

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

Forty-fifth Legislative Day

Friday, February 20, 2004

1 Prayer by Pastor Curtis Miller, Worship Center of Brighton, Brighton.

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.

11 Present after Roll Call--Representative Coleman.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative McGihon, the reading of the journal of
 17 February 19, 2004, was declared dispensed with and approved as
 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?".

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

35

36	YES	37	NO	26	EXCUSED	02	ABSENT	00
37	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
38	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
39	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
40	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	E
41	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
42	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
43	Cadman	Y	Jahn	N	Paccione	N	Vigil	N

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

11 Co-sponsors added: Representatives Brophy, Cadman, Clapp, Crane, Decker,
 12 Hefley, Hoppe, King, Lee, Lundberg, Rhodes, Rose, Schultheis, Sinclair,
 13 Stengel, Welker, Wiens.

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

18
 19 The question being "Shall the bill pass?".

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

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

42 Co-sponsors added: Representatives Borodkin, Boyd, Cerbo, Cloer, Frangas,
 43 Harvey, McFadyen, Tochtrop, Weddig, Williams S.

44
 45 **HB04-1363** by Representative(s) King, Spradley; also Senator()
 46 Kester--Concerning participation in activities not offered
 47 within a student's school district.

48
 49 The question being "Shall the bill pass?".

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

54	YES	63	NO	00	EXCUSED	02	ABSENT	00
55	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
56	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y

1	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
2	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
3	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
4	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
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	Williams S.	Y
12	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
13	Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
14	Frangas	Y	May	Y	Schultheis	Y	Young	Y
15							Speaker	Y

16 Co-sponsors added: Representatives Brophy, Cadman, Carroll, Frangas, Harvey,
 17 Hefley, Lee, Lundberg, McFadyen, Mitchell, Paccione, Rose, Schultheis,
 18 Welker, Wiens.

19
 20 **HB04-1306** by Representative(s) Jahn; also Senator(s) Kester--
 21 Concerning the issuance of licenses to persons who are in
 22 the business of selling motor vehicles.
 23

24 The question being "Shall the bill pass?".
 25 A roll call vote was taken. As shown by the following recorded vote, a
 26 majority of those elected to the House voted in the affirmative and the bill
 27 was declared **passed**.
 28

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

47 Co-sponsors added: Representatives Borodkin, Frangas, McFadyen.
 48
 49

50 **HB04-1222** by Representative(s) Young, Plant, Witwer; also
 51 Senator(s) Owen, Reeves, Teck--Concerning the
 52 elimination of the designated cash flow reserve within the
 53 controlled maintenance trust fund, and, in connection
 54 therewith, transferring the balance of the reserve to the
 55 state general fund.
 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	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	N	McGihon	Y	Spence	Y
10	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	E
11	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
12	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
13	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
14	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
15	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
16	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
17	Cloer	N	Larson	Y	Rhodes	Y	White	Y
18	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
19	Crane	Y	Lundberg	N	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	N	Young	Y
23							Speaker	Y

24 Co-sponsors added: Representative Rippy

25
26 **SB04-018** by Senator(s) Hillman; also Representative(s) Brophy--
27 Concerning an increase in the contribution limit for local
28 government retirement plans.

29
30 The question being "Shall the bill pass?".

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

	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	N	Tochtrop	Y
42	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
43	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
44	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
45	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
46	Cloer	N	Larson	Y	Rhodes	Y	White	Y
47	Coleman	N	Lee	N	Rippy	Y	Wiens	Y
48	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
49	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
50	Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
51	Frangas	Y	May	Y	Schultheis	N	Young	Y
52							Speaker	Y

53 Co-sponsors added: Representatives Coleman, Frangas, Hoppe, McFadyen,
54 Merrifield, Miller, Pommer, Ragsdale, Weddig, Williams S., Young.

