

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

One hundred-sixth Legislative Day

Wednesday, April 21, 2004

1 Prayer by Dr. C. Gene Selander, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Cloer.

6

7 The roll was called with the following result:

8

9 Present--62.

10 Excused--Representative Madden--1.

11 Absent--Representatives Judd, Mitchell--2.

12 Present after roll call--Representatives Judd, Madden, Mitchell.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Briggs, the reading of the journal of April
18 20, 2004, was declared dispensed with and approved as corrected by the
19 Chief Clerk.

20

21

22

23

CONSIDERATION OF RESOLUTIONS

24

25 **HJR04-1053** by Representative(s) Borodkin, Johnson R., Berry, Cloer,
26 Garcia, Hoppe, Madden, McFadyen, Paccione, Plant,
27 Ragsdale, Rippey, Romanoff, Salazar, Stafford, Weddig;
28 also Senator(s) Grossman--Concerning the declaration of
29 Holocaust Awareness Week.

30

31 (Printed and placed in member's file.)

32

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

35

36 Co-sponsors added: Roll Call of the House.

37

38 **HJR04-1059** by Representative(s) Cloer, Borodkin; also Senator(s)
39 Gordon--Concerning the power of a paper clip.

40

41 (Printed and placed in member's file.)

42

1 On motion of Representative Cloer, the resolution was read at length and
2 **adopted by viva voce** vote.

3
4 Co-sponsors added: Roll Call of the House.

5
6
7 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
8 **on HB04-1279**
9

10 This Report Amends the Rerevised Bill.

11
12 To the President of the Senate and the
13 Speaker of the House of Representatives:

14
15 Your first conference committee appointed on HB04-1279,
16 concerning liability regarding the behavior of dogs, has met and reports
17 that it has agreed upon the following:

18
19 1. That the House accede to the Senate amendments made to the
20 bill, as said amendments appear in the rerevised bill.

21
22 2. That, under the authority granted the committee to consider
23 matters not at issue between the two houses, the following amendments
24 be recommended:

25
26 Amend rerevised bill, page 5, after line 18, insert the following:

27
28 "(c) NO MUNICIPALITY OR COUNTY MAY DESTROY OR DISPOSE OF
29 A DOG THAT IS AWAITING DESTRUCTION OR DISPOSITION AS OF THE
30 EFFECTIVE DATE OF HOUSE BILL 04-1279 IN CONNECTION WITH A
31 VIOLATION OR CHARGED VIOLATION OF A MUNICIPAL OR COUNTY BAN ON
32 ONE OR MORE SPECIFIC DOG BREEDS.";

33
34 line 22, strike "July 1, 2004," and substitute "upon passage";

35
36 line 23, after "date.", add "Section 3 of this act shall also apply to dogs
37 awaiting destruction or disposition as of said date in connection with a
38 violation or charged violation of a municipal or county ban on one or
39 more specific dog breeds.".

40
41 Respectfully submitted,

42
43 House Committee:
44 Debbie Stafford
45 Don Lee
46 Lois Tochtrop

Senate Committee:
Mark Hillman
Ken Chlouber
Dan Grossman

47
48
49 **MESSAGE FROM THE SENATE**
50

51 Madam Speaker:

52
53 The Senate has passed on Third Reading and transmitted to the Revisor
54 of Statutes:

55 HB04-1398, amended as printed in Senate Journal, April 19, 2004, page
56 878, and on Third Reading, as printed in Senate Journal, April 20.

1 The Senate granted permission to members of the First Conference
 2 Committee on HB04-1279, to consider matters not at issue between the
 3 two houses.
 4 The President appointed Senators Hillman, chairman, Chlouber, and
 5 Grossman, as members of the First Conference Committee on
 6 HB04-1279.
 7 The President appointed Senators Jones, chairman, Lamborn, and Hanna,
 8 as members of the First Conference Committee on HB04-1311.
 9 The President appointed Senators Cairns, chairman, Chlouber, and
 10 Grossman, as members of the First Conference Committee on
 11 HB04-1263.
 12 The President appointed Senators Anderson, chairman, Arnold, and
 13 Windels, as members of the First Conference Committee on HB04-1397.
 14 The President appointed Senators Dyer, chairman, Johnson, and Isgar, as
 15 members of the First Conference Committee on HB04-1387.
 16 The Senate has adopted the First Report of the First Conference
 17 Committee on HB04-1279, as printed in Senate Journal, April 20, and
 18 repassed the bill as amended. The bill is returned herewith.

MESSAGE FROM THE REVISOR

23 We herewith transmit:
 24 Without comment, as amended, HB04-1398.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

29 On motion of Representative King, the rules were suspended for
 30 immediate consideration of **HB04-1279**.

32 **HB04-1279** by Representative(s) Stafford, Rose; also Senator(s)
 33 Hillman, Kester--Concerning liability regarding the
 34 behavior of dogs.

36 (Amended as printed in Senate Journal, April 13, pages 799-800, and on
 37 Third Reading, April 16, page 849)

39 (Conference Committee Report printed in House Journal, April 21, page
 40 1448.)

