

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

Seventy-second Legislative Day

Thursday, March 18, 2004

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

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

5
 6 Pledge of Allegiance led by Representative Schultheis.

7
 8 The roll was called with the following result:

9
 10 Present--62.

11 Excused--Representatives Madden, McGihon, Stafford--3.

12 Present after Roll Call--McGihon

13
 14 The Speaker declared a quorum present.

15
 16
 17 On motion of Representative Rose, the reading of the journal of
 18 March 17, 2004, was declared dispensed with and approved as corrected
 19 by the Chief Clerk.

20
 21
 22
 23 **THIRD READING OF BILLS--FINAL PASSAGE**

24
 25 The following bills were considered on Third Reading. The titles were
 26 publicly read. Reading of the bill at length was dispensed with by
 27 unanimous consent.

28
 29 **SB04-007** by Senator(s) Anderson, Taylor; also Representative(s)
 30 Williams T., Rhodes--Concerning the determination of
 31 which higher education employees are exempt from the
 32 state personnel system.

33
 34 As shown by the following roll call vote, a majority of all members
 35 elected to the House voted in the affirmative, and Representative
 36 Williams T., was given permission to offer a Third Reading amendment:

	YES	62	NO	00	EXCUSED	03	ABSENT	00
39	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
40	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
41	Boyd	Y	Harvey	Y	McGihon	E	Spence	Y
42	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
43	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y

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

Third Reading amendment No. 1, by Representative Williams T.

Amend revised bill, page 2, line 15, after "PRINCIPAL", insert "PROFESSIONAL".

Page 4, after line 4, insert the following:

"(c) NO LATER THAN DECEMBER 31 OF EACH YEAR, THE PRESIDENT OF EACH EDUCATIONAL INSTITUTION SHALL SUBMIT A REPORT TO THE STATE PERSONNEL DIRECTOR, IN THE FORM PRESCRIBED BY THE DIRECTOR, LISTING ALL POSITIONS AT THE EDUCATIONAL INSTITUTION THAT ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM IN ACCORDANCE WITH THIS SECTION.

(d) NO LATER THAN DECEMBER 31 OF EACH YEAR, THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL SUBMIT A REPORT TO THE STATE PERSONNEL DIRECTOR, IN THE FORM PRESCRIBED BY THE DIRECTOR, LISTING ALL POSITIONS IN THE DEPARTMENT OF HIGHER EDUCATION, OTHER THAN POSITIONS AT EDUCATIONAL INSTITUTIONS, THAT ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM IN ACCORDANCE WITH THIS SECTION."

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

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

1 The question being, "Shall the bill, as amended, 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
 4 bill, as amended, was declared **passed**.

	YES	57	NO	05	EXCUSED	03	ABSENT	00
7	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	Y	McFadyen	N	Smith	Y
9	Boyd	Y	Harvey	Y	McGihon	E	Spence	Y
10	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	E
11	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
12	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
13	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
14	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
15	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
16	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
17	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
18	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
19	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
20	Decker	Y	Madden	E	Rose	Y	Williams T.	Y
21	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
22	Frangas	N	May	Y	Schultheis	Y	Young	Y
23							Speaker	Y

24 Co-sponsor added: Representative Marshall

25
 26 **SB04-182** by Senator(s) Dyer; also Representative(s) Stengel--
 27 Concerning the release of funds placed into escrow by a
 28 tobacco product manufacturer that is not a participating
 29 manufacturer under the terms of the tobacco litigation
 30 master settlement agreement.

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

	YES	62	NO	00	EXCUSED	03	ABSENT	00
38	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
39	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	Y	McGihon	E	Spence	Y
41	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
42	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
43	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
44	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
45	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
46	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
47	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
48	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
49	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
50	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
51	Decker	Y	Madden	E	Rose	Y	Williams T.	Y
52	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
53	Frangas	Y	May	Y	Schultheis	Y	Young	Y
54							Speaker	Y

55 Co-sponsors added: Representatives Hoppe, Schultheis, Vigil.

56

- 1 **HB04-1277** by Representative(s) Hefley, Carroll, Cloer, Romanoff,
 2 Rose, Stafford, Williams S., Clapp, Frangas, Paccione,
 3 White; also Senator(s) Cairns--Concerning the child care
 4 commission, and, in connection therewith, modifying the
 5 responsibilities of the commission and changing the name
 6 of the commission to the early childhood and school
 7 readiness commission, and making an appropriation
 8 therefor.
 9
 10 The question being "Shall the bill pass?".
 11 A roll call vote was taken. As shown by the following recorded vote, a
 12 majority of those elected to the House voted in the affirmative and the bill
 13 was declared **passed**.
 14

YES	61	NO	01	EXCUSED	03	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	E	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	E	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	N	Young	Y
						Speaker	Y

33 Co-sponsors added: Representatives Boyd, Butcher, Marshall, Plant.
 34

- 35 **HB04-1351** by Representative(s) Hoppe, Stengel, Briggs, Brophy,
 36 McCluskey, Rose, Salazar, Wiens, Young; also Senator(s)
 37 Taylor--Concerning the state board of stock inspection
 38 commissioners, and, in connection therewith, changing the
 39 fiscal policies of such board and the division of brand
 40 inspection to allow operation as an enterprise for purposes
 41 of section 20 of article X of the state constitution.
 42
 43 The question being "Shall the bill pass?".
 44 A roll call vote was taken. As shown by the following recorded vote, a
 45 majority of those elected to the House voted in the affirmative and the bill
 46 was declared **passed**.
 47

YES	61	NO	01	EXCUSED	03	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	E	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	N	Weddig	Y

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

10 Co-sponsors added: Representatives Coleman, Hall, Harvey, Hefley, Larson,
 11 Smith, Tochtrop, Williams T., Speaker.

12
 13 **SB04-089** by Senator(s) Reeves; also Representative(s) Paccione--
 14 Concerning affordable housing, and, in connection
 15 therewith, allowing the certification of nonprofit local
 16 housing agencies as local public procurement units for
 17 purposes of cooperative purchasing agreements.

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**.

23								
24	YES	59	NO	03	EXCUSED	03	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	E	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	N	Romanoff	Y	Williams S.	Y
38	Decker	Y	Madden	E	Rose	N	Williams T.	Y
39	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
40	Frangas	Y	May	Y	Schultheis	N	Young	Y
41							Speaker	Y

42 Co-sponsors added: Representatives Berry, Boyd, Butcher, Carroll, Cloer,
 43 Coleman, Frangas, Harvey, Marshall, McFadyen, Merrifield, Plant, Romanoff,
 44 Salazar, Weddig.

45
 46 **SB04-152** by Senator(s) Evans; also Representative(s) Lee--
 47 Concerning a prohibition on the payment of a teacher
 48 following the initiation of a prosecution for an offense that
 49 would result in the loss of licensure.

50
 51 The question being "Shall the bill pass?".
 52 A roll call vote was taken. As shown by the following recorded vote, a
 53 majority of those elected to the House voted in the affirmative and the bill
 54 was declared **passed**.

55

	YES	56	NO	06	EXCUSED	03	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	McGihon	E	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	N
8	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
10	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	N	Larson	Y	Rhodes	Y	White	Y
13	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	E	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	N	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Hefley, Romanoff, Spence.

20
21 **SB04-063** by Senator(s) Teck; also Representative(s) May M.--
22 Concerning court review of the rejection of a claim for
23 certain tax refunds.
24

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

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

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

48 Co-sponsors added: Representatives Garcia, Stengel.
49
50

51 **SB04-147** by Senator(s) Sandoval; also Representative(s) Cloer--
52 Concerning the administration of certain financial
53 assistance programs in the department of revenue.
54

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

56 A roll call vote was taken. As shown by the following recorded vote, a

majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

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

Co-sponsors added: Representatives Berry, Weddig.

HB04-1393 by Representative(s) White, Cadman, Garcia, Merrifield, Miller, Rippy, Rose, Spradley; also Senator(s) Taylor, Andrews, Chlouber, Entz, Fitz-Gerald, Isgar, Lamborn, McElhany--Concerning amendments to the Colorado "Ski Safety Act of 1979" to reflect evolution in the sport of skiing.

The question being "Shall the bill pass?".

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

YES	61	NO	01	EXCUSED	03	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	E	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	N	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	E	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Berry, Brophy, Carroll, Coleman, Frangas, Hall, Salazar, Smith, Weissmann, Wiens, Williams S.

CONSIDERATION OF RESOLUTIONS

HJR04-1033 by Representative(s) Young; also Senator(s) Kester--
Concerning the potential to locate the Pierre Auger
Observatory in southeastern Colorado.

(Printed and placed in member's file.)

Amendment No. 1, moved by Representative Young.

Amend printed joint resolution, page 2, strike lines 30 through 34, and
substitute the following:

"sent to Governor Bill Owens; Lieutenant Governor Jane Norton; Tim
Fritz, Director of the Colorado Office of Aerospace and Aeronautics; Dr.
James Cronin, professor in physics at the University of Chicago; Dr. John
Harton, professor in physics at Colorado State University; Bette
Matkowski, President of Lamar Community College; and Jan Anderson,
Director of Southeast Colorado Economic Development, Inc.".

The amendment was declared **passed** by **viva voce** vote.

On motion of Representative Young, the resolution as amended was
adopted by **viva voce** vote.

Co-sponsors added: Roll Call of the House.

HJR04-1032 by Representative(s) Merrifield, Cadman, Carroll, Cerbo,
Cloer, Hodge, Jahn, Larson, Madden, Marshall, Paccione,
Plant, Rhodes, Romanoff, Tochtrop, Vigil, Weddig,
Weissmann, Williams S., Williams T., Witwer; also
Senator(s) Sandoval, Gordon, Isgar, Veiga--Concerning
single parents' day.

(Printed and placed in member's file.)

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

Co-sponsors added: Roll Call of the House.

HJR04-1027 by Representative(s) Cloer, Carroll; also Senator(s) Groff--
Concerning the designation of the third Saturday in June
as "Juneteenth".

(Printed and placed in member's file.)

Amendment No. 1, moved by Representative Cloer.

Amend printed joint resolution, page 2, line 34, strike "Springs." and
substitute "Springs, publisher of *The African-American Voice*."

The amendment was declared **passed** by **viva voce** vote.

Representative Carroll requested that the resolution be read at length.

1 On motion of Representative Cloer, the resolution as amended was
2 **adopted by viva voce** vote.
3

4 Co-sponsors added: Representatives Berry, Boyd, Briggs, Brophy, Butcher,
5 Cerbo, Coleman, Crane, Decker, Fairbank, Frangas, Garcia, Hodge, Hoppe,
6 Jahn, King, Larson, Marshall, McCluskey, McFadyen, Merrifield, Miller,
7 Mitchell, Paccione, Plant, Pommer, Ragsdale, Rhodes, Romanoff, Rose, Salazar,
8 Smith, Spence, Tochtrop, Vigil, Weissmann, Williams S., Williams T., Speaker.
9

10
11 On motion of Representative King, at 9:55 a.m., **HB04-1165, 1387, 1388,**
12 **1395, 1384, SB04-180, HB04-1358, SB04-042, 068, 191** were added to
13 the Special Orders Calendar on Thursday, March 18, 2004.
14

15
16 On motion of Representative Schultheis, the House resolved itself into
17 Committee of the Whole for consideration of Special Orders and he was
18 called to the Chair to act as Chairman.
19

20
21
22 **SPECIAL ORDERS--SECOND READING OF BILLS**
23

24 The Committee of the Whole having risen, the Chairman reported the
25 titles of the following bills had been read (reading at length had been
26 dispensed with by unanimous consent), the bills considered and action
27 taken thereon as follows:
28

29 (Amendments to the committee amendment are to the printed committee
30 report which was printed and placed in the members' bill file.)
31

32
33 **HB04-1283** by Representative(s) Boyd; also Senator(S) Taylor--
34 Concerning a study to determine the quality of education
35 provided in Colorado's public high schools.
36

37 (Previously amended as printed in House Journal, March 17, page 891.)
38

39 Amendment No. 3, by Representative Boyd, Stafford.
40

41 Amend printed bill, page 4, line 20, strike "SIX" and substitute "FOUR";
42
43 line 22, strike "THREE" and substitute "TWO";
44
45 strike line 23 and substitute the following:
46

47 "REPRESENTATIVES, WHO SHALL NOT BE FROM THE";
48

49 line 27, strike "TWO MEMBERS" and substitute "ONE MEMBER".
50

51 Page 5, after line 26, insert the following:
52
53

1 "(d) TWO MEMBERS APPOINTED BY THE GOVERNOR WHO ARE
2 HIGH-RISK STUDENTS ATTENDING AN ALTERNATIVE EDUCATION CAMPUS
3 DESCRIBED IN SECTION 22-7-604.5.";

4
5 line 27, strike "(d)" and substitute "(e)".

6
7 As amended, declared **lost** on Second Reading.

8 (For change in action, see Amendments to Report, page 912.)
9

10 **HB04-1381** by Representative(s) White; also Senator(s) McElhany--
11 Concerning standards for the distribution of limited
12 gaming revenues from the state historical fund by the
13 governing bodies of existing cities that provide grants of
14 such moneys for the benefit of historic properties.
15

16 Amendment No. 1, Finance Report, dated March 10, 2004, and placed in
17 member's bill file; Report also printed in House Journal, March 11, page
18 839.
19

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

23 **HB04-1165** by Representative(s) Lundberg; also Senator Teck--
24 Concerning changes to the felony threshold loss amount in
25 certain crimes.
26

27 Amendment No. 1, Judiciary Report, dated January 29, 2004, and placed
28 in member's bill file; Report also printed in House Journal, February 2,
29 pages 264-271.
30

31 Amendment No. 2, Appropriations Report, dated March 12, 2004, and
32 placed in member's bill file; Report also printed in House Journal, March
33 12, page 853.
34

35 As amended, ordered engrossed and placed on the Calendar for Third
36 Reading and Final Passage.
37

38 **HB04-1387** by Representative(s) Hefley; also Senator(s) Dyer--
39 Concerning changes to the procedural criminal laws.
40

41 Amendment No. 1, Judiciary Report, dated March 12, 2004, and placed
42 in member's bill file; Report also printed in House Journal, March 15,
43 pages 868-869.
44

45 Amendment No. 2, by Representative Hefley.
46

47 Amend printed bill, page 10, line 23, strike "LETTER" and substitute
48 "PAGE";
49

50 line 26, strike "LETTER," and substitute "PAGE,".
51

52 Page 11, line 1, after "DEPARTMENT", insert "OR OF THE EXECUTIVE
53 DIRECTOR'S APPOINTEE";
54

55 line 17, strike "DESIGNEE," and substitute "APPOINTEE,";
56

1 line 23, strike "DESIGNEE," and substitute "APPOINTEE,".

2
3 Page 12, line 13, strike "LETTER" and substitute "PAGE";

4
5 line 16, strike "LETTER," and substitute "PAGE,";

6
7 line 17, after "REVENUE", insert "OR OF THE EXECUTIVE DIRECTOR'S
8 APPOINTEE".

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

12
13 **HB04-1388** by Representative(s) Hefley; also Senator(s) Dyer--
14 Concerning nonsubstantive changes to statutory provisions
15 identifying crimes that pose an extraordinary risk of harm
16 to society.

17
18 Ordered engrossed and placed on the Calendar for Third Reading and
19 Final Passage.

20
21 **HB04-1395** by Representative(s) Spence; also Senator Kester--
22 Concerning matters related to evaluations by the state
23 board of parole of persons seeking parole.

24
25 Ordered engrossed and placed on the Calendar for Third Reading and
26 Final Passage.

27
28 **HB04-1384** by Representative(s) Sinclair, Coleman, Johnson R.,
29 Larson, May M., McCluskey, Rose, Weddig; also
30 Senator(s) Lamborn--Concerning reporting requirements
31 reviewed by the state, veterans, and military affairs
32 committees of the general assembly pursuant to Colorado's
33 "Information Coordination Act".

34
35 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
36 March 11, 2004, and placed in member's bill file; Report also printed in
37 House Journal, March 12, page 854.

38
39 As amended, ordered engrossed and placed on the Calendar for Third
40 Reading and Final Passage.

41
42 **SB04-180** by Senator(s) Hillman, Anderson, Andrews, Arnold,
43 Chlouber, Dyer, Kester; also Representative(s) Cadman,
44 Hefley, Miller, White, Wiens--Concerning a motion to
45 dismiss for forum non conveniens.

