

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

Thirty-sixth Legislative Day

Wednesday, February 11, 2004

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

2

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

4

5 Pledge of Allegiance led by Representative Hefley.

6

7 The roll was called with the following result:

8

9 Present--58.

10 Excused--Representatives Butcher, Cloer, Decker, Fairbank,
11 Madden, Pommer, Wiens--7.

12 Present after roll call--Representatives Cloer, Madden, Pommer,
13 Wiens.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative McFadyen, the reading of the journal of
19 February 10, 2004, was declared dispensed with and approved as
20 corrected by the Chief Clerk.

21

22

23

APPOINTMENT

24

25 The Speaker announced the following temporary change in committee
26 assignment:

27

28 Committee on Finance

29

30 Representative White appointed temporarily to replace
31 Representative Fairbank.

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 **HB04-1149** by Representative(s) Jahn, Boyd, Carroll, Clapp, Cloer,
41 Frangas, Hefley, Lee, McGihon, Williams S.; also
42 Senator(s) Johnson--Concerning the use of criminal
43 history records information in adoption proceedings.

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 | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 7 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 8 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 9 | Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| 10 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 11 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 12 | Butcher | E | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 13 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 14 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 15 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 16 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 17 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 18 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 19 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 20 | Decker | E | Madden | Y | Rose | Y | Williams T. | Y |
| 21 | Fairbank | E | Marshall | Y | Salazar | Y | Witwer | Y |
| 22 | Frangas | Y | May | Y | Schultheis | Y | Young | Y |
| 23 | | | | | | | Speaker | Y |

24 Co-sponsors added: Representatives Borodkin, Coleman, McFadyen, Rose,
 25 Stafford, Tochtrop, White, Wiens.

26
 27 **HB04-1145** by Representative(s) Larson, Brophy, Hodge, Rippy,
 28 Rose, Briggs, Miller, Harvey; also Senator(s) Hillman,
 29 Teck, Chlouber, Entz, Johnson S., Kester, Owen, Takis--
 30 Concerning a limitation of liability for persons other than
 31 consumers who work with liquefied petroleum gas.

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

| | YES | 59 | NO | 03 | EXCUSED | 03 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 39 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | N |
| 40 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 41 | Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| 42 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 43 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 44 | Butcher | E | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 45 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 46 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 47 | Cerbo | Y | Judd | N | Pommer | Y | Weissmann | N |
| 48 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 49 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 50 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 51 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 52 | Decker | E | Madden | Y | Rose | Y | Williams T. | Y |
| 53 | Fairbank | E | Marshall | Y | Salazar | Y | Witwer | Y |
| 54 | Frangas | Y | May | Y | Schultheis | Y | Young | Y |
| 55 | | | | | | | Speaker | Y |

56 Co-sponsors added: Representatives Crane, Hoppe, Mitchell, Weddig.

1 **SB04-005** by Senator(s) Reeves; also Representative(s) Witwer,
 2 King, Romanoff, Spradley, Young--Concerning the
 3 presentation of information by each principal department
 4 of the executive branch of state government to legislative
 5 committees of reference at the beginning of every regular
 6 session of the general assembly.

7
 8 The question being "Shall the bill 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 bill
 11 was declared **passed**.

| | YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 14 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 15 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 16 | Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| 17 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 18 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 19 | Butcher | E | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 20 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 21 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 22 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 23 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 24 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 25 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 26 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 27 | Decker | E | Madden | Y | Rose | Y | Williams T. | Y |
| 28 | Fairbank | E | Marshall | Y | Salazar | Y | Witwer | Y |
| 29 | Frangas | Y | May | Y | Schultheis | Y | Young | Y |
| 30 | | | | | | | Speaker | Y |

31 Co-sponsors added: Representatives Lundberg, Weddig.

32
 33 **SB04-061** by Senator(s) Evans, Dyer, Gordon, Grossman, Jones; also
 34 Representative(s) Lee, Hefley, Judd, Marshall, Smith--
 35 Concerning the enactment of Colorado Revised Statutes
 36 2003 as the positive and statutory law of the state of
 37 Colorado.