42 On motion of Representative Stafford, the Conference Committee Report
 43 was **adopted** by the following roll call vote:

YES	51	NO	13	EXCUSED	00	ABSENT	01
Berry	N	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
Boyd	Y	Harvey	Y	McGihon	-	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	N
Carroll	N	Johnson	Y	Plant	Y	Weddig	N
Cerbo	Y	Judd	N	Pommer	Y	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	N	Rhodes	Y	White	Y

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

7
8 The question being "Shall the bill, as amended, pass?".
9 A roll call vote was taken. As shown by the following recorded vote, a
10 majority of those elected to the House voted in the affirmative and the
11 bill, as amended, was declared **repassed**.
12

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

31 Co-sponsor added: Representative Tochtrop.
32
33

34 THIRD READING OF BILLS--FINAL PASSAGE

35
36 The following bills were considered on Third Reading. The titles were
37 publicly read. Reading of the bill at length was dispensed with by
38 unanimous consent.
39

40 **HB04-1190** by Representative(s) Romanoff--Concerning economic
41 development incentives, and, in connection therewith,
42 allowing a certified capital company to use proceeds or
43 gains from the use of certified capital to pay taxes passed
44 through to the equity owners of the certified capital
45 company and modifying the circumstances under which a
46 certified capital company may make distributions from
47 certified capital.
48

49 Laid over until April 22, retaining place on Calendar.
50

51 **HCR04-1009** by Representative(s) King, Spradley; also Senator(s)
52 Hillman, Andrews--Submitting to the registered electors of
53 the state of Colorado amendments to articles IX and X of
54 the constitution of the state of Colorado, concerning
55 modification of constitutional restrictions that limit the
56 ability of the state legislature to balance competing

spending priorities in response to changing levels of state revenues, and, in connection therewith, suspending the required additional one percentage point increase above the rate of inflation for statewide base per pupil and total categorical program education funding for the 2005-06 and 2006-07 state fiscal years and reducing the required increasing general fund appropriations for total program education funding for those fiscal years by the amount of the suspended additional one percentage point; eliminating the requirement that the state reserve three percent of its fiscal year spending for emergency use only; modifying the manner in which the constitutional limitation on state fiscal year spending is calculated for years in which there are revenue shortfalls; requiring the state to retain up to three hundred fifty million dollars, adjusted annually for inflation and state population changes, of revenues in excess of the constitutional limitation on state fiscal year spending; allowing excess state revenues retained to be used only to increase the level of state general fund appropriations, to augment the state general fund and the state education fund, to fund a newly created state rainy day fund, and to fund the property tax exemption for qualifying seniors; and allowing the general assembly, by a two-thirds vote of the members of each house, to expend moneys from the state rainy day fund in the fiscal year following a revenue shortfall.

The question being "Shall the resolution pass?".

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

YES	44	NO	21	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	N	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	N	Hodge	N	Miller	Y	Stengel	Y
Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
Carroll	N	Johnson	Y	Plant	N	Weddig	Y
Cerbo	N	Judd	N	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	N	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	N	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	N	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	N	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Miller, Stengel.

1 **HCR04-1010** by Representative(s) Young, Plant, Witwer; also
 2 Senator(s) Reeves, Owen, Teck--Submitting to the
 3 registered electors of the state of Colorado amendments to
 4 articles IX and X of the constitution of the state of
 5 Colorado, concerning constitutional formulas that affect
 6 the ability of the state to make adjustments to state
 7 spending, and, in connection therewith, suspending the
 8 provisions of section 17 of article IX that require an
 9 increase in certain funding requirements for public schools
 10 for state fiscal years 2005-06 and 2006-07 and in state
 11 fiscal years following a decline in state fiscal year
 12 spending; requiring public school funding to increase by
 13 inflation plus one percentage point until such funding
 14 equals or exceeds levels that would have been reached in
 15 the absence of a suspension; repealing the requirement that
 16 beginning in state fiscal year 2011-12 public school
 17 funding grow annually by at least the rate of inflation;
 18 establishing the state fiscal year spending limit in section
 19 20 of article X as six percent of the Colorado economy as
 20 measured by the statewide aggregate personal income;
 21 eliminating the state emergency reserve; establishing a
 22 state rainy day fund and the permitted uses of the moneys
 23 in such fund; and making all of the foregoing changes
 24 without increasing any tax rates.

25
 26 The question being "Shall the resolution pass?".
 27 A roll call vote was taken. As shown by the following recorded vote, a
 28 constitutional two thirds majority of those elected to the House voted in
 29 the affirmative and the resolution was declared **passed**.
 30

31	YES	46	NO	19	EXCUSED	00	ABSENT	00
32	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
33	Borodkin	Y	Hall	Y	McFadyen	N	Smith	Y
34	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
35	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
36	Brophy	N	Hodge	Y	Miller	N	Stengel	Y
37	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
38	Cadman	N	Jahn	Y	Paccione	Y	Vigil	N
39	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
40	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	Y
41	Clapp	N	King	Y	Ragsdale	Y	Welker	N
42	Cloer	N	Larson	Y	Rhodes	N	White	Y
43	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
44	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
45	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
46	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
47	Frangas	N	May	N	Schultheis	N	Young	Y
48							Speaker	Y

49 Co-sponsors added: Representatives Borodkin, Boyd, Butcher, Coleman,
 50 Garcia, Larson, Stengel.

51
 52 **HCR04-1001** by Representative(s) Romanoff; also Senator Anderson--
 53 Submitting to the registered electors of the state of
 54 Colorado amendments to section 17 (1) of article IX and
 55 section 20 of article X of the constitution of the state of
 56 Colorado, concerning the stabilization of government

revenues, and, in connection therewith, suspending the required one percent increase in certain state education funding during an economic downturn and requiring fiscal year spending limits for state and local districts to be calculated based upon prior fiscal year spending limits, with adjustments for inflation and growth, without being subject to reduction due to declines in revenues.

As shown by the following roll call vote, a majority of all members elected to the House voted in the affirmative, and Representative Romanoff was given permission to offer a Third Reading amendment:

YES	64	NO	00	EXCUSED	00	ABSENT	01
Berry	-	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Third Reading amendment No. 1, by Representative Romanoff.

Amend engrossed concurrent resolution, page 5, line 11, strike "THE" and substitute "THAT".

Page 7, line 10, after "FUNDING", insert "FOR THE 2006-07 STATE FISCAL YEAR AND".

Page 1, line 107, after "FUNDING", insert "**FOR THE 2006-07 STATE FISCAL YEAR AND**".

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

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y

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

7
8 The question being, "Shall the resolution, as amended, pass?".
9 A roll call vote was taken. As shown by the following recorded vote, a
10 constitutional two thirds majority of those elected to the House voted in
11 the affirmative, and the resolution, as amended, was declared **passed**.
12

13	YES	54	NO	11	EXCUSED	00	ABSENT	00
14	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
15	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
16	Boyd	Y	Harvey	N	McGihon	N	Spence	Y
17	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
18	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
19	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
20	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
21	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
22	Cerbo	Y	Judd	Y	Pommer	N	Weissmann	Y
23	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
24	Cloer	N	Larson	Y	Rhodes	Y	White	Y
25	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
26	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
27	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
28	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
29	Frangas	Y	May	Y	Schultheis	N	Young	Y
30							Speaker	Y

31 Co-sponsors added: Representatives Berry, Borodkin, Coleman, Crane, Frangas,
32 Jahn, Marshall, May, Merrifield, Miller, Mitchell, Rose, Sinclair, Stengel, Vigil,
33 Williams S., Williams T.
34

INTRODUCTION OF BILLS

First Reading

35
36
37
38
39
40 The following bills were read by title and referred to the committees
41 indicated:

42
43 **HB04-1451** by Representative(s) Clapp; also Senator(s) Reeves--
44 Concerning the collaborative management of multi-agency
45 services provided to children.

46 Committee on Health, Environment, Welfare, & Institutions
47

48 **HB04-1452** by Representative(s) Williams T.; also Senator(s)
49 McElhany--Concerning the ability of the division of
50 insurance to accept gifts.

51 Committee on Business Affairs & Labor
52

53
54 House in recess. House reconvened.
55
56

REPORTS OF COMMITTEES OF REFERENCE**BUSINESS AFFAIRS & LABOR**

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

SB04-204 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 8, line 11, strike "TWO YEARS" and substitute "ONE YEAR".

Page 11, line 8, strike "lottery;" and substitute "lottery, INCLUDING INFORMATION COMPARING THE RESULTS OF PAST ANALYSES TO ASSESS THE MOVEMENT OF PERSONS FROM VARIOUS CATEGORIES;"

SB04-216 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 10, strike lines 24 through 27.

Strike page 11 and substitute the following:

"SECTION 2. 10-1-116, Colorado Revised Statutes, as enacted by House Bill 04-1292 at the Second Regular Session of the Sixty-fourth General Assembly, is repealed.

SECTION 3. Effective date - applicability. (1) This act shall take effect January 1, 2005; except that section 2 of this act shall take effect upon passage.

(2) This act shall apply to personal lines of property and casualty insurance policies issued or renewed on or after January 1, 2005.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

FINANCE

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

SB04-138 be referred favorably to the Committee on Appropriations.

SB04-220 be referred to the Committee of the Whole with favorable recommendation.

SB04-228 be referred favorably to the Committee on Appropriations.

1 **INFORMATION & TECHNOLOGY**

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

4
5 **HB04-1407** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

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

11 "SECTION 1. 13-50.5-102 (8), Colorado Revised Statutes, is
12 REPEALED AND REENACTED, WITH AMENDMENTS, to read:
13

14 **13-50.5-102. Right to contribution - contract or agreement**
15 **provision to insure, indemnify, hold harmless, or defend void against**
16 **public policy.** (8) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OR (c) OF
17 THIS SUBSECTION (8), ANY PROVISION IN A CONSTRUCTION AGREEMENT
18 THAT REQUIRES A PERSON OR THAT PERSON'S SURETY OR INSURER TO
19 INDEMNIFY ANOTHER AGAINST LIABILITY FOR DAMAGE ARISING OUT OF
20 DEATH OR BODILY INJURY TO PERSONS OR DAMAGE TO PROPERTY CAUSED
21 IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE INDEMNITEE IS VOID.
22

23 (b) THE PROVISIONS OF THIS SUBSECTION (8) DO NOT AFFECT ANY
24 PROVISION IN A CONSTRUCTION AGREEMENT THAT REQUIRES A PERSON OR
25 THAT PERSON'S SURETY OR INSURER TO INDEMNIFY ANOTHER AGAINST
26 LIABILITY FOR DAMAGE ARISING OUT OF DEATH OR BODILY INJURY TO
27 PERSONS OR DAMAGE TO PROPERTY TO THE EXTENT THAT THE DEATH OR
28 BODILY INJURY TO PERSONS OR DAMAGE TO PROPERTY CAUSED BY, IN
29 WHOLE OR IN PART, THE FAULT OF THE INDEMNITOR, OR THE FAULT OF THE
30 INDEMNITOR'S AGENTS, REPRESENTATIVES, OR SUBCONTRACTORS.
31

32 (c) THIS SUBSECTION (8) SHALL NOT APPLY TO CONSTRUCTION
33 BONDS, CONTRACTS OF INSURANCE, CONTRACT CLAUSES REGARDING
34 INSURANCE, OR CONTRACT CLAUSES REGARDING COSTS OF DEFENSE OF
35 LITIGATION ARISING OUT OF NEGLIGENCE OR OTHER FAULT. CONTRACT
36 CLAUSES REGARDING ADDITIONAL INSURED ENDORSEMENTS SHALL NOT BE
37 VALID UNLESS SUCH ENDORSEMENTS PROVIDE COVERAGE TO AN
38 ADDITIONAL INSURED, AND PROVIDES SUCH COVERAGE ONLY TO THE
39 EXTENT THAT CLAIMED ACTS OR OMISSIONS, CAUSED BY, IN WHOLE OR IN
40 PART, THE NEGLIGENCE OR OTHER FAULT OF THE INDEMNITOR ITS AGENTS
41 OR SUBCONTRACTORS.
42

43 (d) THIS SUBSECTION (8) IS INTENDED ONLY TO AFFECT THE
44 CONTRACTUAL RELATIONSHIP BETWEEN THE PARTIES RELATING TO
45 INDEMNIFICATION OF INDEMNIFIED PARTIES FOR THE NEGLIGENCE OR
46 OTHER FAULT OF THE INDEMNIFIED PARTIES, AND NOTHING IN THIS
47 SUBSECTION (8) SHALL AFFECT ANY OTHER RIGHTS OR REMEDIES OF
48 CONTRACTING PARTIES.
49

50 (e) AS USED IN THIS SUBSECTION (8), "CONSTRUCTION
51 AGREEMENT" MEANS A CONTRACT, SUBCONTRACT, OR AGREEMENT FOR
52 CONSTRUCTION, ALTERATION, REPAIR, OR MAINTENANCE OF ANY
53 BUILDING; STRUCTURE; HIGHWAY BRIDGE; VIADUCT; WATER OR SEWER
54 SYSTEM; GAS OR OTHER DISTRIBUTION SYSTEM; OR OTHER WORKS DEALING
55 WITH CONSTRUCTION, OR FOR ANY MOVING, DEMOLITION, EXCAVATION,
56 MATERIALS, OR LABOR CONNECTED WITH SUCH CONSTRUCTION.

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

11
12 (2) The provisions of this act shall apply to construction contracts
13 entered into on or after the applicable effective date of this act."

14
15

16
17 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
18 **on SB04-024**

19

20 This Report Amends the Rerevised Bill.

21

22 To the President of the Senate and the
23 Speaker of the House of Representatives:

24

25 Your first conference committee appointed on SB04-024,
26 concerning increased consistency in the regulation of certain professions
27 by the division of registrations in the department of regulatory agencies,
28 and, in connection therewith, enacting uniform statutory provisions
29 governing the issuance of letters of admonition, immunity, renewal and
30 reinstatement of licenses, registrations, or certificates, investigatory
31 subpoenas, and disposition of fines collected, has met and reports that it
32 has agreed upon the following:

33

34 1. That the Senate accede to House amendments made to the bill,
35 as the amendments appear in the rerevised bill.

36

37 2. That, under the authority granted the committee to consider
38 matters not at issue between the two houses, the following amendments
39 be recommended:

40

41 Amend rerevised bill, page 7, line 15, strike "NECESSARY" and substitute
42 "RELEVANT";

43

44 strike lines 23 and 24 and substitute the following:

45

46 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
47 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
48 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
49 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

50

51 line 27, strike "NECESSARY" and substitute "RELEVANT".

52

53 Page 8, line 21, strike "NECESSARY" and substitute "RELEVANT";

54

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

56 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH

1 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
2 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
3 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";
4
5 line 5, strike "NECESSARY" and substitute "RELEVANT".
6
7 Page 10, line 4, strike "NECESSARY" and substitute "RELEVANT";
8
9 strike lines 11 and 12 and substitute the following:
10
11 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
12 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
13 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
14 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";
15
16 line 15, strike "NECESSARY" and substitute "RELEVANT".
17
18 Page 16, line 6, strike "NECESSARY" and substitute "RELEVANT";
19
20 strike lines 14 and 15 and substitute the following:
21
22 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
23 THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS
24 BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE
25 TO THE SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON";
26
27 line 17, strike "NECESSARY" and substitute "RELEVANT".
28
29 Page 19, line 27, strike "NECESSARY" and substitute "RELEVANT".
30
31 Page 20, strike lines 8 and 9 and substitute the following:
32
33 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
34 THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS
35 BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE
36 TO THE SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON";
37
38 line 11, strike "NECESSARY" and substitute "RELEVANT".
39
40 Page 21, line 24, strike "NECESSARY" and substitute "RELEVANT".
41
42 Page 22, strike lines 5 and 6 and substitute the following:
43
44 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
45 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
46 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
47 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";
48
49 line 8, strike "NECESSARY" and substitute "RELEVANT".
50
51 Page 27, line 2, strike "NECESSARY" and substitute "RELEVANT";
52
53 strike lines 10 and 11 and substitute the following:
54
55 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
56 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,

1 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
2 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";
3
4 line 14, strike "NECESSARY" and substitute "RELEVANT".
5
6 Page 29, line 11, strike "NECESSARY" and substitute "RELEVANT";
7
8 strike lines 19 and 20 and substitute the following:
9
10 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
11 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
12 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
13 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";
14
15 line 23, strike "NECESSARY" and substitute "RELEVANT".
16
17 Page 32, line 20, strike "NECESSARY" and substitute "RELEVANT";
18
19 strike line 27.
20
21 Page 33, strike line 1 and substitute the following:
22
23 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
24 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
25 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
26 SUBPOENAED PERSON OR LICENSEE, MAY";
27
28 line 4, strike "NECESSARY" and substitute "RELEVANT".
29
30 Page 38, line 13, strike "NECESSARY" and substitute "RELEVANT";
31
32 strike lines 18 and 19 and substitute the following:
33
34 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
35 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
36 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
37 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";
38
39 line 22, strike "NECESSARY" and substitute "RELEVANT".
40
41 Page 43, line 12, strike "NECESSARY" and substitute "RELEVANT";
42
43 strike lines 17 and 18 and substitute the following:
44
45 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
46 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
47 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
48 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";
49
50 line 21, strike "NECESSARY" and substitute "RELEVANT".
51
52 Page 48, line 11, strike "NECESSARY" and substitute "RELEVANT";
53
54 strike lines 16 and 17 and substitute the following:
55 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
56 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,

1 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
2 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

3

4 line 20, strike "NECESSARY" and substitute "RELEVANT".

5

6 Page 51, line 11, strike "NECESSARY" and substitute "RELEVANT";

7

8 strike lines 16 and 17 and substitute the following:

9

10 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
11 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
12 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
13 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

14

15 line 20, strike "NECESSARY" and substitute "RELEVANT".

16

17 Page 53, line 6, strike "NECESSARY" and substitute "RELEVANT";

18

19 strike lines 14 and 15 and substitute the following:

20

21 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
22 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
23 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
24 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

25

26 line 17, strike "NECESSARY" and substitute "RELEVANT".

27

28 Page 56, line 21, strike "NECESSARY" and substitute "RELEVANT".

29

30 Page 57, strike lines 1 and 2 and substitute the following:

31

32 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
33 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
34 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
35 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

36

37 line 5, strike "NECESSARY" and substitute "RELEVANT".

38

39 Page 60, line 22, strike "NECESSARY" and substitute "RELEVANT".

40

41 Page 61, strike lines 13 and 14 and substitute the following:

42

43 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
44 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
45 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
46 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

47

48 line 17, strike "NECESSARY" and substitute "RELEVANT".

49

50 Page 65, line 4, strike "NECESSARY" and substitute "RELEVANT".

51

52 Page 66, strike lines 1 and 2 substitute the following:

53 "DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR
54 LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE
55 BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR
56 LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN";

1 line 4, strike "NECESSARY" and substitute "RELEVANT".
2
3 Page 69, line 18, strike "NECESSARY" and substitute "RELEVANT";
4
5 strike lines 25 and 26 and substitute the following:
6
7 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
8 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
9 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
10 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO".
11
12 Page 70, line 2, strike "NECESSARY" and substitute "RELEVANT".
13
14 Page 77, line 21, strike "NECESSARY" and substitute "RELEVANT".
15
16 Page 78, strike lines 13 and 14 and substitute the following:
17
18 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
19 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
20 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
21 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";
22
23 line 16, strike "NECESSARY" and substitute "RELEVANT".
24
25 Page 83, line 2, strike "NECESSARY" and substitute "RELEVANT";
26
27 strike lines 17 and 18 and substitute the following:
28
29 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
30 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
31 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
32 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";
33
34 line 21, strike "NECESSARY" and substitute "RELEVANT".
35
36 Page 89, line 1, strike "NECESSARY" and substitute "RELEVANT";
37
38 strike lines 20 and 21 and substitute the following:
39
40 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
41 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
42 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
43 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";
44
45 line 24, strike "NECESSARY" and substitute "RELEVANT".
46
47 Page 91, line 5, strike "NECESSARY" and substitute "RELEVANT";
48
49 strike lines 24 and 25 and substitute the following:
50
51 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
52 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
53 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
54 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO".
55
56 Page 92, line 1, strike "NECESSARY" and substitute "RELEVANT".

1 Page 95, line 26, strike "NECESSARY" and substitute "RELEVANT".

2

3 Page 96, strike lines 6 and 7 and substitute the following:

4

5 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
6 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
7 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
8 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO";

9

10 line 10, strike "NECESSARY" and substitute "RELEVANT".

11

12 Page 102, line 26, strike "NECESSARY" and substitute "RELEVANT".

13

14 Page 103, strike lines 7 and 8 and substitute the following:

15 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
16 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
17 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
18 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

19

20 line 10, strike "NECESSARY" and substitute "RELEVANT".

21

22 Page 105, line 26, strike "NECESSARY" and substitute "RELEVANT".

23

24 Page 106, strike lines 6 and 7 and substitute the following:

25

26 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
27 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
28 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
29 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

30

31 line 9, strike "NECESSARY" and substitute "RELEVANT".

32

33 Page 107, line 21, strike "NECESSARY" and substitute "RELEVANT".

34

35 Page 108, strike lines 1 and 2 and substitute the following:

36

37 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
38 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
39 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
40 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

41

42 line 4, strike "NECESSARY" and substitute "RELEVANT".

43

44 Page 115, line 12, strike "NECESSARY" and substitute "RELEVANT";

45

46 strike lines 20 and 21 and substitute the following:

47

48 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
49 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
50 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
51 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

52

53 line 23, strike "NECESSARY" and substitute "RELEVANT".

54

55 Page 116, line 19, strike "OR REGISTRANT." and substitute "REGISTRANT,
56 OR UNLICENSED PSYCHOTHERAPIST.";

1 line 21, strike "OR REGISTRANT," and substitute "REGISTRANT, OR
2 UNLICENSED PSYCHOTHERAPIST,";

3
4 strike line 22 and substitute the following:

5
6 "SUCH PERSON SHALL BE ADVISED".

7
8 Page 117, line 22, strike "NECESSARY" and substitute "RELEVANT".

9
10 Page 118, strike lines 3 and 4 and substitute the following:

11
12 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
13 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
14 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
15 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

16
17 line 6, strike "NECESSARY" and substitute "RELEVANT".

18
19 Page 123, line 1, strike "NECESSARY" and substitute "RELEVANT";

20
21 strike lines 9 and 10 and substitute the following:

22
23 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
24 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
25 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
26 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

27
28 line 12, strike "NECESSARY" and substitute "RELEVANT".

29
30 Page 127, line 16, strike "NECESSARY" and substitute "RELEVANT";

31
32 strike lines 24 and 25 and substitute the following:

33
34 "SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
35 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
36 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
37 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON";

38
39 line 27, strike "NECESSARY" and substitute "RELEVANT".

40
41 Page 135, after line 19, insert the following:

42
43 "SECTION 121. 24-34-105 (2) (a) and (2) (b) (I), Colorado
44 Revised Statutes, are amended, and the said 24-34-105 (2) (b) is further
45 amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

46
47 **24-34-105. Fee adjustments - division of registrations cash fund**
48 **created - legal defense account.** (2) (a) Each board and commission in
49 the division of registrations shall propose, as part of its annual budget
50 request, an adjustment in the amount of each fee ~~which~~ THAT such board
51 or commission is authorized by law to collect. The budget request and
52 the adjusted fees for each board or commission shall reflect direct and
53 indirect costs THAT ARE APPROPRIATED IN THE ANNUAL GENERAL
54 APPROPRIATION ACT.

55

1 (b) (I) Based upon the appropriation made and subject to the
2 approval of the executive director of the department of regulatory
3 agencies, each board or commission shall adjust its fees so that the
4 revenue generated from said fees approximates its direct and indirect
5 costs; except that the costs of the state board of psychologist examiners,
6 the state board of marriage and family therapist examiners, the state board
7 of licensed professional counselor examiners, the state board of social
8 work examiners, and the state grievance board shall be considered
9 collectively in the renewal fee-setting process. Subsequent revenue
10 generated by the fees set by such boards plus revenues generated pursuant
11 to section 12-43-702.5, C.R.S., shall be compared to those collective
12 costs to determine recovery of direct and indirect costs. Such fees shall
13 remain in effect for the fiscal year for which the budget request applies.
14 All fees collected by each board and commission, NOT INCLUDING ANY
15 FEES RETAINED BY CONTRACTORS AS ESTABLISHED PURSUANT TO THE
16 PROVISIONS OF SECTION 24-34-101 (6), shall be transmitted to the state
17 treasurer, who shall credit the same to the division of registrations cash
18 fund, which fund is hereby created. All moneys credited to the division
19 of registrations cash fund shall be used as provided in this section and
20 shall not be deposited in or transferred to the general fund of this state or
21 any other fund.

22
23 (I.5) ANY FEES ESTABLISHED PURSUANT TO SECTION 24-34-101 (6)
24 OR (7) MAY BE RECEIVED BY A CONTRACTOR AND RETAINED AS PAYMENT
25 FOR THE COSTS OF EXAMINATION OR OTHER SERVICES RENDERED
26 PURSUANT TO THE CONTRACT WITH THE EXECUTIVE DIRECTOR. FEES
27 RETAINED BY A CONTRACTOR AND NOT COLLECTED BY THE STATE OR
28 DEPOSITED WITH THE STATE TREASURER SHALL NOT BE SUBJECT TO
29 ARTICLE 36 OF THIS TITLE."

30
31 Renumber succeeding sections accordingly.

32
33 Page 136, line 2, strike "IN" and substitute "OF";
34
35 line 5, strike "TITLE 24, C.R.S.," and substitute "THIS TITLE";
36
37 after line 11, insert the following:

38
39 "(7) THE EXECUTIVE DIRECTOR MAY CONTRACT PURSUANT TO PART
40 5 OF ARTICLE 50 OF THIS TITLE WITH A PERSON, CORPORATION, OR ENTITY
41 FOR THE PURPOSE OF DECREASING THE APPROPRIATIONS FOR THE DIVISION
42 OF REGISTRATIONS IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

43
44 (8) A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (6) OR
45 (7) OF THIS SECTION MAY AUTHORIZE A CONTRACTOR TO COLLECT FEES
46 DIRECTLY FROM AN APPLICANT. THE CONTRACTOR MAY RETAIN ALL OR A
47 PORTION OF THE FEES DESIGNATED AS PAYMENT FOR PERFORMANCE OF THE
48 FUNCTIONS UNDER THE CONTRACT. ALL FEES COLLECTED AND RETAINED
49 BY THE CONTRACTOR SHALL NOT BE SUBJECT TO THE PROVISIONS OF
50 ARTICLE 36 OF THIS TITLE."

51
52 Page 139, line 8, strike "House" and substitute "Senate";
53

1 line 10, strike "House" and substitute "Senate";

2

3 line 12, strike "123" and substitute "124".

4

5 Respectfully submitted,

6 Senate Committee:

7 Ron Teck

8 Steve Johnson

9 Paula Sandoval

House Committee:

Tambor Williams

Bob McCluskey

Andrew Romanoff

10

11

12

13

PRINTING REPORT

14

15 The Chief Clerk reports the following bills have been correctly printed:

16 **HB04-1444, 1445, 1446, 1447, 1448, 1449, 1450; HCR04-1016, 1017.**

17

18

19

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

20

21 The Speaker has signed: **HB04-1279.**

22

23

24

DELIVERY OF BILL TO GOVERNOR

25

26 The Chief Clerk of the House of Representatives reports the following

27 bill has been delivered to the Office of the Governor: **HB04-1279** at

28 10:42 a.m., on April 21, 2004.

29

30

31

MESSAGE FROM THE SENATE

32

33 Madam Speaker:

34

35 The Senate has passed on Third Reading and returns herewith

36 **HB04-1016, 1006, 1219, 1414, 1423.**

37 The Senate has passed on Third Reading and transmitted to the Revisor

38 of Statutes:

39 **SB04-219**, amended as printed in Senate Journal, April 20, 2004, page

40 906,

41 **SB04-206**, amended as printed in Senate Journal, April 20, 2004, page

42 906,

43 **SB04-222**, amended as printed in Senate Journal, April 20, 2004, pages

44 906-907,

45 **SB04-218**, amended as printed in Senate Journal, April 20, 2004, page

46 910,

47 **HB04-1189**, amended as printed in Senate Journal, April 20, 2004, pages

48 909-910,

49 **HB04-1358**, amended as printed in Senate Journal, April 20, 2004, page

50 910,

51 **HB04-1017**, amended as printed in Senate Journal, April 20, 2004, page

52 910,

53 **HB04-1089**, amended as printed in Senate Journal, April 20, 2004, page

54 910,

55 **HB04-1107**, amended as printed in Senate Journal, April 20, 2004, pages

56 910-911,

1 HB04-1283, amended as printed in Senate Journal, April 20, 2004, pages
2 911-912, and on Third Reading, as printed in Senate Journal, April 21.

3
4
5 **MESSAGE FROM THE REVISOR**

6
7 We herewith transmit:
8 Without comment, as amended, HB04-1189, 1358, 1017, 1089, 1107, and
9 1283.
10 Without comment, as amended, SB04-219, 206, 222, and 218.

11
12
13 **MESSAGE FROM THE GOVERNOR**

14
15 I certify I received the following on the 21st day of April, 2004, at
16 2:50 p.m. The original is on file in the records of the House of
17 Representatives of the General Assembly.

18
19 Judith Rodrigue,
20 Chief Clerk of the House

21
22 April 21, 2004

23
24 To the Honorable
25 House of Representatives
26 Sixty-fourth General Assembly
27 Second Regular Session
28 Denver, CO 80203

29
30 Ladies and Gentlemen:

31
32 I have the honor to inform you that I have approved and filed with the
33 Secretary of State the following acts:

34
35 **HB04-1279** Concerning Liability Regarding The Behavior Of Dogs.

36
37 Approved April 21, 2004 at 11:46 A.M.

38
39 Sincerely,
40 (signed)
41 Bill Owens
42 Governor

43
44
45
46
47 **INTRODUCTION OF BILLS**
48 **First Reading**

49
50 The following bills were read by title and referred to the committee
51 indicated:

52
53 **HB04-1453** by Representative(s) Spradley, Fairbank, Hall, Harvey,
54 May M., Romanoff, Welker; also Senator(s) Tapia,
55 Cairns--Concerning the creation of a Colorado income tax
56 credit to reimburse a taxpayer for a certain portion of the

- 1 property taxes that the taxpayer pays to a school district
2 for the taxpayer's use of business personal property.
3 Committee on Finance
4
5 **SB04-206** by Senator(s) McElhany, Hanna, Anderson, Andrews,
6 Chlouber, Dyer, Fitz-Gerald, Groff, Grossman, Hagedorn,
7 Johnson S., Keller, Kester, Phillips, Reeves, Sandoval,
8 Teck; also Representative(s) Witwer, Hefley, Harvey,
9 Boyd, Carroll, Clapp, Coleman, Fairbank, Frangas, Hall,
10 Johnson R., King, Mitchell, Plant, Rhodes, Romanoff,
11 Spradley, Stafford, Tochtrop, Young--Concerning hospice
12 care for persons who are eligible under the "Colorado
13 Medical Assistance Act", and making an appropriation
14 Therefor.
15 Committee on Health, Environment, Welfare, & Institutions
16 Committee on Appropriations
17
18 **SB04-218** by Senator(s) May R., Andrews; also Representative(s)
19 Sinclair--Concerning the clarification of individual
20 negligence for construction contracts.
21 Committee on State, Veterans, & Military Affairs
22
23 **SB04-219** by Senator(s) Kester, May R., Chlouber, Fitz-Gerald,
24 Groff, Hanna, Hillman, Johnson S., Jones, Takis, Taylor,
25 Veiga; also Representative(s) Berry--Concerning the
26 electronic filing system for documents received by a
27 county clerk and recorder.
28 Committee on Local Government
29 Committee on Appropriations
30

INTRODUCTION OF RESOLUTION

- 33
34
35 The following resolution was read by title and laid over one day under the
36 rules:
37
38 **HJR04-1090** by Representative(s) Spradley; also Senator(s) Hagedorn--
39 Concerning commending the automated external
40 defibrillator donation partnership between the American
41 Heart Association and Kaiser Permanente.
42

APPOINTMENTS TO CONFERENCE COMMITTEES

- 46
47
48 The Speaker appointed House conferees to the First Conference
49 Committees as follows:
50
51 **SB04-125**--Representatives Mitchell, Chairman, Cloer and Paccione.
52

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until April 22, retaining place on Calendar:

Consideration of General Orders--**HB04-1408, 1374, SB04-153, HB04-1131, 1193, 1199, 1424, SB04-028, 032, 097, 176, 177.**

Consideration of Resolutions--**HJR04-1013, SJR04-015, HJR04-1010, SJR04-023, 024, 027, HJR04-1040, HR04-1008, HJR04-1047, SJR04-025, 030, HJR04-1051, 1052, 1042, HR04-1010, SJR04-033, HJR04-1055, 1056, 1058, 1060, 1061, 1062, 1063, 1065, HR04-1012, 1013, 1015, HJR04-1066, 1067, 1068, 1071, 1072, 1073, 1074, 1075, 1078, 1079, 1080, 1081, SJR04-011, 028, HJR04-1084, 1085.**

Consideration of Memorial--**SJM04-001.**

Consideration of Senate Amendments--**HB04-1292, 1187, 1121, 1399, 1420, 1421, 1095, 1080, 1367, 1404, 1079.**

On motion of Representative Judd, the House adjourned until 9:00 a.m., April 22, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk