26 "emergency, declared in"; 27 28 line 18, strike "writing by the governor," and substitute "writing by the 29 governor,". 30 Page 7, line 11, strike "35-41-102," and substitute "The introductory 31 32 portion to 35-41-102 (1),"; 33 34 line 13, strike "(1)" and substitute "(1)"; 35 36 line 19, after the period, insert "THE ESTRAY FUND IS AN ESCROW FUND 37 THAT THE BOARD SHALL KEEP IN TRUST FOR THE OWNER OF THE ESTRAY 38 ANIMAL FOR SIX YEARS AFTER THE DATE THE PROCEEDS FROM THE SALE OF 39 THE ANIMAL WERE DEPOSITED IN THE FUND. IF THE OWNER SUBMITS 40 SUITABLE PROOF OF OWNERSHIP TO THE BOARD WITHIN THE SIX-YEAR 41 PERIOD, THE BOARD SHALL PAY TO THE OWNER THE PROCEEDS FROM THE 42 SALE. IF NO SUCH PROOF HAS BEEN SUBMITTED WITHIN THE SIX-YEAR 43 PERIOD, THE BOARD MAY EXPEND THE PROCEEDS PURSUANT TO THIS 44 SECTION.". 45 46 Page 8, line 1, strike "FUND, ALL MONEYS" and substitute "FUND:"; 47 48 strike lines 2 through 6; 49 50 strike lines 15 through 21 and substitute the following: 51 52 "BOARD BY RULE on all bovine livestock inspected; except that the charges for livestock shipped directly to a licensed slaughter plant are as 53 54 follows: For the first five hundred head per owner per certificate, two 55 cents below the set inspection fee, and for over five hundred head per 56 owner per certificate, five cents below the set inspection fee. Such

1 sliding scale charges shall take effect at such time as the set inspection 2 3 fee exceeds thirty-four cents. The inspection fee established pursuant to this". 4 5 Page 11, line 5, strike "C.R.S. THE" and substitute "C.R.S.; EXCEPT THAT: 6 7 (a) THE": 8 9 line 8, strike "DISCUSSED. AT" and substitute "DISCUSSED; 10 11 (b) AT"; 12 13 line 10, strike "FEES. THE" and substitute "FEES; AND 14 (c) THE"; 15 16 17 after line 12, insert the following: 18 19 "SECTION 6. 35-43-105 (1), Colorado Revised Statutes, is 20 amended to read: 21 22 "35-43-105. Fee to record brands - unlawful use - penalty. 23 (1) Any person, association, or corporation desiring to adopt any A brand, not then being the recorded brand of another person, association, 24 25 or corporation, shall forward to the state board of stock inspection 26 commissioners a facsimile of the desired brand, together with a written 27 application to adopt such brand, and shall accompany the same with a fee 28 of twenty-five dollars IN AN AMOUNT DETERMINED BY THE BOARD BY 29 RULE. Upon receipt of such THE facsimile and fee, the state board of 30 stock inspection commissioners shall record the same BRAND, unless such 31 THE brand stands of record as OR IS IN CONFLICT WITH that of some other 32 person, association, or corporation, or is in conflict with the same in 33 which case the state board of stock inspection commissioners shall not 34 record the same BRAND but shall return such THE facsimile and fee to the 35 FORWARDING party. sending the same.". 36 37 Renumber succeeding sections accordingly. 38 Page 12, line 3, after "(1)", insert "(a)"; 39 40 41 line 14, strike "thereafter. It" and substitute "thereafter; EXCEPT THAT, 42 NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS SECTION: 43 44 (I) THE BOARD MAY TEMPORARILY CHANGE THE PERIOD OF A 45 BRAND'S ASSESSMENT TO ONE, TWO, THREE, OR FOUR YEARS SO THAT 46 APPROXIMATELY EQUAL NUMBERS OF BRANDS ARE SUBSEQUENTLY 47 ASSESSED FOR FIVE-YEAR PERIODS IN EACH SUCCESSIVE FIVE-YEAR 48 PERIOD; AND 49 50 (II) IF THE PERIOD OF AN ASSESSMENT IS CHANGED PURSUANT TO 51 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a): 52 53 (A) THE FEE FOR THE SHORTENED ASSESSMENT PERIOD SHALL BE 54 PROPORTIONATELY DECREASED; AND 55