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

| | YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|----------|----|---------|----|------------|----|-----------|----|
| 45 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 46 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 47 | Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| 48 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 49 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 50 | Butcher | E | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 51 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 52 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 53 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 54 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 55 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 56 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |

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

6 Co-sponsors added: Representative McGihon

7
8 **HB04-1035** by Representative(s) Hoppe, Miller, Rippy, Salazar,
9 White; also Senator(s) Entz, Dyer, Isgar, Tapia, Taylor--
10 Concerning a prohibition on proxy voting by members of
11 the Colorado water conservation board.
12

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

14 A roll call vote was taken. As shown by the following recorded vote, a
15 majority of those elected to the House voted in the affirmative and the bill
16 was declared **passed**.
17

| 18 | YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 19 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 20 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 21 | Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| 22 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 23 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 24 | Butcher | E | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 25 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 26 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 27 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 28 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 29 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 30 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 31 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 32 | Decker | E | Madden | Y | Rose | Y | Williams T. | Y |
| 33 | Fairbank | E | Marshall | Y | Salazar | Y | Witwer | Y |
| 34 | Frangas | Y | May | Y | Schultheis | Y | Young | Y |
| 35 | | | | | | | Speaker | Y |

36 Co-sponsors added: Representatives Coleman, Frangas, Hall, Harvey, Hefley,
37 Larson, Madden, Marshall, McFadyen, McGihon, Paccione, Rose, Smith,
38 Stafford, Wiens, Williams T., Speaker.
39

40 **HB04-1006** by Representative(s) Hefley; also Senator(s) McElhany--
41 Concerning the classification of a dependent of a member
42 of the armed forces for purposes of determining tuition at
43 public institutions of higher education.
44

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

46 A roll call vote was taken. As shown by the following recorded vote, a
47 majority of those elected to the House voted in the affirmative and the bill
48 was declared **passed**.
49

| 50 | YES | 60 | NO | 02 | EXCUSED | 03 | ABSENT | 00 |
|----|----------|----|--------|----|------------|----|----------|----|
| 51 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 52 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 53 | Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| 54 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 55 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 56 | Butcher | E | Hoppe | Y | Mitchell | Y | Tochtrop | Y |

| | | | | | | | | |
|----|----------|---|----------|---|------------|---|-------------|---|
| 1 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 2 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 3 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 4 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 5 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 6 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 7 | Crane | Y | Lundberg | N | Romanoff | Y | Williams S. | Y |
| 8 | Decker | E | Madden | Y | Rose | Y | Williams T. | Y |
| 9 | Fairbank | E | Marshall | Y | Salazar | Y | Witwer | Y |
| 10 | Frangas | Y | May | Y | Schultheis | N | Young | Y |
| 11 | | | | | | | Speaker | Y |

12 Co-sponsors added: Representatives Carroll, Clapp, Cloer, Crane, Frangas,
 13 Harvey, Hoppe, Jahn, Lee, Madden, Marshall, May, McFadyen, McGihon,
 14 Merrifield, Miller, Paccione, Plant, Rhodes, Romanoff, Rose, Salazar, Sinclair,
 15 Smith, Spence, Stafford, Tochtrop, Weddig, White, Wiens, Speaker.

16
 17 **HB04-1022** by Representative(s) Vigil, Coleman, Rhodes, Williams
 18 T.; also Senator(s) Anderson, Takis, Taylor, Tupa--
 19 Concerning the duties of the division of central services in
 20 the department of personnel.

21
 22 The question being "Shall the bill pass?".

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

| 27 | YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 28 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 29 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 30 | Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| 31 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 32 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 33 | Butcher | E | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 34 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 35 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 36 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 37 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 38 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 39 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 40 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 41 | Decker | E | Madden | Y | Rose | Y | Williams T. | Y |
| 42 | Fairbank | E | Marshall | Y | Salazar | Y | Witwer | Y |
| 43 | Frangas | Y | May | Y | Schultheis | Y | Young | Y |
| 44 | | | | | | | Speaker | Y |

45 Co-sponsors added: Representative Salazar

46
 47 **HB04-1060** by Representative(s) Lundberg; also Senator(s) Johnson--
 48 Concerning modifications to the "Colorado Children's
 49 Code" to comply with the federal "Keeping Children and
 50 Families Safe Act of 2003".

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

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

56

| | YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 1 | | | | | | | | |
| 2 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 3 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 4 | Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| 5 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 6 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 7 | Butcher | E | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 8 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 9 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 10 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 11 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 12 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 13 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 14 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 15 | Decker | E | Madden | Y | Rose | Y | Williams T. | Y |
| 16 | Fairbank | E | Marshall | Y | Salazar | Y | Witwer | Y |
| 17 | Frangas | Y | May | Y | Schultheis | Y | Young | Y |
| 18 | | | | | | | Speaker | Y |

19 Co-sponsors added: Representatives Brophy, Cloer, Crane, Frangas, Hoppe,
20 Mitchell, Stafford, Welker, Wiens, Williams S..

21
22 On motion of Representative King, the remainder of the Third Reading
23 Calendar (**HB04-1090, SB04-106**) was laid over until February 12,
24 retaining place on Calendar.