46
47 Ordered revised and placed on the Calendar for Third Reading and Final
48 Passage.

49
50 **HB04-1358** by Representative(s) Spradley, Hoppe, Paccione, Salazar,
51 Wiens; also Senator(s) Kester--Concerning an income tax
52 checkoff for the Colorado state fair and industrial
53 exposition.

54
55 Ordered engrossed and placed on the Calendar for Third Reading and
56 Final Passage.

1 **SB04-042** by Senator(s) Arnold; also Representative(s) Mitchell,
 2 Carroll, Rose--Concerning the student loan advisory
 3 committee.
 4

5 Ordered revised and placed on the Calendar for Third Reading and Final
 6 Passage.
 7

8 **SB04-068** by Senator(s) Hillman; also Representative(s) May M.--
 9 Concerning the administration of a school district bond
 10 redemption fund.
 11

12 Ordered revised and placed on the Calendar for Third Reading and Final
 13 Passage.
 14

15 **SB04-191** by Senator(s) Anderson; also Representative(s) Stengel--
 16 Concerning the terms of service for members of the parole
 17 board.
 18

19 Ordered revised and placed on the Calendar for Third Reading and Final
 20 Passage.
 21

22 On motion of Representative King, the remainder of the Special Orders
 23 Calendar (**HB04-1257, 1315, 1355, SB04-095, HB04-1382**) was laid
 24 over until March 19, retaining place on Calendar.
 25

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

27 Representatives Boyd, Coleman, Frangas, Hefley, Jahn, May M.,
 28 Merrifield, Spence, Williams S., and Williams T. moved to amend the
 29 Report of the Committee of the Whole to show that **HB04-1283**, as
 30 amended, did pass.
 31
 32
 33

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

35	YES	50	NO	12	EXCUSED	03	ABSENT	00
36	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
37	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
38	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
39	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
40	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
41	Butcher	Y	Hoppe	Y	Mitchell	E	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	Y
45	Clapp	N	King	Y	Ragsdale	Y	Welker	N
46	Cloer	Y	Larson	Y	Rhodes	N	White	N
47	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
48	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
49	Decker	Y	Madden	E	Rose	N	Williams T.	Y
50	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
51	Frangas	Y	May	Y	Schultheis	N	Young	Y
52							Speaker	Y

53
 54 Representative Smith moved to amend the Report of the Committee of
 55 the Whole to show that **SB04-180** was referred to the Committee on
 56 Judiciary.

1 Pursuant to House Rule 16, Representative King moved "Shall the main
2 question be now put?" The motion was declared **lost** by the following
3 roll call vote:

	YES	29	NO	32	EXCUSED	03	ABSENT	01
6	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
7	Borodkin	N	Hall	Y	McFadyen	N	Smith	N
8	Boyd	N	Harvey	-	McGihon	N	Spence	Y
9	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	E
10	Brophy	N	Hodge	N	Miller	Y	Stengel	N
11	Butcher	N	Hoppe	Y	Mitchell	E	Tochtrop	N
12	Cadman	Y	Jahn	N	Paccione	N	Vigil	N
13	Carroll	N	Johnson	Y	Plant	N	Weddig	N
14	Cerbo	N	Judd	N	Pommer	N	Weissmann	N
15	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
16	Cloer	Y	Larson	N	Rhodes	Y	White	Y
17	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
18	Crane	Y	Lundberg	N	Romanoff	N	Williams S.	N
19	Decker	N	Madden	E	Rose	Y	Williams T.	Y
20	Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
21	Frangas	N	May	Y	Schultheis	Y	Young	Y
22							Speaker	Y

24 Representative Smith's amendment to the Committee of the Whole report,
25 that **SB04-180** be referred to the Committee on Judiciary, was declared
26 **lost** by the following roll call vote:

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

50 Passed Second Reading: **HB04-1283 amended, 1381 amended, 1165**
51 **amended, 1387 amended, 1388, 1395, 1384 amended, SB04-180,**
52 **HB04-1358, SB04-042, 068, 191.**

54 Laid over until date indicated retaining place on Calendar: **HB04-1257,**
55 **1315, 1355, SB04-095, HB04-1382--March 19, 2004.**

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

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

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

30 REPORTS OF COMMITTEES OF REFERENCE

31 AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

36
 37 **SB04-103** be amended as follows, and as so amended, be referred to
 38 the Committee of the Whole with favorable
 39 recommendation:
 40

41 Amend reengrossed bill, page 3, line 15, strike "SOY MILK, RICE MILK,"
 42 and substitute "SOY BEVERAGE, RICE BEVERAGE,";

43
 44 line 16, strike "MILK;" and substitute "BEVERAGE;"
 45
 46
 47

48 **SB04-193** be referred to the Committee of the Whole with favorable
 49 recommendation.
 50
 51

1 **BUSINESS AFFAIRS & LABOR**

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

4
5 **HB04-1399** 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 18, strike "(b);" and substitute "(b) IF THE
10 TYPES OR CATEGORIES IDENTIFIED ARE NOT UNREASONABLE;"

11
12 line 23, strike "(b)." and substitute "(b) IF THE NUMBER OR PERCENTAGE
13 IS NOT UNREASONABLE.";

14
15 line 24, strike "MODIFY:" and substitute "MODIFY, IF THE ELIMINATION OR
16 MODIFICATION IS NOT UNREASONABLE:".

17
18 Page 4, line 7, strike "MANIFESTLY".

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

21
22 "ENFORCEABILITY OF OPERATING AGREEMENTS.".

23
24 Page 7, line 8, after "ARTICLE,", insert "THE DUTIES THAT";

25
26 line 10, after "COMPANY", insert "INCLUDE".

27
28 Page 10, line 5, strike "OBTAIN FROM" and substitute "INSPECT AND COPY
29 AT THE EXPENSE OF THE REQUESTING MEMBER THE FOLLOWING RECORDS
30 OF";

31
32 line 10, strike "COMPANY;" and substitute "COMPANY, INCLUDING
33 WRITTEN RESOLUTIONS AND MINUTES, IF ANY, OF THE LIMITED LIABILITY
34 COMPANY;"

35
36 strike lines 15 and 16 and substitute the following:

37
38 "(d) A COPY OF THE LIMITED LIABILITY COMPANY'S ARTICLES OF
39 ORGANIZATION AND ALL AMENDMENTS THERETO, AND A COPY OF ANY
40 WRITTEN OPERATING AGREEMENT OF THE LIMITED LIABILITY COMPANY,
41 TOGETHER".

42
43 Page 11, line 9, strike "OR OTHER";

44
45 strike lines 10 through 12;

46
47 line 13, strike "OR ITS BUSINESS".

48
49
50
51 **SB04-105** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54
55 Amend reengrossed bill, page 3, after line 7, insert the following:

56

1 **"SECTION 2.** 10-2-301 (1), Colorado Revised Statutes, is
2 amended to read:

3
4 **10-2-301. Continuing education requirement - advisory**
5 **committee.** (1) Producers not exempt from the requirements of this
6 section shall satisfactorily complete up to twenty-four hours of instruction
7 by attending such courses or programs of instruction as may be approved
8 by the commissioner. AT LEAST THREE OF THE TWENTY-FOUR HOURS OF
9 CONTINUING EDUCATION SHALL BE FOR COURSES IN ETHICS. The insurance
10 commissioner may adopt rules ~~and regulations~~ concerning testing
11 requirements as a part of the certified continuing education. ~~coursework.~~
12 The required hours of instruction shall be completed within twenty-four
13 months after the date the producer's license is required to be renewed,
14 beginning with renewal dates on or after January 1, 1993. ~~but applying~~
15 ~~to all subsequent years.~~ A PRODUCER MAY ACCUMULATE NO MORE THAN
16 TWELVE CARRY-OVER CREDIT HOURS DURING THE ONE HUNDRED TWENTY
17 DAYS BEFORE THE LICENSING CONTINUATION DATE. SUCH CARRY-OVER
18 CREDITS MAY BE APPLIED TO THE NEXT CONTINUING EDUCATION PERIOD.
19 If a producer has more than one license to sell insurance in this state, the
20 required hours of instruction shall be completed within twenty-four
21 months after the date the first such license is required to be renewed. For
22 good cause shown, the commissioner may grant an extension of time
23 within which to comply with the requirements of this section, such
24 extension not to exceed an additional one year. An instructor of an
25 approved course of instruction shall qualify for the same number of hours
26 of continuing education as a person attending and successfully
27 completing the course or program, but no instructor shall receive credit
28 more than once for a course or program given more than once during the
29 twenty-four-month period described in this subsection (1).".

30
31 Renumber succeeding sections accordingly.

32
33 Page 18, after line 14, insert the following:

34
35 **"SECTION 7.** 10-16-113 (3) (b) (I), Colorado Revised Statutes,
36 is amended to read:

37
38 **10-16-113. Procedure for denial of benefits.** (3) (b) (I) For the
39 purposes of this paragraph (b), a "health coverage plan" does not include
40 insurance arising out of the "Workers' Compensation Act of Colorado" or
41 other similar law, automobile medical payment insurance, property and
42 casualty insurance, or insurance under which benefits are payable with
43 or without regard to fault and ~~which~~ THAT is required by law to be
44 contained in any liability insurance policy or equivalent self-insurance.
45 A health coverage plan shall specify that an appeal from the denial of a
46 request for covered benefits on the grounds that such benefits are not
47 medically necessary, appropriate, effective, or efficient may include a
48 two-level internal review of the decision followed by the right of the
49 covered person to request an external review under section 10-16-113.5.
50 The commissioner shall promulgate rules for such benefits denials that
51 reflect the requirements in ~~29 CFR 2560.530-1 (a) to (j)~~ 29 CFR
52 2560.503-1 (a) TO (j). In addition, the commissioner shall promulgate
53 rules specifying the elements of and timelines for external review appeals
54 procedures, including but not limited to the review of appeals requiring
55 expedited reviews and authorizations by the covered individual requesting
56 an independent external review for access to medical records necessary

1 for the conduct of the external review. The commissioner shall consult
2 with and utilize public and private resources, including but not limited to
3 health care providers, in the development of such rules."

4
5
6
7 **SB04-125** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10
11 Amend reengrossed bill, strike everything below the enacting clause and
12 substitute the following:

13
14 "SECTION 1. Part 6 of article 4 of title 10, Colorado Revised
15 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
16 SECTIONS to read:

17
18 **10-4-634. Prompt payment of direct benefits - legislative**
19 **declaration - definitions.** (1) THE GENERAL ASSEMBLY FINDS,
20 DETERMINES, AND DECLARES THAT PATIENTS AND HEALTH CARE
21 PROVIDERS ARE ENTITLED TO RECEIVE REIMBURSEMENTS FROM AUTO
22 INSURANCE ENTITIES IN A TIMELY MANNER. THEREFORE, IT IS IN THE
23 INTEREST OF THE CITIZENS OF COLORADO THAT REASONABLE STANDARDS
24 BE IMPOSED FOR THE TIMELY PAYMENT OF CLAIMS.

25
26 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

28
29 (a) "CLAIM" MEANS A CLAIM FOR PAYMENT OF MEDICAL PAYMENTS
30 COVERAGE BENEFITS IN ACCORDANCE WITH THE INSURER'S POLICY.

31
32 (b) "CLAIMANT" MEANS A POLICYHOLDER, INSURED, OR INJURED
33 PERSON ENTITLED TO MEDICAL PAYMENTS BENEFITS AS A RESULT OF A
34 MOTOR VEHICLE ACCIDENT, OR A PROVIDER WITH THE PROPER ASSIGNMENT
35 OF BENEFITS.

36
37 (c) "CLEAN CLAIM" MEANS:

38
39 (I) A CLAIM WHERE THERE IS NO ADDITIONAL INFORMATION
40 NEEDED BY THE INSURER TO ACCEPT OR DENY THE CLAIM. A CLAIM
41 REQUIRING ADDITIONAL INFORMATION SHALL NOT BE CONSIDERED A
42 CLEAN CLAIM AND SHALL BE PAID, DENIED, OR SETTLED AS SET FORTH IN
43 PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION. "CLEAN CLAIM"
44 DOES NOT INCLUDE A CLAIM FOR PAYMENT OF EXPENSES INCURRED
45 DURING A PERIOD OF TIME FOR WHICH PREMIUMS ARE DELINQUENT,
46 EXCEPT TO THE EXTENT OTHERWISE REQUIRED BY LAW.

47
48 (II) A CLAIM THAT IS SUBMITTED WITH, OR AFTER SUBMISSION OF,
49 A PROPERLY EXECUTED APPLICATION FORM FOR BENEFITS CURRENTLY
50 USED BY THE INSURER BY THE POLICYHOLDER, INSURED, OR INJURED
51 PERSON ENTITLED TO BENEFITS.

52
53 (3) THE COMMISSIONER MAY, IN CONSULTATION WITH INTERESTED
54 PARTIES, INCLUDING HEALTH CARE PROVIDERS, ADOPT A UNIFORM
55 APPLICATION FORM FOR MEDICAL PAYMENTS BENEFITS OR A UNIFORM
56 CLAIM FORM OR BOTH A UNIFORM APPLICATION AND UNIFORM CLAIM

1 FORM. FOR A UNIFORM CLAIM FORM OR A UNIFORM APPLICATION FORM
2 HAVING ELEMENTS PROVIDED BY A HEALTH CARE PROVIDER, THE
3 COMMISSIONER SHALL CONSIDER THE UNIFORM CLAIM FORMS AND
4 ELEMENTS ADOPTED FOR HEALTH INSURANCE PURSUANT TO SECTION
5 10-16-106.3. IF THE COMMISSIONER DETERMINES THAT NEW ELEMENTS
6 ARE REQUIRED TO ESTABLISH THAT AN INJURY OR BENEFIT REQUESTED IS
7 THE RESULT OF A MOTOR VEHICLE ACCIDENT, THE NEW ELEMENTS MAY BE
8 LISTED IN A SEPARATE UNIFORM APPLICATION FORM.

9
10 (4) (a) A CLAIMANT MAY SUBMIT A CLAIM:

11
12 (I) BY UNITED STATES MAIL, FIRST CLASS, OR BY OVERNIGHT
13 DELIVERY SERVICE;

14
15 (II) ELECTRONICALLY, IF THE INSURER ACCEPTS CLAIMS
16 ELECTRONICALLY, TO THE LOCATION DESIGNATED BY THE INSURER;

17
18 (III) BY FACSIMILE TO THE LOCATION DESIGNATED BY THE
19 INSURER; OR

20
21 (IV) BY HAND DELIVERY TO THE LOCATION DESIGNATED BY THE
22 INSURER.

23
24 (b) (I) THE PROVIDER MAY CONTACT THE INSURER FOR THE
25 PURPOSE OF RESUBMISSION OF A CLAIM. THE INSURER SHALL HAVE A
26 SEPARATE FACSIMILE PROCESS TO RECEIVE RESUBMITTED PAPER CLAIMS.
27 A RESUBMITTED CLAIM SHALL BE DEEMED RECEIVED ON THE DATE OF THE
28 FACSIMILE TRANSMISSION ACKNOWLEDGMENT.

29
30 (II) IF A CLAIM IS SUBMITTED ELECTRONICALLY, IT IS PRESUMED TO
31 HAVE BEEN RECEIVED BY THE INSURER OR THE INSURER'S CLEARINGHOUSE,
32 IF APPLICABLE, ON THE DATE OF THE ELECTRONIC VERIFICATION OF
33 RECEIPT. IF A CLAIM IS SUBMITTED BY FACSIMILE, IT IS PRESUMED TO HAVE
34 BEEN RECEIVED BY THE INSURER OR THE INSURER'S CLEARINGHOUSE, IF
35 APPLICABLE, ON THE DATE OF THE FACSIMILE TRANSMISSION
36 ACKNOWLEDGMENT. IF A CLAIM IS SUBMITTED BY MAIL, IT IS PRESUMED
37 TO HAVE BEEN RECEIVED BY THE INSURER OR THE INSURER'S
38 CLEARINGHOUSE, IF APPLICABLE, THREE BUSINESS DAYS AFTER THE DATE
39 OF MAILING. IF A CLAIM IS SUBMITTED BY OVERNIGHT DELIVERY SERVICE
40 OR BY HAND DELIVERY, IT IS PRESUMED TO HAVE BEEN RECEIVED ON THE
41 DATE OF DELIVERY.