- 56
- (B) THE SUBSEQUENT ASSESSMENT PERIOD SHALL REVERT TO FIVE

1 YEARS. 2 3 (b) It". 4 5 6 Page 14, after line 10, insert the following: 7 "SECTION 11. 35-50-107 (1), Colorado Revised Statutes, is 8 amended to read: 9 10 **35-50-107.** Inspection fee - range movements. (1) In addition 11 to the funds now provided by law to provide the state board of stock 12 inspection commissioners with sufficient funds with which to meet and defray expenses, it is the duty of brand inspectors appointed by said THE 13 board to collect a fee of not to exceed one cent per head IN AN AMOUNT 14 15 DETERMINED BY THE BOARD BY RULE on each sheep inspected in sheep inspection districts. The fee collected shall be reported and transmitted 16 17 to the state board, of stock inspection commissioners, at such time and in 18 such way as regulations THE BOARD'S RULES may require.". 19 20 Renumber succeeding sections accordingly. 21 22 Page 17, after line 24, insert the following: 23 24 **SECTION 16. Effective date.** This act shall take effect July 1, 2004.". 25 26 27 Renumber succeeding section accordingly. 28 29 30 31 HB04-1359 be amended as follows, and as so amended, be referred to 32 the Committee on Appropriations with favorable 33 recommendation: 34 35 Amend printed bill, page 4, line 3, strike "AND"; 36 37 line 4, strike "GOVERNOR." and substitute "GOVERNOR, AND SHALL BE 38 EXEMPT FROM THE STATE PERSONNEL SYSTEM PURSUANT TO SECTION 39 24-50-135 (1), C.R.S.". 40 41 42 43 **BUSINESS AFFAIRS & LABOR** 44 After consideration on the merits, the Committee recommends the 45 46 following: 47 48 HB04-1081 be amended as follows, and as so amended, be referred to 49 of the Whole with favorable the Committee 50 recommendation: 51 52 Amend printed bill, strike everything below the enacting clause and 53 substitute the following: 54 "SECTION 1. Title 6, Colorado Revised Statutes, is amended BY 55 THE ADDITION OF A NEW ARTICLE to read: 56

ARTICLE 1.5 1 2 3 Legal Consumer's Bill of Rights 4 **6-1.5-101.** Short title. This ARTICLE SHALL BE KNOWN AND MAY 5 BE CITED AS THE "COLORADO LEGAL CONSUMER'S BILL OF RIGHTS ACT". 6 7 6-1.5-102. Legislative declaration. (1) (a) THE GENERAL 8 ASSEMBLY HEREBY FINDS AND DETERMINES THAT THE LEGAL PROCESS IS 9 CONFUSING AND EXPENSIVE FOR THE AVERAGE PERSON. LEGAL 10 REPRESENTATION AND LITIGATION OFTEN INVOLVE UNDISCLOSED COSTS. 11 12 (b) LEGAL CONSUMERS ARE OFTEN NOT INFORMED ABOUT THE 13 BASIC ELEMENTS OF A CONTINGENT FEE AGREEMENT, SUCH AS THE COSTS 14 AND FEE STRUCTURES, THE LIKELIHOOD OF SUCCESS ON THEIR CLAIMS, THE AMOUNT OF TIME AND EFFORT AN ATTORNEY WILL BE REQUIRED TO INVEST 15 16 IN THE CASE, OR OTHER IMPORTANT DETAILS OF A CASE AND THE 17 REPRESENTATION THAT WILL BE INVOLVED. 18 19 (2) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT THE 20 PURPOSES OF THIS ARTICLE INCLUDE THE FOLLOWING: 21 22 (a) TO ESTABLISH A LEGAL CONSUMER'S BILL OF RIGHTS THAT 23 IDENTIFIES BASIC LEGAL RIGHTS FOR PERSONS WHO MAY NEED TO OBTAIN 24 THE SERVICES OF AN ATTORNEY ON A CONTINGENT FEE BASIS; AND 25 26 (b) TO PROMOTE THE FREE FLOW OF INFORMATION BETWEEN 27 LEGAL CONSUMERS AND ATTORNEYS WHO REPRESENT LEGAL CONSUMERS 28 ON A CONTINGENT FEE BASIS. 29 30 (3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT, BY 31 REQUIRING ATTORNEYS TO PROVIDE LEGAL CONSUMERS MORE 32 INFORMATION ABOUT LEGAL SERVICES, THIS ARTICLE WILL INCREASE THE 33 EFFICIENCY OF THE MARKET FOR LEGAL SERVICES AND LESSEN THE 34 CURRENT IMBALANCE OF INFORMATION BETWEEN ATTORNEYS AND THEIR 35 CLIENTS WHO HAVE CONTINGENT FEE AGREEMENTS. IN ADDITION, 36 CONSUMERS WILL BECOME EMPOWERED TO BE SMARTER SHOPPERS FOR 37 LEGAL SERVICES. 38 6-1.5-103. Definitions. As used in this article, unless the 39 40 CONTEXT OTHERWISE REQUIRES: 41 42 (1) "ATTORNEY" MEANS A PERSON AUTHORIZED UNDER THE LAWS 43 OF THIS STATE TO PRACTICE LAW. 44 (2) "ATTORNEY'S SERVICES" MEANS THE PROFESSIONAL ADVICE OR 45 46 COUNSELING OF AN ATTORNEY OR REPRESENTATION BY AN ATTORNEY, BUT 47 DOES NOT INCLUDE OTHER ASSISTANCE OR EXPENSES INCURRED, DIRECTLY 48 OR INDIRECTLY, IN CONNECTION WITH AN ATTORNEY'S SERVICES, SUCH AS 49 ADMINISTRATIVE OR SECRETARIAL ASSISTANCE, OVERHEAD, TRAVEL 50 EXPENSES, WITNESS FEES, OR PREPARATION OF ANY STUDY, ANALYSIS, 51 REPORT, OR TEST BY A PERSON OTHER THAN THE ATTORNEY. 52 53 (3) "CLAIM" MEANS A CIVIL ACTION FOR WRONGFUL DEATH, 54 PERSONAL INJURY, OR DAMAGE OR LOSS TO PROPERTY BROUGHT IN A 55 COURT IN THIS STATE.

(4) "CLAIMANT" MEANS A NATURAL PERSON WHO BRINGS A CLAIM. 1 2 IF A CLAIM IS BROUGHT ON BEHALF OF THE CLAIMANT'S ESTATE, 3 "CLAIMANT" INCLUDES THE CLAIMANT'S PERSONAL REPRESENTATIVE. IF 4 A CLAIM IS BROUGHT ON BEHALF OF A MINOR OR INCOMPETENT PERSON, 5 "CLAIMANT" INCLUDES THE CLAIMANT'S PARENT, GUARDIAN, OR PERSONAL 6 REPRESENTATIVE. "CLAIMANT" DOES NOT INCLUDE AN ORGANIZATION OR 7 LEGAL ENTITY, SUCH AS A FIRM, CORPORATION, ASSOCIATION, COMPANY, 8 PARTNERSHIP, SOCIETY, JOINT VENTURE, OR GOVERNMENTAL BODY. 9 10 (5) "CONTINGENT FEE" MEANS THE COST OR PRICE OF AN 11 ATTORNEY'S SERVICES DETERMINED BY APPLYING A SPECIFIED 12 PERCENTAGE, WHICH MAY BE A FIXED PERCENTAGE, A GRADUATED OR 13 SLIDING PERCENTAGE, OR ANY COMBINATION THEREOF, TO THE AMOUNT 14 OF THE SETTLEMENT OR JUDGMENT OBTAINED IN A CLAIM. 15 "INITIAL MEETING" MEANS THE FIRST CONFERENCE OR 16 (6)17 DISCUSSION BETWEEN THE CLAIMANT AND THE ATTORNEY, WHETHER BY 18 TELEPHONE OR IN PERSON, OF THE DETAILS, FACTS, OR BASIS OF A CLAIM. 19 20 (7) "RETAIN" MEANS THE ACT OF A CLAIMANT IN ENGAGING AN 21 ATTORNEY'S SERVICES, WHETHER BY EXPRESS AGREEMENT OR BY 22 IMPLICATION THROUGH SEEKING AND OBTAINING THE ATTORNEY'S 23 SERVICES. 24 25 **6-1.5-104.** Legal consumer's bill of rights. (1) AN ATTORNEY, 26 PRIOR TO BEING RETAINED BY A CLAIMANT ON A CONTINGENT FEE BASIS, 27 SHALL, AT THE INITIAL MEETING, DISCLOSE TO THE CLAIMANT THE 28 CLAIMANT'S RIGHT TO RECEIVE A WRITTEN STATEMENT OF THE 29 INFORMATION DESCRIBED IN SUBSECTIONS (2), (3), AND (4) OF THIS 30 SECTION AND SHALL DISCLOSE TO THE CLAIMANT THE CLAIMANT'S RIGHTS 31 SET FORTH IN SUBSECTIONS (5) AND (6) OF THIS SECTION. 32 33 (2) AN ATTORNEY RETAINED BY A CLAIMANT ON A CONTINGENT 34 FEE BASIS SHALL, NOT LATER THAN THIRTY DAYS AFTER THE INITIAL 35 MEETING, DISCLOSE IN A WRITTEN STATEMENT TO THE CLAIMANT: 36 37 (a) THE ESTIMATED NUMBER OF HOURS OF THE ATTORNEY'S SERVICES THAT WILL BE SPENT HANDLING THE CLAIM THROUGH 38 39 SETTLEMENT OR TRIAL; 40 41 (b) THE ATTORNEY'S CONTINGENT FEE FOR THE ATTORNEY'S 42 SERVICES REGARDING THE CLAIM AND ANY CONDITIONS, LIMITATIONS, 43 RESTRICTIONS, OR OTHER QUALIFICATIONS ON THE CONTINGENT FEE; 44 45 (c) THAT THERE WILL BE COSTS OR EXPENSES IN ADDITION TO THE 46 CONTINGENT FEE THAT THE CLAIMANT WILL BE REQUIRED TO BEAR; AND 47 48 (d) ALL OTHER FEE AGREEMENTS TO BE MADE CONCERNING THE 49 CLAIM, INCLUDING THE AMOUNT TO BE PAID TO ANY CO-COUNSEL 50 ASSOCIATED WITH THE CASE AND ANY AGREEMENT TO REFER THE 51 CLAIMANT TO ANOTHER ATTORNEY. 52 53 (3) AN ATTORNEY RETAINED BY A CLAIMANT ON A CONTINGENT 54 FEE BASIS SHALL KEEP ACCURATE RECORDS OF THE TIME THE ATTORNEY 55 SPENDS ON THE CLAIMANT'S CASE AND, DURING THE PENDENCY OF THE 56 CLAIM, THE ATTORNEY SHALL GIVE WRITTEN MONTHLY REPORTS TO THE

CLAIMANT DETAILING THE AMOUNT OF TIME SPENT ON THE CASE, WORK 1 2 PERFORMED, AND PROGRESS IN THE CASE. 3 4 (4) (a) AN ATTORNEY RETAINED BY A CLAIMANT ON A 5 CONTINGENT FEE BASIS SHALL, WITHIN THIRTY DAYS AFTER THE CLAIM IS 6 SETTLED OR ADJUDICATED, DISCLOSE THE FOLLOWING IN A WRITTEN 7 STATEMENT TO THE CLAIMANT: 8 9 (I) THE ACTUAL NUMBER OF HOURS OF THE ATTORNEY'S SERVICES 10 SPENT IN CONNECTION WITH THE CLAIM; 11 12 (II) THE TOTAL DOLLAR AMOUNT OF THE CONTINGENT FEE FOR THE 13 ATTORNEY'S SERVICES PERFORMED IN CONNECTION WITH THE CLAIM; AND 14 15 (III) THE ACTUAL FEE PER HOUR OF THE ATTORNEY'S SERVICES IN 16 CONNECTION WITH THE CLAIM, DETERMINED BY DIVIDING THE TOTAL 17 CONTINGENT FEE BY THE ACTUAL NUMBER OF HOURS OF THE ATTORNEY'S 18 SERVICES. 19 20 (b) THE WRITTEN STATEMENT SHALL BE ACCOMPANIED BY A 21 WRITTEN CERTIFICATE OF REVIEW IN WHICH THE ATTORNEY DECLARES 22 THAT HE OR SHE HAS REVIEWED THE ITEMS DESCRIBED IN THE WRITTEN STATEMENT AND THAT THE ITEMS ARE REASONABLE AND HAVE 23 24 SUBSTANTIAL JUSTIFICATION. 25 26 (5) A FEE AGREEMENT MAY NOT BE ENFORCED AGAINST A PARTY 27 TO THE AGREEMENT UNLESS THE REQUIREMENTS OF THIS SECTION ARE 28 COMPLIED WITH AND THE FEE AGREEMENT IS SIGNED BY THE ATTORNEY 29 AND THE CLAIMANT. AN ATTORNEY WHO INTENTIONALLY FAILS TO 30 COMPLY WITH THE REQUIREMENTS OF THIS SECTION BUT WHO ATTEMPTS 31 TO ENFORCE A FEE AGREEMENT SHALL BE PRESUMED TO BE IN VIOLATION 32 OF COURT RULES GOVERNING THE PROFESSIONAL RESPONSIBILITY OF 33 ATTORNEYS. 34 35 (6) (a) THE PROVISIONS OF THIS ARTICLE SHALL BE IN ADDITION TO, 36 AND NOT IN LIEU OF, ANY REMEDIES OR PENALTIES AVAILABLE TO THE 37 CLAIMANT. 38 39 (b) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO ABROGATE 40 COURT RULES CONCERNING THE REGULATION OF THE PRACTICE OF LAW OR 41 THE REGULATION OF CONTINGENT FEE AGREEMENTS. TO THE EXTENT ANY 42 PROVISION OF THIS ARTICLE CONFLICTS WITH SUCH A COURT RULE, THE 43 COURT RULE SHALL GOVERN. 44 45 **SECTION 2. Effective date - applicability.** This act shall take 46 effect July 1, 2004, and shall apply to contingent fee agreements executed 47 on or after said date. 48 49 **SECTION 3. Safety clause.** The general assembly hereby finds, 50 determines, and declares that this act is necessary for the immediate 51 preservation of the public peace, health, and safety.". 52 53 54 55

HB04-1254 1 be amended as follows, and as so amended, be referred to 2 3 the Committee on Appropriations with favorable recommendation: 4 5 Amend printed bill, page 2, strike lines 7 through 9 and substitute the 6 following: 7 8 "SHALL PROHIBIT THE STATE DEPARTMENT OR A COUNTY DEPARTMENT 9 FROM PROVIDING NOTICE TO"; 10 line 10, strike "SUCH" and substitute "A CHILD CARE CENTER, AS THAT 11 12 TERM IS DEFINED IN SECTION 26-6-102 (1.5), C.R.S., OR A FAMILY CHILD 13 CARE HOME, AS THAT TERM IS DEFINED IN SECTION 26-6-102 (4), C.R.S.,"; 14 line 11, strike "A FACILITY"; 15 16 17 line 12, after "DEPARTMENT", insert "OR A COUNTY DEPARTMENT"; 18 19 line 16, after the period, add "NOTHING IN THIS PARAGRAPH (a.5) SHALL 20 BE CONSTRUED TO PREVENT THE STATE DEPARTMENT OR A COUNTY 21 DEPARTMENT FROM CONTACTING A PARENT ON AN INDIVIDUAL BASIS FOR 22 THE PURPOSE OF CONDUCTING AN INVESTIGATION."; 23 24 strike lines 17 through 21. 25 26 Page 3, strike lines 1 through 20. 27 28 Renumber succeeding section accordingly. 29 30 31 32 HB04-1294 be postponed indefinitely. 33 34 35 HB04-1295 be postponed indefinitely. 36 37 HB04-1349 38 be postponed indefinitely. 39 40 41 HB04-1353 be amended as follows, and as so amended, be referred to 42 favorable the Committee of the Whole with 43 recommendation: 44 45 Amend printed bill, page 2, strike line 16 and substitute "acts or 46 omissions which constitute willful misconduct WILLFUL AND WANTON 47 ACTS OR OMISSIONS.". 48 49 Page 3, line 1, strike "ACTS OR"; 50 51 strike line 2 and substitute the following: 52 53 "WILLFUL AND WANTON ACTS OR OMISSIONS.". 54 55

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EDUCATION 1 2 After consideration on the merits, the Committee recommends the 3 following: 4 5 6 HB04-1291 be postponed indefinitely. 7 8 9 **FINANCE** 10 After consideration on the merits, the Committee recommends the 11 following: 12 HB04-1241 be referred to the Committee of the Whole with favorable 13 14 recommendation. 15 16 17 HB04-1261 be referred favorably to the Committee on Appropriations. 18 19 20 **JUDICIARY** 21 22 After consideration on the merits, the Committee recommends the 23 following: 24 25 HB04-1300 be amended as follows, and as so amended, be referred to 26 the Committee on Finance with favorable 27 recommendation: 28 29 Amend printed bill, page 2, line 2, strike "(1)," and substitute "(1) and (2)," and, strike "is" and substitute "are"; 30 31 32 line 18, strike "felony OR" and substitute "felony, OR IN THE PRIOR FIVE 33 YEARS A"; 34 after line 20, insert the following: 35 36 37 "(2) The application shall include a handwritten sample of the applicant's official signature OR AN ELECTRONIC SIGNATURE, which 38 contains the applicant's TYPED legal name, and the affirmation as 39 40 provided in section 12-55-105.". 41 42 Page 3, line 15, strike "felony OR" and substitute "felony, OR IN THE PRIOR 43 FIVE YEARS A"; 44 line 24, after "contain", insert "OR BE ACCOMPANIED BY". 45 46 47 Page 4, line 9, strike ""FELONY OR MISDEMEANOR" and substitute 48 ""MISDEMEANOR"; 49 line 24, strike "FOR" and substitute "EXCEPT AS OTHERWISE PROVIDED IN 50 51 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION OR BY ANOTHER LAW 52 OF THIS STATE, FOR". 53 54 **SB04-127** be referred to the Committee of the Whole with favorable 55 56 recommendation.

STATE, VETERANS, & MILITARY AFFAIRS 1 2 After consideration on the merits, the Committee recommends the 3 following: 4 5 HB04-1248 be amended as follows, and as so amended, be referred to 6 the Committee of the Whole with favorable 7 recommendation: 8 Amend printed bill, page 3, line 19, before "THIS", insert "ARTICLES 26, 9 10 28, AND 28.5 OF". 11 12 Page 6, line 12, before "THIS", insert "ARTICLES 26, 28, AND 28.5 OF". 13 14 15 16 HB04-1310 be postponed indefinitely. 17 18 19 **SB04-016** be postponed indefinitely. 20 21 22 23 **TRANSPORTATION & ENERGY** 24 After consideration on the merits, the Committee recommends the 25 26 following: 27 28 SB04-110 be amended as follows, and as so amended, be referred to 29 the Committee of the Whole with favorable 30 recommendation: 31 32 Amend reengrossed bill, page 1, line 2, strike "(2.5) (a) and". 33 Page 2, line 1, strike "are amended" and substitute "is amended, and the 34 said 42-4-1407 is further amended BY THE ADDITION OF A NEW 35 36 SUBSECTION,"; 37 38 strike lines 3 through 12 and substitute the following: 39 40 "of spilling aggregate, trash, or recyclables. (2.4) A VEHICLE SHALL 41 NOT BE DRIVEN OR MOVED ON A HIGHWAY IF THE VEHICLE IS TRANSPORTING TRASH OR RECYCLABLES UNLESS: 42 43 44 (a) THE LOAD IS COVERED BY A TARP OR OTHER COVER IN A 45 MANNER THAT PREVENTS THE LOAD FROM BLOWING, DROPPING, SHIFTING, 46 LEAKING, OR OTHERWISE ESCAPING FROM THE VEHICLE; 47 48 (b) THE VEHICLE UTILIZES OTHER TECHNOLOGY THAT PREVENTS 49 THE LOAD FROM BLOWING, DROPPING, SHIFTING, LEAKING, OR OTHERWISE 50 ESCAPING FROM THE VEHICLE; OR 51 52 (c) THE LOAD IS REQUIRED TO BE SECURED UNDER 49 CFR PARTS 53 392 AND 393."; 54 55 after line 17 insert the following: 56

	Page 588	House Journal45th DayFebruary 20, 2004							
1 2 3		RECYCLABLES" MEANS MATERIAL OR OBJECTS THAT CAN BE OCESSED, REMANUFACTURED, RECLAIMED, OR RECYCLED.".							
4	Renumber su	cceeding paragraph accordingly.							
5 6 7	Page 2, lin "TRANSPORTE	ne 19, strike "TRANSPORTED FOR" and substitute ED.";							
8 9	strike line 20								
10 11 12 13 14 15	<u>SB04-128</u>	be referred to the Committee of the Whole with favorable recommendation.							
16 17		PRINTING REPORT							
18 19 20 21	The Chief Cl HB04-1374.	erk reports the following bill has been correctly printed:							
21 22 23 24		MESSAGES FROM THE SENATE							
25	Madam Speat	ker:							
26 27 28	The Senate has adopted and transmits herewith: SJR04-015.								
29 30 31	The Senate h	as adopted and transmits herewith: SJR04-018.							
32 33 34		INTRODUCTION OF BILL First Reading							
35 36 37	The followin indicated:	ng bill was read by title and referred to the committee							
38 39 40 41 42 43 44	<u>HB04-1375</u>	by Representative(s) Mitchell, Brophy, Cadman, Crane, Harvey, Hefley, King, Lee, Lundberg, May M., Miller, Rhodes, Rose, Sinclair, Welker, Wiens; also Senator(s) Arnold, Hillman, Johnson S., McElhanyConcerning limitations on education regarding alternative sexual lifestyles.							
45 46 47 48	Committee of	n Education							
49		INTRODUCTION OF RESOLUTIONS							
50 51 52	The following resolutions were read by title and laid over one day up the rules:								
53 54 55 56	<u>HJR04-1021</u>	by Representative(s) Williams S., Berry, Boyd, Carroll, Cloer, Hefley, Jahn, Judd, Madden, Merrifield, Rippy, Rose, Salazar, Spence, Vigil, Weddig, Witwer; also							

Rose, Salazar, Spence, Vigil, Weddig, Witwer; also

1 2 3		Senator(s) Arnold, GroffConcerning support for self-determination for people with disabilities.
5 4 5 6 7	<u>SJR04-015</u>	by Senator(s) Hagedorn; also Representative(s) McGihon- -Concerning honoring Dr. Abraham J. Kauvar, affectionately referred to as "Dr. Abe".
8 9 10 11 12	<u>SJR04-018</u>	by Senator(s) Taylor, Entz, Anderson; also Representative(s) MillerConcerning support for the "HEALTHY Vets Act of 2004".
13		
14 15		LAY OVER OF CALENDAR ITEMS
16 17 18	On motion of were laid over	Representative King, the following items on the Calendar r until February 23, 2004, retaining place on Calendar:
19 20 21 22 23 24	1196, 1040, 1 Consideration HJR04-1013	n of General OrdersHB04-1175, SB04-096, HB04-1210, 1093, 1121, 1257, 1218, 1209, 1153, 1270. n of ResolutionsHJR04-1008, 1009, 1012, SJR04-009, , 1005, SJR04-003, 004, HJR04-1015, 1018, 1020. n of Senate AmendmentsHB04-1112, 1038, 1072, 1052, 1005, 1152.
25 26 27		
28 29 30	On motion of February 23,	Representative King, the House adjourned until 10:00 a.m., 2004.
31 32		Approved:
33 34		
54 35 36		LOLA SPRADLEY, Speaker
37	Attest:	~F-mor
38 39	JUDITH RO	DDRIGUE,

40 Chief Clerk