25
26
27 House in recess. House reconvened.
28
29

30 REPORTS OF COMMITTEES OF REFERENCE

31 **BUSINESS AFFAIRS & LABOR**

32
33 After consideration on the merits, the Committee recommends the
34 following:
35

36
37 **HB04-1140** be postponed indefinitely.
38

39
40 **HB04-1226** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:
43

44 Amend printed bill, page 2, line 17, strike "OR METHOD FOR CHOOSING",
45 and after "EACH", insert "KNOWN";
46

47 strike line 19.
48

49 Reletter succeeding paragraphs accordingly.
50

51 Page 2, line 22, after "TRUST;", add "AND";
52

53 strike lines 23 and 24.
54

55 Reletter succeeding paragraph accordingly.
56

1 Page 3, after line 6, insert the following:

2
3 "(3) IF A BANK DECIDES TO ACCEPT A CERTIFICATE OF TRUST
4 PURSUANT TO THIS SECTION, UPON THE DEATH, RESIGNATION, OR
5 ADJUDICATION OF INCOMPETENCE OF ALL NAMED TRUSTEES AND
6 SUCCESSOR TRUSTEES NOTED ON THE CERTIFICATE OF TRUST, THE BANK
7 MAY WITHHOLD DISPOSITION OF ANY FUNDS ON DEPOSIT IN THE ACCOUNT
8 UNTIL RECEIPT OF ONE OF THE FOLLOWING:

9
10 (a) AN ORDER BY A COURT OF COMPETENT JURISDICTION
11 DIRECTING THE DISPOSITION OF FUNDS;

12
13 (b) A NEWLY EXECUTED CERTIFICATE OF TRUST CREATED
14 PURSUANT TO THIS SECTION FROM A PERSON ACTING OR PURPORTING TO
15 ACT AS A NEWLY APPOINTED SUCCESSOR TRUSTEE UNDER THE SAME TRUST;
16 OR

17
18 (c) OTHER DOCUMENTATION THAT ESTABLISHES TO THE
19 SATISFACTION OF THE BANK THE MANNER IN WHICH THE FUNDS ARE TO BE
20 ADMINISTERED OR DISTRIBUTED."

21
22 Renumber succeeding subsections accordingly.

23

24

25

26 **HB04-1232** be amended as follows, and as so amended, be referred to
27 the Committee of the Whole with favorable
28 recommendation:

29

30 Amend printed bill, page 2, line 5, after "(1)", insert "(a)";

31

32 line 6, after "INSURER", insert "OR PRODUCER";

33

34 line 7, after "COVERAGES", insert "THAT WILL RESULT IN AN INCREASED
35 PREMIUM";

36

37 line 8, strike "INSURED" and substitute "INSURED'S";

38

39 line 10, after "INSURER", insert "OR PRODUCER, FOR A REASONABLE
40 AMOUNT OF TIME,";

41

42 line 12, after the period, add "THE INSURER OR PRODUCER SHALL RECORD:

43

44 (I) WHETHER OPTIONAL OR ENHANCED COVERAGE ADDED FOR AN
45 INCREASED PREMIUM TO AN INSURED'S POLICY WAS REQUESTED BY THE
46 INSURED OR WAS RECOMMENDED BY THE INSURER OR PRODUCER AND
47 CONSENTED TO BY THE INSURED; AND

48

49 (II) TO THE EXTENT PRACTICABLE, AN EXPLANATION OF WHY SUCH
50 COVERAGE WAS CHANGED.

51

52 (b) FOR THE PURPOSES OF THIS SECTION, "ADEQUATE EVIDENCE",
53 AT A MINIMUM, SHALL INCLUDE, BUT IS NOT LIMITED TO:

54

55 (I) WRITTEN NOTES OR OTHER MEMORIALIZATIONS OF ANY ORAL
56 OR WRITTEN COMMUNICATION WITH THE INSURED KEPT WITHIN THE

1 NORMAL COURSE OF BUSINESS; OR

2
3 (II) A DECLARATION PAGE INDICATING WHICH COVERAGES ARE NOT
4 MANDATORY AFTER PAYMENT OF THE PREMIUM IS MADE UNLESS THE
5 INSURED DISPUTES SUCH COVERAGE WITHIN A REASONABLE TIME.";

6
7 strike lines 13 through 15 and substitute the following:

8
9 "(2) THE COMMISSIONER";

10
11 strike line 17 and substitute the following:

12
13 "INSUREDS, INCLUDING, BUT NOT LIMITED TO, ADMINISTRATIVE REMEDIES
14 AGAINST AN INSURER OR PRODUCER FOR AUTOMATICALLY ADDING
15 OPTIONAL OR ENHANCED COVERAGES THAT INCREASE THE INSURED'S
16 PREMIUM WITHOUT THE INSURED'S CONSENT, WHICH ADDITIONS MAY
17 INCLUDE, BUT ARE NOT LIMITED TO, REMEDIES FOR VIOLATIONS OF
18 SECTION 10-3-1104 (1) (j).

19
20 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE A
21 PRIVATE RIGHT OF ACTION FOR DAMAGES BY AN INSURED.".

22
23
24
25 **HB04-1306** be referred to the Committee of the Whole with favorable
26 recommendation.

27
28
29
30
31 **EDUCATION**

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

34
35 **HB04-1141** be amended as follows, and as so amended, be rereferred
36 to the Committee on Appropriations with favorable
37 recommendation:

38
39 Amend the Education Committee Report, dated January 26, 2004, page
40 1, strike line 1 and substitute the following:

41
42 "Amend printed bill, page 11, strike line 2 and substitute the following:

43
44 **"22-30.5-103.5. Charter schools - charter authorities -**
45 **limitation. (1) A";**

46
47 after line 26, insert the following:

48
49 "(2) NOTWITHSTANDING ANY PROVISION OF THIS PART 1 TO THE
50 CONTRARY, THE STATE BOARD SHALL NOT ENTER INTO A STATE CHARTER
51 CONTRACT WITH A CHARTER APPLICANT THAT WAS DENIED BY, OR COULD
52 NOT COMPLETE A DISTRICT CHARTER CONTRACT WITH, A LOCAL BOARD OF
53 EDUCATION OF A SCHOOL DISTRICT THAT ENROLLS THREE THOUSAND OR
54 FEWER STUDENTS.".

55
56 Page 22, strike lines 10 through 14 and substitute the following:

1 "(2) No person, group, or organization may submit an application
2 to convert a private school or a nonpublic home-based educational
3 program into a charter school or to create a charter school which is a
4 nonpublic home-based educational program as defined in section
5 22-33-104.5.".

6
7 Page 28, strike lines 18 through 27 and substitute the".

8
9 Page 2 of the committee report, strike lines 12 through 15 and substitute
10 the following:

11
12 "Page 38, line 23, strike "SECTION 22-30.5-108.1," and substitute
13 "SECTIONS 22-30.5-108 (2), 22-30.5-108.1, AND 22-30.5-108.5,";

14
15 line 25, strike "UP TO" and substitute "AND EXPEND";

16
17 line 26, strike "TO OFFSET" and substitute "FOR PAYMENT OF".

18
19 Page 39, strike lines 5 through 7 and substitute the following:

20
21 "TO THE GENERAL FUND, BUT MAY BE EXPENDED BY THE DEPARTMENT IN
22 SUBSEQUENT FISCAL YEARS FOR PAYMENT OF THE COSTS INCURRED IN
23 IMPLEMENTING THIS SECTION, INCLUDING ANY COSTS INCURRED IN
24 CONTRACTING WITH A THIRD PARTY.";

25
26 line 11, strike the second "SECTION" and substitute "SECTIONS";

27
28 line 12, strike "22-30.5-108.1," and substitute "22-30.5-108 (2),
29 22-30.5-108.1, AND 22-30.5-108.5,";

30
31 line 18, after the period, insert "THE FUND SHALL CONSIST SOLELY OF
32 MONEYS RECEIVED BY THE DEPARTMENT AS GIFTS, GRANTS, OR DONATIONS
33 AND CREDITED TO THE FUND PURSUANT TO THIS PARAGRAPH (b).".

34
35 Page 43, strike lines 9 through 12 and substitute the following:

36
37 "(3) It is the intent of the general assembly that ~~priority of~~
38 GREATER consideration be given to charter school applications designed
39 to increase the educational opportunities of at-risk pupils, as defined in
40 section 22-30.5-103.".

41
42 Page 62, strike lines 23 through 27 and substitute the following:

43
44 "SCHOOL THE AMOUNT WITHHELD, MINUS FIVE PERCENT OF SAID AMOUNT
45 FOR PAYMENT OF THE COSTS INCURRED IN IMPLEMENTING SECTION
46 22-30.5-108.3 AND MINUS THE AMOUNT AGREED TO IN THE STATE
47 CHARTER".

48
49 Page 63, strike lines 23 through 27.

50
51 Page 64, strike lines 1 through 4 and substitute the following:

52
53 "(4) WITHIN NINETY DAYS AFTER THE END OF EACH FISCAL YEAR,".

54
55 Page 118, line 25, strike "A LOCAL GOVERNMENT";

56

1 strike lines 26 and 27 and substitute the following:

2
3 "NOTHING IN THIS SUBSECTION (1.5) SHALL BE CONSTRUED TO LIMIT THE
4 AUTHORITY OF A CHARTERING AUTHORITY TO FINALLY DETERMINE THE
5 LOCATION OF CHARTER SCHOOLS AND ERECT NECESSARY BUILDINGS AND
6 STRUCTURES.".

7
8 Page 119, strike lines 1 through 4.

9
10 Page 135, line 6, strike "THE COSTS" and substitute "THE AMOUNTS".

11
12 Page 140, line 11, strike "THE COSTS" and substitute "THE AMOUNTS".

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

HB04-1217 be amended as follows, and as so amended, be referred to
the Committee of the Whole with favorable
recommendation:

Amend printed bill, page 2, line 23, strike "ON OR BEFORE AUGUST 1,
2004," and substitute "WITHIN FORTY-FIVE DAYS AFTER THE EFFECTIVE
DATE OF HOUSE BILL 04-1217,".

Page 3, line 23, strike "ON OR BEFORE AUGUST 1, 2004," and substitute
"WITHIN FORTY-FIVE DAYS AFTER THE EFFECTIVE DATE OF HOUSE BILL 04-
1217,".

HJR04-1005 be referred out for final action.

HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

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

HB04-1251 be amended as follows, and as so amended, be referred to
the Committee on Appropriations with favorable
recommendation:

Amend printed bill, page 3, line 4, after "(a)", insert "(I)";

line 17, strike "ALL";

line 18, strike "MEETINGS SHALL BE OPEN TO THE PUBLIC.";

after line 19, insert the following:

"(II) ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT WHEN
A BOARD, OR AN ADMINISTRATIVE LAW JUDGE ACTING ON BEHALF OF A
BOARD, SPECIFICALLY DETERMINES THAT IT IS IN THE BEST INTEREST OF A
COMPLAINANT OR OTHER RECIPIENT OF SERVICES TO KEEP SUCH
PROCEEDINGS OR DOCUMENTS RELATING THERETO CLOSED TO THE PUBLIC;
OR WHEN THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST

1 IS IN VIOLATION OF SECTION 12-43-222; OR WHEN THE LICENSEE,
2 REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST IS PARTICIPATING IN
3 GOOD FAITH IN A PROGRAM APPROVED BY THE BOARD DESIGNED TO END
4 SUCH ADDICTION OR DEPENDENCY AND THE LICENSEE, REGISTRANT, OR
5 UNLICENSED PSYCHOTHERAPIST HAS NOT VIOLATED ANY PROVISIONS OF
6 THE BOARD'S ORDER REGARDING SUCH PERSON'S PARTICIPATION IN SUCH
7 TREATMENT PROGRAM. IF THE BOARD DETERMINES THAT IT IS IN THE BEST
8 INTEREST OF A COMPLAINANT OR OTHER RECIPIENT OF SERVICES TO KEEP
9 SUCH PROCEEDINGS OR DOCUMENTS RELATING THERETO CLOSED TO THE
10 PUBLIC, THEN THE FINAL ACTION OF THE BOARD SHALL BE CLOSED TO THE
11 PUBLIC WITHOUT DISCLOSING THE NAME OF THE CLIENT OR OTHER
12 RECIPIENT. IN ALL OPEN MEETINGS, THE BOARD SHALL TAKE REASONABLE
13 STEPS NOT TO DISCLOSE THE NAMES OF THE RECIPIENTS OF SERVICES."

14
15 Page 4, line 20, strike "~~social worker~~," and substitute "'social
16 worker','";

17
18 line 21, strike "~~licensed social worker~~", "~~LSW~~," and substitute
19 "'licensed social worker', 'LSW','".

20
21 Page 5, strike lines 14 and 15 and substitute the following:

22
23 "(e) ~~Is addicted to or dependent on alcohol or~~ IS HABITUALLY
24 INTEMPERATE OR EXCESSIVELY USES any habit-forming drug, as defined
25 in section";

26
27 line 17, strike "beverage;" and substitute "beverage, ANY OF WHICH
28 RENDERS HIM OR HER UNFIT TO PRACTICE PURSUANT TO PARTS 3, 4, 5, 6,
29 OR 7 OF THIS ARTICLE;"

30
31 Page 6, line 2, strike "~~by certified mail~~" and substitute "by certified mail";

32
33 line 14, after "EVERY", insert "RENEWAL".

34
35 Page 12, line 7, strike "SINGLE," and, after "psychology", insert "AND AN
36 ORAL EXAMINATION IN PSYCHOLOGY".

37
38 Page 13, line 4, strike "amended" and substitute "amended, and the said
39 12-43-401 is further amended BY THE ADDITION OF THE
40 FOLLOWING NEW SUBSECTIONS,";

41
42 after line 6, insert the following:

43
44 "(5.5) 'INDEPENDENT PRACTICE' MEANS PRACTICING INDEPENDENT
45 OF SUPERVISION.";

46
47 after line 12, insert the following:

48
49 "(11) 'SOCIAL WORKER' MEANS A PERSON POSSESSING AN EARNED
50 SOCIAL WORK DEGREE FROM AN ACCREDITED SOCIAL WORK EDUCATION
51 PROGRAM, OR FROM A DOCTORAL PROGRAM WITHIN A NATIONALLY
52 RECOGNIZED, REGIONALLY ACCREDITED INSTITUTION OF HIGHER
53 EDUCATION, WHO IS PRACTICING WITHIN THE SCOPE OF SECTION
54 12-43-403."

55
56 Page 14, strike lines 19 through 27.

1 Page 15, strike lines 1 though 8 and substitute the following:

2
3 "SECTION 14. 12-43-403 (2), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5
6 **12-43-403. Social work practice defined.** (2) Professional social
7 work practice may include, but is not limited to:

8
9 (u) CONSULTATION, SUPERVISION, AND TEACHING IN HIGHER
10 EDUCATION.

11
12 **SECTION 15.** 12-43-403 (4), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14
15 **12-43-403. Social work practice defined.** (4) Social work
16 practice is directly based upon an advanced educational program that
17 teaches the practitioner to analyze, intervene, and evaluate in ways that
18 are highly differentiated, discriminating, and self-critical. A practitioner
19 must be able to synthesize and apply a broad range of knowledge as well
20 as practice with a high degree of autonomy and skill. A practitioner must
21 be able to refine and advance the quality of his or her practice as well as
22 that of the larger social work profession. These advanced competencies
23 must be appropriately integrated and reflected in all aspects of a social
24 work practice, including the ability to:

25
26 (m) USE KNOWLEDGE OF THE LEGISLATIVE PROCESS TO AFFECT
27 SOCIAL CHANGE IN INSTITUTIONS AND GOVERNMENT AGENCIES."

28
29 Renumber succeeding sections accordingly.

30
31 Page 17, after line 19, insert the following:

32
33 "SECTION 17. 12-43-405, Colorado Revised Statutes, is
34 amended BY THE ADDITION OF A NEW SUBSECTION to read:

35
36 **12-43-405. Rights and privileges of licensure and registration.**
37 (5) ANY PERSON POSSESSING AN EARNED SOCIAL WORK DEGREE HAS THE
38 RIGHT TO PRACTICE SOCIAL WORK AND TO USE THE TITLE "SOCIAL
39 WORKER". ONLY A PERSON LICENSED AS A CLINICAL SOCIAL WORKER OR
40 PRACTICING UNDER THE SUPERVISION OF A LICENSED CLINICAL SOCIAL
41 WORKER MAY ASSERT THAT HE OR SHE IS PRACTICING CLINICAL SOCIAL
42 WORK OR USE THE TITLE OF "CLINICAL SOCIAL WORKER".

43
44 Renumber succeeding sections accordingly.

45
46 Page 17, strike lines 24 through 27.

47
48 Page 18, strike lines 1 through 5 and substitute the following:

49
50 "himself or herself as a social worker, unless such person is licensed or
51 registered pursuant to this part 4, OR POSSESSES AN EARNED SOCIAL WORK
52 DEGREE. No person may practice as a clinical social worker unless
53 licensed pursuant to section 12-43-404 (2), or licensed or registered to
54 practice social work and supervised pursuant to section 12-43-404 (1) OR
55 (2). ~~or (3).~~";

56

1 after line 11, insert the following:

2

3 "SECTION 19. 12-43-410 (1), Colorado Revised Statutes, is
4 amended to read:

5

6 **12-43-410. Employees of social services.** (1) Notwithstanding
7 the exemption in section 12-43-215 (3), no employee of the department
8 of human services, employee of a county department of social services,
9 or personnel under the direct control or supervision of such departments,
10 shall state that he or she is engaged in the practice of social work as a
11 social worker or refer to himself or herself as a social worker unless SUCH
12 PERSON IS licensed or registered pursuant to this part 4 OR POSSESSES AN
13 EARNED SOCIAL WORK DEGREE.".

14

15 Renumber succeeding sections accordingly.

16

17 Strike pages 23 through 33.

18

19 Page 34, strike lines 1 through 22.

20

21 Renumber succeeding sections accordingly.

22

23 Page 37, line 7, strike "and" and substitute "and, WITH THE WRITTEN
24 APPROVAL OF TWO ADDITIONAL INTERVENING PROFESSIONALS,".

25

26

27

28 **HB04-1265** be amended as follows, and as so amended, be referred to
29 the Committee on Appropriations with favorable
30 recommendation:

31

32 Amend printed bill, page 2, line 4, strike "**Community**" and substitute
33 "**Medicaid community**";

34

35 line 11, after "OF", insert "MEDICAID".

36

37 Page 3, line 6, after "DENVER,", insert "AND THE ADMINISTRATION OF THE
38 MENTAL HEALTH INSTITUTES";

39

40 after line 7, insert the following:

41

42 "(4) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4),
43 ALL POSITIONS OF EMPLOYMENT IN THE DEPARTMENT OF HUMAN SERVICES
44 CONCERNING THE POWERS, DUTIES, AND FUNCTIONS OF ADMINISTERING
45 ALL MEDICAID COMMUNITY MENTAL HEALTH SERVICES FOR MEDICAL
46 ASSISTANCE RECIPIENTS TRANSFERRED TO THE STATE DEPARTMENT
47 PURSUANT TO THIS SECTION AND DETERMINED TO BE NECESSARY TO CARRY
48 OUT THE PURPOSES OF THIS SECTION BY THE EXECUTIVE DIRECTOR OF THE
49 STATE DEPARTMENT SHALL BE TRANSFERRED TO THE STATE DEPARTMENT
50 AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN.

51

52 "(5) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5),
53 ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE
54 FURNITURE AND FIXTURES, COMPUTERS AND SOFTWARE, BOOKS,
55 DOCUMENTS, AND RECORDS OF THE DEPARTMENT OF HUMAN SERVICES
56 PERTAINING TO THE DUTIES AND FUNCTIONS OF ADMINISTERING ALL

1 MEDICAID COMMUNITY MENTAL HEALTH SERVICES FOR MEDICAL
2 ASSISTANCE RECIPIENTS ARE TRANSFERRED TO THE STATE DEPARTMENT
3 AND SHALL BECOME THE PROPERTY THEREOF.

4
5 (6) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (6),
6 FOR STATE FISCAL YEAR 2003-04, THE STATE DEPARTMENT MAY BILL THE
7 DEPARTMENT OF HUMAN SERVICES MEDICAID-FUNDED PROGRAMS DIVISION
8 APPROPRIATION WITHIN THE STATE DEPARTMENT'S APPROPRIATION FOR
9 PROVISION OF MEDICAID COMMUNITY MENTAL HEALTH SERVICES AS
10 AUTHORIZED IN THIS SECTION."

11
12 Renumber succeeding subsection accordingly.

13
14 Page 3, line 9, after the period, add "IN ADOPTING RULES CONCERNING
15 MEDICAID COMMUNITY MENTAL HEALTH SERVICES, THE STATE BOARD
16 SHALL CONSIDER THE EFFECT THE RULES MAY HAVE ON THE STATEWIDE
17 MENTAL HEALTH SYSTEM.";

18
19 strike lines 10 through 20.

20
21 Renumber succeeding section accordingly.

22
23
24
25
26 **INFORMATION & TECHNOLOGY**

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

29
30 **HB04-1209** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:

33
34 Amend printed bill, page 3, strike lines 4 through 6 and substitute the
35 following:

36
37 "LAW, WHERE EITHER AN OWNER OF PROPERTY LOCATED WITHIN AN AREA
38 PROPOSED TO BE DESIGNATED AS BLIGHTED OR A GOVERNMENTAL ENTITY
39 THAT RECEIVES TAX REVENUES FROM THE AREA OBJECTS TO THE
40 DESIGNATION OF THE AREA AS BLIGHTED, OR WHERE THE AREA HAS BEEN
41 ANNEXED WITHIN THE PAST FIVE YEARS, NO AREA SHALL BE DESIGNATED
42 AS BLIGHTED PURSUANT TO THE REQUIREMENTS OF THIS PART 1 THAT IS:"

43
44 strike lines 9 and 10 and substitute the following:

45
46 "(c) ASSESSED AS UNIMPROVED."

47
48
49
50 **HB04-1262** be referred to the Committee of the Whole with favorable
51 recommendation.

1 **JUDICIARY**

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

4
5 **HB04-1269** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:
8

9 Amend printed bill, page 2, line 8, strike "DEVICE," and substitute
10 "DEVICE FOR THE PURPOSE OF RECORDING OR COPYING A MOTION
11 PICTURE,";

12
13 line 14, strike "MISDEMEANOR; EXCEPT THAT A SECOND OR" and substitute
14 "MISDEMEANOR.";

15
16 strike lines 15 through 25.

17
18 Page 3, strike lines 1 through 4 and substitute the following:

19
20 "(3) IF A PERSON OPERATES OR APPEARS TO OPERATE AN
21 AUDIOVISUAL RECORDING FUNCTION FOR THE PURPOSE OF RECORDING OR
22 COPYING A MOTION PICTURE IN A FACILITY WHERE A MOTION PICTURE IS
23 BEING OPERATED, THE OWNER OR LESSEE OF A FACILITY IN WHICH A
24 MOTION PICTURE IS BEING EXHIBITED, OR THE AUTHORIZED AGENT OR
25 EMPLOYEE OF THE OWNER OF LESSEE, OR THE LICENSOR OF THE MOTION
26 PICTURE BEING EXHIBITED OR HIS OR HER AGENT OR EMPLOYEE, OR ANY
27 PEACE OFFICER, ACTING IN GOOD FAITH AND UPON PROBABLE CAUSE BASED
28 UPON REASONABLE GROUNDS THEREFOR, MAY DETAIN AND QUESTION SUCH
29 PERSON, IN A REASONABLE MANNER FOR THE PURPOSE OF ASCERTAINING
30 WHETHER THE PERSON IS GUILTY OF CRIMINAL OPERATION OF A DEVICE IN
31 A MOTION PICTURE THEATER. SUCH QUESTIONING OF A PERSON BY A THE
32 OWNER OR LESSEE OF A FACILITY IN WHICH A MOTION PICTURE IS BEING
33 EXHIBITED, OR THE AUTHORIZED AGENT OR EMPLOYEE OF THE OWNER OF
34 LESSEE, OR THE LICENSOR OF THE MOTION PICTURE BEING EXHIBITED OR
35 HIS OR HER AGENT OR EMPLOYEE, OR PEACE OR POLICE OFFICER DOES NOT
36 RENDER THE OWNER OR LESSEE OF A FACILITY IN WHICH A MOTION
37 PICTURE IS BEING EXHIBITED, OR THE AUTHORIZED AGENT OR EMPLOYEE
38 OF THE OWNER OF LESSEE, OR THE LICENSOR OF THE MOTION PICTURE
39 BEING EXHIBITED OR HIS OR HER AGENT OR EMPLOYEE, PEACE OFFICER
40 CIVILLY OR CRIMINALLY LIABLE FOR SLANDER, FALSE ARREST, FALSE
41 IMPRISONMENT, MALICIOUS PROSECUTION, OR UNLAWFUL DETENTION.".

42
43
44
45
46 **STATE, VETERANS, & MILITARY AFFAIRS**

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

49
50 **HB04-1235** be postponed indefinitely.

51
52
53 **HB04-1281** be postponed indefinitely.

54
55
56

PRINTING REPORT

The Chief Clerk reports the following bill has been correctly printed:
HB04-1359.

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has passed on Third Reading and returns herewith:
HB04-1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325,
1326, 1327, 1328, 1329, 1330, 1332, 1333, 1334, 1335, 1336, 1337,
1338.

The Senate has passed on Third Reading and transmitted to the Revisor
of Statutes: HB04-1331, amended as printed in Senate Journal, February
10, page 222.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB04-1331.

**INTRODUCTION OF BILLS
First Reading**

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

HB04-1360 by Representative(s) Marshall, Pommer, Spence; also
Senator(s) McElhany, Groff--Concerning financial literacy
education within public schools.

Committee on Education

HB04-1361 by Representative(s) Frangas, Jahn--Concerning area
vocational schools.

Committee on Education

INTRODUCTION OF RESOLUTION

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

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

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until February 12, retaining place on Calendar:

Consideration of Special Orders--**HB04-1020, 1095 amended, 1009, 1280, 1039, 1026.**

Consideration of General Orders--**HB04-1054, 1175, 1108, 1073, 1208, SB04-096, 067, HB04-1114, 1210, 1125, 1191, 1196, SB04-004, HB04-1040, 1089, 1093, 1017, 1058, 1121, 1094, 1187, 1257, 1159, 1218, 1173, 1225.**

Consideration of Resolutions--**HJR04-1007, 1008, 1009, 1012, SJR04-009, HJR04-1013.**

Consideration of Senate Amendments--**HB04-1112, 1038.**

On motion of Representative King, the House adjourned until 9:00 a.m., February 12, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk