

SENATE JOURNAL
Sixty-fourth General Assembly
STATE OF COLORADO
Second Regular Session

Twenty-ninth Legislative Day

Wednesday, February 4, 2004

Prayer	By the chaplain, Reverend Jewell Richardson, Master's Touch Ministries.	11
Pledge	By Senator Anderson.	13
Call to Order	By the President at 9:00 a.m.	15
Roll Call	Present--34. Absent/Excused--1; Tupa. Present later--Tupa.	18
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Phillips, reading of the Journal of February 3, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24

COMMITTEE OF REFERENCE REPORTS

Judiciary	After consideration on the merits, the Committee recommends that SB04-070 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32
-----------	---	----

Amend printed bill, page 21, line 21, strike "IDENTIFIABLE" and, strike "TRUSTEE;" and substitute "TRUSTEE IF THE PROPERTY WOULD NOT OTHERWISE PASS AT THE OWNER'S DEATH BY A BENEFICIARY DESIGNATION TO A PARTY OTHER THAN THE TRUST;".

Page 72, line 25, after "(1)", insert "(a)";

strike line 27 and substitute "A TRANSFER OF ANY INTEREST EXCLUDED BY PARAGRAPH (b) OF THIS SUBSECTION (1),".

Page 73, line 1, strike "ESTATE,";

after line 6, insert the following:

"(b) NONPROBATE TRANSFERS SUBJECT TO THIS SECTION EXCLUDE THE FOLLOWING INTERESTS:

(I) A SURVIVORSHIP INTEREST IN A JOINT TENANCY OF REAL ESTATE;

(II) A DEATH BENEFIT OR OTHER INTEREST IN ANY INSURANCE OR ANNUITY POLICY; AND

(III) A DEATH BENEFIT OR OTHER INTEREST IN ANY DEFERRED COMPENSATION PLAN, INDIVIDUAL RETIREMENT ACCOUNT, OR PENSION, PROFIT SHARING, RETIREMENT, OR OTHER SIMILAR BENEFIT PLAN.".

Page 77, after line 14, insert the following:

SECTION 15. 2-5-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

2-5-102. Inclusions - nonstatutory. (9) THERE SHALL BE INCLUDED IN THE PUBLICATION OF THE AMENDMENTS TO ARTICLE 5 OF TITLE 15, COLORADO REVISED STATUTES, AS NONSTATUTORY MATTER, FOLLOWING EACH SECTION OF ARTICLE 5 OF TITLE 15, COLORADO REVISED STATUTES, THE FULL TEXT OF THE OFFICIAL COMMENTS TO THAT SECTION CONTAINED IN THE OFFICIAL VOLUME CONTAINING THE OFFICIAL TEXT OF THE "UNIFORM TRUST CODE" ISSUED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS, WITH ANY CHANGES IN THE OFFICIAL COMMENTS OR COLORADO COMMENTS TO CORRESPOND TO COLORADO CHANGES IN THE UNIFORM ACT. THE COMMENTS SHALL BE PREPARED BY THE REVISOR AND APPROVED FOR PUBLICATION BY THE COMMITTEE."

Renumber succeeding section accordingly.

Judiciary After consideration on the merits, the Committee recommends that **SB04-064** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 2, strike "~~twelve years~~ THE LIFE OF THE" and substitute "THE EARLIER OF twelve years";

line 3, strike "JUDGMENT";

line 7, strike "shall" and substitute "~~shall~~";

strike line 9 and substitute the following:

"~~time~~ MAY BE EXTENDED OR RENEWED INDEFINITELY BEYOND TWELVE YEARS BY RERECORDING THE LIEN EVERY TWELVE YEARS."

Page 9, line 12, strike "~~semiannually~~ QUARTERLY" and substitute "AT LEAST semiannually".

Judiciary After consideration on the merits, the Committee recommends that **SB04-122** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1038** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 14, strike "WITH THE CAPABILITY TO" and substitute "WHO".

Judiciary After consideration on the merits, the Committee recommends that **SB04-127** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 5, strike "AS A MEMBER IN";

line 6, strike "GOOD STANDING OF THE BAR".

Judiciary After consideration on the merits, the Committee recommends that **SB04-123** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1065** be referred to the Committee of the Whole with favorable recommendation.

Trans- After consideration on the merits, the Committee recommends that **HB04-1033** be referred to the Committee of the Whole with favorable recommendation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Trans- portation	After consideration on the merits, the Committee recommends that SB04-054 be postponed indefinitely.	1 2 3 4
Trans- portation	After consideration on the merits, the Committee recommends that SB04-114 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
	Amend printed bill, page 2, line 4, strike "(a)";	9
	strike lines 13 through 19.	10 11
	Page 3, strike lines 1 through 3 and substitute the following:	12 13
	"WHETHER THE DISTRICT IS EFFECTIVELY AND EFFICIENTLY FULFILLING ITS STATUTORY OBLIGATIONS. THE FIRST PERFORMANCE AUDIT SHALL BEGIN ON OR AFTER JANUARY 1, 2005, AND BE COMPLETED AS SOON AS POSSIBLE THEREAFTER. UPON THE COMPLETION OF A PERFORMANCE AUDIT, THE STATE".	14 15 16 17 18 19
Trans- portation	After consideration on the merits, the Committee recommends that SB04-027 be postponed indefinitely.	20 21 22 23

MESSAGE FROM THE HOUSE

February 3, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1029, amended as printed in House Journal, February 2, page 256.
HB04-1049, amended as printed in House Journal, February 2, page 256.

MESSAGE FROM THE REVISOR OF STATUTES

February 3, 2004

We herewith transmit:

Without comment, as amended, HB04-1029, 1049.

INTRODUCTION OF RESOLUTION

The following resolutions were read by title and referred to the committee indicated:

- SJR04-010** by Senator(s) Keller; --Concerning paperless voting systems.
State Veterans & Military Affairs
- SJR04-011** by Senator(s) Evans, Andrews, Dyer, Hillman, Lamborn, Owen; also Representative(s) Brophy, Schultheis, Lee, Lundberg, May M., Rhodes--Concerning support for the federal "Fair Tax Act of 2003" by the Colorado congressional delegation in the United States congress.
Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS--FIRST READING

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

- SB04-175** by Senator(s) Kester; also Representative(s) Marshall--Concerning the authority for a bank to rely on knowledge of an adjudication of incompetence in determining incompetence of a bank customer.
Business Affairs & Labor

- SB04-176 by Senator(s) Tupa, Anderson, Takis, Taylor; also Representative(s) Vigil, Coleman--
Concerning the division of local government's oversight of eligible entities' use of the
conservation trust fund. 1
Local Government 2
3
4
5
- HB04-1071 by Representative(s) Decker; also Senator(s) McElhany--Concerning a credit for tobacco
taxes that are bad debts. 6
Finance 7
8
9
- HB04-1148 by Representative(s) Rippey; also Senator(s) McElhany--Concerning the crime of defacing a
cave. 10
Judiciary 11
12
13
- HB04-1029 by Representative(s) Boyd, Cloer, Coleman, Frangas, Johnson R., Stafford, Tochtrop; also
Senator(s) Hagedorn, Hanna, Kester, Sandoval--Concerning authorization for counties to
increase participation in vocational education by Colorado works participants. 14
15
16
Health, Environment, Welfare & Institutions 17
18
- HB04-1049 by Representative(s) Williams S.; also Senator(s) Johnson S.--Concerning child care
assistance for families who transition off of the Colorado works program for specified
reasons. 19
20
21
Health, Environment, Welfare & Institutions 22
23
- HB04-1061 by Representative(s) Berry, Hefley, Jahn, Madden, McFadyen, Williams S.; also Senator(s)
Takis--Concerning the utilization of child advocacy centers. 24
25
26
Health, Environment, Welfare & Institutions 27
28

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length
having been dispensed with by unanimous consent: 32
33

- SB04-117 by Senator(s) Sandoval, Andrews; also Representative(s) Cloer--Concerning removal of a
newborn child from the custody of the child's parents. 34
35
36
37

A majority of those elected to the Senate having voted in the affirmative, Senator Sandoval
was given permission to offer a Third Reading amendment. 38
39

Third Reading Amendment No. 1(L.006), by Senator Sandoval. 40
41

Amend engrossed bill, page 3, line 20, strike "PARAGRAPH (b)" and
substitute "PARAGRAPHS (b) AND (c)"; 42
43
44

line 21, after "(78.5),", insert "WHO IS NOT IN A HOSPITAL SETTING"; 45
46

after line 27, insert the following: 47
48

"(b) A NEWBORN CHILD, AS DEFINED IN SECTION 19-1-103 (78.5),
WHO IS IN A HOSPITAL SETTING SHALL NOT BE TAKEN INTO TEMPORARY
PROTECTIVE CUSTODY WITHOUT AN ORDER OF THE COURT MADE PURSUANT
TO SECTION 19-3-405 (1), WHICH ORDER INCLUDES FINDINGS THAT AN
EMERGENCY SITUATION EXISTS AND THAT THE NEWBORN CHILD IS
SERIOUSLY ENDANGERED AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION
(1) OF THIS SECTION." 49
50
51
52
53
54
55
56

Reletter succeeding paragraphs accordingly. 57
58

Page 4, line 1, strike "ORDER" and substitute "ORDERS" and, strike
"PARAGRAPH (a)" and substitute "PARAGRAPHS (a) AND (b)"; 59
60
61

strike lines 21 through 24. 62
63

Reletter succeeding subparagraph accordingly. 64
65
66

A majority of all members elected to the Senate having voted in the affirmative, the
amendment was declared **adopted**. 67
68
69

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	Y	Takis	Y
Arnold	N	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	N	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	N	Isgar	Y	Owen	N	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	N	Reeves	N	Mr. President	Y
Gordon	Y	Keller	N	Sandoval	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

—————

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HJR04-1004, 1006.

—————

SENATE SERVICES REPORT

Correctly Reengrossed: SB04-057 and 117.
Correctly Rerevised: HB04-1010, 1042, 1103 and 1112.

—————

Senate in recess.

Senate reconvened.

—————

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB04-1206** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB04-113** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB04-1098** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-132** be referred to the Committee of the Whole with favorable recommendation.

Business Affairs & Labor After consideration on the merits, the Committee recommends that **SB04-071** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 6 and substitute the following:

"SECTION 1. 12-28-101 (1), (3) (a), (3) (b) (I), and (8), Colorado Revised Statutes, are amended, and the said 12-28-101 is

further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:";

strike lines 9 through 12.

Page 3, strike lines 1 and 2 and substitute the following:

~~"(1) "Display retailer" means any person, including a manufacturer, who is licensed as a display retailer under the provisions of section 12-28-104 and who sells, delivers, consigns, gives, or otherwise furnishes fireworks to any person authorized by section 12-28-103 to discharge fireworks in Colorado. "ARTICLES PYROTECHNIC" MEANS PYROTECHNIC SPECIAL EFFECTS MATERIALS AND PYROTECHNIC DEVICES FOR PROFESSIONAL USE THAT ARE SIMILAR TO CONSUMER FIREWORKS IN CHEMICAL COMPOSITION AND CONSTRUCTION BUT ARE INTENDED FOR THEATRICAL PERFORMANCES AND NOT INTENDED FOR CONSUMER USE. "ARTICLES PYROTECHNIC" SHALL ALSO INCLUDE PYROTECHNIC DEVICES MEETING THE WEIGHT LIMITS FOR CONSUMER FIREWORKS BUT ARE NOT LABELED AS SUCH AND ARE CLASSIFIED AS UN0431 OR UN0432 PURSUANT TO 49 CFR SEC. 172.101, AS AMENDED.~~

(1.5) "DISPLAY FIREWORKS" MEANS LARGE FIREWORKS DESIGNED PRIMARILY TO PRODUCE VISIBLE OR AUDIBLE EFFECTS BY COMBUSTION, DEFLAGRATION, OR DETONATION AND INCLUDES, BUT IS NOT LIMITED TO, SALUTES CONTAINING MORE THAN ONE HUNDRED THIRTY MILLIGRAMS OF EXPLOSIVE MATERIAL, AERIAL SHELLS CONTAINING MORE THAN FORTY GRAMS OF PYROTECHNIC COMPOSITIONS, AND OTHER DISPLAY PIECES THAT EXCEED THE LIMITS OF EXPLOSIVE MATERIALS FOR CLASSIFICATION AS CONSUMER FIREWORKS AS DEFINED IN 16 CFR SECS. 1500.001 TO 1500.272 AND 16 CFR 1507.1 TO 1507.12 AND ARE CLASSIFIED AS FIREWORKS UN0333, UN0334, OR UN0335 PURSUANT TO 49 CFR 172.101, AS AMENDED, AND INCLUDING FUSED SET PIECES CONTAINING COMPONENTS THAT EXCEED FIFTY MILLIGRAMS OF SALUTE POWDER.

(1.7) "DISPLAY RETAILER" MEANS A PERSON, INCLUDING A MANUFACTURER, WHO IS LICENSED AS A DISPLAY RETAILER UNDER THE PROVISIONS OF SECTION 12-28-104 AND WHO SELLS, DELIVERS, CONSIGNS, GIVES, OR OTHERWISE FURNISHES DISPLAY FIREWORKS OR ARTICLES PYROTECHNIC TO A PERSON AUTHORIZED BY SECTION 12-28-103 TO DISCHARGE FIREWORKS IN COLORADO.

~~(3) (a) "Fireworks" means any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100 ANY COMPOSITION OR DEVICE DESIGNED TO PRODUCE A VISIBLE OR AUDIBLE EFFECT BY COMBUSTION, DEFLAGRATION, OR DETONATION, AND THAT MEETS THE DEFINITION OF ARTICLES PYROTECHNIC, PERMISSIBLE FIREWORKS, OR DISPLAY FIREWORKS."~~

strike lines 10 through 14 and substitute the following:

"(3.5) "FIREWORKS DISPLAY OPERATOR" INCLUDES AN INDIVIDUAL WHO, BY EXPERIENCE AND TRAINING, HAS DEMONSTRATED THE REQUIRED SKILL AND ABILITY TO SAFELY SET UP AND DISCHARGE DISPLAY FIREWORKS.

(8) (a) "Permissible fireworks" means the following items designed primarily to produce visual or audible effects by combustion, including certain SMALL FIREWORKS devices designed to produce audible or visual effects except that no device or component shall, upon functioning, project or disburse any metal, glass, or brittle plastic fragments BY COMBUSTION, COMPLYING WITH THE REQUIREMENTS OF THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION AS SET FORTH IN 16 CFR SECS. 1500.001 TO 1500.272 AND 1507.1 TO 1507.12, AND CLASSIFIED AS CONSUMER FIREWORKS UN0336 AND UN0337 PURSUANT TO 49 CFR 172.101:";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

line 15, strike "(a)" and substitute "(a) (I)"; 1

line 20, strike "(b)" and substitute "(b) (II)"; 2

line 24, strike "(c)" and substitute "(c) (III)". 3

Page 4, before line 1, insert the following: 4

"(d) (IV) Ground spinner, a small device containing not more than 5
twenty grams of pyrotechnic composition venting out of an orifice usually 6
in the side of the tube, similar in operation to a wheel, but intended to be 7
placed flat on the ground;"; 8

line 1, strike "(e)" and substitute "(e) (V)"; 9

after line 3, insert the following: 10

"(f) (VI) Dipped sticks and sparklers, the total pyrotechnic 11
composition of which does not exceed one hundred grams, of which the 12
composition of any chlorate or perchlorate shall not exceed five grams;"; 13

line 4, strike "(g)" and substitute "(g) (VII)"; 14

line 6, strike "(I)" and substitute "(A)"; 15

line 8, strike "(II)" and substitute "(B)"; 16

line 9, strike "(III)" and substitute "(C)"; 17

line 10, strike "(IV)" and substitute "(D)"; 18

line 11, strike "(V)" and substitute "(E)"; 19

line 12, strike "(h)" and substitute "(H)"; 20

line 14, strike "(i)" and substitute "(I)"; 21

line 16, strike "(j)" and substitute "(J)"; 22

line 19, strike "(k)" and substitute "(K)"; 23

line 21, strike "(l)" and substitute "(L) (VIII)"; 24

after line 24, insert the following: 25

~~"(m) Novelties consisting of two or more devices enumerated in 26
this subsection (8);"~~ 27

(n) (IX) Fireworks which THAT are used exclusively for testing or 28
research by a licensed explosives laboratory. 29

(b) "PERMISSIBLE FIREWORKS" DO NOT INCLUDE AERIAL DEVICES 30
OR AUDIBLE GROUND DEVICES, INCLUDING, BUT NOT LIMITED TO, 31
FIRECRACKERS. 32

(9.5) "PYROTECHNIC OPERATOR" INCLUDES AN INDIVIDUAL WHO, 33
BY EXPERIENCE AND TRAINING, HAS DEMONSTRATED THE REQUIRED SKILL 34
AND ABILITY TO SAFELY SET UP AND DISCHARGE ARTICLES OF 35
PYROTECHNICS." 36

Page 5, line 3, after "A", insert "SHOWER OF SPARKS TO A"; 37

line 9, after "(1),", insert "(2), and (4)," and, strike "is" and substitute 38
"are"; 39

line 17, strike "NOT EXCEED"; 40

strike line 18 and substitute the following: 41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

"BE LIMITED TO WHAT IS REASONABLE AND NECESSARY TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE GRANTING AND ENFORCEMENT OF SUCH PERMITS.";

line 24, strike "NOT EXCEED";

strike lines 25 through 27 and substitute the following:

"BE LIMITED TO WHAT IS REASONABLE AND NECESSARY TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE GRANTING AND ENFORCEMENT OF SUCH PERMITS.

(2) Any governing body has the power to grant nontransferable and nonassignable permits within the area under its jurisdiction for displays of fireworks OR PYROTECHNIC SPECIAL EFFECTS PERFORMANCES by any person, fair association, amusement park, or other organizations or groups and to adopt reasonable rules and regulations for the granting of such permits.

(4) The discharge of fireworks pursuant to a permit provided for in subsection (2) of this section, or as otherwise provided in subsection (3) of this section, shall be lawful in Colorado, if the display OR PYROTECHNIC SPECIAL EFFECTS PERFORMANCE is performed in accordance with the requirements of the national fire protection association as stated in NFPA-1123, code for the outdoor display of fireworks OR NFPA-1126, STANDARD FOR THE USE OF PYROTECHNICS BEFORE A PROXIMATE AUDIENCE.

SECTION 3. 12-28-104 (1), (2), (3), (4), (5), (6), and (7), Colorado Revised Statutes, are amended to read:".

Page 6, strike line 3 and substitute the following:

fund. (1) No person shall sell, offer for sale, expose for sale, or possess with intent to sell permissible fireworks for retail until that person first obtains a retailer of fireworks license from the director of the DIVISION OF FIRE SAFETY WITHIN THE department of public safety and the permit, if any, required by section 12-28-103 (1). Such retailer's license shall be good only for the calendar year in which it is issued, shall apply to only one retail location, and shall at all times be displayed at the place of business of such licensed retailer.

(2) No person shall sell, deliver, consign, give, or furnish fireworks to any A person authorized by section 12-28-103 to discharge fireworks in Colorado until that person first obtains a display retailer of fireworks license from the director of the DIVISION OF FIRE SAFETY WITHIN THE department of public safety and the permit, if any, required by section 12-28-103 (1).

(3) No person shall sell, deliver, consign, give, or furnish permissible fireworks to a retailer for resale in Colorado until that person first obtains a wholesaler of fireworks license from the director of the DIVISION OF FIRE SAFETY WITHIN THE department of public safety and the permit, if any, required by section 12-28-103 (1).

(4) No person shall sell, deliver, consign, give, or furnish fireworks for export outside of Colorado until that person first obtains an exporter of fireworks license from the director of the DIVISION OF FIRE SAFETY WITHIN THE department of public safety and the permit, if any, required by section 12-28-103 (1).

(5) Applications for each display, retail, wholesale, and export license shall be filed with the director of the DIVISION OF FIRE SAFETY WITHIN THE department of public safety at least thirty days before the start of activities for which the license is required. Each such license shall be valid through September 1 of the year following the date on which the license was issued.

(6) (a) All fees pursuant to this article shall be collected by the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

director of the DIVISION OF FIRE SAFETY WITHIN THE department of public safety.

(b) All fees collected pursuant to paragraph (a) of this subsection (6) shall be transmitted to the state treasurer who shall credit the same to the fireworks licensing cash fund, which fund is hereby created in the state treasury. The general assembly shall appropriate the moneys in the fund to DIVISION OF FIRE SAFETY WITHIN the department of public safety for payment of salaries and expenses necessary for the administration of this article.

(c) The EXECUTIVE director of the department of public safety shall set";

line 17, before "director" insert "EXECUTIVE";

line 23, after "BY", insert "THE DIVISION OF FIRE SAFETY WITHIN";

line 24, strike "SAFETY" and substitute "SAFETY, THE COLORADO STATE FIRE CHIEFS ASSOCIATION,";

line 25, after "EMPHASIZE", insert "FIREWORKS SAFETY, INCLUDING, BUT NOT LIMITED TO,".

Page 7, after line 2, insert the following:

"(7) The EXECUTIVE director of the department of public safety shall promulgate rules ~~and regulations~~ to implement the provisions of this article. Such rules ~~and regulations~~ may include requirements ~~which~~ FOR THE CERTIFICATION OF FIREWORKS DISPLAY OPERATORS AND PYROTECHNIC OPERATORS, AND ANY OTHER REQUIREMENTS THAT are reasonably necessary for the safety of workers and the public and the protection of property. The procedure for the promulgation of such rules ~~and regulations~~ shall be in accordance with the provisions of section 24-4-103, C.R.S.

SECTION 5. 12-28-105 (3), Colorado Revised Statutes, is amended to read:

12-28-105. Importation of fireworks - duties of licensees - retention of invoices for inspection. (3) It shall be unlawful for ~~any~~ A person to conduct any fireworks display OR PYROTECHNIC SPECIAL EFFECTS PERFORMANCE using fireworks ~~which~~ THAT have not been purchased from a display retailer licensed under the provisions of section 12-28-104.".

Renumber succeeding sections accordingly.

Page 7, line 20, strike "KEETCH BYRAM DROUGHT INDEX" and substitute "NATIONAL FIRE DANGER RATING SYSTEM".

INTRODUCTION OF RESOLUTIONS

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

SJR04-012 by Senator(s) Lamborn; also Representative(s) Spradley--Concerning recognizing Ronald Reagan Day in Colorado.
Laid over one day under Senate Rule 30(b).

SJR04-013 by Senator(s) Johnson S.; also Representative(s) Fairbank--Concerning lifetime and retirement savings accounts.
Laid over one day under Senate Rule 30(b).

Journal correction:

Page 36, strike lines 18 through 55 and substitute the following:

"February 2, 2004

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
STATE BOARD OF NURSING

for terms expiring July 1, 2006:

Janet E. Ferguson of Pueblo West, Colorado, to serve as a staff nurse employed in a nursing care facility, reappointed;

Cheryl Ann Werner of Sterling, Colorado, to serve as a licensed practical nurse employed by a licensed hospital in a rural area, reappointed;

Sharon H. Pappas of Arvada, Colorado, to serve as a licensed professional nurse engaged in nursing service administration, appointed;

Judith A. Burke of Denver, Colorado, to serve as an advanced practice nurse, appointed.

This letter shall amend, repeal and supercede the letter dated July 28, 2003 pertaining to the State Board of Nursing.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 2/03/04
Renee White
Calendar Clerk

Committee on Health, Environment, Welfare & Institutions".

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of February 4, 2004, was laid over until Thursday, February 5, 2004, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB04-116, HB04-1007, SB04-091, SB04-115, HB04-1072, SB04-047.

Consideration of Resolutions: SJR04-008, SJR04-009.

Consideration of Governor's Appointments:
Members of the Hazardous Waste Commission;
Members of the State Board of Nursing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Thursday, February 5, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20