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 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
11								
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.
 31
 32

33 **HB04-1108** by Representative(s) McFadyen; also Senator Arnold--
 34 Concerning the inadmissability of certain confidential
 35 communications by juveniles.
 36

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

	YES	55	NO	08	EXCUSED	02	ABSENT	00
42								
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	N	Merrifield	Y	Stafford	E
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
48	Butcher	Y	Hoppe	N	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	N	King	N	Ragsdale	Y	Welker	Y
53	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
54	Coleman	Y	Lee	N	Rippy	Y	Wiens	N
55	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
56	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y

1	Fairbank	E	Marshall	Y	Salazar	Y	Witwer	N
2	Frangas	Y	May	Y	Schultheis	Y	Young	Y
3							Speaker	N

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 **HB04-1054** by Representative(s) Brophy; also Senator(s) Hillman--
9 Concerning the duties of occupants of vehicles involved in
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**.

17	YES	55	NO	08	EXCUSED	02	ABSENT	00
18	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
19	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
20	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
21	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
22	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
23	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
24	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
25	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
26	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
27	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
28	Cloer	N	Larson	Y	Rhodes	Y	White	Y
29	Coleman	Y	Lee	Y	Rippy	N	Wiens	Y
30	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
31	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
32	Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
33	Frangas	Y	May	Y	Schultheis	N	Young	N
34							Speaker	N

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

47	YES	50	NO	13	EXCUSED	02	ABSENT	00
48	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
49	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
50	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
51	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	E
52	Brophy	N	Hodge	Y	Miller	N	Stengel	Y
53	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
54	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
55	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
56	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y

1	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
2	Cloer	N	Larson	Y	Rhodes	N	White	Y
3	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
4	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
5	Decker	N	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 **HB04-1200** by Representative(s) Clapp, Stafford, Berry, Boyd, Cloer,
11 Frangas, Harvey, Hefley, Jahn, Johnson R., Lundberg,
12 Madden, Plant, Pommer, Schultheis, Young; also
13 Senator(s) Anderson, Reeves, Teck--Concerning the
14 collaborative management of multi-agency services
15 provided to children.
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	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	N	Hodge	Y	Miller	Y	Stengel	Y
28	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
29	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
30	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
31	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
32	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
33	Cloer	Y	Larson	N	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	N

40 Co-sponsors added: Representatives Borodkin, Butcher, Coleman, May,
41 McFadyen, McGihon, Merrifield, Paccione, Williams S.
42

43
44 On motion of Representative King, at 10:16 a.m., **HB04-1274, 1160,**
45 **1264, 1350, 1361, 1298, 1307, 1343, 1205, 1224, 1305, 1354, 1230,**
46 **1356, 1357, 1348** were added to the Special Orders Calendar on Friday,
47 February 20, 2004.
48

49
50 On motion of Representative Clapp, the House resolved itself into
51 Committee of the Whole for consideration of Special Orders and she was
52 called to the Chair to act as Chairman.
53
54
55
56

SPECIAL ORDERS--SECOND READING OF BILLS

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

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

HB04-1266 by Representative(s) Pommer--Concerning creation of the crime of criminal invasion of privacy.

Amendment No. 1, Information & Technology Report, dated February 16, 2004, and placed in member's bill file; Report also printed in House Journal, February 17, pages 467-468.

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

HB04-1346 by Representative(s) May M., Harvey, Brophy--Concerning authorization for a candidate for director of a school district to have such candidate's political affiliation listed on the ballot.

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

HB04-1236 by Representative(s) McCluskey; also Senator(s) Cairns--Concerning notice requirements to be made by an insurer to an applicant for homeowner's insurance.

Amendment No. 1, by Representative McCluskey.

Amend printed bill, page 2, strike lines 16 through 20 and substitute the following:

"(b) IF AN INSURER USES CLAIMS EXPERIENCE FOR THE PROPERTY AND SUCH CLAIMS HISTORY RESULTS IN AN ADVERSE ACTION TO THE APPLICANT OR POLICYHOLDER, THE INSURER SHALL DISCLOSE TO THE APPLICANT OR POLICYHOLDER THE SPECIFIC CLAIM INFORMATION THAT RESULTED IN THE ADVERSE ACTION."

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

HB04-1292 by Representative(s) Clapp, Stengel, Cadman, Fairbank, Jahn, Lee, May M., Rose, Stafford, Welker, White, Young; also Senator(s) Hagedorn--Concerning requirements of an insurer regarding factors that may negatively affect an insured's ability to obtain homeowner's insurance.

Amendment No. 1, Business Affairs & Labor Report, dated February 17, 2004, and placed in member's bill file; Report also printed in House 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
14 Page 3, strike line 6 and substitute the following:

15
16 "INSURER.

17
18 **SECTION 4. Repeal.** 10-4-616, Colorado Revised Statutes, is
19 repealed.".".

20
21 Amendment No. 4, by Representative Jahn.

22
23 Amend printed bill, page 2, line 21, after "EACH", insert "PACKET
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
31 **HB04-1277** by Representative(s) Hefley, Carroll, Cloer, Romanoff,
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
39 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
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 Amendment No. 2, by Representative Hefley.

44
45 Amend printed bill, page 9, line 7, after "elect", insert "EXECUTIVE
46 OFFICERS TO PRESIDE AT ALL MEETINGS OF THE COMMISSION";

47
48 strike lines 8 through 15 and substitute the following:

49 "~~a chairperson or vice-chairperson and who shall hold office until their~~
50 ~~successors are elected. The chairperson or his or her designee, shall~~
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
12 EARLY CHILDHOOD SYSTEMS THAT FOSTER AS MUCH PARENTAL
13 INVOLVEMENT AS POSSIBLE AND MAINTAIN THE MAXIMUM AMOUNT OF
14 AUTHORITY AND RESPONSIBILITY FOR PARENTS.".

15
16 Reletter succeeding paragraphs accordingly.

17
18 As amended, referred to the Committee on Appropriations.

19
20 **HB04-1242** by Representative(s) Sinclair, Cadman, Schultheis, Berry,
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
27 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
28 February 17, 2004, and placed in member's bill file; Report also printed
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
35 Calendar (**HB04-1173, 1347, SB04-067, 035, 012, 026, HB04-1067,**
36 **1341, 1036, 1094, 1274, 1160, 1264, 1350, 1361, 1298, 1307, 1343,**
37 **1205, 1224, 1305, 1354, 1230, 1356, 1357, 1348)** was laid over until
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
49 Amend the Business Affairs and Labor Committee Report, dated
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

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

2
3 "INSURER.

4
5 **SECTION 4. Repeal.** 10-4-616, Colorado Revised Statutes, is
6 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	N	McCluskey	Y	Sinclair	Y
14	Borodkin	N	Hall	Y	McFadyen	N	Smith	N
15	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
16	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	E
17	Brophy	Y	Hodge	N	Miller	Y	Stengel	N
18	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
19	Cadman	Y	Jahn	N	Paccione	N	Vigil	N
20	Carroll	N	Johnson	Y	Plant	N	Weddig	N
21	Cerbo	N	Judd	N	Pommer	N	Weissmann	N
22	Clapp	Y	King	Y	Ragsdale	N	Welker	-
23	Cloer	E	Larson	N	Rhodes	Y	White	Y
24	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
25	Crane	Y	Lundberg	E	Romanoff	N	Williams S.	N
26	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
27	Fairbank	E	Marshall	N	Salazar	N	Witwer	Y
28	Frangas	N	May	Y	Schultheis	E	Young	Y
29							Speaker	Y

30

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

33

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

52

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

55

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

1	YES	29	NO	30	EXCUSED	06	ABSENT	00
2	Berry	N	Garcia	Y	McCluskey	N	Sinclair	N
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	Vigil	Y
9	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
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
17	Frangas	Y	May	N	Schultheis	E	Young	N
18							Speaker	N

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: **HB04-1173, 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, 1348**--February 23, 2004.

Referred to Committee indicated: **HB04-1277 amended**--Committee on Appropriations.

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

YES	59	NO	00	EXCUSED	06	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	E
Cloer	E	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	E	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	E	Young	Y
						Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

HB04-1221 be referred favorably to the Committee on Appropriations.

HB04-1233 be postponed indefinitely.

HB04-1351 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 15, strike "~~all of whom shall~~" and substitute "all of whom shall";

strike line 16 and substitute the following:

"be actively engaged in the production or feeding of cattle, HORSES, or sheep ~~and~~".

Page 3, line 17, strike "emergency declared in" and substitute "emergency, ~~declared in~~";

line 18, strike "writing by the governor," and substitute "~~writing by the governor,~~".

Page 7, line 11, strike "35-41-102," and substitute "The introductory portion to 35-41-102 (1),";

line 13, strike "~~(1)~~" and substitute "(1)";

line 19, after the period, insert "THE ESTRAY FUND IS AN ESCROW FUND THAT THE BOARD SHALL KEEP IN TRUST FOR THE OWNER OF THE ESTRAY ANIMAL FOR SIX YEARS AFTER THE DATE THE PROCEEDS FROM THE SALE OF THE ANIMAL WERE DEPOSITED IN THE FUND. IF THE OWNER SUBMITS SUITABLE PROOF OF OWNERSHIP TO THE BOARD WITHIN THE SIX-YEAR PERIOD, THE BOARD SHALL PAY TO THE OWNER THE PROCEEDS FROM THE SALE. IF NO SUCH PROOF HAS BEEN SUBMITTED WITHIN THE SIX-YEAR PERIOD, THE BOARD MAY EXPEND THE PROCEEDS PURSUANT TO THIS SECTION."

Page 8, line 1, strike "FUND, ALL MONEYS" and substitute "FUND:";

strike lines 2 through 6;

strike lines 15 through 21 and substitute the following:

"BOARD BY RULE on all bovine livestock inspected; except that the charges for livestock shipped directly to a licensed slaughter plant are as follows: For the first five hundred head per owner per certificate, two cents below the set inspection fee, and for over five hundred head per 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 fee exceeds thirty-four cents. The inspection fee established pursuant to
3 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
15 (c) THE";

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
24 brand, not then being the recorded brand of another person, association,
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
39 Page 12, line 3, after "(1)", insert "(a)";

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 Page 14, after line 10, insert the following:

6

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
13 defray expenses, it is the duty of brand inspectors appointed by ~~said~~ THE
14 board to collect a fee ~~of not to exceed one cent per head~~ IN AN AMOUNT
15 DETERMINED BY THE BOARD BY RULE on each sheep inspected in sheep
16 inspection districts. The fee collected shall be reported and transmitted
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,
25 2004.".

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

44 **BUSINESS AFFAIRS & LABOR**

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

47

48 **HB04-1081** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51

52 Amend printed bill, strike everything below the enacting clause and
53 substitute the following:

54

55 "SECTION 1. Title 6, Colorado Revised Statutes, is amended BY
56 THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 1.5
Legal Consumer's Bill of Rights

6-1.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO LEGAL CONSUMER'S BILL OF RIGHTS ACT".

6-1.5-102. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT THE LEGAL PROCESS IS CONFUSING AND EXPENSIVE FOR THE AVERAGE PERSON. LEGAL REPRESENTATION AND LITIGATION OFTEN INVOLVE UNDISCLOSED COSTS.

(b) LEGAL CONSUMERS ARE OFTEN NOT INFORMED ABOUT THE BASIC ELEMENTS OF A CONTINGENT FEE AGREEMENT, SUCH AS THE COSTS AND FEE STRUCTURES, THE LIKELIHOOD OF SUCCESS ON THEIR CLAIMS, THE AMOUNT OF TIME AND EFFORT AN ATTORNEY WILL BE REQUIRED TO INVEST IN THE CASE, OR OTHER IMPORTANT DETAILS OF A CASE AND THE REPRESENTATION THAT WILL BE INVOLVED.

(2) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT THE PURPOSES OF THIS ARTICLE INCLUDE THE FOLLOWING:

(a) TO ESTABLISH A LEGAL CONSUMER'S BILL OF RIGHTS THAT IDENTIFIES BASIC LEGAL RIGHTS FOR PERSONS WHO MAY NEED TO OBTAIN THE SERVICES OF AN ATTORNEY ON A CONTINGENT FEE BASIS; AND

(b) TO PROMOTE THE FREE FLOW OF INFORMATION BETWEEN LEGAL CONSUMERS AND ATTORNEYS WHO REPRESENT LEGAL CONSUMERS ON A CONTINGENT FEE BASIS.

(3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT, BY REQUIRING ATTORNEYS TO PROVIDE LEGAL CONSUMERS MORE INFORMATION ABOUT LEGAL SERVICES, THIS ARTICLE WILL INCREASE THE EFFICIENCY OF THE MARKET FOR LEGAL SERVICES AND LESSEN THE CURRENT IMBALANCE OF INFORMATION BETWEEN ATTORNEYS AND THEIR CLIENTS WHO HAVE CONTINGENT FEE AGREEMENTS. IN ADDITION, CONSUMERS WILL BECOME EMPOWERED TO BE SMARTER SHOPPERS FOR LEGAL SERVICES.

6-1.5-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ATTORNEY" MEANS A PERSON AUTHORIZED UNDER THE LAWS OF THIS STATE TO PRACTICE LAW.

(2) "ATTORNEY'S SERVICES" MEANS THE PROFESSIONAL ADVICE OR COUNSELING OF AN ATTORNEY OR REPRESENTATION BY AN ATTORNEY, BUT DOES NOT INCLUDE OTHER ASSISTANCE OR EXPENSES INCURRED, DIRECTLY OR INDIRECTLY, IN CONNECTION WITH AN ATTORNEY'S SERVICES, SUCH AS ADMINISTRATIVE OR SECRETARIAL ASSISTANCE, OVERHEAD, TRAVEL EXPENSES, WITNESS FEES, OR PREPARATION OF ANY STUDY, ANALYSIS, REPORT, OR TEST BY A PERSON OTHER THAN THE ATTORNEY.

(3) "CLAIM" MEANS A CIVIL ACTION FOR WRONGFUL DEATH, PERSONAL INJURY, OR DAMAGE OR LOSS TO PROPERTY BROUGHT IN A COURT IN THIS STATE.

1 (4) "CLAIMANT" MEANS A NATURAL PERSON WHO BRINGS A CLAIM.
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

16 (6) "INITIAL MEETING" MEANS THE FIRST CONFERENCE OR
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
38 SERVICES THAT WILL BE SPENT HANDLING THE CLAIM THROUGH
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

1 CLAIMANT DETAILING THE AMOUNT OF TIME SPENT ON THE CASE, WORK
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
23 STATEMENT AND THAT THE ITEMS ARE REASONABLE AND HAVE
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

1 **HB04-1254** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 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

11 line 10, strike "SUCH" and substitute "A CHILD CARE CENTER, AS THAT
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
15 line 11, strike "A FACILITY";

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
38 **HB04-1349** be postponed indefinitely.
39

40
41 **HB04-1353** be amended as follows, and as so amended, be referred to
42 the Committee of the Whole with favorable
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
56

1 **EDUCATION**

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

4
5 **HB04-1291** be postponed indefinitely.
6
7
8

9 **FINANCE**

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

12
13 **HB04-1241** be referred to the Committee of the Whole with favorable
14 recommendation.
15
16

17 **HB04-1261** be referred favorably to the Committee on Appropriations.
18
19
20

21 **JUDICIARY**

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
30 (2)," and, strike "is" and substitute "are";
31

32 line 18, strike "felony OR" and substitute "felony, OR IN THE PRIOR FIVE
33 YEARS A";
34

35 after line 20, insert the following:
36

37 "(2) The application shall include a handwritten sample of the
38 applicant's official signature OR AN ELECTRONIC SIGNATURE, ~~which~~
39 ~~contains~~ the applicant's TYPED legal name, and the affirmation as
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

45 line 24, after "contain", insert "OR BE ACCOMPANIED BY".
46

47 Page 4, line 9, strike "'FELONY OR MISDEMEANOR" and substitute
48 "'MISDEMEANOR";
49

50 line 24, strike "FOR" and substitute "EXCEPT AS OTHERWISE PROVIDED IN
51 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION OR BY ANOTHER LAW
52 OF THIS STATE, FOR".
53
54

55 **SB04-127** be referred to the Committee of the Whole with favorable
56 recommendation.

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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
9 Amend printed bill, page 3, line 19, before "THIS", insert "ARTICLES 26,
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

24 **TRANSPORTATION & ENERGY**

25 After consideration on the merits, the Committee recommends the
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

34 Page 2, line 1, strike "are amended" and substitute "is amended, and the
35 said 42-4-1407 is further amended BY THE ADDITION OF A NEW
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**
42 **TRANSPORTING TRASH OR RECYCLABLES UNLESS:**

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

1 "(b) "RECYCLABLES" MEANS MATERIAL OR OBJECTS THAT CAN BE
2 REUSED, REPROCESSED, REMANUFACTURED, RECLAIMED, OR RECYCLED.".

3
4 Renumber succeeding paragraph accordingly.

5
6 Page 2, line 19, strike "TRANSPORTED FOR" and substitute
7 "TRANSPORTED.";

8
9 strike line 20.

10
11
12
13 **SB04-128** be referred to the Committee of the Whole with favorable
14 recommendation.

15
16
17 **PRINTING REPORT**

18
19 The Chief Clerk reports the following bill has been correctly printed:
20 **HB04-1374.**

21
22
23 **MESSAGES FROM THE SENATE**

24
25 Madam Speaker:

26
27 The Senate has adopted and transmits herewith: SJR04-015.

28
29
30 The Senate has adopted and transmits herewith: SJR04-018.

31
32
33 **INTRODUCTION OF BILL**
34 **First Reading**

35
36 The following bill was read by title and referred to the committee
37 indicated:

38
39 **HB04-1375** by Representative(s) Mitchell, Brophy, Cadman, Crane,
40 Harvey, Hefley, King, Lee, Lundberg, May M., Miller,
41 Rhodes, Rose, Sinclair, Welker, Wiens; also Senator(s)
42 Arnold, Hillman, Johnson S., McElhany--Concerning
43 limitations on education regarding alternative sexual
44 lifestyles.
45 Committee on Education

46
47
48
49 **INTRODUCTION OF RESOLUTIONS**

50
51 The following resolutions were read by title and laid over one day under
52 the rules:

53
54 **HJR04-1021** by Representative(s) Williams S., Berry, Boyd, Carroll,
55 Cloer, Hefley, Jahn, Judd, Madden, Merrifield, Rippy,
56 Rose, Salazar, Spence, Vigil, Weddig, Witwer; also

1 Senator(s) Arnold, Groff--Concerning support for self-
2 determination for people with disabilities.

3
4 **SJR04-015** by Senator(s) Hagedorn; also Representative(s) McGihon-
5 -Concerning honoring Dr. Abraham J. Kauvar,
6 affectionately referred to as "Dr. Abe".

7
8 **SJR04-018** by Senator(s) Taylor, Entz, Anderson; also
9 Representative(s) Miller--Concerning support for the
10 "HEALTHY Vets Act of 2004".
11
12

13
14 **LAY OVER OF CALENDAR ITEMS**

15
16 On motion of Representative King, the following items on the Calendar
17 were laid over until February 23, 2004, retaining place on Calendar:

18
19 Consideration of General Orders--**HB04-1175, SB04-096, HB04-1210,**
20 **1196, 1040, 1093, 1121, 1257, 1218, 1209, 1153, 1270.**

21 Consideration of Resolutions--**HJR04-1008, 1009, 1012, SJR04-009,**
22 **HJR04-1013, 1005, SJR04-003, 004, HJR04-1015, 1018, 1020.**

23 Consideration of Senate Amendments--**HB04-1112, 1038, 1072, 1052,**
24 **1100, 1110, 1005, 1152.**
25
26

27
28 On motion of Representative King, the House adjourned until 10:00 a.m.,
29 February 23, 2004.

30
31 Approved:

32
33
34
35 LOLA SPRADLEY,
36 Speaker

37 Attest:

38
39 JUDITH RODRIGUE,
40 Chief Clerk