42
43 (c) THE PRESUMPTIONS IN PARAGRAPH (b) OF THIS SUBSECTION (4)
44 MAY BE REBUTTED BY:

45
46 (I) A DATE STAMP ON A CLAIM SHOWING THE DATE OF RECEIPT.
47 SUCH DATE SHALL BE PRESUMED THE DATE OF RECEIPT.

48
49 (II) THE FACT THAT THE INSURER'S RECORDS MAINTAINED IN THE
50 ORDINARY COURSE OF BUSINESS DO NOT EVIDENCE RECEIPT OF A CLAIM.
51 IN SUCH CASE, THE CLAIM SHALL BE DEEMED NOT TO HAVE BEEN RECEIVED
52 BY THE INSURER.

53
54 (d) AN INSURER SHALL MAINTAIN CLAIM DATA THAT IS ACCESSIBLE
55 AND RETRIEVABLE FOR EXAMINATION BY THE COMMISSIONER FOR THE
56 CURRENT YEAR AND FOR THE TWO IMMEDIATELY PRECEDING YEARS. FOR

1 EACH CLAIM, AN INSURER SHALL PROVIDE A CLAIM NUMBER, DATE OF
2 LOSS, DATE OF AUTO ACCIDENT, DATE OF RECEIPT OF AN APPLICATION FOR
3 BENEFITS, DATE OF RECEIPT OF A CLAIM, DATE OF PAYMENT OF A CLAIM,
4 AND DATE OF DENIAL OR DATE THE CLAIM IS CLOSED WITHOUT PAYMENT.
5 AN INSURER SHALL DETAIL ALL MATERIAL ACTIVITIES RELATIVE TO A
6 CLAIM. A CLAIM FILE SHALL HAVE ALL MATERIAL DOCUMENTATION
7 RELATIVE TO A CLAIM. EACH MATERIAL DOCUMENT WITHIN A CLAIM FILE
8 SHALL BE NOTED AS TO DATE RECEIVED, DATE PROCESSED, OR DATE SENT.
9 DETAILED DOCUMENTATION SHALL BE CONTAINED IN EACH CLAIM FILE TO
10 PERMIT RECONSTRUCTION OF THE INSURER'S ACTIVITIES RELATIVE TO EACH
11 CLAIM.
12

13 (5) (a) EVERY INSURER SHALL PROVIDE A COPY OF ITS CLAIM
14 FILING REQUIREMENTS TO EVERY INSURED OR PROVIDER UPON REQUEST
15 WITHIN FIFTEEN CALENDAR DAYS AFTER THE REQUEST IS RECEIVED BY THE
16 INSURER.
17

18 (b) EVERY INSURER SHALL, WITHIN FIFTEEN CALENDAR DAYS
19 AFTER RECEIPT OF A NOTIFICATION OF LOSS, AN APPLICATION FOR
20 BENEFITS, OR A CLAIM, PROVIDE THE NECESSARY APPLICATION OR CLAIM
21 FORMS AND INSTRUCTIONS SO THAT THE CLAIMANT CAN COMPLY WITH THE
22 POLICY CONDITIONS.
23

24 (6) (a) CLEAN CLAIMS SHALL BE PAID, DENIED, OR SETTLED WITHIN
25 THIRTY CALENDAR DAYS AFTER RECEIPT BY THE INSURER IF SUBMITTED
26 ELECTRONICALLY AND WITHIN FORTY-FIVE CALENDAR DAYS AFTER
27 RECEIPT BY THE INSURER IF SUBMITTED BY ANY OTHER MEANS.
28

29 (b) IF THE RESOLUTION OF A CLAIM REQUIRES ADDITIONAL
30 INFORMATION, THE INSURER SHALL, WITHIN THIRTY CALENDAR DAYS
31 AFTER RECEIPT OF THE CLAIM, GIVE TO THE CLAIMANT A FULL
32 EXPLANATION IN WRITING OF WHAT ADDITIONAL INFORMATION IS NEEDED
33 TO RESOLVE THE CLAIM, INCLUDING ANY ADDITIONAL MEDICAL OR OTHER
34 INFORMATION RELATED TO THE CLAIM. THE PERSON RECEIVING A REQUEST
35 FOR SUCH ADDITIONAL INFORMATION SHALL SUBMIT ALL ADDITIONAL
36 INFORMATION REQUESTED BY THE INSURER WITHIN THIRTY CALENDAR
37 DAYS AFTER RECEIPT OF SUCH REQUEST. THE INSURER MAY DENY A CLAIM
38 IF A PROVIDER RECEIVES A REQUEST FOR ADDITIONAL INFORMATION AND
39 FAILS TO TIMELY SUBMIT ADDITIONAL INFORMATION REQUESTED UNDER
40 THIS PARAGRAPH (b), SUBJECT TO THE RESUBMITTAL OF THE CLAIM OR
41 TERMS OF THE POLICY. IF SUCH PERSON HAS PROVIDED ALL SUCH
42 ADDITIONAL INFORMATION NECESSARY TO RESOLVE THE CLAIM, THE CLAIM
43 SHALL BE PAID, DENIED, OR SETTLED BY THE INSURER WITHIN THIRTY DAYS
44 AFTER RECEIPT OF ADDITIONAL INFORMATION OR AFTER THE APPLICABLE
45 TIME PERIOD SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (6).
46

47 (c) ABSENT FRAUD, ALL CLAIMS OTHER THAN CLEAN CLAIMS SHALL
48 BE PAID, DENIED, OR SETTLED WITHIN NINETY CALENDAR DAYS AFTER
49 RECEIPT BY THE INSURER; EXCEPT THAT THE COMMISSIONER SHALL ADOPT
50 RULES FOR THE PURPOSE OF EXEMPTING AN INSURER FROM THE
51 REQUIREMENT THAT THE INSURER PAY, DENY, OR SETTLE A CLAIM WITHIN
52 NINETY CALENDAR DAYS FOR EXTRAORDINARY OR UNUSUAL CLAIMS WITH
53 EXTENUATING CIRCUMSTANCES AS DETERMINED BY THE COMMISSIONER.
54 THE RULES SHALL REQUIRE THE INSURER, WITHIN THIRTY DAYS AFTER THE
55 RECEIPT OF A CLEAN CLAIM AND EVERY THIRTY DAYS THEREAFTER, TO
56 SEND TO THE CLAIMANT OR THE CLAIMANT'S REPRESENTATIVE, AND TO THE

1 HEALTH CARE PROVIDER IF APPLICABLE, A LETTER SETTING FORTH THE
2 REASONS WHY ADDITIONAL TIME IS NEEDED;

3
4 (d) NO INSURER SHALL DENY A CLAIM ON THE GROUNDS OF A
5 SPECIFIC POLICY PROVISION, CONDITION, OR EXCLUSION UNLESS
6 REFERENCE TO SUCH PROVISION, CONDITION, OR EXCLUSION IS INCLUDED
7 IN THE DENIAL. THE DENIAL SHALL BE IN WRITING AND GIVEN TO THE
8 CLAIMANT, AND THE CLAIM FILE SHALL CONTAIN DOCUMENTATION OF THE
9 BASIS FOR THE DENIAL. THE COMMISSIONER MAY ADOPT A RULE
10 REGARDING THE TIME PERIOD FOR DELIVERY OF THE DENIAL TO THE
11 CLAIMANT, WHICH SHALL BE THE SAME OR SHORTER TIME PERIOD THAN
12 THE PERIOD IN WHICH THE CLAIM WAS DELIVERED.

13
14 (7) (a) AN INSURER THAT FAILS TO PAY, DENY, OR SETTLE A CLEAN
15 CLAIM IN ACCORDANCE WITH PARAGRAPH (a) OF SUBSECTION (6) OF THIS
16 SECTION OR FAILS TO TAKE OTHER REQUIRED ACTION WITHIN THE TIME
17 PERIODS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION
18 SHALL BE LIABLE FOR THE COVERED BENEFIT AND, IN ADDITION, SHALL PAY
19 TO THE CLAIMANT INTEREST AT THE RATE OF TEN PERCENT ANNUALLY ON
20 THE TOTAL AMOUNT ULTIMATELY ALLOWED ON THE CLAIM, ACCRUING
21 FROM THE DATE PAYMENT WAS DUE PURSUANT TO SUBSECTION (6) OF THIS
22 SECTION. IF THERE IS ANY LEGAL ACTION AGAINST THE INSURER RELATED
23 TO THE SETTLEMENT OF THE CLAIM, THE INSURER SHALL ALSO PAY TO THE
24 CLAIMANT, IF THE CLAIMANT PREVAILS IN SUCH ACTION, ANY REASONABLE
25 ATTORNEY FEES AND COURT COSTS RELATED TO THE ACTION.

26
27 (b) AN INSURER THAT FAILS TO PAY, DENY, OR SETTLE A CLAIM IN
28 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION WITHIN NINETY
29 CALENDAR DAYS AFTER RECEIVING THE CLAIM SHALL PAY TO THE
30 CLAIMANT, IN ADDITION TO THE TOTAL AMOUNT ULTIMATELY ALLOWED ON
31 THE CLAIM, A PENALTY IN AN AMOUNT EQUAL TO TEN PERCENT OF THE
32 TOTAL AMOUNT ULTIMATELY ALLOWED ON THE CLAIM. SUCH PENALTY
33 SHALL BE DUE AND PAYABLE ON THE NINETY-FIRST DAY AFTER RECEIPT OF
34 THE CLAIM BY THE INSURER AND SHALL ACCRUE INTEREST AT THE RATE OF
35 TEN PERCENT ANNUALLY UNTIL PAID. IF THERE IS ANY LEGAL ACTION
36 AGAINST THE INSURER RELATED TO THE SETTLEMENT OF THE CLAIM, THE
37 INSURER SHALL ALSO PAY TO THE CLAIMANT, IF THE CLAIMANT PREVAILS
38 IN SUCH ACTION, ANY REASONABLE ATTORNEY FEES AND COURT COSTS
39 RELATED TO THE ACTION.

40
41 (8) IF AN INSURER DELEGATES ITS CLAIMS PROCESSING FUNCTIONS
42 TO A THIRD PARTY, THE DELEGATION AGREEMENT SHALL PROVIDE THAT
43 THE CLAIMS PROCESSING ENTITY SHALL COMPLY WITH THE REQUIREMENTS
44 OF THIS SECTION. ANY DELEGATION BY THE INSURER SHALL NOT BE
45 CONSTRUED TO LIMIT THE INSURER'S RESPONSIBILITY TO COMPLY WITH
46 THIS SECTION OR ANY OTHER APPLICABLE PROVISION OF THIS ARTICLE.

47
48 (9) THIS SECTION SHALL NOT APPLY TO CLAIMS FILED PURSUANT
49 TO THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO
50 47 OF TITLE 8, C.R.S.

51
52 (10) THE COMMISSIONER MAY INVESTIGATE CLAIMS AGAINST AN
53 INSURER THAT IS AUTHORIZED TO CONDUCT BUSINESS IN THIS STATE WHEN
54 SUCH CLAIMS ARE FILED BY A PROVIDER RELATED TO THE IMPROPER
55 HANDLING OR DENIAL OF BENEFITS PURSUANT TO THIS SECTION.

56

1 (11) THE COMMISSIONER MAY IMPOSE, AFTER PROPER NOTICE AND
2 HEARING, ANY OTHER PENALTIES SET FORTH IN THIS TITLE AGAINST AN
3 INSURER WHO HAS A PATTERN AND PRACTICE OF VIOLATIONS OF THIS
4 SECTION.

5
6 (12) WHEN AN INSURED ENTITLED TO BENEFITS UNDER MEDICAL
7 PAYMENTS COVERAGE IS INJURED OR BELIEVES THAT HE OR SHE HAS BEEN
8 INJURED IN AN ACCIDENT AND IS EXAMINED OR TREATED BY A HEALTH
9 CARE PROVIDER, SUCH HEALTH CARE PROVIDER SHALL NOTIFY THE INSURER
10 WITHIN NINETY CALENDAR DAYS AFTER THE INSURED'S INITIAL VISIT.

11
12 **10-4-635. Electronic claim forms.** THE COMMISSIONER MAY
13 PROMULGATE RULES, CONSISTENT WITH SECTION 10-4-634, FOR AN
14 INSURER TO ACCEPT CLAIM FORMS FOR MEDICAL PAYMENTS COVERAGE
15 BENEFITS FROM HEALTH CARE PROVIDERS IN ELECTRONIC FORM. AN
16 INSURER SHALL NOT PROHIBIT THE SUBMISSION OF A MEDICAL PAYMENTS
17 COVERAGE BENEFIT CLAIM IN HARD-COPY FORM, NOR SHALL AN INSURER
18 BE PROHIBITED FROM REQUIRING THAT A CLAIM BE SUBMITTED IN
19 HARD-COPY FORM. AN INSURER SHALL NOT REQUIRE SUBMISSION OF A
20 MEDICAL PAYMENTS COVERAGE BENEFIT CLAIM FORM OTHER THAN THOSE
21 SET FORTH IN SECTION 10-4-634 (2) (a) OR (2) (c), C.R.S.

22
23 **SECTION 2.** 10-3-1104 (1) (h), Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

25
26 **10-3-1104. Unfair methods of competition and unfair or**
27 **deceptive acts or practices.** (1) The following are defined as unfair
28 methods of competition and unfair or deceptive acts or practices in the
29 business of insurance:

30
31 (h) Unfair claim settlement practices: Committing or performing,
32 either in willful violation of this part 11 or with such frequency as to
33 indicate a tendency to engage in a general business practice, any of the
34 following:

35
36 (XVII) FAILING TO ADOPT AND IMPLEMENT REASONABLE
37 STANDARDS FOR THE PROMPT RESOLUTION OF MEDICAL PAYMENT CLAIMS.

38
39 **SECTION 3. Effective date - applicability.** This act shall take
40 effect July 1, 2004, and shall apply to claims filed on or after said date.

41
42 **SECTION 4. Safety clause.** The general assembly hereby finds,
43 determines, and declares that this act is necessary for the immediate
44 preservation of the public peace, health, and safety."

45
46
47
48
49 **EDUCATION**

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

52
53 **HB04-1397** be amended as follows, and as so amended, be referred to
54 the Committee on Appropriations with favorable
55 recommendation:
56

1 Amend printed bill, page 6, line 26, strike "22-54-104 (1), the" and
2 substitute "The";

3
4 line 27, strike "(2) (b)," and substitute "(2) (b)".

5
6 Page 7, strike lines 4 through 17 and substitute the following:

7
8 **"22-54-104. District total program.** (2) (a) (V) Except as
9 otherwise provided in this subsection (2),";

10
11 line 18, strike "OR (7)".

12
13 Page 9, after line 27, insert the following:

14
15 **"SECTION 6.** 22-54-108 (3) (b) (II), Colorado Revised Statutes,
16 is amended to read:

17
18 **22-54-108. Authorization of additional local revenues.**
19 (3) (b) (II) Effective July 1, 2002, the total additional local property tax
20 revenues that may be authorized at elections held pursuant to this section
21 shall not exceed under any circumstances twenty percent of the district's
22 total program, as determined pursuant to section 22-54-104 (2), for the
23 budget year in which the election at which the twenty percent limitation
24 was reached or two hundred thousand dollars, whichever is greater, plus
25 an amount equal to the maximum dollar amount of property tax revenue
26 that the district could have generated for the 2001-02 budget year if, in
27 accordance with the provisions of section 22-54-107.5, the district
28 submitted a question to and received approval of the eligible electors of
29 the district at an election held in November 2001, AND, EFFECTIVE JULY
30 1, 2004, PLUS AN AMOUNT EQUAL TO THE AMOUNT THAT THE DISTRICT
31 WOULD HAVE RECEIVED BY THE INCREASE IN THE COST OF LIVING FACTOR
32 THAT WOULD HAVE BEEN EFFECTIVE JULY 1, 2004, PURSUANT TO SECTION
33 22-54-104 (5) (c) (II) (B.1) AS THAT SECTION EXISTED ON JANUARY 1,
34 2004."

35
36 Renumber succeeding sections accordingly.

37
38 Page 11, line 12, after "(I),", insert "STATE BOARD RULES ADOPTED IN
39 ACCORDANCE WITH SECTION 22-54-103 (10) (e.5),";

40
41 line 22, after "(I),", insert "ANY STATUTE OR RULE RELATING TO THE
42 METHOD OF COUNTING PUPILS IN QUARTER-TIME INCREMENTS AS REQUIRED
43 BY SECTION 22-54-103 (10) (e.5),".

44
45 Page 15, strike lines 20 through 27.

46
47 Page 16, strike lines 1 through 16.

48
49 Page 18, after line 26, insert the following:

50
51 **"SECTION 14.** 22-28-104 (2) (d) (I) (A), Colorado Revised
52 Statutes, is amended to read:

53
54 **22-28-104. Establishment of public preschool programs.** (2) In
55 recognition of the fact that there are thousands of children in Colorado
56 not presently being served who would benefit from the state preschool

1 program, the number of children that may participate in the state
2 preschool program shall be increased:

3
4 (d) (I) (A) To not more than 8,850 in the 1998-99 budget year, to
5 not more than 9,050 in the 1999-2000 and 2000-01 budget years, to not
6 more than 10,050 in the 2001-02 budget year, ~~and~~ to not more than
7 11,050 in the 2002-03 budget year, AND TO NOT MORE THAN 12,550 IN
8 THE 2005-06 BUDGET YEAR and budget years thereafter; except that for
9 the 2003-04 and 2004-05 budget years, the number of children that may
10 participate in the state preschool program shall not exceed 9,050.

11
12 **SECTION 15.** 22-28-104 (2) (d) (I) (E), Colorado Revised
13 Statutes, is amended, and the said 22-28-104 (2) (d) (I) is further
14 amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to
15 read:

16
17 **22-28-104. Establishment of public preschool programs.** (2) In
18 recognition of the fact that there are thousands of children in Colorado
19 not presently being served who would benefit from the state preschool
20 program, the number of children that may participate in the state
21 preschool program shall be increased:

22
23 (d) (I) (E) For the 2003-04 budget year, ~~and budget years~~
24 ~~thereafter~~, the department shall allow school districts to apply to the
25 department for authorization to serve no more than one thousand eligible
26 children through a full-day kindergarten component of the district's
27 preschool program. The department, using established criteria, shall
28 select school districts to participate in such full-day kindergarten
29 programs until the total number of full-day kindergarten positions applied
30 for has been filled or the limitation of one thousand children has been
31 reached, whichever event occurs first. Notwithstanding any other
32 provision of law, no waivers shall be granted by the department that
33 would allow more than one thousand full-day kindergarten children.

34
35 (F) FOR THE 2004-05 BUDGET YEAR AND BUDGET YEARS
36 THEREAFTER, THE DEPARTMENT SHALL ALLOW SCHOOL DISTRICTS TO
37 APPLY TO THE DEPARTMENT FOR AUTHORIZATION TO SERVE ELIGIBLE
38 CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE
39 DISTRICT'S PRESCHOOL PROGRAM. THE DEPARTMENT SHALL SELECT
40 SCHOOL DISTRICTS TO PARTICIPATE IN SUCH FULL-DAY KINDERGARTEN
41 PROGRAMS USING ESTABLISHED CRITERIA."

42
43 Renumber succeeding sections accordingly.

44
45 Page 19, after line 12, insert the following:

46
47 **"SECTION 17.** 22-20-109 (4) and (5), Colorado Revised
48 Statutes, are amended, and the said 22-20-109 is further amended BY
49 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
50 read:

51
52 **22-20-109. Tuition.** (4) (a) When a child with a disability enrolls
53 and attends a school in a district other than the child's district of residence
54 pursuant to the provisions of section 22-36-101, AND THE SCHOOL DOES
55 NOT PROVIDE THE CHILD AN ON-LINE PROGRAM PURSUANT TO SECTION
56 22-33-104.6, the district of residence shall be responsible for paying the

1 tuition charge for educating the child to the district of attendance. THE
2 DISTRICT OF ATTENDANCE SHALL NOT CHARGE THE DISTRICT OF RESIDENCE
3 TUITION FOR THE EXCESS COSTS INCURRED IN EDUCATING A CHILD WITH A
4 DISABILITY WHO RECEIVES EDUCATIONAL SERVICES FROM THE DISTRICT OF
5 ATTENDANCE FOR LESS THAN A PERCENTAGE OF TIME SPECIFIED BY RULE
6 OF THE STATE BOARD. THE DISTRICT OF ATTENDANCE SHALL PROVIDE
7 NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH STATE
8 BOARD RULES ADOPTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION
9 (4) WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN A SCHOOL IN
10 THE DISTRICT OF ATTENDANCE. The amount of the tuition charge shall be
11 determined pursuant to a contract entered into between the two districts
12 pursuant to subsection (1) of this section. Under the circumstances
13 described in this subsection (4), the provisions of section 22-20-108 (8)
14 shall not apply.
15

16 (b) FOR THE 2004-05 BUDGET YEAR AND BUDGET YEARS
17 THEREAFTER, THE STATE BOARD SHALL ADOPT RULES TO SPECIFY THE
18 CONTENT, MANNER, AND TIMING OF THE NOTICE THAT A DISTRICT OF
19 ATTENDANCE SHALL GIVE A DISTRICT OF RESIDENCE PURSUANT TO
20 PARAGRAPH (a) OF THIS SUBSECTION (4).
21

22 (5) (a) When a child with a disability enrolls in and attends a
23 charter school pursuant to the provisions of part 1 of article 30.5 of this
24 title, INCLUDING A CHARTER SCHOOL THAT PROVIDES AN ON-LINE
25 PROGRAM PURSUANT TO SECTION 22-33-104.6, the district of residence
26 shall be responsible for paying to the charter school the tuition charge for
27 the excess costs incurred in educating the child. THE TUITION
28 RESPONSIBILITY SHALL BE REFLECTED IN A CONTRACT BETWEEN THE
29 CHARTER SCHOOL AND THE DISTRICT OF RESIDENCE IN A FORM APPROVED
30 BY THE CHARTERING DISTRICT. THE CHARTER SCHOOL SHALL PROVIDE
31 NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH STATE
32 BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION
33 WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE CHARTER
34 SCHOOL. The amount of the tuition charge shall be determined pursuant
35 to ~~guidelines developed by the department~~ RULES ADOPTED BY THE STATE
36 BOARD PURSUANT TO SUBSECTION (7) OF THIS SECTION. Under the
37 circumstances described in this subsection (5), the provisions of section
38 22-20-108 (8) shall not apply.
39

40 (b) NOTHING IN THIS SUBSECTION (5) SHALL BE CONSTRUED TO
41 APPLY TO THE CHARTER CONTRACT ENTERED INTO BETWEEN A CHARTER
42 SCHOOL AND THE CHARTERING LOCAL BOARD OF EDUCATION PURSUANT TO
43 PART 1 OF ARTICLE 30.5 OF THIS TITLE.
44

45 (6) WHEN A CHILD WITH A DISABILITY ENROLLS IN AND ATTENDS
46 AN ON-LINE PROGRAM PURSUANT TO SECTION 22-33-104.6 THAT IS NOT
47 PROVIDED BY A CHARTER SCHOOL, THE DISTRICT OF RESIDENCE SHALL BE
48 RESPONSIBLE FOR PAYING TO THE PROVIDER OF THE ON-LINE PROGRAM THE
49 TUITION CHARGE FOR THE EXCESS COSTS INCURRED IN EDUCATING THE
50 CHILD. THE TUITION RESPONSIBILITY SHALL BE REFLECTED IN A CONTRACT
51 BETWEEN THE ON-LINE PROVIDER AND THE DISTRICT OF RESIDENCE IN A
52 FORM APPROVED BY THE STATE BOARD. THE ON-LINE PROVIDER SHALL
53 PROVIDE NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH
54 STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS
55 SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE
56 ON-LINE PROGRAM. THE AMOUNT OF THE TUITION CHARGE SHALL BE

1 DETERMINED PURSUANT TO RULES ADOPTED BY THE STATE BOARD
2 PURSUANT TO SUBSECTION (7) OF THIS SECTION. UNDER THE
3 CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (6), THE PROVISIONS OF
4 SECTION 22-20-108 (8) SHALL NOT APPLY.

5
6 (7) FOR THE 2004-05 BUDGET YEAR AND BUDGET YEARS
7 THEREAFTER, THE STATE BOARD SHALL ADOPT RULES PERTAINING TO THE
8 EDUCATION OF CHILDREN WITH DISABILITIES IN CHARTER SCHOOLS AND
9 RULES PERTAINING TO THE EDUCATION OF CHILDREN WITH DISABILITIES
10 THROUGH ON-LINE PROGRAMS. BOTH SETS OF RULES SHALL INCLUDE, BUT
11 NEED NOT BE LIMITED TO, RULES TO:

12
13 (a) SPECIFY THE CONTENT, MANNER, AND TIMING OF THE NOTICE
14 THAT A CHARTER SCHOOL OR ON-LINE PROVIDER SHALL GIVE A DISTRICT
15 OF RESIDENCE PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS SECTION,
16 RESPECTIVELY;

17
18 (b) DEFINE THE TYPES AND AMOUNTS OF ALLOWABLE COSTS IN
19 EXCESS OF THE PER PUPIL FUNDING FOR THE CHILD WITH A DISABILITY, AS
20 DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE, AND ANY OTHER
21 STATE AND FEDERAL REVENUES RECEIVED FOR EDUCATING THE CHILD,
22 THAT A CHARTER SCHOOL OR ON-LINE PROGRAM MAY CHARGE AS TUITION
23 TO A DISTRICT OF RESIDENCE;

24
25 (c) DEFINE OTHER APPLICABLE REVENUES THAT A DISTRICT OF
26 RESIDENCE OF A CHILD WITH A DISABILITY SHALL APPLY IN PAYING THE
27 TUITION CHARGE FOR EXCESS COSTS INCURRED IN EDUCATING THE CHILD
28 AT A CHARTER SCHOOL OR THROUGH AN ON-LINE PROGRAM;

29
30 (d) SPECIFY THE LIMITATIONS ON THE NUMBER OF STAFF MEMBERS
31 PER NUMBER OF STUDENTS THAT A CHARTER SCHOOL OR ON-LINE
32 PROGRAM SHALL PROVIDE IN EDUCATING CHILDREN WITH DISABILITIES;

33
34 (e) SPECIFY THE AMOUNT AND TYPES OF EQUIPMENT NECESSARY
35 FOR INSTRUCTION OF CHILDREN WITH DISABILITIES;

36
37 (f) SPECIFY THE MINIMUM NUMBER OF HOURS OF EDUCATIONAL
38 INSTRUCTION THAT A CHARTER SCHOOL OR ON-LINE PROGRAM SHALL
39 PROVIDE TO CHILDREN WITH DISABILITIES;

40
41 (g) SPECIFY THE METHODS OF DELIVERY OF EDUCATIONAL
42 SERVICES PROVIDED TO CHILDREN WITH DISABILITIES BY A CHARTER
43 SCHOOL OR AN ON-LINE PROGRAM; AND

44
45 (h) IDENTIFY ANY OTHER EXPENSES INVOLVED IN THE PROVISION
46 OF EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES IN
47 ACCORDANCE WITH EACH CHILD'S INDIVIDUAL EDUCATIONAL PROGRAM."

48
49 Renumber succeeding section accordingly.

50
51
52
53 **SB04-083** be referred to the Committee of the Whole with favorable
54 recommendation.
55

1 **FINANCE**

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

4
5 **SB04-087** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend reengrossed bill, page 8, strike lines 19 through 27.

10
11 Strike pages 9 through 33.

12
13 Page 34, strike lines 1 through 18 and substitute the following:

14
15 **"39-26-706. Miscellaneous sales and use tax exemptions -**
16 **cigarettes - internet access - refractory materials - precious metal**
17 **bullion and coins. (1) [Formerly 39-26-114 (1) (a) (IV)] (a) All sales**
18 **of cigarettes SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS**
19 **OF PART 1 OF THIS ARTICLE.**

20
21 (b) **[Formerly 39-26-203 (1) (j)]** ~~To~~ The storage, use, or
22 consumption of cigarettes SHALL BE EXEMPT FROM TAXATION UNDER THE
23 PROVISIONS OF PART 2 OF THIS ARTICLE.

24
25 (2) **[Formerly 39-26-114 (1) (a) (XXVI)] (a)** ~~From~~ ON AND
26 AFTER May 1, 1998, ~~to and including April 30, 2001, and after April 30,~~
27 ~~2001,~~ internet access services, as defined in section 24-79-102 (2) (b),
28 C.R.S., SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF
29 PART 1 OF THIS ARTICLE.

30
31 (b) **[Formerly 39-26-203 (1) (gg)]** ~~From May 1, 1998, to and~~
32 ~~including April 30, 2001, and after April 30, 2001,~~ to internet access
33 services, as defined in ~~section 24-79-102 (2)~~ SECTION 24-79-102 (2) (b),
34 C.R.S., SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF
35 PART 2 OF THIS ARTICLE.

36
37 (3) **[Formerly 39-26-114 (14)]** All sales and purchases of AND
38 THE STORAGE, USE, OR CONSUMPTION OF refractory materials and carbon
39 electrodes used by a person manufacturing iron and steel for sale or profit
40 and all sales and purchases of AND THE STORAGE, USE, OR CONSUMPTION
41 OF inorganic chemicals used in the processing of vanadium-uranium ores
42 shall be exempt from taxation under PARTS 1 AND 2 OF this ~~part 1, and the~~
43 ~~storage, use, or consumption of such property shall be exempt from~~
44 ~~taxation under part 2 of this article.~~

45
46 (4) **[Formerly 39-26-114 (17)] (a)** All sales of precious metal
47 bullion and coins, as defined in section 39-26-102 (2.6) and (6.5), shall
48 be exempt from taxation under the provisions of PART 1 OF this ~~part 1~~
49 ARTICLE.

50
51 (b) **[Formerly 39-26-203 (1) (bb)]** ~~To~~ The storage, use, or
52 consumption of precious metal bullion and coins, as defined in section
53 39-26-102 (2.6) and (6.5), SHALL BE EXEMPT FROM TAXATION UNDER THE
54 PROVISIONS OF PART 2 OF THIS ARTICLE.

55
56 **39-26-707. Food, meals, and beverages. (1) THE FOLLOWING**

1 SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PART 1 OF
2 THIS ARTICLE:

3
4 (a) **[Formerly 39-26-114 (15)]** All sales of food purchased with
5 food stamps. ~~shall be exempt from taxation under this part 1.~~ For the
6 purposes of this ~~subsection (15)~~ PARAGRAPH (a), "food" shall have the
7 same meaning as provided in 7 U.S.C. ~~section~~ SEC. 2012 (g), as such
8 section exists on October 1, 1987, or is thereafter amended.

9
10 (b) **[Formerly 39-26-114 (16)]** All sales of food purchased with
11 funds provided by the special supplemental food program for women,
12 infants, and children, as provided for in 42 U.S.C. ~~section~~ SEC. 1786.
13 ~~shall be exempt from taxation under this part 1.~~ For the purposes of this
14 ~~subsection (16)~~ PARAGRAPH (b), "food" shall have the same meaning as
15 provided in 42 U.S.C. ~~section~~ SEC. 1786, as such section exists on
16 October 1, 1987, or is thereafter amended.

17
18 (c) **[Formerly 39-26-114 (1) (a) (XVI)]** Any sale of any article
19 to a retailer or vendor of food, meals, or beverages, which article is to be
20 furnished to a consumer or user for use with articles of tangible personal
21 property purchased at retail, if a separate charge is not made for the
22 article to the consumer or user, if such article becomes the property of the
23 consumer or user, together with the food, meals, or beverages purchased,
24 and if a tax is paid on the retail sale as required by section 39-26-104 (1)
25 (a) or (1) (e);

26
27 (d) **[Formerly 39-26-114 (1) (a) (XVII)]** Any sale of any
28 container or bag to a retailer or vendor of food, meals, or beverages,
29 which container or bag is to be furnished to a consumer or user for the
30 purpose of packaging or bagging articles of tangible personal property
31 purchased at retail, if a separate charge is not made for the container or
32 bag to the consumer or user, if such container or bag becomes the
33 property of the consumer or user, together with the food, meals, or
34 beverages purchased, and if a tax is paid on the retail sale as required by
35 section 39-26-104 (1) (a) or (1) (e); AND

36
37 (e) **[Formerly 39-26-114 (1) (a) (XX)]** Commencing January 1,
38 1980, all sales of food.

39
40 (2) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER
41 THE PROVISIONS OF PART 2 OF THIS ARTICLE:

42
43 (a) **[Formerly 39-26-203 (1) (v.1)]** Effective January 1, 1980, ~~to~~
44 the storage, use, or consumption of food or meals ~~which~~ THAT are
45 provided to employees of the places described in section 39-26-104 (1)
46 (e), if such are provided to such employees at no charge or at a reduced
47 charge and are considered as part of their salary, wages, or income;

48
49 (b) **[Formerly 39-26-203 (1) (t)]** ~~To~~ The storage, use, or
50 consumption of any article by a retailer or vendor of food, meals, or
51 beverages, which article is to be furnished to a consumer or user for use
52 with articles of tangible personal property purchased at retail, if a
53 separate charge is not made for the article to the consumer or user, if ~~such~~
54 THE article becomes the property of the consumer or user, together with
55 the food, meals, or beverages purchased, and if a tax is paid on the retail
56 sale as required by section 39-26-104 (1) (a) or (1) (e);

1 (c) **[Formerly 39-26-203 (1) (u)]** ~~To~~ The storage, use, or
2 consumption of any container or bag by a retailer or vendor of food,
3 meals, or beverages, which container or bag is to be furnished to a
4 consumer or user for the purpose of packaging or bagging articles of
5 tangible personal property purchased at retail, if a separate charge is not
6 made for the container or bag to the consumer or user, if ~~such~~ THE
7 container or bag becomes the property of the consumer or user, together
8 with the food, meals, or beverages purchased, and if a tax is paid on the
9 retail sale as required by section 39-26-104 (1) (a) or (1) (e); AND

10
11 (d) **[Formerly 39-26-203 (1) (x)]** Effective January 1, 1980, ~~to~~
12 the storage, use, or consumption of food as defined in section 39-26-102
13 (4.5).
14

15 **39-26-708. Construction and building materials.**
16 (1) **[Formerly 39-26-114 (1) (a) (XIX)]** THERE SHALL BE EXEMPT FROM
17 TAXATION UNDER THE PROVISIONS OF PART 1 OF THIS ARTICLE all sales of
18 construction and building materials to contractors and subcontractors for
19 use in the building, erection, alteration, or repair of structures, highways,
20 roads, streets, and other public works owned and used by:
21

22 (a) The United States government, the state of Colorado, its
23 departments and institutions, and the political subdivisions thereof in their
24 governmental capacities only;
25

26 (b) Charitable organizations in the conduct of their regular
27 charitable functions and activities; or
28

29 (c) Schools, other than schools held or conducted for private or
30 corporate profit.
31

32 (2) **[Formerly 39-26-203 (1) (w)]** ~~To~~ THERE SHALL BE EXEMPT
33 FROM TAXATION UNDER THE PROVISIONS OF PART 2 OF THIS ARTICLE the
34 storage, use, or consumption by a contractor or subcontractor of
35 construction and building materials for use in the building, erection,
36 alteration, or repair of structures, highways, roads, streets, and other
37 public works owned and used by:
38

39 (a) The United States government, the state of Colorado, its
40 departments and institutions, and the political subdivisions thereof in their
41 governmental capacities only;
42

43 (b) Charitable organizations in the conduct of their regular
44 charitable functions and activities; or
45

46 (c) Schools, other than schools held or conducted for private or
47 corporate profit.
48

49 (3) **[Formerly 39-26-114 (1) (d)]** On application by a purchaser
50 or seller, the department of revenue shall issue to a contractor or
51 subcontractor a certificate ~~or certificates~~ of exemption indicating that the
52 contractor's or subcontractor's purchase of construction or building
53 materials is for a purpose stated in subparagraph (XIX) of paragraph (a)
54 of this subsection (1) OF THIS SECTION and is, therefore, free from sales
55 tax. ~~Said~~ THE department shall provide forms for ~~such~~ THE application
56 and ~~for such~~ certificate and shall have the authority to verify that the

1 contractor or subcontractor is, in fact, entitled to the issuance of ~~such~~ THE
2 certificate prior to such issuance.

3
4 **39-26-709. [Formerly 39-26-114 (11)] Machinery and machine**
5 **tools.** (1) (a) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER
6 THE PROVISIONS OF PART 1 OF THIS ARTICLE:

7
8 (I) ~~Except as allowed in section 39-30-106, effective July 1, 1979,~~
9 ~~but prior to January 1, 1988, purchases of machinery or machine tools in~~
10 ~~excess of one thousand dollars by a person engaged in manufacturing to~~
11 ~~be used in Colorado directly and exclusively by such person in~~
12 ~~manufacturing tangible personal property, for sale or profit, are exempt~~
13 ~~from taxation under this part 1 to the extent such purchases do not exceed~~
14 ~~one hundred thousand dollars in calendar year 1979, two hundred~~
15 ~~thousand dollars in calendar year 1980, three hundred thousand dollars~~
16 ~~in calendar year 1981, four hundred thousand dollars in calendar year~~
17 ~~1982, or five hundred thousand dollars in calendar year 1983, and in each~~
18 ~~calendar year thereafter.~~

19
20 (II) EXCEPT AS ALLOWED IN SECTION 39-30-106, on or after July
21 1, 1996, purchases of machinery or machine tools, or parts thereof, in
22 excess of five hundred dollars to be used in Colorado directly and
23 predominantly in manufacturing tangible personal property, for sale or
24 profit. ~~are exempt from taxation under this part 1.~~

25
26 (b) A parent corporation and all closely held subsidiary
27 corporations, as defined in section 39-26-102 (10) (k), shall be considered
28 one person for the purposes of this section and, as a group, shall be
29 subject to the provisions of paragraph (a) of this ~~subsection (11)~~
30 SUBSECTION (1).

31
32 (c) As used in this ~~subsection (11)~~ SUBSECTION (1):

33
34 (I) "Machinery" means any apparatus consisting of interrelated
35 parts used to produce an article of tangible personal property. The term
36 includes both the basic unit and any adjunct or attachment necessary for
37 the basic unit to accomplish its intended function.

38
39 (II) "Manufacturing" means the operation of producing a new
40 product, article, substance, or commodity different from and having a
41 distinctive name, character, or use from raw or prepared materials.

42
43 (d) For purposes of this ~~subsection (11)~~ SUBSECTION (1), direct
44 use in manufacturing is deemed to begin for items normally manufactured
45 from inventoried raw material at the point at which raw material is moved
46 from plant inventory on a contiguous plant site and to end at a point at
47 which manufacturing has altered the raw material to its completed form,
48 including packaging, if required. Machinery used during the
49 manufacturing process to move material from one direct production step
50 to another in a continuous flow and machinery used in testing during the
51 manufacturing process is deemed to be directly used in manufacturing.

52
53 (e) In order to qualify for the exemption provided in this
54 ~~subsection (11)~~ SUBSECTION (1), a purchase ~~must~~ SHALL be of such nature
55 that it would have qualified for the investment tax credit against federal
56 income tax as was provided by section 38 of the FEDERAL "Internal

1 Revenue Code of 1954", as amended.

2
3 (f) An exemption may not be claimed under this ~~subsection (11)~~
4 SECTION for sales tax paid in another state ~~which~~ THAT is credited against
5 Colorado sales tax or use tax or both.

6
7 (g) To receive an exemption under this ~~subsection (11)~~
8 SUBSECTION (1), a declaration of entitlement ~~must~~ SHALL be filed by the
9 purchaser with the vendor of the machinery or machine tools, OR PARTS
10 THEREOF, and with the executive director of the department of revenue.

11
12 (2) [Formerly 39-26-203 (1) (y)] Effective July 1, 1979, ~~to~~ the
13 storage, use, or consumption of machinery or machine tools, OR PARTS
14 THEREOF, exempt from sales tax by ~~section 39-26-114 (11)~~; SUBSECTION
15 (1) OF THIS SECTION SHALL BE EXEMPT FROM TAXATION UNDER THE
16 PROVISIONS OF PART 2 OF THIS ARTICLE.

17
18 **39-26-710. Railroads - construction and building materials -**
19 **tangible personal property - work equipment - rolling stock.** (1) THE
20 FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF
21 PART 1 OF THIS ARTICLE:

22
23 (a) [Formerly 39-26-114 (1) (a) (XI)] ~~All sales~~ THE SALE of
24 construction and building materials to a common carrier by rail operating
25 in interstate or foreign commerce for use by ~~such~~ THE common carrier in
26 construction and maintenance of its railroad tracks; however, any actual
27 use of such construction and building materials shall, at the time of ~~such~~
28 THE actual use, be subject to the tax imposed by part 2 of this article and
29 any use tax imposed pursuant to article 2 of title 29, C.R.S.;

30
31 (b) [Formerly 39-26-114 (1) (a) (XXIV)] The sale of tangible
32 personal property that is to be affixed or attached as a component part of
33 a locomotive, a freight car, railroad work equipment, or other railroad
34 rolling stock; AND

35
36 (c) [Formerly 39-26-114 (1) (a) (XXV)] ~~All sales~~ THE SALE of
37 locomotives, freight cars, railroad work equipment, and other railroad
38 rolling stock used or purchased for use in interstate commerce by a
39 railroad company.

40
41 (2) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER
42 THE PROVISIONS OF PART 2 OF THIS ARTICLE:

43
44 (a) [Formerly 39-26-203 (1) (dd)] ~~To~~ The storage, use, or
45 consumption of any tangible personal property ~~which~~ THAT is to be
46 affixed or attached as a component part of a locomotive, a freight car,
47 railroad work equipment, or other railroad rolling stock; AND

48
49 (b) [Formerly 39-26-203 (1) (ee)] ~~To~~ The storage, use, or
50 consumption of locomotives, freight cars, railroad work equipment, and
51 other railroad rolling stock used or purchased for use in interstate
52 commerce by a railroad company.

53
54 **39-26-711. Aircraft - tangible personal property.** (1) THE
55 FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF
56 PART 1 OF THIS ARTICLE:

1 (a) **[39-26-114 (1) (a) (XXII)]** Effective July 1, 1984, ~~all sales~~
2 THE SALE of aircraft used or purchased for use in interstate commerce by
3 a commercial airline; AND
4

5 (b) **[Formerly 39-26-114 (1) (a) (XXIII)]** The sale of tangible
6 personal property that is to be permanently affixed or attached as a
7 component part of an aircraft.
8

9 (2) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER
10 THE PROVISIONS OF PART 2 OF THIS ARTICLE:
11

12 (a) **[Formerly 39-26-203 (1) (aa)]** Effective July 1, 1984, ~~to the~~
13 storage, use, or consumption of aircraft used or purchased for use in
14 interstate commerce by a commercial airline; AND
15

16 (b) **[Formerly 39-26-203 (1) (cc)]** ~~To~~ The storage, use, or
17 consumption of any tangible personal property ~~which~~ THAT is to be
18 permanently affixed or attached as a component part of an aircraft.
19

20 **39-26-712. Trailers and trucks.** (1) THE FOLLOWING SHALL BE
21 EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PART 1 OF THIS
22 ARTICLE:
23

24 (a) **[39-26-114 (1) (a) (IX)]** ~~Any~~ THE sale of a new or used
25 trailer, semitrailer, truck, truck tractor, or truck body manufactured within
26 this state if such vehicle is purchased from the manufacturer for use
27 exclusively outside this state or in interstate commerce and is delivered
28 by the manufacturer to the purchaser within this state, if the purchaser
29 drives or moves such vehicle to any point outside this state within thirty
30 days after the date of delivery, and if the purchaser furnishes an affidavit
31 to the manufacturer that such vehicle will be permanently licensed and
32 registered outside this state and will be removed from this state within
33 thirty days after the date of delivery; AND
34

35 (b) **[Formerly 39-26-114 (1) (a) (X)]** ~~Any~~ THE sale of a new or
36 used trailer, semitrailer, truck, truck tractor, or truck body if such vehicle
37 is purchased for use exclusively outside this state or in interstate
38 commerce and is delivered by the manufacturer or licensed Colorado
39 dealer to the purchaser within this state, if the purchaser drives or moves
40 such vehicle to any point outside this state within thirty days after the
41 date of delivery, and if the purchaser furnishes an affidavit to the seller
42 that such vehicle will be permanently licensed and registered outside this
43 state and will be removed from this state within thirty days after the date
44 of delivery.
45

46 (2) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER
47 THE PROVISIONS OF PART 2 OF THIS ARTICLE:
48

49 (a) **[Formerly 39-26-203 (1) (p)]** ~~To~~ The storage or use of a new
50 or used trailer, semitrailer, truck, truck tractor, or truck body
51 manufactured within this state if such vehicle is purchased from the
52 manufacturer for use exclusively outside this state or in interstate
53 commerce and is delivered by the manufacturer to the purchaser within
54 this state, if the purchaser drives or moves such vehicle to any point
55 outside this state within thirty days after the date of delivery, and if the
56 purchaser furnishes an affidavit to the manufacturer that such vehicle will

1 be permanently licensed and registered outside this state and will be
2 removed from this state within thirty days after the date of delivery; AND
3

4 (b) [Formerly 39-26-203 (1) (q)] ~~¶~~ The storage or use of a new
5 or used trailer, semitrailer, truck, truck tractor, or truck body if such
6 vehicle is purchased for use exclusively outside this state or in interstate
7 commerce and is delivered by the manufacturer or licensed Colorado
8 dealer to the purchaser within this state, if the purchaser drives or moves
9 such vehicle to any point outside this state within thirty days after the
10 date of delivery, and if the purchaser furnishes an affidavit to the seller
11 that such vehicle will be permanently licensed and registered outside this
12 state and will be removed from this state within thirty days after the date
13 of delivery.
14

15 **39-26-713. Tangible personal property.** (1) THE FOLLOWING
16 SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PART 1 OF
17 THIS ARTICLE:
18

19 (a) [Formerly 39-26-114 (1) (a) (XII)] Any right to the
20 continuous possession or use for three years or less of any article of
21 tangible personal property under a lease or contract, if the lessor has paid
22 to the state of Colorado a sales or use tax on such tangible personal
23 property upon its acquisition. The department of revenue may permit a
24 lessor of tangible personal property leased for a period of three years or
25 less to acquire ~~such~~ THE property free of sales or use tax if the lessor
26 agrees to collect sales tax on all lease payments received on ~~such~~ THE
27 property.
28

29 (b) [Formerly 39-26-114 (1) (a) (XIII)] The transfer of tangible
30 personal property without consideration, other than the purchase, sale, or
31 promotion of the transferor's product, to an out-of-state vendee for use
32 outside of this state in selling products normally sold at wholesale by the
33 transferor;
34

35 (c) [Formerly 39-26-114 (1) (a) (XIV)] The sale of tangible
36 personal property for testing, modification, inspection, or similar type of
37 activities in this state if the ultimate use of ~~such~~ THE property in
38 manufacturing or similar type of activities occurs outside of this state and
39 if the test, modification, or inspection period does not exceed ninety days;
40 AND
41

42 (d) [Formerly 39-26-114 (19)] All sales and purchases of
43 tangible personal property by a manufacturer that uses ~~such~~ THE property
44 as a component part of goods that it manufactures, including, but not
45 limited to, high technology goods, and that donates such goods to the
46 United States government; the state of Colorado or any department,
47 institution, or political subdivision thereof; or any organization exempt
48 from federal income taxes pursuant to section 501 (c) (3) of the "Internal
49 Revenue Code of 1986", as amended, to the extent that the aggregate
50 value of the goods included in a single donation exceeds one thousand
51 dollars. ~~shall be exempt from taxation under this part 1.~~
52

53 (2) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER
54 THE PROVISIONS OF PART 2 OF THIS ARTICLE:
55

56 (a) [Formerly 39-26-203 (1) (a)] ~~¶~~ The storage, use, or

1 consumption of any tangible personal property the sale of which is
2 subject to the retail sales tax imposed by the "~~Emergency Retail Sales Tax~~
3 ~~Act of 1935~~" and any amendments thereto PART 1 OF THIS ARTICLE,
4 including transactions ~~which~~ THAT are exempt from taxation under
5 ~~section 39-26-114 (1) (a) (XVIII)~~ SECTION 39-26-704 (5);

6
7 (b) [Formerly 39-26-203 (1) (b)] ~~To~~ The storage, use, or
8 consumption of any tangible personal property purchased for resale in
9 this state, either in its original form or as an ingredient of a manufactured
10 or compounded product, in the regular course of a business;

11
12 (c) [Formerly 39-26-203 (1) (d)] ~~To~~ The storage, use, or
13 consumption of tangible personal property brought into this state by a
14 nonresident ~~thereof~~ for his OR HER own storage, use, or consumption
15 while temporarily within this state;

16
17 (d) [Formerly 39-26-203 (1) (e)] ~~To~~ The storage, use,
18 consumption, or loan of tangible personal property by or to the United
19 States government, the state of Colorado or its institutions or its political
20 subdivisions in their governmental capacities only, or any charitable
21 organization in the conduct of its regular charitable functions and
22 activities; except that any veterans' organization that qualifies as a
23 charitable organization pursuant to section 39-26-102 (2.5) shall be
24 exempt from taxation under the provisions of ~~this~~ part 2 OF THIS ARTICLE
25 only for the purpose of sponsoring a special event, meeting, or other
26 function in the state of Colorado that is not part of such organization's
27 regular activities in the state;

28
29 (e) [Formerly 39-26-203 (1) (f)] (I) ~~To~~ The storage, use, or
30 consumption of tangible personal property by a person engaged in the
31 business of manufacturing or compounding for sale, profit, or use any
32 article, substance, or commodity, which tangible personal property enters
33 into the processing of or becomes an ingredient or component part of the
34 product or service ~~which~~ THAT is manufactured, compounded, or
35 furnished, and the container, label, or the furnished shipping case.

36
37 (II) As used in subparagraph (I) of this ~~paragraph (f)~~ PARAGRAPH
38 (e) with regard to food products, tangible personal property enters into
39 the processing of such products and is therefore exempt from taxation
40 when:

41
42 (A) It is intended that such property become an integral or
43 constituent part of a food product ~~which~~ THAT is intended to be sold
44 ultimately at retail for human consumption; or

45
46 (B) Such property, whether or not it becomes an integral or
47 constituent part of a food product, is a chemical, solvent, agent, mold,
48 skin casing, or other material; is used for the purpose of producing or
49 inducing a chemical or physical change in a food product or is used for
50 the purpose of placing a food product in a more marketable condition;
51 and is directly utilized and consumed, dissipated, or destroyed, to the
52 extent it is rendered unfit for further use, in the processing of a food
53 product ~~which~~ THAT is intended to be sold ultimately at retail for human
54 consumption.

55
56 (f) [Formerly 39-26-203 (1) (k)] ~~To~~ The storage, use, or

1 consumption of any article of tangible personal property the sale or use
2 of which has already been subjected to a tax equal to or in excess of that
3 imposed by ~~this~~ part 2 OF THIS ARTICLE. A credit shall be granted against
4 the use tax imposed by ~~this~~ part 2 OF THIS ARTICLE with respect to a
5 person's storage, use, or consumption in this state of tangible personal
6 property purchased by ~~him~~ THE PERSON in another state. The amount of
7 the credit shall be equal to the tax paid by ~~him~~ THE PERSON to another
8 state by reason of the imposition of a similar tax on ~~his~~ THE purchase or
9 use of the property. The amount of the credit shall not exceed the tax
10 imposed by ~~this~~ part 2 OF THIS ARTICLE.

11
12 (g) **[Formerly 39-26-203 (1) (l)]** ~~To~~ The storage, use, or
13 consumption of tangible personal property and household effects acquired
14 outside of this state and brought into it by a nonresident acquiring
15 residency;

16
17 (h) **[Formerly 39-26-203 (1) (n)]** ~~To~~ The storage, use, or
18 consumption of tangible personal property purchased by a resident of
19 Colorado while outside the state in amounts of one hundred dollars or
20 less;

21
22 (i) **[Formerly 39-26-203 (1) (r)]** ~~To~~ The storage, use, or
23 consumption of tangible personal property ~~which~~ THAT is thereafter
24 transferred to an out-of-state vendee without consideration, other than the
25 purchase, sale, or promotion of the transferor's product, for use outside
26 of this state in selling products normally sold at wholesale by the
27 corporation or person storing, using, or consuming said property; AND

28
29 (j) **[Formerly 39-26-203 (1) (s)]** ~~To~~ The testing, modification,
30 inspection, or similar type activities of tangible personal property
31 acquired for ultimate use outside of this state in manufacturing or similar
32 type of activities if the test, modification, or inspection period does not
33 exceed ninety days.

34
35 **39-26-714. Vending machines. (1) [Formerly 39-26-114 (7)]**
36 (a) Every vendor selling individual items of personal property through
37 ~~coin-operated~~ vending machines shall pay a sales tax pursuant to section
38 39-26-106 (2) (b) on the personal property sold in excess of fifteen cents
39 through ~~such coin-operated~~ THE vending machines unless the sale is
40 otherwise exempt under the provisions of this ~~article~~ PART 7.

41
42 (b) To be eligible for the exemption provided for in this
43 ~~subsection (7)~~ SUBSECTION (1), each vendor shall:

44
45 (I) Be licensed under section 39-26-103;

46
47 (II) Maintain a record of the identification number, ownership,
48 location, and disposition of every ~~coin-operated~~ vending machine used by
49 ~~him~~ THE VENDOR in his OR HER operation as a vendor;

50
51 (III) Within sixty days after commencing business as such vendor,
52 submit to the department of revenue an accurate list containing the
53 information required under subparagraph (II) of this paragraph (b) and
54 submit such list annually thereafter on January 1, commencing in 1971;

55
56 (IV) Make application to the department of revenue for

1 identification numbers to be affixed to every such ~~coin-operated~~ vending
2 machine, in accordance with rules ~~and regulations~~ promulgated by the
3 executive director of the department of revenue;
4

5 (V) Remit a fee of ten cents per machine with the application
6 submitted under SUBPARAGRAPH (IV) OF this paragraph (b), to defray the
7 expenses of the department of revenue in furnishing ~~such~~ THE
8 identification numbers; except that the executive director of the
9 department of revenue by rule or as otherwise provided by law may
10 reduce the amount of the fee if necessary pursuant to section 24-75-402
11 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all
12 or any portion of the fee is credited. After the uncommitted reserves of
13 the fund are sufficiently reduced, the executive director by rule or as
14 otherwise provided by law may increase the amount of the fee as provided
15 in section 24-75-402 (4), C.R.S.
16

17 (c) Any unregistered ~~coin-operated~~ vending machine found being
18 used for retail sales at any place in this state without the prescribed
19 identification number affixed thereto may be seized without warrant by
20 the department of revenue, its agents, or employees or by any peace
21 officer when directed or requested by the department. ~~of revenue.~~ At the
22 time of seizure, written notice of seizure shall be given to the proprietor
23 or person in charge of the business, or to the agents or employees of the
24 proprietor or person in charge of the business, where the vending machine
25 is seized. The department shall also give notice by first-class mail as set
26 forth in section 39-21-105.5 to the person whose name and mailing
27 address appear on the machine. The department shall not be required to
28 seize and confiscate any unregistered vending machine or assess a penalty
29 when there is reason to believe that the owner ~~thereof~~ is not intentionally
30 evading the tax imposed by this article.
31

32 (d) In addition to any other penalty provided by law, the
33 department of revenue is authorized to assess and collect a penalty of
34 twenty-five dollars for each unregistered vending machine being operated
35 in this state.
36

37 (e) Upon proof of ownership, the department of revenue shall
38 deliver to the owner ~~thereof~~ any vending machine seized under paragraph
39 (c) of this ~~subsection (7)~~ SUBSECTION (1) after payment of the
40 twenty-five-dollar penalty and seizure costs, if the owner is liable
41 therefor, and upon registration of the machine. At the expiration of sixty
42 days after the date of notice, any unregistered vending machine and the
43 contents therein still in the possession of the department ~~of revenue~~ may
44 be sold at public sale to the highest bidder, but, prior to any such sale, ten
45 days' notice of the sale shall be given by first-class mail as set forth in
46 section 39-21-105.5 to those entitled to notice under paragraph (c) of this
47 ~~subsection (7)~~ SUBSECTION (1).
48

49 (2) **[Formerly 39-26-114 (7.5)]** On ~~or~~ AND after January 1, 2000,
50 all sales and purchases of food, as defined in section 39-26-102 (4.5), by
51 or through vending machines shall be exempt from taxation under THE
52 PROVISIONS OF PART 1 OF this ~~part~~ ARTICLE.
53

54 (3) **[Formerly 39-26-203 (1) (jj)]** On ~~or~~ AND after January 1,
55 2000, ~~to~~ the storage, use, or consumption of food, as defined in section
56 39-26-102 (4.5), purchased by or through vending machines SHALL BE

1 EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PART 2 OF THIS
2 ARTICLE.

3
4 **39-26-715. Fuel and oil.** (1) (a) THE FOLLOWING SHALL BE
5 EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PART 1 OF THIS
6 ARTICLE:

7
8 (I) [Formerly 39-26-114 (1) (a) (VII)] All commodities ~~which~~
9 THAT are taxed under the provisions of article 27 of this title; and all
10 commodities ~~which~~ THAT are taxed under said provisions and the tax is
11 refunded; and all sales and purchases of aviation fuel upon which no
12 Colorado sales tax was in fact collected and retained prior to July 1, 1963;
13 except that aviation fuel used in turbo-propeller or jet engine aircraft and
14 upon which a sales tax was collected prior to January 1, 1989, shall not
15 be exempt.

16
17 (II) [Formerly 39-26-114 (1) (a) (XXI)] Effective July 1, 1980,
18 all sales and purchases of electricity, coal, wood, gas, fuel oil, or coke
19 sold, but not for resale, to occupants of residences, whether owned,
20 leased, or rented by said occupants, for the purpose of operating
21 residential fixtures and appliances ~~which~~ THAT provide light, heat, and
22 power for such residences. For the purposes of this subparagraph (XXI)
23 SUBPARAGRAPH (II), "gas" includes natural, manufactured, and liquefied
24 petroleum gas.

25
26 (b) [Formerly 39-26-114 (1) (a) (VII)] Based upon reports
27 submitted by retailers pursuant to the provisions of ~~this~~ part 1 OF THIS
28 ARTICLE, the department of revenue shall compile a monthly report
29 showing the amount of sales taxes collected on aviation fuel used in
30 turbo-propeller or jet engine aircraft during the previous month by each
31 retailer. ~~Such~~ THE monthly report shall be transmitted to the
32 AERONAUTICS division ~~of aeronautics~~ created in section 43-10-103,
33 C.R.S., for use by the division in distributing moneys in the aviation fund
34 in accordance with section 43-10-110, C.R.S.

35
36 (2) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER THE
37 PROVISIONS OF PART 2 OF THIS ARTICLE:

38
39 (a) [Formerly 39-26-203 (1) (c)] (I) ~~To~~ The storage, use, or
40 consumption of gasoline that is taxed under the provisions of part 1 of
41 article 27 of this title and ~~to~~ all gasoline that is taxed under said provisions
42 and the tax on which is refunded and ~~to~~ special fuel, as defined in section
43 39-27-101 (29), used for the operation of farm vehicles when the same are
44 being used on farms or ranches; except that aviation fuel used in
45 turbo-propeller or jet engine aircraft and upon which a tax was collected
46 pursuant to the provisions of ~~this~~ part 2 OF THIS ARTICLE prior to January
47 1, 1989, shall not be exempt.

48
49 (II) Based upon reports submitted by users or consumers pursuant
50 to the provisions of ~~this~~ part 2 OF THIS ARTICLE, the department of revenue
51 shall compile a monthly report showing the amount of use taxes collected
52 on aviation fuel used in turbo-propeller or jet engine aircraft during the
53 previous month by each user or consumer. ~~Such~~ THE monthly report shall
54 be transmitted to the AERONAUTICS division ~~of aeronautics~~ created in
55 section 43-10-103, C.R.S., for use by the division in distributing moneys
56 in the aviation fund in accordance with section 43-10-110, C.R.S.

1 (b) **[Formerly 39-26-203 (1) (g)]** ~~To~~ The storage, use, or
2 consumption of electricity, coal, coke, fuel oil, steam, nuclear fuel, or gas
3 for use in processing, manufacturing, mining, refining, irrigation, building
4 construction, telegraph, telephone, and radio communication, street and
5 railroad transportation services, and all industrial uses.

6
7 (c) **[Formerly 39-26-203 (1) (z)]** Effective July 1, 1980, ~~to~~ the
8 storage, use, or consumption of electricity, coal, wood, gas, fuel oil, or
9 coke sold, but not for resale, to any occupant of a residence, whether
10 owned, leased, or rented by the occupant, for the purpose of operating
11 fixtures or appliances ~~which~~ THAT provide light, heat, or power for the
12 residence. For the purposes of this ~~paragraph (z)~~ PARAGRAPH (c), "gas"
13 includes natural, manufactured, and liquefied petroleum gas.

14
15 (3) **[Formerly 39-26-114 (13)]** In any case in which a sales tax
16 has been imposed under ~~this part 1 OF THIS ARTICLE~~ on lubricating oil used
17 other than in motor vehicles, the purchaser ~~thereof~~ shall be entitled to a
18 refund equal to the amount of the state sales tax paid on that portion of the
19 sale price ~~thereof which~~ THAT is attributable to the federal excise tax
20 imposed on the sale of such lubricating oil. In any case in which a use tax
21 has been imposed under part 2 of this article on lubricating oil used other
22 than in motor vehicles, the payer of such tax is entitled to a refund equal
23 to the amount of such use tax paid on that portion of the amount upon
24 which the use tax was imposed ~~which~~ THAT is attributable to the federal
25 excise tax paid on such lubricating oil. The refund allowed under this
26 ~~subsection (13)~~ SUBSECTION (3) shall be paid by the executive director OF
27 THE DEPARTMENT OF REVENUE upon receiving evidence that the purchaser
28 has received under section 6424 of the federal "Internal Revenue Code of
29 1986", as ~~from time to time~~ amended, a refund of the federal excise tax
30 paid on the sale of such lubricating oil. The claim for a refund shall be
31 made upon such forms as shall be prescribed and furnished by the
32 executive director, which forms shall contain such information as the
33 executive director may prescribe.

34
35 **39-26-716. Agriculture and livestock - special fuels - definitions.**

36 (1) **[Formerly 39-26-114 (21) (b) and 39-26-203 (1) (kk) (II)]** For
37 purposes of this ~~subsection (21)~~ SECTION, UNLESS THE CONTEXT
38 OTHERWISE REQUIRES:

39
40 (a) "Agricultural compounds" means:

41
42 (I) Insecticides, fungicides, growth-regulating chemicals,
43 enhancing compounds, vaccines, and hormones;

44
45 (II) Drugs, whether dispensed in accordance with a prescription or
46 not, that are used for the prevention or treatment of disease or injury in
47 livestock; and

48
49 (III) Animal pharmaceuticals that have been approved by the food
50 and drug administration.

51
52 (b) **[Formerly 39-26-114 (20) (b) (I) and 39-26-203 (1) (hh) (I)]**
53 ~~For purposes of this subsection (20):~~ "Attachments" means any equipment
54 or machinery added to an exempt farm tractor or implement of husbandry
55 that aids or enhances the performance of such tractor or implement.

56

1 (c) **[Formerly 39-26-114 (20) (b) (II) and 39-26-203 (1) (hh)**
2 **(II)]** "Farm equipment" means ANY farm ~~tractors~~ TRACTOR, as defined in
3 section 42-1-102 (33), C.R.S., ~~implements~~ ANY IMPLEMENT of husbandry,
4 as defined in section 42-1-102 (44), C.R.S., and irrigation equipment
5 having a per unit purchase price of at least one thousand dollars. "Farm
6 equipment" also includes, regardless of purchase price, attachments and
7 baling wire, binders twine, and surface wrap used primarily and directly
8 in any farm operation. On and after July 1, 2000, "farm equipment" also
9 includes, regardless of purchase price, parts that are used in the repair or
10 maintenance of the farm equipment described in this ~~subparagraph (H)~~
11 PARAGRAPH (c), all shipping pallets, crates, or aids paid for by a farm
12 operation, and aircraft designed or adapted to undertake agricultural
13 applications. On and after July 1, 2001, "farm equipment" also includes,
14 regardless of purchase price, dairy equipment. ~~For purposes of this~~
15 ~~subsection (20)~~ EXCEPT FOR SHIPPING PALLETS, CRATES, OR AIDS USED IN
16 THE TRANSFER OR SHIPPING OF AGRICULTURAL PRODUCTS, "FARM
17 EQUIPMENT" DOES NOT INCLUDE:
18

19 (I) VEHICLES SUBJECT TO THE REGISTRATION REQUIREMENTS OF
20 SECTION 42-3-103, C.R.S., REGARDLESS OF THE PURPOSE FOR WHICH SUCH
21 VEHICLES ARE USED;
22

23 (II) MACHINERY, EQUIPMENT, MATERIALS, AND SUPPLIES USED IN
24 A MANNER THAT IS INCIDENTAL TO A FARM OPERATION;
25

26 (III) MAINTENANCE AND JANITORIAL EQUIPMENT AND SUPPLIES;
27 AND
28

29 (IV) TANGIBLE PERSONAL PROPERTY USED IN ANY ACTIVITY OTHER
30 THAN FARMING, SUCH AS OFFICE EQUIPMENT AND SUPPLIES AND EQUIPMENT
31 AND SUPPLIES USED IN THE SALE OR DISTRIBUTION OF FARM PRODUCTS,
32 RESEARCH, OR TRANSPORTATION.
33

34 (d) **[Formerly 39-26-114 (20) (b) (II) and 39-26-203 (1) (hh)**
35 **(II)]** "Dairy equipment" means any item that is used at a farm dairy in
36 connection with the production of raw milk and not at a commercial dairy
37 in connection with the production of pasturized, separated milk products
38 for retail sale, including, without limitation, milking claws, shells,
39 inflators, pulsators, meters, cow identification systems, transponders,
40 automatic takeoffs, piping, receiver jars, pumps, filter assemblies, milk
41 containment tanks, cooling compressors, wash vats, clean in place
42 assemblies, wash lines, wash control units, pulsator controls, milking
43 system controls, programmable logical control systems, vacuum pumps,
44 vacuum distribution tanks, backflush and related valves, rubber and
45 similar hoses, rubber and similar gaskets, and any other similar or related
46 item used in any farm dairy facility or farm dairy operation or in the
47 production of raw milk, regardless of whether or not the item has become
48 a fixture. To the extent the farm dairy is also involved in the production
49 of pasturized, separated milk products for retail sale, only the equipment
50 used exclusively in the production of raw milk constitutes dairy
51 equipment for purposes of this ~~subsection (20)~~ ~~Except for shipping~~
52 ~~pallets, crates, or aids used in the transfer or shipping of agricultural~~
53 ~~products, "farm equipment" does not include:~~ SECTION.
54

55 ~~(A) Vehicles subject to the registration requirements of section~~
56 ~~42-3-103, C.R.S., regardless of the purpose for which such vehicles are~~

- 1 used;
- 2
- 3 ~~(B) Machinery, equipment, materials, and supplies used in a~~
4 ~~manner that is incidental to a farm operation;~~
- 5
- 6 ~~(C) Maintenance and janitorial equipment and supplies; and~~
- 7
- 8 ~~(D) Tangible personal property used in any activity other than~~
9 ~~farming, such as office equipment and supplies and equipment and~~
10 ~~supplies used in the sale or distribution of farm products, research, or~~
11 ~~transportation.~~
- 12
- 13 (e) **[Formerly 39-26-114 (20) (b) (III) and 39-26-203 (1) (hh)**
14 **(III)]** "Farm operation" means the production of any of the following
15 products for profit, including, but not limited to, a business that hires out
16 to produce or harvest such products:
- 17
- 18 (I) Agricultural, viticultural, fruit, and vegetable products;
- 19
- 20 (II) Livestock, as defined in section 39-26-102 (5.5);
- 21
- 22 (III) Milk;
- 23
- 24 (IV) Honey; and
- 25
- 26 (V) Poultry and eggs.
- 27
- 28 (2) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER THE
29 PROVISIONS OF PART 1 OF THIS ARTICLE:
- 30
- 31 (a) **[Formerly 39-26-114 (1) (a) (XV)]** The sale of special fuel,
32 as defined in section 39-27-101 (29), used for the operation of farm
33 vehicles when such vehicles are being used on farms and ranches.
- 34
- 35 (b) **[Formerly 39-26-114 (20) (a) (I)]** All sales and purchases of
36 farm equipment; ~~shall be exempt from taxation under this part 1.~~
- 37
- 38 (c) **[Formerly 39-26-114 (20) (a) (II)]** (I) Any farm equipment
39 under lease or contract, ~~shall be exempt from taxation under this part 1~~ if
40 the fair market value of such THE equipment is at least one thousand
41 dollars and the equipment is rented or leased for use primarily and directly
42 in any farm operation.
- 43
- 44 (II) The lessor or seller of such farm equipment shall obtain a
45 signed affidavit from the lessee, renter, or purchaser affirming that the
46 farm equipment will be used primarily and directly in a farm operation.
- 47
- 48 (d) **[Formerly 39-26-114 (21) (a)]** All sales and purchases of
49 agricultural compounds to be consumed by, administered to, or otherwise
50 used in caring for livestock and all sales and purchases of semen for
51 agricultural or ranching purposes; ~~shall be exempt from taxation under~~
52 ~~this part 1.~~ AND
- 53
- 54 (e) **[Formerly 39-26-114 (23)]** All sales and purchases of
55 pesticides that are registered by the commissioner of agriculture for use
56 in the production of agricultural and livestock products pursuant to the

1 provisions of the "Pesticide Act", article 9 of title 35, C.R.S., and offered
2 for sale by dealers licensed to sell such pesticides pursuant to section
3 35-9-115, C.R.S. ~~shall be exempt from taxation under this part 1.~~

4
5 (3) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER THE
6 PROVISIONS OF PART 2 OF THIS ARTICLE:

7
8 (a) **[Formerly 39-26-203 (1) (h)]** ~~¶~~ The storage and use of neat
9 cattle, sheep, lambs, swine, and goats within this state, or ~~to~~ the storage
10 and use within this state of mares and stallions kept, held, and used for
11 breeding purposes only;

12
13 (b) **[Formerly the introductory portion to 39-26-203 (1) (hh)]**
14 ~~¶~~ The storage, use, or consumption of farm equipment;

15
16 (c) **[Formerly 39-26-203 (1) (ii)]** (I) ~~¶~~ Any farm equipment
17 under lease or contract if the fair market value of such equipment is at
18 least one thousand dollars and the equipment is rented or leased for
19 storage, use, or consumption primarily and directly in any farm
20 operation.

21
22 (II) The lessor shall obtain a signed affidavit from the lessee or
23 renter affirming that the farm equipment will be stored, used, or
24 consumed primarily and directly in a farm operation.

25
26 (d) **[Formerly 39-26-203 (1) (kk) (I)]** ~~¶~~ The storage, use, or
27 consumption of agricultural compounds to be consumed by, administered
28 to, or otherwise used in caring for livestock ~~or~~ AND semen used for
29 agricultural or ranching purposes; AND

30
31 (e) **[Formerly 39-26-203 (1) (mm)]** ~~¶~~ The storage, use, or
32 consumption of pesticides that are registered by the commissioner of
33 agriculture for use in the production of agricultural and livestock
34 products pursuant to the provisions of the "Pesticide Act", article 9 of
35 title 35, C.R.S., and offered for sale by dealers licensed to sell such
36 pesticides pursuant to section 35-9-115, C.R.S.

37
38 (4) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER
39 THE PROVISIONS OF PARTS 1 AND 2 OF THIS ARTICLE:

40
41 (a) **[Formerly 39-26-114 (5)]** All sales and purchases of
42 livestock, all sales and purchases of live fish for stocking purposes, and
43 all farm close-out sales ~~shall be exempt from taxation under this part 1,~~
44 and the storage, use, or consumption of such property; ~~shall be exempt~~
45 ~~from taxation under part 2 of this article.~~

46
47 (b) **[Formerly 39-26-114 (6)]** All sales and purchases of feed for
48 livestock, all sales and purchases of seeds, and all sales and purchases of
49 orchard trees ~~shall be exempt from taxation under this part 1,~~ and the
50 storage, use, or consumption of such property; ~~shall be exempt from~~
51 ~~taxation under part 2 of this article.~~ AND

52
53 (c) **[Formerly 39-26-114 (8)]** All sales and purchases of straw
54 and other bedding for use in the care of livestock or poultry ~~shall be~~
55 ~~exempt from taxation under this part 1;~~ and the storage, use, or
56 consumption of straw and other bedding for use in the care of livestock

1 or poultry. ~~shall be exempt from taxation under part 2 of this article.~~

2
3 **39-26-717. Drugs and medical and therapeutic devices.**

4 (1) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER THE
5 PROVISIONS OF PART 1 OF THIS ARTICLE:

6
7 (a) **[Formerly 39-26-114 (1) (a) (V) (A)]** All sales of drugs
8 dispensed in accordance with a prescription, all sales of insulin in all its
9 forms dispensed pursuant to the direction of a licensed physician, all
10 sales of glucose useable for treatment of insulin reactions, all sales of
11 urine- and blood-testing kits and materials, all sales of insulin measuring
12 and injecting devices, including hypodermic syringes and needles, all
13 sales of prosthetic devices, all sales of wheelchairs and hospital beds, all
14 sales of drugs or materials when furnished by a doctor as part of
15 professional services provided to a patient, and all sales of corrective
16 eyeglasses, contact lenses, or hearing aids;

17
18 (b) **[Formerly 39-26-114 (1) (a) (V) (B)]** When sold in
19 accordance with a written recommendation from a licensed doctor, all
20 sales of therapeutic devices, appliances, or related accessories, with a
21 retail value of more than one hundred dollars, ~~which~~ THAT are sold to
22 correct or treat a human physical disability or surgically created
23 abnormality; AND

24
25 (c) **[Formerly 39-26-114 (1) (a) (V) (C)]** All sales of therapeutic
26 devices, appliances, or related accessories, with a retail value of one
27 hundred dollars or less, ~~which~~ THAT are sold to correct or treat a human
28 physical disability or surgically created abnormality.

29
30 **39-26-718. Charitable organizations.** (1) THE FOLLOWING
31 SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PART 1 OF
32 THIS ARTICLE:

33
34 (a) **[Formerly 39-26-114 (1) (a) (II)]** All sales made to
35 charitable organizations, in the conduct of their regular charitable
36 functions and activities; except that any veterans' organization that
37 qualifies as a charitable organization pursuant to section 39-26-102 (2.5)
38 shall be exempt from taxation under the provisions of ~~this~~ part 1 OF THIS
39 ARTICLE only for the purpose of sponsoring a special event, meeting, or
40 other function in the state of Colorado that is not part of ~~such~~ THE
41 organization's regular activities in the state; AND

42
43 (b) **[Formerly 39-26-114 (18)]** (I) Effective July 1, 1995, all
44 occasional sales by a charitable organization. ~~shall be exempt from~~
45 ~~taxation under this part 1.~~

46
47 (II) For purposes of this ~~subsection (18)~~ PARAGRAPH (b),
48 "occasional sales" means retail sales of tangible personal property,
49 including concessions, for fund-raising purposes if:

50
51 (A) The sale of tangible personal property or concessions by the
52 charitable organization takes place no more than twelve days, whether
53 consecutive or not, during any one calendar year;

54
55 (B) The funds raised by the charitable organization through these
56 sales are retained by the organization to be used in the course of the

1 organization's charitable service; and

2
3 (C) The funds raised by the charitable organization through these
4 sales do not exceed twenty-five thousand dollars during any one calendar
5 year.

6
7 **39-26-719. Motor vehicles. (1) [Formerly 39-26-114 (22)]**

8 (a) THERE SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF
9 PART 1 OF THIS ARTICLE the sale of any motor vehicle, power source for
10 any motor vehicle, or parts used for converting the power source for any
11 motor vehicle, if the gross vehicle weight rating of the motor vehicle is
12 greater than ten thousand pounds and if the motor vehicle, power source,
13 or parts used for converting the power source are certified by the federal
14 environmental protection agency or any state as provided in the "Federal
15 Clean Air Act" as meeting an emission standard equal to or more
16 stringent than the low-emitting vehicle emission standard. ~~shall be~~
17 ~~exempt from taxation under the provisions of this part 1.~~

18
19 (b) For purposes of this ~~subsection (22)~~ SUBSECTION (1), unless
20 the context otherwise requires:

21
22 (I) "Motor vehicle" shall have the same meaning as set forth in
23 section 39-22-516 (2.5) (a) (III).

24
25 (II) "Parts used for converting" shall mean the wiring, fuel lines,
26 engine coolant system, fuel storage containers, fuel control system, and
27 other components associated with reducing the emissions characteristics
28 of an engine or motor.

29
30 (III) "Power source" shall have the same meaning as set forth in
31 section 39-22-516 (2.5) (a) (V).

32
33 (2) THE FOLLOWING SHALL BE EXEMPT FROM TAXATION UNDER
34 THE PROVISIONS OF PART 2 OF THIS ARTICLE:

35
36 (a) **[Formerly 39-26-203 (1) (m)]** ~~To~~ The storage, ~~or~~ use, OR
37 CONSUMPTION of a motor vehicle, if the owner is or was, at the time of
38 purchase, a nonresident of Colorado and ~~he~~ THE OWNER purchased the
39 vehicle outside of this state for use outside this state and actually so used
40 it for a substantial and primary purpose for which it was acquired and ~~he~~
41 THE OWNER registered, titled, and licensed said motor vehicle outside of
42 Colorado.

43
44 (b) **[Formerly 39-26-203 (1) (II)]** (I) ~~To~~ The storage, use, or
45 consumption of a motor vehicle, power source for a motor vehicle, and
46 parts used for converting the power source of a motor vehicle, if the
47 gross vehicle weight rating of the motor vehicle is greater than ten
48 thousand pounds and if the motor vehicle, power source, or parts used for
49 converting the power source are certified by the federal environmental
50 protection agency or any state as provided in the "Federal Clean Air Act"
51 as meeting an emission standard equal to or more stringent than the
52 low-emitting vehicle emission standard.

53
54 (II) For purposes of this ~~paragraph (II)~~ PARAGRAPH (b), unless the
55 context otherwise requires:

56

1 (A) "Motor vehicle" shall have the same meaning as set forth in
2 section 39-22-516 (2.5) (a) (III).

3
4 (B) "Parts used for converting" shall mean the wiring, fuel lines,
5 engine coolant system, fuel storage containers, fuel control system, and
6 other components associated with reducing the emissions characteristics
7 of an engine or motor.

8
9 (C) "Power source" shall have the same meaning as set forth in
10 section 39-22-516 (2.5) (a) (V).

11
12 **39-26-720. Bingo equipment.** (1) [Formerly 39-26-114 (24)]
13 All sales of equipment, as defined in section 12-9-102 (5), C.R.S., to a
14 bingo-raffle licensee, as defined in section 12-9-102 (1.2), C.R.S., shall
15 be exempt from taxation under PART 1 OF this ~~part~~ ARTICLE.

16
17 (2) [Formerly 39-26-203 (1) (nn)] ~~To~~ The storage, use, or
18 consumption of equipment, as defined in section 12-9-102 (5), C.R.S.,
19 by a bingo-raffle licensee, as defined in section 12-9-102 (1.2), C.R.S.,
20 SHALL BE EXEMPT FROM TAXATION UNDER PART 2 OF THIS ARTICLE.

21
22 **39-26-721. Manufactured homes.** (1) [Formerly 39-26-114
23 (10)] Forty-eight percent of the purchase price of factory-built housing,
24 as such housing is defined in section 24-32-3302 (10), C.R.S., shall be
25 exempt from taxation under ~~this~~ part 1 OF THIS ARTICLE; except that the
26 entire purchase price in any subsequent sale of a manufactured home, as
27 such vehicle is defined in section 42-1-102 (106) (b), C.R.S., after such
28 manufactured home has been once subject to the payment of sales tax by
29 virtue of section 39-26-113, shall be exempt from taxation under ~~this~~ part
30 1 OF THIS ARTICLE.

31
32 (2) [Formerly 39-26-203 (1) (o)] ~~To~~ The storage, use, or
33 consumption of a manufactured home, as such vehicle is defined in
34 section 42-1-102 (106) (b), C.R.S., after such manufactured home has
35 been once subject to the payment of use tax by virtue of section
36 39-26-208, SHALL BE EXEMPT FROM TAXATION UNDER THE PROVISIONS OF
37 PART 2 OF THIS ARTICLE."

38
39 Page 35, line 6, after "same", insert "SALES TAX";

40
41 line 8, strike "39-26-709," and substitute "39-26-709 (1),";

42
43 line 10, strike "39-26-715 (3) (a)," and substitute "39-26-715 (1) (a)
44 (II),";

45
46 line 12, strike "39-26-707 (3) (c)," and substitute "39-26-707 (1) (e),";

47
48 line 15, strike "39-26-718 (1) (b) (I)," and substitute "39-26-718 (1) (b),";

49
50 line 18, strike "39-26-716," and substitute "39-26-716 (2) (b) AND (2)
51 (c),";

52
53 line 20, strike "39-26-719 (2)," and substitute "39-26-719 (1),";

54
55 line 23, strike "39-26-707 (3) (c)," and substitute "39-26-707 (1) (e),";

1 line 26, strike "39-26-715 (3) (a)," and substitute "39-26-715 (1) (a)
2 (II),".
3
4 Page 36, line 1, strike "39-26-709," and substitute "39-26-709 (1),";
5
6 line 3, strike "39-26-718 (1) (b) (I)," and substitute "39-26-718 (1) (b),";
7
8 line 5, strike "39-26-716," and substitute "39-26-716 (2) (b) AND (2)
9 (c),";
10
11 line 8, strike "39-26-719 (2)," and substitute "39-26-719 (1),";
12
13 line 17, strike "39-26-709," and substitute "39-26-709 (1),";
14
15 line 19, strike "39-26-715 (3) (a)," and substitute "39-26-715 (1) (a)
16 (II),";
17
18 line 24, strike "39-26-716," and substitute "39-26-716 (2) (b) AND (2)
19 (c),";
20
21 line 26, strike "39-26-719 (2)," and substitute "39-26-719 (1),".
22
23 Page 37, line 5, after "same", insert "SALES TAX";
24
25 line 12, strike "39-26-709," and substitute "39-26-709 (1),";
26
27 line 13, strike "39-26-715 (3) (a)," and substitute "39-26-715 (1) (a)
28 (II),";
29
30 line 15, strike "39-26-718 (1) (b) (I)," and substitute "39-26-718 (1) (b),";
31
32 line 17, strike "39-26-716," and substitute "39-26-716 (2) (b) AND (2)
33 (c),";
34
35 line 20, strike "39-26-719 (2)," and substitute "39-26-719 (1),".
36
37 Page 38, line 21, strike "39-26-709," and substitute "39-26-709 (1),".
38
39 Page 39, line 6, strike "39-26-709," and substitute "39-26-709 (1),";
40
41 line 8, strike "39-26-715 (3) (a)," and substitute "39-26-715 (1) (a) (II),";
42
43 line 18, strike "39-26-719 (2)," and substitute "39-26-719 (1),".
44
45 Page 40, line 20, strike "39-26-719 (2)," and substitute "39-26-719 (1),".
46
47 Page 41, line 12, strike "39-26-709," and substitute "39-26-709 (1),";
48
49 line 16, strike "39-26-719 (2)," and substitute "39-26-719 (1),".
50
51 Page 42, line 3, strike "39-26-709," and substitute "39-26-709 (1),";
52
53 line 15, strike "39-26-709," and substitute "39-26-709 (1),";
54
55 line 26, strike "39-26-709," and substitute "39-26-709 (1),".
56

1 Page 43, line 22, strike "39-26-709," and substitute "39-26-709 (1),".
2
3 Page 44, line 7, strike "39-26-709," and substitute "39-26-709 (1),";
4
5 line 18, strike "39-26-709," and substitute "39-26-709 (1),".
6
7 Page 45, line 8, strike "39-26-709," and substitute "39-26-709 (1),";
8
9 line 15, strike "39-26-719 (2)," and substitute "39-26-719 (1),".
10
11 Page 46, line 7, strike "39-26-709," and substitute "39-26-709 (1),";
12
13 line 23, strike "39-26-709," and substitute "39-26-709 (1),".
14
15 Page 47, line 3, strike "39-26-719 (2)," and substitute "39-26-719 (1),";
16
17 line 25, strike "39-26-709," and substitute "39-26-709 (1),".
18
19 Page 48, line 17, strike "39-26-709," and substitute "39-26-709 (1),";
20
21 line 23, strike "39-26-719 (2)," and substitute "39-26-719 (1),".
22
23 Page 49, line 22, strike "39-26-715 (1)," and substitute "39-26-715 (1) (a)
24 (I),".
25
26 Page 50, line 4, strike ", (15),";
27
28 line 17, strike "39-26-716 (4) (c) AND (4) (d)," and substitute "39-26-716
29 (4) (a) AND (4) (b),";
30
31 strike lines 22 through 27.
32
33 Page 51, strike line 1.
34
35 Page 52, line 18, strike "39-26-709 (3) (a)," and substitute "39-26-709 (1)
36 (c) (I),";
37
38 line 21, strike "39-26-709." and substitute "39-26-709 (1).".
39
40 Page 53, line 5, strike "39-26-709 (3) (a)," and substitute "39-26-709 (1)
41 (c) (I),";
42
43 line 8, strike "39-26-709" and substitute "39-26-709 (1)";
44
45 line 27, strike "39-26-709 (3) (a)," and substitute "39-26-709 (1) (c) (I),".
46
47 Page 54, line 3, strike "39-26-709." and substitute "39-26-709 (1).";
48
49 line 19, strike "39-26-709 (3) (a)," and substitute "39-26-709 (1) (c) (I),";
50
51 line 22, strike "39-26-709." and substitute "39-26-709 (1).".
52
53 Page 55, line 5, strike "39-26-709 (3) (a)," and substitute "39-26-709 (1)
54 (c) (I),";
55
56 line 9, strike "39-26-709." and substitute "39-26-709 (1).";

1 line 21, strike "39-26-706 (1)," and substitute "39-26-706 (1) (a),";
2
3 line 23, strike "39-26-706 (1)," and substitute "39-26-706 (1) (b),".
4
5 Page 56, line 2, strike "39-26-709" and substitute "39-26-709 (1)";
6
7 line 5, strike "39-26-709 (3) (b)," and substitute "39-26-709 (1) (c) (II),";
8
9 line 27, after "(1)", insert "(a) (I)".

10
11 Page 57, line 8, after "(1)", insert "(a) (I)".
12
13
14

15 **SB04-148** be postponed indefinitely.
16
17

18 **SB04-166** be referred to the Committee of the Whole with favorable
19 recommendation.
20
21
22
23

24 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

25 After consideration on the merits, the Committee recommends the
26 following:
27

28 **SB04-019** be postponed indefinitely.
29
30

31 **SB04-029** be referred to the Committee of the Whole with favorable
32 recommendation.
33
34

35 **SB04-129** be postponed indefinitely.
36
37
38
39

40 **LOCAL GOVERNMENT**

41 After consideration on the merits, the Committee recommends the
42 following:
43

44 **HB04-1188** be postponed indefinitely.
45
46

47 **SB04-186** be amended as follows, and as so amended, be referred to
48 the Committee on Appropriations with favorable
49 recommendation:
50

51 Amend reengrossed bill, page 4, line 1, strike "COUNTY" and substitute
52 "BOARD OF COUNTY COMMISSIONERS, OR THE BOARD'S DESIGNEE,";
53

54 line 19, strike "FEE, NOT TO EXCEED TEN DOLLARS." and substitute
55 "UNIFORM FEE NOT TO EXCEED THE COUNTY'S DIRECT AND INDIRECT
56 EXPENSES ASSOCIATED WITH ISSUING AND ADMINISTERING THE PERMIT.".

1 Page 5, line 15, strike "COUNTY" and substitute "BOARD OF COUNTY
2 COMMISSIONERS, OR THE BOARD'S DESIGNEE,";

3
4 line 17, strike "COUNTY" and substitute "BOARD OF COUNTY
5 COMMISSIONERS, OR THE BOARD'S DESIGNEE,";

6
7 line 22, strike "COUNTY" and substitute "BOARD OF COUNTY
8 COMMISSIONERS, OR THE BOARD'S DESIGNEE,";

9
10
11
12
13 **TRANSPORTATION & ENERGY**

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

16
17 **HB04-1386** be amended as follows, and as so amended, be referred to
18 the Committee on Finance with favorable
19 recommendation:
20

21 Amend printed bill, page 3, line 27, strike "(13)," and substitute "(13) (a)
22 and (13) (b)," and, strike "is" and substitute "are".
23

24 Page 4, strike lines 21 and 22.
25
26
27

28 **HB04-1392** 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 6, line 10, after "COMMENT.", insert "THE
33 COMBINATION SHALL ALSO PROVIDE A COPY OF THE CONTRACT TO EACH
34 COUNTY AND MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION
35 BUT THAT INCLUDES TERRITORY THAT BORDERS THE TERRITORY OF THE
36 PROPOSED AUTHORITY FOR COMMENT.";

37
38 line 20, strike "JULY 1, 2004" and substitute "JANUARY 1, 2005";
39

40 line 24, after "C.R.S.", insert "A BORDERING COUNTY OR MUNICIPALITY,".
41

42 Page 7, line 2, after "DISTRICT,", insert "BORDERING COUNTY OR
43 MUNICIPALITY,";

44
45 line 5, after "DISTRICT,", insert "THE BORDERING COUNTY OR
46 MUNICIPALITY,".
47

48 Page 11, line 5, strike "OTHER THAN A SALE OF A NEW OR USED TRAILER,";
49
50 strike line 6;

51
52 line 7, strike "USE IN INTERSTATE COMMERCE,".
53
54
55
56

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:
HB04-1402, 1403, 1404.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HR04-1006.**

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 17th day of March, 2004, at 3:45 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Judith Rodrigue,
Chief Clerk of the House

March 17, 2004

To the Honorable
House of Representatives
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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

HB04-1005 Concerning The Enterprise Status Of Auxiliary Facilities Of Institutions Of Higher Education.

Approved March 17, 2004 at 11:50 A.M.

HB04-1013 Concerning Changing The Name Of The Division Of Prevention And Intervention Services For Children And Youth To The Prevention Services Division.

Approved March 17, 2004 at 11:51 A.M.

HB04-1038 Concerning An Exemption From Civil Liability For A Volunteer At A Crisis Telephone Hotline.

Approved March 17, 2004 at 11:52 A.M.

- 1 **HB04-1047** Concerning The Authority Of A County To Require
2 Certain Persons Who Receive Child Care Assistance To
3 Cooperate With Child Support Enforcement Efforts.
4
5 Approved March 17, 2004 at 11:54 A.M.
6
7
8 **HB04-1052** Concerning Changes To The Name-Change Statute.
9
10 Approved March 17, 2004 at 11:55 A.M.
11
12
13 **HB04-1055** Concerning The Modification Of The Process Used To
14 Make Matching Grants For School District Capital
15 Construction From The School Construction And
16 Renovation Fund.
17
18 Approved March 17, 2004 at 11:56 A.M.
19
20 **HB04-1076** Concerning A Prohibition On Driving Motor Vehicles In
21 The Passing Lane Except When Appropriate.
22
23 Approved March 17, 2004 at 1:20 P.M.
24
25
26 **HB04-1087** Concerning The Establishment Of The Highest Degree Of
27 Care In The Defense Of A Negligence Claim Under The
28 High Voltage Power Line Statutes By Proof Of
29 Compliance With An Applicable Standard Of The
30 National Electrical Code.
31
32 Approved March 17, 2004 at 1:21 P.M.
33
34 **HB04-1100** Concerning Colorado's Process For Planning Private
35 Prisons.
36
37 Approved March 17, 2004 at 1:23 P.M.
38
39
40 **HB04-1126** Concerning The Continued Regulation Of Institutions By
41 The Division Of Financial Services, And, In Connection
42 Therewith, Extending The Division Of Financial Services.
43
44 Approved March 17, 2004 at 1:25 P.M.
45
46 **HB04-1129** Concerning Property Taken By A County For Delinquent
47 Taxes.
48
49 Approved March 17, 2004 at 1:28 P.M.
50
51
52 **HB04-1152** Concerning Membership Requirements For The Water
53 Resources Review Committee.
54
55 Approved March 17, 2004 at 1:30 P.M.
56

1 **HB04-1166** Concerning An Increase In The Amount Of Moneys
2 Transferred By The State Board For Community Colleges
3 And Occupational Education From The Colorado
4 Customized Training Program To The Colorado Existing
5 Industry Training Program.

6
7 Approved March 17, 2004 at 1:31 P.M.

8
9 Sincerely,
10 (signed)
11 Bill Owens
12 Governor

13
14
15
16
17 **MESSAGE FROM THE GOVERNOR**

18
19 I certify I received the following on the 18th day of March, 2004, at 10:20
20 a.m. The original is on file in the records of the House of Representatives
21 of the General Assembly.

22
23 Judith Rodrigue,
24 Chief Clerk of the House

25 March 17, 2004

26
27 To the Honorable
28 House of Representatives
29 Sixty-fourth General Assembly
30 Second Regular Session
31 Denver, CO 80203

32
33 Ladies and Gentlemen:

34
35 I have the honor to inform you that I have approved and filed with the
36 Secretary of State the following acts:

37
38 **HB04-1002** Concerning Conforming Amendments To The Pledge Of
39 Allegiance Statute To Make The Statute Constitutional As
40 Required By The United States Court Of Appeals For The
41 Seventh Circuit In The 1992 Decision Entitled *Sherman*
42 *Versus Community Consolidated School District 21 Of*
43 *Wheeling Township*.

44
45 Approved March 17, 2004 at 2:00 P.M.

46
47 Sincerely,
48 (signed)
49 Bill Owens
50 Governor

INTRODUCTION OF BILLS
First Reading

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

HB04-1402 by Representative(s) Young; also Senator(s) Reeves--
Concerning the repeal of the water administration fee
adopted in Senate Bill 03-278, and, in connection
therewith, providing for a refund of amounts already
collected and making an appropriation.

Committee on Agriculture, Livestock, & Natural Resources
Committee on Appropriations

HB04-1403 by Representative(s) Stafford, Frangas, Boyd; also
Senator(s) Johnson S., Groff--Concerning the office of the
child's ombudsman act.

Committee on Information & Technology
Committee on Appropriations

HB04-1404 by Representative(s) Fairbank; also Senator(s) Kester--
Concerning investments by local governments, and, in
connection therewith, amending provisions governing the
issuance of securities and increasing the range of
investment vehicles available to local governmental
entities.

Committee on Local Government

SB04-093 by Senator(s) Chlouber; also Representative(s) Fairbank--
Concerning creation of the "Responsible Alcohol
Beverage Vendor Act".

Committee on Business Affairs & Labor

SB04-188 by Senator(s) Arnold, Grossman, Owen; also
Representative(s) Rose--Concerning the surcharge on fines
for violation of certain county ordinances that is paid to
the Colorado traumatic brain injury trust fund, and, in
connection therewith, limiting the imposition of the
surcharge to violations of speed limits.

Committee on Transportation & Energy

INTRODUCTION OF RESOLUTION

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

HR04-1007 by Representative(s) Brophy, Cadman, Harvey,
Schultheis, Lundberg, Crane, Cloer, Decker, Fairbank,
Lee, May M., Rhodes, Rose, Sinclair, Stafford, Welker,
Wiens--Concerning the impeachment of Judge John W.
Coughlin.

Committee on Judiciary

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until March 19, retaining place on Calendar:

Consideration of General Orders--**HB04-1221, 1279, SB04-185, 120, HB04-1014, SB04-040, HB04-1375, SB04-017, 057, 088, 137, 115.**

Consideration of Resolutions--**HJR04-1012, 1013, 1018, SJR04-015, HJR04-1010, 1034, 1035, SJR04-023, 024, HJR04-1036.**

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

Consideration of Senate Amendments--**HB04-1115, 1117, 1009, 1147, 1145, 1232, 1285, 1226, 1054, 1102, 1155, 1057, 1354, 1004, 1127.**

Consideration of Adherence--**HB04-1182.**

On motion of Representative King, the House adjourned until 9:00 a.m., March 19, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk