

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

Twenty-third Legislative Day

Thursday, January 29, 2004

1 Prayer by Representative Mitchell.

2

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

4

5 Pledge of Allegiance led by Representative Coleman.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Absent--Representative Rhodes--1.

11 Present after roll call--Representative Rhodes.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Hodge, the reading of the journal of
17 January 28, 2004, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

22 **REPORT OF COMMITTEE OF REFERENCE**

23

24 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

27

28 **HB04-1208** be referred favorably to the Committee on Finance.

29

30

31

32 On motion of Representative Brophy, the House resolved itself into
33 Committee of the Whole for consideration of General Orders, and he was
34 called to the Chair to act as Chairman.

35

36

37 **GENERAL ORDERS--SECOND READING OF BILLS**

38

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

43

1 (Amendments to the committee amendment are to the printed committee
2 report which was printed and placed in the members' bill file.)
3

4 **HB04-1084** by Representative(s) Cadman--Concerning the execution
5 of a writ of restitution after entry of judgment in a forcible
6 entry and detainer action.
7

8 Amendment No. 1, Judiciary Report, dated January 20, 2004, and placed
9 in member's bill file; Report also printed in House Journal, January 21,
10 page 116.
11

12 As amended, ordered engrossed and placed on the Calendar for Third
13 Reading and Final Passage.
14

15 **HB04-1150** by Representative(s) Hefley, Mitchell, Harvey, Brophy,
16 Decker, Fairbank, Hoppe, Jahn, King, May M., Rippy,
17 Salazar, Schultheis, Weddig, White, Williams S.; also
18 Senator(s) Hillman--Concerning the creation of the
19 "Commonsense Consumption Act".
20

21 Amendment No. 1, Judiciary Report, dated January 20, 2004, and placed
22 in member's bill file; Report also printed in House Journal, January 21,
23 page 116.
24

25 As amended, ordered engrossed and placed on the Calendar for Third
26 Reading and Final Passage.
27

28 **HB04-1069** by Representative(s) White; also Senator(s) Lamborn--
29 Concerning deferred deposit loans.
30

31 Amendment No. 1, Business Affairs & Labor Report, dated January 20,
32 2004, and placed in member's bill file; Report also printed in House
33 Journal, January 22, pages 123-124.
34

35 Amendment No. 2, by Representative White (passed in Committee of the
36 Whole on January 26, 2004).
37

38 Amend the Business Affairs and Labor Committee Report, dated January
39 20, 2004, page 1, line 8, after "AND", insert "NO";
40

41 line 11, strike "TO"." and substitute "TO";";
42

43 after line 11, insert the following:
44

45 "line 21, strike "PAPER," and substitute "PAPER".
46

47 As amended, ordered engrossed and placed on the Calendar for Third
48 Reading and Final Passage.
49

50 (For change in action, see Amendments to Report, pages 192-193.)
51

51 **HB04-1141** by Representative(s) King, Briggs, Cadman, Carroll,
52 Clapp, Cloer, Crane, Decker, Fairbank, Frangas, Hall,
53 Harvey, Hefley, Jahn, Johnson R., Lee, Lundberg, May
54 M., Miller, Mitchell, Rhodes, Rose, Schultheis, Sinclair,
55 Spence, Spradley, Stafford, Welker, White, Wiens,
56 Witwer; also Senator(s) Andrews, Arnold, Chlouber,

1 Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S.,
2 Jones, Kester, Lamborn, May R., McElhany, Owen, Teck-
3 -Concerning charter schools, and, in connection therewith,
4 providing for the creation of state charter schools.
5

6 Referred to the Committee on Appropriations.
7

8 **HB04-1206** by Representative(s) Mitchell, Butcher, Clapp, Coleman,
9 Decker, Frangas, Hall, Harvey, Judd, Marshall, May M.,
10 McFadyen, Pommer, Rose, Salazar, Stafford, Tochtrop,
11 Williams T.; also Senator(s) Hillman--Concerning the
12 second pool of premium tax credits available under the
13 "Certified Capital Company Act", and, in connection
14 therewith, creating an insurance premium tax credit for
15 contributions to CoverColorado by an insurance company.
16

17 Amendment No. 1, by Representative Mitchell.
18

19 Amend printed bill, page 10, line 21, strike "2004 TO 2013." and
20 substitute "2005 TO 2014."
21

22 Page 11, line 23, strike "AUTHORITY" and substitute "OFFICE".
23

24 Page 13, after line 23, insert the following:
25

26 "SECTION 9. 10-8-530 (1) (e) and (1.5) (a), Colorado Revised
27 Statutes, are amended to read:
28

29 **10-8-530. Funding of program - rules - repeal.** (1) The
30 program shall be funded by the following:
31

32 (e) Any moneys accepted through gifts, grants, or donations
33 received by the board for operation of the program, INCLUDING
34 CONTRIBUTIONS RECEIVED PURSUANT TO THE PREMIUM TAX CREDIT
35 ALLOCATION PROVISIONS OF SECTION 10-8-534.
36

37 (1.5) (a) The program may assess against insurers such special
38 fees as may be reasonable and necessary for the operation of the program.
39 The special fees shall be assessed on a prospective, per capita basis, with
40 the amount of the special fee assessed to each insurer equal to the number
41 of Colorado lives insured by the insurer under a policy issued and
42 delivered in the state of Colorado, multiplied by the per capita
43 assessment. Special fees shall be assessed only when it is determined by
44 the board that the projected operating revenues of the program, combined
45 with the projected cash balance of the CoverColorado cash fund and the
46 balance of any funds held or invested by the board or the administering
47 carrier, INCLUDING CONTRIBUTIONS RECEIVED PURSUANT TO THE PREMIUM
48 TAX CREDIT ALLOCATION PROVISIONS OF SECTION 10-8-534, will not be
49 adequate over the next twelve-month period to provide for the projected
50 claims, administrative expenses, reserves for claims incurred but not
51 reported, and surplus equal to ten percent of projected claims. All special
52 fees collected shall be used to pay the administrative expenses and the
53 losses related to eligible individuals. No part of the special fees shall be
54 used to pay for the administrative expenses or losses of any dependents
55 who have chosen coverage under the program. In the event that any
56 insurer fails to pay its special fee to the program in accordance with the

1 time frames set forth by rule, the commissioner is authorized to utilize all
 2 powers conferred on the commissioner by the insurance laws of this state
 3 to enforce payment of the special fees.".

4
 5 Renumber succeeding section accordingly.

6
 7 As amended, ordered engrossed and placed on the Calendar for Third
 8 Reading and Final Passage.

9
 10
 11 On motion of Representative King, the remainder of the General Orders
 12 Calendar (**HB04-1012, 1071, 1192, 1099, 1059, 1117, 1126, 1148, 1054,**
 13 **1023, 1092, 1124, 1029, 1177, 1212**) was laid over until January 30,
 14 retaining place on Calendar.

15
 16
 17
 18 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

19
 20 Representative Cerbo moved to amend the Report of the Committee of
 21 the Whole to show that the following Cerbo amendment to HB04-1069
 22 did pass:

23
 24 Amend the Business Affairs and Labor Committee Report, dated January
 25 20, 2004, page 2, strike lines 14 through 22 and substitute the following:

26
 27 "strike lines 25 through 27.

28
 29 Strike pages 9 through 11."

30
 31 The amendment was declared **lost** by the following roll call vote:

	YES	26	NO	39	EXCUSED	00	ABSENT	00
34	Berry	N	Garcia	Y	McCluskey	N	Sinclair	N
35	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
36	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
37	Briggs	N	Hefley	N	Merrifield	Y	Stafford	N
38	Brophy	N	Hodge	Y	Miller	N	Stengel	N
39	Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
40	Cadman	N	Jahn	N	Paccione	Y	Vigil	Y
41	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
42	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
43	Clapp	N	King	N	Ragsdale	Y	Welker	N
44	Cloer	N	Larson	N	Rhodes	N	White	N
45	Coleman	Y	Lee	N	Rippy	N	Wiens	N
46	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
47	Decker	N	Madden	Y	Rose	N	Williams T.	N
48	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
49	Frangas	Y	May	N	Schultheis	N	Young	N
50							Speaker	N

51
 52 Representative Paccione moved to amend the Report of the Committee
 53 of the Whole to show that the following Paccione amendment to HB04-
 54 1069 did pass:

55
 56 Amend printed bill, page 9, line 22, after "PRESENTED." add "IF A LENDER

1 REQUIRES A CONSUMER TO PRESENT A BANK STATEMENT TO SECURE A
 2 LOAN, THE LENDER SHALL ALLOW THE CONSUMER TO DELETE FROM THE
 3 STATEMENT THE INFORMATION REGARDING TO WHOM THE DEBITS LISTED
 4 ON THE STATEMENT WERE PAYABLE.".

5
 6 The amendment was declared **passed** by the following roll call vote:

	YES	40	NO	25	EXCUSED	00	ABSENT	00
9	Berry	N	Garcia	Y	McCluskey	N	Sinclair	Y
10	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
11	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
12	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	N
13	Brophy	N	Hodge	Y	Miller	Y	Stengel	N
14	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
15	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
16	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
17	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
18	Clapp	N	King	N	Ragsdale	Y	Welker	Y
19	Cloer	Y	Larson	N	Rhodes	N	White	Y
20	Coleman	Y	Lee	N	Rippy	Y	Wiens	N
21	Crane	N	Lundberg	Y	Romanoff	Y	Williams S.	Y
22	Decker	N	Madden	Y	Rose	Y	Williams T.	N
23	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
24	Frangas	Y	May	Y	Schultheis	N	Young	N
25							Speaker	N

26
 27
 28
 29 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

30
 31 Passed Second Reading:**HB04-1084 amended, 1150 amended, 1069**
 32 **amended, 1206 amended.**

33
 34 Laid over until date indicated retaining place on Calendar: **HB04-1012,**
 35 **1071, 1192, 1099, 1059, 1117, 1126, 1148, 1054, 1023, 1092, 1124,**
 36 **1029, 1177, 1212--January 30, 2004.**

37
 38 Referred to Committee indicated: **HB04-1141--Committee on**
 39 **Appropriations.**

40
 41 The Chairman moved the adoption of the Committee of the Whole
 42 Report. As shown by the following roll call vote, a majority of those
 43 elected to the House voted in the affirmative, and the Report was
 44 **adopted.**

	YES	65	NO	00	EXCUSED	00	ABSENT	00
47	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
48	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
49	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
50	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
51	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
52	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
53	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
54	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
55	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
56	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y

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

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HB04-1091 be postponed indefinitely.

HB04-1147 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 9, strike lines 19 through 22 and substitute the following:

"25-6.6-106. Repeal of article. THIS ARTICLE 6.6 IS REPEALED, EFFECTIVE JULY 1, 2007. PRIOR TO SUCH REPEAL, THE ENVIRONMENTAL MANAGEMENT SYSTEM PERMIT PROGRAM SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 2. 24-34-104 (38), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (38) The following agencies, functions, or both, shall terminate on July 1, 2007:

(e) THE ENVIRONMENTAL MANAGEMENT SYSTEM PERMIT PROGRAM CREATED IN ARTICLE 6.6 OF TITLE 25, C.R.S."

Renumber succeeding section accordingly.

BUSINESS AFFAIRS & LABOR

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

HB04-1080 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

1 (3) ON OR AFTER JANUARY 1, 2005, THIS PART 2 SHALL GOVERN AN
2 AGREEMENT TO ARBITRATE WHENEVER MADE.

3
4 **13-22-204. Effect of agreement to arbitrate - nonwaivable**
5 **provisions.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)
6 AND (3) OF THIS SECTION, A PARTY TO AN AGREEMENT TO ARBITRATE OR
7 TO AN ARBITRATION PROCEEDING MAY WAIVE, OR, THE PARTIES MAY VARY
8 THE EFFECT OF, THE REQUIREMENTS OF THIS PART 2 TO THE EXTENT
9 PERMITTED BY LAW.

10
11 (2) BEFORE A CONTROVERSY ARISES THAT IS SUBJECT TO AN
12 AGREEMENT TO ARBITRATE, A PARTY TO THE AGREEMENT MAY NOT:

13
14 (a) WAIVE OR AGREE TO VARY THE EFFECT OF THE REQUIREMENTS
15 OF SECTION 13-22-205 (1), 13-22-206 (1), 13-22-208, 13-22-217 (1) OR
16 (2), 13-22-226, OR 13-22-228;

17
18 (b) AGREE TO UNREASONABLY RESTRICT THE RIGHT UNDER
19 SECTION 13-22-209 TO NOTICE OF THE INITIATION OF AN ARBITRATION
20 PROCEEDING;

21
22 (c) AGREE TO UNREASONABLY RESTRICT THE RIGHT UNDER
23 SECTION 13-22-212 TO DISCLOSURE OF ANY FACTS BY A NEUTRAL
24 ARBITRATOR; OR

25
26 (d) WAIVE THE RIGHT UNDER SECTION 13-22-216 OF A PARTY TO
27 AN AGREEMENT TO ARBITRATE TO BE REPRESENTED BY A LAWYER AT ANY
28 PROCEEDING OR HEARING UNDER THIS PART 2, BUT AN EMPLOYER AND A
29 LABOR ORGANIZATION MAY WAIVE THE RIGHT TO REPRESENTATION BY A
30 LAWYER IN A LABOR ARBITRATION.

31
32 (3) A PARTY TO AN AGREEMENT TO ARBITRATE OR ARBITRATION
33 PROCEEDING MAY NOT WAIVE, OR THE PARTIES MAY NOT VARY THE EFFECT
34 OF, THE REQUIREMENTS OF THIS SECTION OR SECTION 13-22-203 (1) OR (3),
35 13-22-207, 13-22-214, 13-22-218, 13-22-220 (4) OR (5), 13-22-222,
36 13-22-223, 13-22-224, 13-22-225 (1) OR (2), OR 13-22-229.

37
38 **13-22-205. Application for judicial relief.** (1) EXCEPT AS
39 OTHERWISE PROVIDED IN SECTION 13-22-228, AN APPLICATION FOR
40 JUDICIAL RELIEF UNDER THIS PART 2 MUST BE MADE BY MOTION TO THE
41 COURT AND HEARD IN THE MANNER PROVIDED BY LAW OR COURT RULE FOR
42 MAKING AND HEARING MOTIONS.

43
44 (2) UNLESS A CIVIL ACTION INVOLVING THE AGREEMENT TO
45 ARBITRATE IS PENDING, NOTICE OF AN INITIAL MOTION TO THE COURT
46 UNDER THIS PART 2 MUST BE SERVED IN THE MANNER PROVIDED BY LAW
47 FOR THE SERVICE OF A SUMMONS IN A CIVIL ACTION. OTHERWISE, NOTICE
48 OF THE MOTION MUST BE GIVEN IN THE MANNER PROVIDED BY LAW OR
49 COURT RULE FOR SERVING MOTIONS IN PENDING CASES.

50
51 **13-22-206. Validity of agreement to arbitrate.** (1) AN
52 AGREEMENT CONTAINED IN A RECORD TO SUBMIT TO ARBITRATION ANY
53 EXISTING OR SUBSEQUENT CONTROVERSY ARISING BETWEEN THE PARTIES
54 TO THE AGREEMENT IS VALID, ENFORCEABLE, AND IRREVOCABLE EXCEPT
55 ON A GROUND THAT EXISTS AT LAW OR IN EQUITY FOR THE REVOCATION OF
56 A CONTRACT.

1 (2) THE COURT SHALL DECIDE WHETHER AN AGREEMENT TO
2 ARBITRATE EXISTS OR A CONTROVERSY IS SUBJECT TO AN AGREEMENT TO
3 ARBITRATE.

4
5 (3) AN ARBITRATOR SHALL DECIDE WHETHER A CONDITION
6 PRECEDENT TO ARBITRABILITY HAS BEEN FULFILLED AND WHETHER A
7 CONTRACT CONTAINING A VALID AGREEMENT TO ARBITRATE IS
8 ENFORCEABLE.

9
10 (4) IF A PARTY TO A JUDICIAL PROCEEDING CHALLENGES THE
11 EXISTENCE OF, OR CLAIMS THAT A CONTROVERSY IS NOT SUBJECT TO, AN
12 AGREEMENT TO ARBITRATE, THE ARBITRATION PROCEEDING MAY
13 CONTINUE PENDING FINAL RESOLUTION OF THE ISSUE BY THE COURT,
14 UNLESS THE COURT OTHERWISE ORDERS.

15
16 **13-22-207. Motion to compel or stay arbitration.** (1) ON THE
17 MOTION OF A PERSON SHOWING AN AGREEMENT TO ARBITRATE AND
18 ALLEGING ANOTHER PERSON'S REFUSAL TO ARBITRATE PURSUANT TO THE
19 AGREEMENT:

20
21 (a) IF THE REFUSING PARTY DOES NOT APPEAR OR DOES NOT OPPOSE
22 THE MOTION, THE COURT SHALL ORDER THE PARTIES TO ARBITRATE; AND

23
24 (b) IF THE REFUSING PARTY OPPOSES THE MOTION, THE COURT
25 SHALL PROCEED SUMMARILY TO DECIDE THE ISSUE AND ORDER THE
26 PARTIES TO ARBITRATE UNLESS IT FINDS THAT THERE IS NO ENFORCEABLE
27 AGREEMENT TO ARBITRATE.

28
29 (2) ON THE MOTION OF A PERSON ALLEGING THAT AN ARBITRATION
30 PROCEEDING HAS BEEN INITIATED OR THREATENED BUT THAT THERE IS NOT
31 AN AGREEMENT TO ARBITRATE, THE COURT SHALL PROCEED SUMMARILY
32 TO DECIDE THE ISSUE. IF THE COURT FINDS THAT THERE IS AN
33 ENFORCEABLE AGREEMENT TO ARBITRATE, IT SHALL ORDER THE PARTIES
34 TO ARBITRATE.

35
36 (3) IF THE COURT FINDS THAT THERE IS NO ENFORCEABLE
37 AGREEMENT, IT MAY NOT INVOKE THE PROVISIONS OF SUBSECTION (1) OR
38 (2) OF THIS SECTION TO ORDER THE PARTIES TO ARBITRATE.

39
40 (4) THE COURT MAY NOT REFUSE TO ORDER ARBITRATION BECAUSE
41 THE CLAIM SUBJECT TO ARBITRATION LACKS MERIT OR BECAUSE ONE OR
42 MORE GROUNDS FOR THE CLAIM HAVE NOT BEEN ESTABLISHED.

43
44 (5) IF A PROCEEDING INVOLVING A CLAIM REFERABLE TO
45 ARBITRATION UNDER AN ALLEGED AGREEMENT TO ARBITRATE IS PENDING
46 IN COURT, A MOTION MADE UNDER THIS SECTION SHALL BE FILED WITH
47 THAT COURT. OTHERWISE, A MOTION MADE UNDER THIS SECTION MAY BE
48 FILED IN ANY COURT PURSUANT TO SECTION 13-22-227.

49
50 (6) IF A PARTY FILES A MOTION WITH THE COURT TO ORDER
51 ARBITRATION, THE COURT ON JUST TERMS SHALL STAY ANY JUDICIAL
52 PROCEEDING THAT INVOLVES A CLAIM ALLEGED TO BE SUBJECT TO THE
53 ARBITRATION UNTIL THE ORDERING COURT RENDERS A FINAL DECISION
54 UNDER THIS SECTION.

55
56 (7) IF THE COURT ORDERS ARBITRATION, THE COURT ON JUST

1 TERMS SHALL STAY ANY JUDICIAL PROCEEDING THAT INVOLVES A CLAIM
2 SUBJECT TO THE ARBITRATION. IF A CLAIM SUBJECT TO THE ARBITRATION
3 IS SEVERABLE, THE COURT MAY LIMIT THE STAY TO THAT CLAIM.
4

5 **13-22-208. Provisional remedies.** (1) BEFORE AN ARBITRATOR
6 IS APPOINTED AND IS AUTHORIZED AND ABLE TO ACT, THE COURT, UPON
7 MOTION OF A PARTY TO AN ARBITRATION PROCEEDING AND FOR GOOD
8 CAUSE SHOWN, MAY ENTER AN ORDER FOR PROVISIONAL REMEDIES TO
9 PROTECT THE EFFECTIVENESS OF THE ARBITRATION PROCEEDING TO THE
10 SAME EXTENT AND UNDER THE SAME CONDITIONS AS IF THE CONTROVERSY
11 WERE THE SUBJECT OF A CIVIL ACTION.
12

13 (2) AFTER AN ARBITRATOR IS APPOINTED AND IS AUTHORIZED AND
14 ABLE TO ACT:
15

16 (a) THE ARBITRATOR MAY ISSUE SUCH ORDERS FOR PROVISIONAL
17 REMEDIES, INCLUDING INTERIM AWARDS, AS THE ARBITRATOR FINDS
18 NECESSARY TO PROTECT THE EFFECTIVENESS OF THE ARBITRATION
19 PROCEEDING AND TO PROMOTE THE FAIR AND EXPEDITIOUS RESOLUTION OF
20 THE CONTROVERSY, TO THE SAME EXTENT AND UNDER THE SAME
21 CONDITIONS AS IF THE CONTROVERSY WERE THE SUBJECT OF A CIVIL
22 ACTION; AND
23

24 (b) A PARTY TO AN ARBITRATION PROCEEDING MAY REQUEST THE
25 COURT TO ISSUE AN ORDER FOR A PROVISIONAL REMEDY ONLY IF THE
26 MATTER IS URGENT AND THE ARBITRATOR IS NOT ABLE TO ACT TIMELY OR
27 THE ARBITRATOR CANNOT PROVIDE AN ADEQUATE REMEDY.
28

29 (3) A PARTY DOES NOT WAIVE A RIGHT OF ARBITRATION BY
30 MAKING A MOTION UNDER SUBSECTION (1) OR (2) OF THIS SECTION.
31

32 **13-22-209. Initiation of arbitration.** (1) A PERSON MAY INITIATE
33 AN ARBITRATION PROCEEDING BY GIVING NOTICE IN A RECORD TO THE
34 OTHER PARTIES TO THE AGREEMENT TO ARBITRATE IN THE AGREED
35 MANNER BETWEEN THE PARTIES OR, IN THE ABSENCE OF AN AGREEMENT,
36 BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED AND
37 OBTAINED, OR BY SERVICE AS AUTHORIZED BY LAW FOR THE
38 COMMENCEMENT OF A CIVIL ACTION. THE NOTICE SHALL DESCRIBE THE
39 NATURE OF THE CONTROVERSY AND THE REMEDY SOUGHT.
40

41 (2) UNLESS A PERSON OBJECTS TO THE LACK OF NOTICE OR THE
42 INSUFFICIENCY OF NOTICE UNDER SECTION 13-22-215 (3) NOT LATER THAN
43 THE BEGINNING OF THE ARBITRATION HEARING, A PERSON WHO APPEARS
44 AT THE ARBITRATION HEARING WAIVES ANY OBJECTION TO THE LACK OF
45 NOTICE OR INSUFFICIENCY OF NOTICE.
46

47 **13-22-210. Consolidation of separate arbitration proceedings.**
48 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION,
49 UPON THE MOTION OF A PARTY TO AN AGREEMENT TO ARBITRATE OR TO AN
50 ARBITRATION PROCEEDING, THE COURT MAY ORDER CONSOLIDATION OF
51 SEPARATE ARBITRATION PROCEEDINGS AS TO ALL OR SOME OF THE CLAIMS
52 IF:
53

54 (a) THERE ARE SEPARATE AGREEMENTS TO ARBITRATE OR
55 SEPARATE ARBITRATION PROCEEDINGS BETWEEN OR AMONG THE SAME
56 PERSONS OR ONE OF THE PERSONS IS A PARTY TO A SEPARATE AGREEMENT

1 TO ARBITRATE OR A SEPARATE ARBITRATION PROCEEDING WITH A THIRD
2 PERSON;

3
4 (b) THE CLAIMS SUBJECT TO THE AGREEMENTS TO ARBITRATE
5 ARISE IN SUBSTANTIAL PART FROM THE SAME TRANSACTION OR SERIES OF
6 RELATED TRANSACTIONS;

7
8 (c) THE EXISTENCE OF A COMMON ISSUE OF LAW OR FACT CREATES
9 THE POSSIBILITY OF CONFLICTING DECISIONS IN THE SEPARATE
10 ARBITRATION PROCEEDINGS; AND

11
12 (d) PREJUDICE RESULTING FROM A FAILURE TO CONSOLIDATE IS
13 NOT OUTWEIGHED BY THE RISK OF UNDUE DELAY OR PREJUDICE TO THE
14 RIGHTS OF OR HARDSHIP TO PARTIES OPPOSING CONSOLIDATION.

15
16 (2) THE COURT MAY ORDER CONSOLIDATION OF SEPARATE
17 ARBITRATION PROCEEDINGS AS TO SOME CLAIMS AND ALLOW OTHER
18 CLAIMS TO BE RESOLVED IN SEPARATE ARBITRATION PROCEEDINGS.

19
20 (3) THE COURT MAY NOT ORDER CONSOLIDATION OF THE CLAIMS
21 OF A PARTY TO AN AGREEMENT TO ARBITRATE IF THE AGREEMENT
22 PROHIBITS CONSOLIDATION.

23
24 **13-22-211. Appointment of arbitrator - service as a neutral**
25 **arbitrator.** (1) IF THE PARTIES TO AN AGREEMENT TO ARBITRATE AGREE
26 ON A METHOD FOR APPOINTING AN ARBITRATOR, THE METHOD SHALL BE
27 FOLLOWED UNLESS THE METHOD FAILS. IF THE PARTIES HAVE NOT AGREED
28 ON A METHOD, OR THE AGREED METHOD FAILS, OR AN APPOINTED
29 ARBITRATOR FAILS TO ACT OR IS UNABLE TO ACT AND A SUCCESSOR HAS
30 NOT BEEN APPOINTED, THE COURT, ON THE MOTION OF A PARTY TO THE
31 ARBITRATION PROCEEDING, SHALL APPOINT THE ARBITRATOR. AN
32 ARBITRATOR APPOINTED PURSUANT TO THIS SUBSECTION (1) SHALL HAVE
33 ALL THE POWERS OF AN ARBITRATOR DESIGNATED IN AN AGREEMENT TO
34 ARBITRATE OR APPOINTED PURSUANT TO AN AGREED METHOD.

35
36 (2) AN INDIVIDUAL WHO HAS A KNOWN, DIRECT, AND MATERIAL
37 INTEREST IN THE OUTCOME OF THE ARBITRATION PROCEEDING OR A
38 KNOWN, EXISTING, AND SUBSTANTIAL RELATIONSHIP WITH A PARTY MAY
39 NOT SERVE AS AN ARBITRATOR IF THE AGREEMENT REQUIRES THE
40 ARBITRATOR TO BE NEUTRAL.

41
42 **13-22-212. Disclosure by arbitrator.** (1) BEFORE ACCEPTING AN
43 APPOINTMENT, AN INDIVIDUAL WHO IS REQUESTED TO SERVE AS AN
44 ARBITRATOR, AFTER MAKING A REASONABLE INQUIRY, SHALL DISCLOSE TO
45 ALL PARTIES TO THE AGREEMENT TO ARBITRATE AND ARBITRATION
46 PROCEEDING AND TO ANY OTHER ARBITRATORS ANY KNOWN FACTS THAT
47 A REASONABLE PERSON WOULD CONSIDER LIKELY TO AFFECT THE
48 IMPARTIALITY OF THE ARBITRATOR IN THE ARBITRATION PROCEEDING,
49 INCLUDING:

50
51 (a) A FINANCIAL OR PERSONAL INTEREST IN THE OUTCOME OF THE
52 ARBITRATION PROCEEDING; AND

53
54 (b) A CURRENT OR PREVIOUS RELATIONSHIP WITH ANY OF THE
55 PARTIES TO THE AGREEMENT TO ARBITRATE OR THE ARBITRATION
56 PROCEEDING, THEIR COUNSEL OR REPRESENTATIVES, A WITNESS, OR

1 ANOTHER ARBITRATOR.

2

3 (2) AN ARBITRATOR SHALL HAVE A CONTINUING OBLIGATION TO
4 DISCLOSE TO ALL PARTIES TO THE AGREEMENT TO ARBITRATE AND TO THE
5 ARBITRATION PROCEEDING AND TO ANY OTHER ARBITRATORS ANY FACTS
6 THAT THE ARBITRATOR LEARNS AFTER ACCEPTING APPOINTMENT THAT A
7 REASONABLE PERSON WOULD CONSIDER LIKELY TO AFFECT THE
8 IMPARTIALITY OF THE ARBITRATOR.

9

10 (3) IF AN ARBITRATOR DISCLOSES A FACT REQUIRED TO BE
11 DISCLOSED BY SUBSECTION (1) OR (2) OF THIS SECTION AND A PARTY
12 TIMELY OBJECTS TO THE APPOINTMENT OR CONTINUED SERVICE OF THE
13 ARBITRATOR BASED UPON THE FACT DISCLOSED, THE OBJECTION MAY BE
14 A GROUND UNDER SECTION 13-22-223 (1) (b) FOR VACATING AN AWARD
15 MADE BY AN ARBITRATOR.

16

17 (4) IF THE ARBITRATOR DOES NOT DISCLOSE A FACT AS REQUIRED
18 BY SUBSECTION (1) OR (2) OF THIS SECTION, UPON TIMELY OBJECTION BY
19 A PARTY, THE COURT MAY VACATE AN AWARD UNDER SECTION 13-22-223
20 (1) (b).

21

22 (5) AN ARBITRATOR APPOINTED AS A NEUTRAL ARBITRATOR WHO
23 DOES NOT DISCLOSE A KNOWN, DIRECT, AND MATERIAL INTEREST IN THE
24 OUTCOME OF THE ARBITRATION PROCEEDING OR A KNOWN, EXISTING, AND
25 SUBSTANTIAL RELATIONSHIP WITH A PARTY SHALL BE PRESUMED TO ACT
26 WITH EVIDENT PARTIALITY UNDER SECTION 13-22-223 (1) (b).

27

28 (6) IF THE PARTIES TO AN ARBITRATION PROCEEDING AGREE TO THE
29 PROCEDURES OF AN ARBITRATION ORGANIZATION OR ANY OTHER
30 PROCEDURES FOR CHALLENGES TO ARBITRATORS BEFORE AN AWARD IS
31 MADE, SUBSTANTIAL COMPLIANCE WITH THOSE PROCEDURES IS A
32 CONDITION PRECEDENT TO A MOTION TO VACATE AN AWARD ON THAT
33 GROUND UNDER SECTION 13-22-223 (1) (b).

34

35 **13-22-213. Action by majority.** IF THERE IS MORE THAN ONE
36 ARBITRATOR, THE POWERS OF AN ARBITRATOR SHALL BE EXERCISED BY A
37 MAJORITY OF THE ARBITRATORS, EXCEPT THAT ALL OF THE ARBITRATORS
38 SHALL CONDUCT THE HEARING UNDER THE PROVISIONS OF SECTION
39 13-22-215 (3).

40

41 **13-22-214. Immunity of arbitrator - competency to testify -**
42 **attorney fees and costs.** (1) AN ARBITRATOR OR AN ARBITRATION
43 ORGANIZATION ACTING IN THE CAPACITY OF AN ARBITRATOR IS IMMUNE
44 FROM CIVIL LIABILITY TO THE SAME EXTENT AS A JUDGE OF A COURT OF
45 THIS STATE ACTING IN A JUDICIAL CAPACITY.

46

47 (2) THE IMMUNITY AFFORDED BY THIS SECTION IS IN ADDITION TO,
48 AND NOT IN LIEU OF, OR IN DEROGATION OF, IMMUNITY CONFERRED UNDER
49 ANY OTHER PROVISION OF LAW.

50

51 (3) THE FAILURE OF AN ARBITRATOR TO MAKE A DISCLOSURE
52 REQUIRED BY SECTION 13-22-212 SHALL NOT CAUSE ANY LOSS OF
53 IMMUNITY THAT IS GRANTED UNDER THIS SECTION.

54

55 (4) (a) IN A JUDICIAL PROCEEDING, ADMINISTRATIVE PROCEEDING,
56 OR OTHER SIMILAR PROCEEDING, AN ARBITRATOR OR REPRESENTATIVE OF

1 AN ARBITRATION ORGANIZATION SHALL NOT BE COMPETENT TO TESTIFY
2 AND MAY NOT BE REQUIRED TO PRODUCE RECORDS AS TO ANY STATEMENT,
3 CONDUCT, DECISION, OR RULING THAT OCCURRED DURING THE
4 ARBITRATION PROCEEDING, TO THE SAME EXTENT AS A JUDGE OF A COURT
5 OF THIS STATE ACTING IN A JUDICIAL CAPACITY.

6

7 (b) THIS SUBSECTION (4) SHALL NOT APPLY:

8

9 (I) TO THE EXTENT NECESSARY TO DETERMINE THE CLAIM OF AN
10 ARBITRATOR, ARBITRATION ORGANIZATION, OR REPRESENTATIVE OF THE
11 ARBITRATION ORGANIZATION AGAINST A PARTY TO THE ARBITRATION
12 PROCEEDING; OR

13

14 (II) TO A HEARING ON A MOTION TO VACATE AN AWARD UNDER
15 SECTION 13-22-223 (1) (a) OR (1) (b) IF THE MOVANT MAKES A PRIMA
16 FACIE SHOWING THAT A GROUND FOR VACATING THE AWARD EXISTS.

17

18 (5) IF A PERSON COMMENCES A CIVIL ACTION AGAINST AN
19 ARBITRATOR, ARBITRATION ORGANIZATION, OR REPRESENTATIVE OF AN
20 ARBITRATION ORGANIZATION ARISING FROM THE SERVICES OF THE
21 ARBITRATOR, ORGANIZATION, OR REPRESENTATIVE, OR IF A PERSON SEEKS
22 TO COMPEL AN ARBITRATOR OR A REPRESENTATIVE OF AN ARBITRATION
23 ORGANIZATION TO TESTIFY OR PRODUCE RECORDS IN VIOLATION OF
24 SUBSECTION (4) OF THIS SECTION, AND THE COURT DECIDES THAT THE
25 ARBITRATOR, ARBITRATION ORGANIZATION, OR REPRESENTATIVE OF AN
26 ARBITRATION ORGANIZATION IS IMMUNE FROM CIVIL LIABILITY OR THAT
27 THE ARBITRATOR OR REPRESENTATIVE OF THE ORGANIZATION IS NOT
28 COMPETENT TO TESTIFY, THE COURT SHALL AWARD TO THE ARBITRATOR,
29 ORGANIZATION, OR REPRESENTATIVE REASONABLE ATTORNEY FEES AND
30 REASONABLE EXPENSES OF LITIGATION.

31

32 **13-22-215. Arbitration process.** (1) AN ARBITRATOR MAY
33 CONDUCT AN ARBITRATION IN A MANNER THAT THE ARBITRATOR
34 CONSIDERS APPROPRIATE FOR A FAIR AND EXPEDITIOUS DISPOSITION OF
35 THE PROCEEDING. THE AUTHORITY CONFERRED UPON THE ARBITRATOR BY
36 THIS PART 2 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE POWER TO HOLD
37 CONFERENCES WITH THE PARTIES TO THE ARBITRATION PROCEEDING
38 BEFORE THE HEARING AND THE POWER TO DETERMINE THE ADMISSIBILITY,
39 RELEVANCE, MATERIALITY, AND WEIGHT OF ANY EVIDENCE.

40

41 (2) AN ARBITRATOR MAY DECIDE A REQUEST FOR SUMMARY
42 DISPOSITION OF A CLAIM OR PARTICULAR ISSUE:

43

44 (a) IF ALL INTERESTED PARTIES AGREE; OR

45

46 (b) UPON REQUEST OF ONE OR MORE PARTIES TO THE ARBITRATION
47 PROCEEDING IF THAT PARTY GIVES NOTICE TO ALL OTHER PARTIES TO THE
48 PROCEEDING AND THE OTHER PARTIES HAVE A REASONABLE OPPORTUNITY
49 TO RESPOND.

50

51 (3) IF AN ARBITRATOR ORDERS A HEARING, THE ARBITRATOR SHALL
52 SET A TIME AND PLACE AND GIVE NOTICE OF THE HEARING NOT LESS THAN
53 FIVE DAYS BEFORE THE HEARING BEGINS. UNLESS A PARTY TO THE
54 ARBITRATION PROCEEDING MAKES AN OBJECTION TO LACK OR
55 INSUFFICIENCY OF NOTICE NOT LATER THAN THE BEGINNING OF THE
56 HEARING, THE PARTY'S APPEARANCE AT THE HEARING SHALL WAIVE THE

1 OBJECTION. UPON THE REQUEST OF A PARTY TO THE ARBITRATION
2 PROCEEDING AND FOR GOOD CAUSE SHOWN, OR UPON THE ARBITRATOR'S
3 OWN INITIATIVE, THE ARBITRATOR MAY ADJOURN THE HEARING FROM TIME
4 TO TIME AS NECESSARY BUT MAY NOT POSTPONE THE HEARING TO A TIME
5 LATER THAN THAT FIXED BY THE AGREEMENT TO ARBITRATE FOR MAKING
6 THE AWARD UNLESS THE PARTIES TO THE ARBITRATION PROCEEDING
7 CONSENT TO A LATER DATE. THE ARBITRATOR MAY HEAR AND DECIDE THE
8 CONTROVERSY UPON THE EVIDENCE PRODUCED EVEN IF A PARTY WHO WAS
9 DULY NOTIFIED OF THE ARBITRATION PROCEEDING DOES NOT APPEAR. THE
10 COURT, ON MOTION, MAY DIRECT THE ARBITRATOR TO CONDUCT THE
11 HEARING PROMPTLY AND RENDER A TIMELY DECISION.

12

13 (4) AT A HEARING UNDER SUBSECTION (3) OF THIS SECTION, A
14 PARTY TO THE ARBITRATION PROCEEDING HAS A RIGHT TO BE HEARD, TO
15 PRESENT EVIDENCE MATERIAL TO THE CONTROVERSY, AND TO
16 CROSS-EXAMINE WITNESSES APPEARING AT THE HEARING.

17

18 (5) IF AN ARBITRATOR CEASES OR IS UNABLE TO ACT DURING THE
19 ARBITRATION PROCEEDING, A REPLACEMENT ARBITRATOR SHALL BE
20 APPOINTED IN ACCORDANCE WITH SECTION 13-22-211 TO CONTINUE THE
21 PROCEEDING AND TO RESOLVE THE CONTROVERSY.

22

23 **13-22-216. Representation by attorney.** A PARTY TO AN
24 ARBITRATION PROCEEDING MAY BE REPRESENTED BY AN ATTORNEY.

25

26 **13-22-217. Witnesses - subpoenas - depositions - discovery.**

27 (1) AN ARBITRATOR MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A
28 WITNESS AND FOR THE PRODUCTION OF RECORDS AND OTHER EVIDENCE AT
29 ANY HEARING AND MAY ADMINISTER OATHS. A SUBPOENA ISSUED UNDER
30 THIS SECTION SHALL BE SERVED IN THE MANNER FOR SERVICE OF
31 SUBPOENAS IN A CIVIL ACTION AND, UPON MOTION TO THE COURT BY A
32 PARTY TO THE ARBITRATION PROCEEDING OR BY THE ARBITRATOR,
33 ENFORCED IN THE MANNER FOR ENFORCEMENT OF SUBPOENAS IN A CIVIL
34 ACTION.

35

36 (2) IN ORDER TO MAKE THE PROCEEDINGS FAIR, EXPEDITIOUS, AND
37 COST EFFECTIVE, UPON THE REQUEST OF A PARTY OR A WITNESS IN AN
38 ARBITRATION PROCEEDING, AN ARBITRATOR MAY PERMIT A DEPOSITION OF
39 ANY WITNESS TO BE TAKEN FOR USE AS EVIDENCE AT THE HEARING,
40 INCLUDING A WITNESS WHO CANNOT BE SUBPOENAED FOR A HEARING OR
41 WHO IS UNABLE TO ATTEND A HEARING. THE ARBITRATOR SHALL
42 DETERMINE THE CONDITIONS UNDER WHICH THE DEPOSITION IS TAKEN.

43

44 (3) AN ARBITRATOR MAY PERMIT SUCH DISCOVERY AS THE
45 ARBITRATOR DECIDES IS APPROPRIATE IN THE CIRCUMSTANCES, TAKING
46 INTO ACCOUNT THE NEEDS OF THE PARTIES TO THE ARBITRATION
47 PROCEEDING AND OTHER AFFECTED PERSONS AND THE DESIRABILITY OF
48 MAKING THE PROCEEDING FAIR, EXPEDITIOUS, AND COST EFFECTIVE.

49

50 (4) IF AN ARBITRATOR PERMITS DISCOVERY UNDER SUBSECTION (3)
51 OF THIS SECTION, THE ARBITRATOR MAY ORDER A PARTY TO THE
52 ARBITRATION PROCEEDING TO COMPLY WITH THE ARBITRATOR'S
53 DISCOVERY-RELATED ORDERS, ISSUE SUBPOENAS FOR THE ATTENDANCE OF
54 A WITNESS AND FOR THE PRODUCTION OF RECORDS AND OTHER EVIDENCE
55 AT A DISCOVERY PROCEEDING, AND TAKE ACTION AGAINST A
56 NON-COMPLYING PARTY TO THE EXTENT A COURT COULD TAKE SUCH

1 ACTION IF THE CONTROVERSY WERE THE SUBJECT OF A CIVIL ACTION.

2

3 (5) AN ARBITRATOR MAY ISSUE A PROTECTIVE ORDER TO PREVENT
4 THE DISCLOSURE OF PRIVILEGED INFORMATION, CONFIDENTIAL
5 INFORMATION, TRADE SECRETS, AND OTHER INFORMATION PROTECTED
6 FROM DISCLOSURE TO THE EXTENT A COURT COULD IF THE CONTROVERSY
7 WERE THE SUBJECT OF A CIVIL ACTION.

8

9 (6) ALL PROVISIONS OF LAW THAT COMPEL A PERSON UNDER
10 SUBPOENA TO TESTIFY AND ALL FEES FOR ATTENDING A JUDICIAL
11 PROCEEDING, A DEPOSITION, OR A DISCOVERY PROCEEDING AS A WITNESS
12 SHALL APPLY TO AN ARBITRATION PROCEEDING IN THE SAME MANNER AS
13 IF THE CONTROVERSY WERE THE SUBJECT OF A CIVIL ACTION.

14

15 (7) THE COURT MAY ENFORCE A SUBPOENA OR
16 DISCOVERY-RELATED ORDER FOR THE ATTENDANCE OF A WITNESS WITHIN
17 THIS STATE AND FOR THE PRODUCTION OF RECORDS AND OTHER EVIDENCE
18 ISSUED BY AN ARBITRATOR IN CONNECTION WITH AN ARBITRATION
19 PROCEEDING IN ANOTHER STATE UPON CONDITIONS DETERMINED BY THE
20 COURT SO AS TO MAKE THE ARBITRATION PROCEEDING FAIR, EXPEDITIOUS,
21 AND COST EFFECTIVE. A SUBPOENA OR DISCOVERY-RELATED ORDER
22 ISSUED BY AN ARBITRATOR IN ANOTHER STATE SHALL BE SERVED IN THE
23 MANNER PROVIDED BY LAW FOR SERVICE OF SUBPOENAS IN A CIVIL ACTION
24 AND, UPON MOTION TO THE COURT BY A PARTY TO THE ARBITRATION
25 PROCEEDING OR THE ARBITRATOR, ENFORCED IN THE MANNER PROVIDED
26 BY LAW FOR ENFORCEMENT OF SUBPOENAS IN A CIVIL ACTION.

27

28 **13-22-218. Judicial enforcement of pre-award ruling by**
29 **arbitrator.** IF AN ARBITRATOR MAKES A PRE-AWARD RULING IN FAVOR OF
30 A PARTY TO THE ARBITRATION PROCEEDING, THE PARTY MAY REQUEST THE
31 ARBITRATOR TO INCORPORATE THE RULING INTO AN AWARD UNDER
32 SECTION 13-22-219. A PREVAILING PARTY MAY MAKE A MOTION TO THE
33 COURT FOR AN EXPEDITED ORDER TO CONFIRM THE AWARD UNDER
34 SECTION 13-22-222, IN WHICH CASE THE COURT SHALL SUMMARILY DECIDE
35 THE MOTION. THE COURT SHALL ISSUE AN ORDER TO CONFIRM THE AWARD
36 UNLESS THE COURT VACATES, MODIFIES, OR CORRECTS THE AWARD UNDER
37 SECTION 13-22-223 OR 13-22-224.

38

39 **13-22-219. Award.** (1) AN ARBITRATOR SHALL MAKE A RECORD
40 OF AN AWARD. THE RECORD SHALL BE SIGNED OR OTHERWISE
41 AUTHENTICATED BY AN ARBITRATOR WHO CONCURS WITH THE AWARD.
42 THE ARBITRATOR OR THE ARBITRATION ORGANIZATION SHALL GIVE NOTICE
43 OF THE AWARD, INCLUDING A COPY OF THE AWARD, TO EACH PARTY TO THE
44 ARBITRATION PROCEEDING.

45

46 (2) AN AWARD MUST BE MADE WITHIN THE TIME SPECIFIED BY THE
47 AGREEMENT TO ARBITRATE OR, IF NOT SPECIFIED THEREIN, WITHIN THE
48 TIME ORDERED BY THE COURT. THE COURT MAY EXTEND THE TIME OR THE
49 PARTIES TO THE ARBITRATION PROCEEDING MAY AGREE IN A RECORD TO
50 EXTEND THE TIME. THE COURT OR THE PARTIES MAY DO SO WITHIN OR
51 AFTER THE TIME SPECIFIED OR ORDERED. A PARTY SHALL BE DEEMED TO
52 HAVE WAIVED ANY OBJECTION THAT AN AWARD WAS NOT TIMELY MADE
53 UNLESS THE PARTY GIVES NOTICE OF THE OBJECTION TO THE ARBITRATOR
54 BEFORE RECEIVING NOTICE OF THE AWARD.

55

56 **13-22-220. Change of award by arbitrator.** (1) ON MOTION TO

1 AN ARBITRATOR BY A PARTY TO AN ARBITRATION PROCEEDING, THE
2 ARBITRATOR MAY MODIFY OR CORRECT AN AWARD:

3

4 (a) UPON A GROUND STATED IN SECTION 13-22-224 (1) (a) OR (1)
5 (c);

6

7 (b) IF THE ARBITRATOR HAS NOT MADE A FINAL AND DEFINITE
8 AWARD UPON A CLAIM SUBMITTED BY THE PARTIES TO THE ARBITRATION
9 PROCEEDING; OR

10

11 (c) TO CLARIFY THE AWARD.

12

13 (2) A MOTION MADE UNDER SUBSECTION (1) OF THIS SECTION
14 SHALL BE MADE AND NOTICE SHALL BE GIVEN TO ALL PARTIES WITHIN
15 TWENTY DAYS AFTER THE MOVANT RECEIVES NOTICE OF THE AWARD.

16

17 (3) A PARTY TO THE ARBITRATION PROCEEDING SHALL GIVE NOTICE
18 OF ANY OBJECTION TO THE MOTION WITHIN TEN DAYS AFTER RECEIPT OF
19 THE NOTICE.

20

21 (4) IF A MOTION TO THE COURT IS PENDING UNDER SECTION
22 13-22-222, 13-22-223, OR 13-22-224, THE COURT MAY SUBMIT THE CLAIM
23 TO THE ARBITRATOR TO CONSIDER WHETHER TO MODIFY OR CORRECT THE
24 AWARD:

25

26 (a) UPON A GROUND STATED IN SECTION 13-22-224 (1) (a) OR (1)
27 (c);

28

29 (b) IF THE ARBITRATOR HAS NOT MADE A FINAL AND DEFINITE
30 AWARD UPON A CLAIM SUBMITTED BY THE PARTIES TO THE ARBITRATION
31 PROCEEDING; OR

32

33 (c) TO CLARIFY THE AWARD.

34

35 (5) AN AWARD MODIFIED OR CORRECTED PURSUANT TO THIS
36 SECTION IS SUBJECT TO THE PROVISIONS OF SECTIONS 13-22-219 (1),
37 13-22-222, 13-22-223, AND 13-22-224.

38

39 **13-22-221. Remedies - fees and expenses of arbitration**
40 **proceeding.** (1) AN ARBITRATOR MAY AWARD REASONABLE ATTORNEY
41 FEES AND OTHER REASONABLE EXPENSES OF ARBITRATION IF SUCH AN
42 AWARD IS AUTHORIZED BY LAW IN A CIVIL ACTION INVOLVING THE SAME
43 CLAIM OR BY THE AGREEMENT OF THE PARTIES TO THE ARBITRATION
44 PROCEEDING.

45

46 (2) AS TO ALL REMEDIES OTHER THAN THOSE AUTHORIZED BY
47 SUBSECTION (1) OF THIS SECTION, AN ARBITRATOR MAY ORDER SUCH
48 REMEDIES AS THE ARBITRATOR CONSIDERS JUST AND APPROPRIATE UNDER
49 THE CIRCUMSTANCES OF THE ARBITRATION PROCEEDING. THE FACT THAT
50 SUCH A REMEDY COULD NOT OR WOULD NOT BE GRANTED BY THE COURT
51 IS NOT A GROUND FOR REFUSING TO CONFIRM AN AWARD UNDER SECTION
52 13-22-222 OR FOR VACATING AN AWARD UNDER SECTION 13-22-223.

53

54 (3) AN ARBITRATOR'S EXPENSES AND FEES, TOGETHER WITH OTHER
55 EXPENSES, SHALL BE PAID AS PROVIDED IN THE AWARD.

56

1 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER OR
2 AMEND THE PROVISIONS OF SECTION 13-21-102 (5).

3
4 **13-22-222. Confirmation of award.** AFTER A PARTY TO AN
5 ARBITRATION PROCEEDING RECEIVES NOTICE OF AN AWARD, THE PARTY
6 MAY MAKE A MOTION TO THE COURT FOR AN ORDER CONFIRMING THE
7 AWARD AT WHICH TIME THE COURT SHALL ISSUE A CONFIRMING ORDER
8 UNLESS THE AWARD IS MODIFIED OR CORRECTED PURSUANT TO SECTION
9 13-22-220 OR 13-22-224 OR IS VACATED PURSUANT TO SECTION
10 13-22-223.

11
12 **13-22-223. Vacating award.** (1) UPON MOTION TO THE COURT
13 BY A PARTY TO AN ARBITRATION PROCEEDING, THE COURT SHALL VACATE
14 AN AWARD MADE IN THE ARBITRATION PROCEEDING IF THE COURT FINDS
15 THAT:

16
17 (a) THE AWARD WAS PROCURED BY CORRUPTION, FRAUD, OR
18 OTHER UNDUE MEANS;

19
20 (b) THERE WAS:

21
22 (I) EVIDENT PARTIALITY BY AN ARBITRATOR APPOINTED AS A
23 NEUTRAL ARBITRATOR;

24
25 (II) CORRUPTION BY AN ARBITRATOR; OR

26
27 (III) MISCONDUCT BY AN ARBITRATOR PREJUDICING THE RIGHTS OF
28 A PARTY TO THE ARBITRATION PROCEEDING;

29
30 (c) AN ARBITRATOR REFUSED TO POSTPONE THE HEARING UPON
31 SHOWING OF SUFFICIENT CAUSE FOR POSTPONEMENT, REFUSED TO
32 CONSIDER EVIDENCE MATERIAL TO THE CONTROVERSY, OR OTHERWISE
33 CONDUCTED THE HEARING CONTRARY TO SECTION 13-22-215, SO AS TO
34 PREJUDICE SUBSTANTIALLY THE RIGHTS OF A PARTY TO THE ARBITRATION
35 PROCEEDING;

36
37 (d) AN ARBITRATOR EXCEEDED THE ARBITRATOR'S POWERS;

38
39 (e) THERE WAS NO AGREEMENT TO ARBITRATE, UNLESS THE
40 PERSON PARTICIPATED IN THE ARBITRATION PROCEEDING WITHOUT
41 RAISING THE OBJECTION UNDER SECTION 13-22-215 (3) NOT LATER THAN
42 THE BEGINNING OF THE ARBITRATION HEARING; OR

43
44 (f) THE ARBITRATION WAS CONDUCTED WITHOUT PROPER NOTICE
45 OF THE INITIATION OF AN ARBITRATION AS REQUIRED IN SECTION 13-22-209
46 SO AS TO SUBSTANTIALLY PREJUDICE THE RIGHTS OF A PARTY TO THE
47 ARBITRATION PROCEEDING.

48
49 (2) A MOTION MADE UNDER THIS SECTION SHALL BE FILED WITHIN
50 NINETY DAYS AFTER THE MOVANT RECEIVES NOTICE OF THE AWARD
51 PURSUANT TO SECTION 13-22-219 OR WITHIN NINETY DAYS AFTER THE
52 MOVANT RECEIVES NOTICE OF A MODIFIED OR CORRECTED AWARD
53 PURSUANT TO SECTION 13-22-220, UNLESS THE MOVANT ALLEGES THAT
54 THE AWARD WAS PROCURED BY CORRUPTION, FRAUD, OR OTHER UNDUE
55 MEANS, IN WHICH CASE THE MOTION MUST BE MADE WITHIN NINETY DAYS
56 AFTER EITHER THE GROUND IS KNOWN OR BY THE EXERCISE OF

1 REASONABLE CARE SHOULD HAVE BEEN KNOWN BY THE MOVANT.

2

3 (3) IF THE COURT VACATES AN AWARD ON A GROUND OTHER THAN
4 THAT SET FORTH IN PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION,
5 IT MAY ORDER A REHEARING. IF THE AWARD IS VACATED ON A GROUND
6 STATED IN PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION, THE
7 REHEARING SHALL BE HELD BEFORE A NEW ARBITRATOR. IF THE AWARD
8 IS VACATED ON A GROUND STATED IN PARAGRAPH (c), (d), or (f) OF
9 SUBSECTION (1) OF THIS SECTION, THE REHEARING MAY BE HELD BEFORE
10 THE ARBITRATOR WHO MADE THE AWARD OR THE ARBITRATOR'S
11 SUCCESSOR. THE ARBITRATOR MUST RENDER THE DECISION IN THE
12 REHEARING WITHIN THE SAME TIME AS THAT PROVIDED IN SECTION
13 13-22-219 (2) FOR AN AWARD.

14

15 (4) IF THE COURT DENIES A MOTION TO VACATE AN AWARD, IT
16 SHALL CONFIRM THE AWARD UNLESS A MOTION TO MODIFY OR CORRECT
17 THE AWARD IS PENDING.

18

19 **13-22-224. Modification or correction of award.** (1) UPON
20 MOTION MADE WITHIN NINETY DAYS AFTER THE MOVANT RECEIVES NOTICE
21 OF THE AWARD PURSUANT TO SECTION 13-22-219 OR WITHIN NINETY DAYS
22 AFTER THE MOVANT RECEIVES NOTICE OF A MODIFIED OR CORRECTED
23 AWARD PURSUANT TO SECTION 13-22-220, THE COURT SHALL MODIFY OR
24 CORRECT THE AWARD IF:

25

26 (a) THERE IS AN EVIDENT MATHEMATICAL MISCALCULATION OR AN
27 EVIDENT MISTAKE IN THE DESCRIPTION OF A PERSON, THING, OR PROPERTY
28 REFERRED TO IN THE AWARD;

29

30 (b) THE ARBITRATOR HAS MADE AN AWARD ON A CLAIM NOT
31 SUBMITTED TO THE ARBITRATOR AND THE AWARD MAY BE CORRECTED
32 WITHOUT AFFECTING THE MERITS OF THE DECISION UPON THE CLAIMS
33 SUBMITTED; OR

34

35 (c) THE AWARD IS IMPERFECT IN A MATTER OF FORM NOT
36 AFFECTING THE MERITS OF THE DECISION ON THE CLAIMS SUBMITTED.

37

38 (2) IF A MOTION MADE UNDER SUBSECTION (1) OF THIS SECTION IS
39 GRANTED, THE COURT SHALL MODIFY OR CORRECT AND CONFIRM THE
40 AWARD AS MODIFIED OR CORRECTED. OTHERWISE, UNLESS A MOTION TO
41 VACATE IS PENDING, THE COURT SHALL CONFIRM THE AWARD.

42

43 (3) A MOTION TO MODIFY OR CORRECT AN AWARD PURSUANT TO
44 THIS SECTION MAY BE JOINED WITH A MOTION TO VACATE THE AWARD.

45

46 **13-22-225. Judgment on award - attorney fees and litigation**
47 **expenses.** (1) UPON GRANTING AN ORDER CONFIRMING, VACATING
48 WITHOUT DIRECTING A REHEARING, MODIFYING, OR CORRECTING AN
49 AWARD, THE COURT SHALL ENTER A JUDGMENT IN CONFORMITY
50 THERewith. THE JUDGMENT MAY BE RECORDED, DOCKETED, AND
51 ENFORCED AS ANY OTHER JUDGMENT IN A CIVIL ACTION.

52

53 (2) A COURT MAY AWARD THE REASONABLE COSTS OF THE MOTION
54 AND SUBSEQUENT JUDICIAL PROCEEDINGS.

55

56 (3) ON THE APPLICATION OF A PREVAILING PARTY TO A CONTESTED

1 JUDICIAL PROCEEDING UNDER SECTION 13-22-222, 13-22-223, OR
2 13-22-224, THE COURT MAY ADD REASONABLE ATTORNEY FEES AND OTHER
3 REASONABLE EXPENSES OF LITIGATION INCURRED IN A JUDICIAL
4 PROCEEDING AFTER THE AWARD IS MADE TO A JUDGMENT CONFIRMING,
5 VACATING WITHOUT DIRECTING A REHEARING, MODIFYING, OR
6 CORRECTING AN AWARD.

7
8 **13-22-226. Jurisdiction.** (1) A COURT HAVING JURISDICTION
9 OVER THE CONTROVERSY AND THE PARTIES MAY ENFORCE AN AGREEMENT
10 TO ARBITRATE.

11
12 (2) AN AGREEMENT TO ARBITRATE PROVIDING FOR ARBITRATION
13 IN THIS STATE CONFERS JURISDICTION ON THE COURT TO ENTER JUDGMENT
14 ON AN AWARD UNDER THIS PART 2.

15
16 **13-22-227. Venue.** A MOTION PURSUANT TO SECTION 13-22-205
17 SHALL BE MADE IN A COURT OF THE COUNTY IN WHICH THE AGREEMENT TO
18 ARBITRATE SPECIFIES THE ARBITRATION HEARING IS TO BE HELD OR, IF THE
19 HEARING HAS BEEN HELD, IN A COURT OF THE COUNTY IN WHICH IT WAS
20 HELD. OTHERWISE, A MOTION PURSUANT TO SECTION 13-22-205 MAY BE
21 MADE IN THE COURT OF ANY COUNTY IN WHICH AN ADVERSE PARTY
22 RESIDES OR HAS A PLACE OF BUSINESS OR, IF NO ADVERSE PARTY HAS A
23 RESIDENCE OR PLACE OF BUSINESS IN THIS STATE, IN A COURT OF ANY
24 COUNTY IN THIS STATE. ALL SUBSEQUENT MOTIONS MUST BE MADE IN THE
25 COURT HEARING THE INITIAL MOTION UNLESS THE COURT OTHERWISE
26 DIRECTS.

27
28 **13-22-228. Appeals.** (1) AN APPEAL MAY BE TAKEN FROM:

29
30 (a) AN ORDER DENYING A MOTION TO COMPEL ARBITRATION;

31
32 (b) AN ORDER GRANTING A MOTION TO STAY ARBITRATION;

33
34 (c) AN ORDER CONFIRMING OR DENYING CONFIRMATION OF AN
35 AWARD;

36
37 (d) AN ORDER MODIFYING OR CORRECTING AN AWARD;

38
39 (e) AN ORDER VACATING AN AWARD WITHOUT DIRECTING A
40 REHEARING; OR

41
42 (f) A FINAL JUDGMENT ENTERED PURSUANT TO THIS PART 2.

43
44 (2) AN APPEAL UNDER THIS SECTION SHALL BE TAKEN IN THE SAME
45 MANNER AS AN APPEAL OF AN ORDER OR JUDGMENT IN A CIVIL ACTION.

46
47 **13-22-229. Uniformity of application and construction.** IN
48 APPLYING AND CONSTRUING THIS PART 2, CONSIDERATION SHALL BE GIVEN
49 TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS
50 SUBJECT MATTER AMONG STATES THAT ENACT IT.

51
52 **13-22-230. Savings clause.** THIS PART 2 SHALL NOT AFFECT AN
53 ACTION OR PROCEEDING COMMENCED OR A RIGHT ACCRUED BEFORE THIS
54 PART 2 TAKES EFFECT. EXCEPT AS OTHERWISE PROVIDED IN SECTION
55 13-22-203, AN ARBITRATION AGREEMENT MADE BEFORE THE EFFECTIVE
56 DATE OF THIS PART 2 IS GOVERNED BY THE "UNIFORM ARBITRATION ACT

1 OF 1975".

2

3 **SECTION 2.** 13-64-403 (3), Colorado Revised Statutes, is
4 amended to read:

5

6 **13-64-403. Agreement for medical services - alternative
7 arbitration procedures - form of agreement - right to rescind.**

8 (3) Any such agreement shall have the following statement set forth as
9 part of the agreement: "It is understood that any claim of medical
10 malpractice, including any claim that medical services were unnecessary
11 or unauthorized or were improperly, negligently, or incompetently
12 rendered or omitted, will be determined by submission to binding
13 arbitration in accordance with the provisions of the "~~Uniform Arbitration
14 Act of 1975~~", part 2 of article 22 of ~~title 13, Colorado Revised Statutes~~
15 THIS TITLE, and not by a lawsuit or resort to court process except as
16 Colorado law provides for judicial review of arbitration proceedings. The
17 patient has the right to seek legal counsel concerning this agreement, and
18 has the right to rescind this agreement by written notice to the physician
19 within ninety days after the agreement has been signed and executed by
20 both parties unless said agreement was signed in contemplation of the
21 patient being hospitalized, in which case the agreement may be rescinded
22 by written notice to the physician within ninety days after release or
23 discharge from the hospital or other health care institution. Both parties
24 to this agreement, by entering into it, have agreed to the use of binding
25 arbitration in lieu of having any such dispute decided in a court of law
26 before a jury."

27

28 **SECTION 3.** 14-10-128.5, Colorado Revised Statutes, is
29 amended to read:

30

31 **14-10-128.5. Appointment of arbitrator - de novo review of
32 award.**

33 (1) With the consent of all parties, the court may appoint an
34 arbitrator to resolve disputes between the parties concerning the parties'
35 minor or dependent children, including but not limited to parenting time,
36 nonrecurring adjustments to child support, and disputed parental
37 decisions. Notwithstanding any other provision of law to the contrary, all
38 awards entered by an arbitrator appointed pursuant to this section shall
39 be in writing. The arbitrator's award shall be effective immediately upon
40 entry and shall continue in effect until vacated by the arbitrator pursuant
41 to ~~section 13-22-214~~ PART 2 OF ARTICLE 22 OF TITLE 13, C.R.S., modified
42 or corrected by the arbitrator pursuant to ~~section 13-22-215~~ PART 2 OF
43 ARTICLE 22 OF TITLE 13, C.R.S., or modified by the court pursuant to a de
44 novo review under subsection (2) of this section.

44

45 (2) Any party may apply to have the arbitrator's award vacated,
46 modified, or corrected pursuant to the "~~Uniform Arbitration Act of 1975~~";
47 part 2 of article 22 of title 13, C.R.S., or may move the court to modify
48 the arbitrator's award pursuant to a de novo review of such award. In
49 circumstances in which a party moves for a de novo review by the court,
50 the court shall order the nonprevailing party to pay the fees and costs of
51 the prevailing party and the fees of the arbitrator incurred in responding
52 to the application or motion unless the court finds that it would be
53 manifestly unjust.

54

55 **SECTION 4.** 33-3-203 (2) (b) (II), Colorado Revised Statutes, is
56 amended to read:

1 **33-3-203. Claims procedure.** (2) (b) (II) In any case which goes
2 to arbitration, all arbitrators chosen shall reside within fifty miles of the
3 subject property. The arbitration proceeding shall be conducted pursuant
4 to the "~~Uniform Arbitration Act of 1975~~", part 2 of article 22 of title 13,
5 C.R.S. The decision of the arbitration panel shall be binding and shall be
6 subject to judicial review only for statutory compliance with the
7 provisions of this article and the said act. The claimant or the division
8 may seek such review by filing an action for same in the county or district
9 court in the county or judicial district where the subject damage is alleged
10 to have occurred within thirty days after receipt of the arbitration panel's
11 decision.

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

22
23
24
25 **HB04-1109** be amended as follows, and as so amended, be referred to
26 the Committee of the Whole with favorable
27 recommendation:

28
29 Amend printed bill, page 2, strike lines 2 through 7.

30
31 Page 3, strike lines 1 through 16.

32
33 Renumber succeeding sections accordingly.

34
35 Page 8, line 27, strike "ADVISOR," and substitute "ADVISER,".

36
37 Page 9, line 1, strike "ADVISOR" and substitute "ADVISER";

38
39 strike lines 6 through 9;

40
41 line 10, strike "(o)" and substitute "(n) (I)";

42
43 line 14, strike "ADVISOR" and substitute "ADVISER";

44
45 line 15, strike "(o)" and substitute "(n)";

46
47 after line 17, insert the following:

48
49 "(II) THE SECURITIES COMMISSIONER MAY REQUIRE AN APPLICANT
50 FOR A LICENSE PURSUANT TO SECTION 11-51-403, WHO HAS NOT BEEN
51 REGISTERED OR LICENSED IN ANY STATE WITHIN THE TWO YEARS
52 PRECEDING THE FILING OF AN APPLICATION IN THIS STATE, TO
53 SUCCESSFULLY COMPLETE AN EXAMINATION.".

54
55 Page 11, after line 2, insert the following:

56

1 "(III) IF THE BASIS FOR RELIEF UNDER THIS SUBSECTION (9) IS FOR
2 A VIOLATION OF SUBSECTION (1), (3), OR (4) OF THIS SECTION AND THE
3 PERSON SEEKING RECISION IS A SELLER OF SECURITIES:
4

5 (A) AN OFFER TO TENDER THE SECURITY, ON PAYMENT BY THE
6 SELLER OF AN AMOUNT EQUAL TO THE PURCHASE PRICE PAID, LESS INCOME
7 RECEIVED ON THE SECURITY BY THE BUYER, AND INTEREST AT THE
8 STATUTORY RATE AFTER THE DATE OF SALE OF THE SECURITY TO THE
9 BUYER; OR
10

11 (B) IF THE BUYER NO LONGER OWNS THE SECURITY, AN OFFER TO
12 PAY THE SELLER OF THE SECURITY UPON ACCEPTANCE OF THE OFFER, IN
13 CASH, DAMAGES IN THE AMOUNT OF THE DIFFERENCE BETWEEN THE PRICE
14 AT WHICH THE SECURITY WAS PURCHASED AND THE VALUE THE SECURITY
15 WOULD HAVE HAD AT THE TIME OF THE PURCHASE IN THE ABSENCE OF THE
16 BUYER'S CONDUCT THAT MAY HAVE CAUSED LIABILITY AND INTEREST AT
17 THE STATUTORY RATE AFTER THE DATE OF SALE OF THE SECURITY BY THE
18 SELLER TO THE BUYER."
19

20 Renumber succeeding subparagraphs accordingly.
21

22 Page 11, line 8, strike "(VI)" and substitute "(III)";
23

24 strike lines 20 through 27.
25

26 Page 12, strike lines 1 through 8.
27

28 Page 13, strike lines 7 through 9 and substitute the following:
29

30 "Colorado Revised Statutes, are amended to read:";
31

32 line 16, strike "~~paragraph (d) of subsection (1.5) or~~" and substitute
33 "paragraph (d) of subsection (1.5) or";
34

35 line 19, strike "IF SUCH";
36

37 strike line 20 and substitute the following:
38

39 "IN THE DISCRETION OF THE SECURITIES COMMISSIONER, BASED UPON THE
40 COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND
41 LEGAL ISSUES PRESENTED IN THE MATTER."
42

43 line 21, strike "(1.5) OF THIS SECTION."
44

45 line 25, strike "commissioner" and substitute "commissioner,";
46

47 strike lines 26 and 27 and substitute the following:
48

49 "based upon sufficient evidence as presented in a petition by an officer
50 or employee of the division of securities, that a person has committed or".
51

52 Strike pages 14 through 17 and substitute the following:
53

54 "may commit any of the acts or practices listed in paragraph (b) of this
55 subsection (1.5), then, in addition to any specific powers granted under
56 this article, the securities commissioner, in his or her discretion, may

1 issue to such person an order to show cause why the securities
2 commissioner should not enter a final order directing such person to
3 cease and desist from the unlawful act or practice, or impose such other
4 sanctions as provided in subparagraph (IV) of paragraph (d) of this
5 subsection (1.5). The securities commissioner shall, promptly WITHIN
6 TWO CALENDAR DAYS, notify the chairperson of the securities board OR
7 AN ADMINISTRATIVE LAW JUDGE that an order to show cause has been
8 issued and the chairperson OR ADMINISTRATIVE LAW JUDGE shall set a
9 date for hearing on such order before the securities board OR
10 ADMINISTRATIVE LAW JUDGE as provided in paragraph (d) of this
11 subsection (1.5).

12

13 (c) Any person against whom an order to show cause has been
14 entered pursuant to paragraph (a) of this subsection (1.5) shall be
15 promptly notified by the securities division of the entry of the order,
16 along with a copy of the order, the factual and legal basis for the order,
17 and the date set by the chairperson of the securities board OR AN
18 ADMINISTRATIVE LAW JUDGE for hearing on such order. Such notice may
19 be served by United States mail, postage prepaid, to the last-known
20 address of such person, by personal service, BY facsimile transmission,
21 or as may be practicable upon any person against whom such order is
22 entered. Mailing or facsimile transmission of an order or other
23 documents under this subsection (1.5), or personal service of such orders
24 or documents, shall constitute notice thereof to the person.

25

26 (d) (I) The hearing on an order to show cause shall be commenced
27 no ~~sooner~~ LATER than ten ~~nor later than twenty-one~~ calendar days
28 following the date of transmission or service of the notification by the
29 securities division as provided in paragraph (c) of this subsection (1.5).
30 The hearing may be continued ONLY by agreement of ALL OF the parties,
31 but in no event shall the hearing commence later than ~~thirty-five~~ FIFTEEN
32 calendar days following the date of transmission or service of the
33 notification, AND A HEARING MAY ONLY BE CONTINUED ONCE.

34

35 (II) If a person against whom an order to show cause entered
36 pursuant to paragraph (a) of this subsection (1.5) does not appear at the
37 hearing, the securities division may present evidence that notification was
38 properly sent or served upon such person pursuant to paragraph (c) of this
39 subsection (1.5) and such other evidence related to the matter as the
40 securities board OR ADMINISTRATIVE LAW JUDGE deems appropriate. In
41 the case where such person does not appear, the securities commissioner
42 may not issue an order unless there is a finding by the securities board OR
43 ADMINISTRATIVE LAW JUDGE that there is a reasonable basis to believe
44 such notification was actually received or served, or, after reasonable
45 search by the securities division, the person against whom the order was
46 entered cannot be located. THE SECURITIES COMMISSIONER SHALL ENTER
47 SUCH ORDER WITHIN TEN DAYS AFTER HIS OR HER DETERMINATION
48 RELATED TO REASONABLE ATTEMPTS OF NOTIFICATION OF THE
49 RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON
50 BY OPERATION OF LAW.

51

52 (III) At any hearing pursuant to this paragraph (d), the securities
53 board OR ADMINISTRATIVE LAW JUDGE shall take evidence and hear
54 arguments from the securities division and the person against whom the
55 order to show cause has been entered, pursuant to such rules and
56 procedures as may be adopted by the securities commissioner. Based on

1 the evidence entered and arguments heard at the hearing, the securities
 2 board OR ADMINISTRATIVE LAW JUDGE shall enter findings of fact,
 3 conclusions of law, and ~~its~~ AN initial decision recommending to the
 4 securities commissioner that a final order be entered affirming, denying,
 5 vacating, or otherwise modifying the order to show cause. THE INITIAL
 6 DECISION SHALL BE ISSUED WITHIN TEN DAYS AFTER THE CONCLUSION OF
 7 THE HEARING PROVIDED PURSUANT TO THIS PARAGRAPH (d) AND SHALL BE
 8 PROMPTLY DELIVERED TO THE SECURITIES COMMISSIONER.

9
 10 (IV) If the securities commissioner reasonably finds that the
 11 person against whom the order to show cause was entered has engaged,
 12 or is about to engage, in acts or practices constituting violations as set
 13 forth in paragraph (b) of this subsection (1.5) and makes the findings
 14 required by section 11-51-704 (2), he or she may issue a final cease and
 15 desist order imposing one or more of the following sanctions:

16
 17 (A) Directing such person to cease and desist from further
 18 unlawful acts or practices;

19
 20 (B) Censuring the person, if the person is a licensed broker-dealer,
 21 sales representative, investment adviser, or investment adviser
 22 representative; or

23
 24 (C) Requiring such person to undertake or comply with conditions
 25 or limitations placed upon the activities, functions, or operations of such
 26 person, within such reasonable time period as may be imposed by the
 27 securities commissioner.

28
 29 (V) The securities commissioner shall ~~promptly~~ provide notice of
 30 the final order WITHIN TEN CALENDAR DAYS AFTER RECEIVING THE INITIAL
 31 DECISION, in the manner set forth in paragraph (c) of this subsection (1.5),
 32 to each person against whom such order has been entered. The final
 33 order entered pursuant to subparagraph (IV) of this paragraph (d) shall be
 34 effective when issued, and shall be a final order for purposes of judicial
 35 review pursuant to section 11-51-607.

36
 37 **SECTION 7.** 11-51-606, Colorado Revised Statutes, is amended
 38 BY THE ADDITION OF A NEW SUBSECTION to read:".

39
 40 Page 19, after line 19, insert the following:

41
 42 **"SECTION 9.** 10-7-104, Colorado Revised Statutes, is amended
 43 to read:

44
 45 **10-7-104. Exceptions.** The provisions of sections 10-7-102 and
 46 10-7-103 shall not apply to annuities, industrial policies, or corporations
 47 or associations operating on the assessment or fraternal plan; EXCEPT
 48 THAT THE COMMISSIONER MAY REVIEW VARIABLE RATE ANNUITIES TO
 49 ENSURE THAT SUCH PRODUCTS ARE OFFERED, MARKETED, OR SOLD TO A
 50 MARKET SUITABLE FOR SUCH PRODUCT."

51
 52 Renumber succeeding sections accordingly.

53
 54
 55
 56

1 **HB04-1115** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 4, line 19, after "(2),", insert "(7), (10),";

6
7 after line 27, insert the following:

8
9 ~~"(7) "Lawful practice" means the practice of engineering~~
10 ~~performed pursuant to the provisions of this part 1.~~
11

12 (10) (a) "Practice of engineering" means the performance for
13 others of any professional service or creative work requiring engineering
14 education, training, and experience and the application of special
15 knowledge of the mathematical and engineering sciences to such
16 professional services or creative work, including consultation,
17 investigation, evaluation, planning, design, surveying, and the observation
18 of construction to evaluate compliance with plans and specifications in
19 connection with the utilization of the forces, energies, and materials of
20 nature in the development, production, and functioning of engineering
21 processes, apparatus, machines, equipment, facilities, structures,
22 buildings, works, or utilities, or any combination or aggregations thereof,
23 employed in or devoted to public or private enterprise or uses.
24

25 (b) AN INDIVIDUAL SHALL BE CONSTRUED AS PRACTICING OR
26 OFFERING TO PRACTICE "PROFESSIONAL ENGINEERING" WITHIN THE
27 MEANING AND INTENT OF THIS SECTION IF THE INDIVIDUAL, BY VERBAL
28 CLAIM, SIGN, ADVERTISEMENT, LETTERHEAD, CARD, OR IN ANY OTHER
29 WAY, REPRESENTS HIMSELF OR HERSELF TO BE A PROFESSIONAL ENGINEER;
30 THROUGH THE USE OF ANY OTHER MEANS IMPLIES THAT THE INDIVIDUAL
31 IS LICENSED UNDER THIS PART 1; OR PERFORMS ENGINEERING SERVICES."
32

33 Page 7, line 4, strike "(b)," and substitute "(b) and (2)," and, strike "is"
34 and substitute "are";
35

36 after line 11, insert the following:
37

38 (2) The ~~board~~ DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF
39 REGULATORY AGENCIES may employ at least one investigator qualified to
40 investigate complaints relative to the provisions of this part 1."
41

42 Page 10, line 5, strike "and" and, after "(V),", insert "and (1) (a) (IX),";
43

44 after line 15, insert the following:
45

46 "(IX) ~~Roster~~ Listing as a retired professional engineer;"
47

48 Page 11, line 11, strike "(3)," and substitute "(2), (3), (6)(a)(VIII),
49 (6)(a)(X),";
50

51 after line 17, insert the following:
52

53 "(2) ~~"Certificant" means a land surveyor-intern certified by the~~
54 ~~board.~~";
55

56 line 19, strike "CERTIFICATION." and substitute "ENROLLMENT.";

1 after line 19, insert the following:

2

3 "(6) (a) "Professional land surveying" means the application of
4 special knowledge of principles of mathematics, methods of
5 measurement, and law for the determination and preservation of land
6 boundaries. "Professional land surveying" specifically includes:

7

8 (VIII) Preparation of land survey plats, condominium plats,
9 monument records, PROPERTY DESCRIPTIONS THAT RESULT FROM THE
10 PRACTICE OF PROFESSIONAL LAND SURVEYING, and survey reports;

11

12 (X) SURVEYING TO ESTABLISH BASIC CONTROL FOR ENGINEERING
13 PROJECTS AND geodetic surveying; and".

14

15 Page 12, strike lines 8 and 9 and substitute the following:

16

17 "work is performed under the ~~direct supervision of such~~ RESPONSIBLE
18 CHARGE OF THE professional land surveyor;".

19

20 Page 13, line 1, strike "not be licensed and registered as a professional"
21 and substitute "~~not be licensed and registered as a professional~~";

22

23 line 2, strike "engineer and shall" and substitute "~~engineer and shall~~";

24

25 line 11, strike "(B) and" and substitute "(B)," and, after "(C),", insert "(1)
26 (d) (II) (E), (1) (e), and (2),";

27

28 strike lines 13 through 22 and substitute the following:

29

30 "**12-25-207. Powers and duties of the board.** (1) ~~In addition to~~
31 ~~all other powers and duties conferred or imposed upon the board by this~~
32 ~~article or any other article, ORDER TO CARRY INTO EFFECT THIS PART 2, the~~
33 ~~board shall adopt and promulgate, under the provisions of section~~
34 ~~24-4-103, C.R.S., such rules and regulations as it may deem necessary or~~
35 ~~proper to carry out the provisions of this part 2 and shall:~~

36

37 (a) ~~Adopt rules of conduct for professional land surveyors,~~
38 ~~PROMULGATE under the provisions of section 24-4-103, C.R.S., which~~
39 ~~shall be published. Such publication shall constitute due notice to all~~
40 ~~registrants SUCH RULES AS IT MAY DEEM NECESSARY AND PROPER;".~~

41

42 Page 14, after line 9, insert the following:

43

44 "(E) The rules of the board AND SUCH OTHER PERTINENT
45 INFORMATION AS THE BOARD DEEMS NECESSARY.

46

47 (e) Provide for and administer written examinations to be given
48 AS OFTEN AS PRACTICABLE at such times and locations as the board shall
49 designate. Written examination papers shall be identified only by
50 numbers and shall be anonymously graded. After review and approval by
51 the board, all examination results shall be recorded, and each examinee's
52 examination results shall be sent to such examinee by first-class mail.
53 The board shall ensure that the passing score on surveying examinations
54 shall be set to measure the level of minimum competency. The board
55 shall publish and make available to interested applicants a list of the
56 subjects included in the surveying examinations ~~which~~ THAT are

1 developed by the board, such subjects being consistent with and related
2 to the various aspects of surveying.

3
4 (2) The ~~board~~ DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF
5 REGULATORY AGENCIES may employ ~~a professional land surveyor~~ AT
6 LEAST ONE INVESTIGATOR to ~~assist in investigating those~~ INVESTIGATE
7 complaints ~~brought to said board~~ relative to the provisions of this part 2.";

8
9 line 19, strike "certificant" and substitute "certificant LAND
10 SURVEYOR-INTERN";

11
12 line 22, after "(1),", insert "(2), and (4)," and, strike "is" and substitute
13 "are".

14
15 Page 15, after line 9, insert the following:

16
17 "~~(2) When considering applications, personal interviews may be~~
18 ~~required by the board only if the application fails to demonstrate that the~~
19 ~~applicant possesses the minimum qualifications necessary to qualify to~~
20 ~~take the written examination.~~ NO NEW APPLICATION SHALL BE REQUIRED
21 OF AN INDIVIDUAL REQUIRING REEXAMINATION BY THE BOARD, AND SUCH
22 INDIVIDUAL SHALL BE NOTIFIED WHEN THE NEXT EXAMINATION WILL BE
23 HELD.

24
25 (4) No individual whose license OR ENROLLMENT has been
26 revoked shall be allowed to reapply for licensure or enrollment earlier
27 than two years after the effective date of the revocation.

28
29 **SECTION 27.** 12-25-211, Colorado Revised Statutes, is amended
30 to read:

31
32 **12-25-211. Eligibility for land surveyor-intern.** To be eligible
33 for ~~certification~~ ENROLLMENT as a land surveyor-intern, an applicant shall
34 provide documentation of ~~such~~ THE applicant's technical competence."

35
36 Renumber succeeding sections accordingly.

37
38 Page 15, line 10, strike "(3) (b)," and substitute "(1) (a), (1) (b), (2) (a),
39 (3) (b), and (3) (c)," and, strike "is" and substitute "are";

40
41 line 12, strike "(3) (b) In" and substitute "(1) (a) An applicant may
42 qualify for ~~certification~~ ENROLLMENT as a land surveyor-intern by
43 endorsement if ~~such~~ THE applicant is enrolled in good standing in another
44 jurisdiction requiring qualifications substantially equivalent to those
45 currently required of applicants under this part 2 or if, at the time of
46 initial enrollment in such jurisdiction, ~~such~~ THE applicant met the
47 requirements for enrollment then in existence under Colorado law.

48
49 (b) Upon completion of the application and approval by the board,
50 the applicant shall be ~~certified~~ ENROLLED as a land surveyor-intern if the
51 applicant is otherwise qualified pursuant to section 12-25-211.

52
53 (2) (a) An applicant may qualify for ~~certification~~ ENROLLMENT as
54 a land surveyor-intern by graduation and examination if ~~such~~ THE
55 applicant passes the fundamentals of surveying examination.

56

1 (3) (b) In";

2

3 after line 24, insert the following:

4

5 "(c) Upon passing the examination and the submission of
6 evidence of experience satisfactory to the board, the applicant shall be
7 ~~certified~~ ENROLLED as a land surveyor-intern if the applicant is otherwise
8 qualified pursuant to section 12-25-211."

9

10 Page 18, line 14, strike "amended" and substitute "amended, and the said
11 12-25-105 is further amended BY THE ADDITION OF A NEW
12 SUBSECTION,";

13

14 line 21, strike "dollars." and substitute "dollars FOR EACH VIOLATION
15 PROVEN BY THE BOARD.";

16

17 after line 21, insert the following:

18

19 "(10) AN INDIVIDUAL PRACTICING PROFESSIONAL ENGINEERING
20 WHO IS NOT LICENSED OR EXEMPT SHALL NOT COLLECT COMPENSATION OF
21 ANY KIND FOR SUCH PRACTICE, AND, IF COMPENSATION HAS BEEN PAID,
22 THE COMPENSATION SHALL BE REFUNDED IN FULL."

23

24 Page 19, line 9, strike "dollars." and substitute "dollars FOR EACH
25 VIOLATION PROVEN BY THE BOARD.";

26

27 strike lines 19 through 24 and substitute the following:

28

29 ~~"(2) It is unlawful for any individual to present or attempt to use
30 the certificate of registration number or seal of another, to give any false
31 or forged evidence of any kind to the board or to any member thereof in
32 obtaining or attempting to obtain certification or registration, or to falsely
33 impersonate any other registrant of like or different name. IT IS
34 UNLAWFUL FOR ANY INDIVIDUAL, PARTNERSHIP, PROFESSIONAL
35 ASSOCIATION, JOINT STOCK COMPANY, LIMITED LIABILITY COMPANY, OR
36 CORPORATION TO PRACTICE, OR OFFER TO PRACTICE, LAND SURVEYING IN
37 THIS STATE UNLESS THE INDIVIDUAL IN RESPONSIBLE CHARGE HAS
38 COMPLIED WITH THE PROVISIONS OF THIS PART 2."~~

39

40 Page 20, line 1, after "~~registered~~.", add "IT IS UNLAWFUL FOR AN
41 INDIVIDUAL TO USE IN ANY MANNER A CERTIFICATE OR CERTIFICATE
42 NUMBER THAT HAS NOT BEEN ISSUED TO THE INDIVIDUAL BY THE BOARD.";

43

44 line 10, strike "dollars." and substitute "dollars FOR EACH VIOLATION
45 PROVEN BY THE BOARD.".

46

47 Page 21, line 19, strike "dollars." and substitute "dollars FOR EACH
48 VIOLATION PROVEN BY THE BOARD.".

49

50 Page 24, line 24, strike "amended" and substitute "amended, and the said
51 12-25-209 is further amended BY THE ADDITION OF A NEW
52 SUBSECTION,".

53

54 Page 25, line 3, strike "certificant" and substitute "certificant LAND
55 SURVEYOR-INTERN";

56

1 after line 20, insert the following:

2

3 "(10) THE COURT OF APPEALS SHALL HAVE INITIAL JURISDICTION
4 TO REVIEW ALL FINAL ACTIONS AND ORDERS THAT ARE SUBJECT TO
5 JUDICIAL REVIEW OF THE BOARD. SUCH PROCEEDINGS SHALL BE
6 CONDUCTED IN ACCORDANCE WITH SECTION 24-4-106 (11), C.R.S."

7

8 Page 41, line 10, strike "PROFESSIONALLANDSURVEYORS." and substitute
9 "LICENSEES."

10

11 Page 42, after line 13, insert the following:

12

13 "SECTION 74. 38-51-107, Colorado Revised Statutes, is
14 amended to read:

15

16 **38-51-107. Required plats.** (1) Every professional land surveyor
17 who accepts a monument while performing a monumented land survey
18 shall prepare AND DEPOSIT a plat if such monument is not of record either
19 in the clerk and recorder's office of the county in which the monument
20 lies or in the public office designated by the county commissioners
21 pursuant to section 38-50-101 (2) or if such monument is set pursuant to
22 section 38-51-104.

23

24 (2) No plat shall be required to be prepared OR DEPOSITED if the
25 monuments accepted or set are within a platted subdivision ~~which~~ THAT
26 was filed ~~after July 1, 1975~~ IN THE CLERK AND RECORDER'S OFFICE WITHIN
27 THE PREVIOUS TWENTY YEARS.

28

29 (3) PLATS REQUIRED PURSUANT TO THIS SECTION SHALL COMPLY
30 WITH SECTION 38-50-101."

31

32 Renumber succeeding sections accordingly.

33

34

35

36 **HB04-1130** be referred to the Committee of the Whole with favorable
37 recommendation.

38

39

40

41

42 **EDUCATION**

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

45

46 **HB04-1158** be postponed indefinitely.

47

48

49 **HB04-1166** be referred to the Committee of the Whole with favorable
50 recommendation.

51

52

53 **HB04-1194** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:

56

1 Amend printed bill, page 5, strike lines 10 through 18 and substitute the
2 following:

3

4 **"SECTION 8. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety."

7

8

9

10

11 **FINANCE**

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

14

15 **HB04-1014** be amended as follows, and as so amended, be referred to
16 the Committee on Appropriations with favorable
17 recommendation:

18

19 Amend printed bill, page 3, after line 16, insert the following:

20

21 "(c) A MEDICATION AIDE APPLICANT SHALL BE REQUIRED TO PASS
22 AN EXAMINATION APPROVED BY THE DIRECTOR OF THE DIVISION OF
23 REGISTRATIONS RELATING TO THE KNOWLEDGE, SKILLS, AND JUDGMENTS
24 AS INCORPORATED INTO THE APPROVED EDUCATIONAL PROGRAMS.

25

26 (d) THE DIVISION OF REGISTRATIONS SHALL HOLD AT LEAST TWO
27 EXAMINATIONS ANNUALLY FOR MEDICATION AIDES AT SUCH PLACES AND
28 AT SUCH TIMES AS DETERMINED BY THE DIVISION. THE DIRECTOR OF THE
29 DIVISION OF REGISTRATIONS MAY CONTRACT WITH A VENDOR TO DEVELOP
30 OR ADMINISTER THE EXAMINATIONS."

31

32 Page 4, after line 12, insert the following:

33

34 "(c) IF THE BOARD DETERMINES THAT AN APPLICANT FOR A
35 CERTIFICATE TO PRACTICE AS A MEDICATION AIDE DOES NOT POSSESS THE
36 QUALIFICATIONS SPECIFIED IN THIS SECTION, OR IF THE BOARD DETERMINES
37 THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE APPLICANT HAS
38 COMMITTED ANY OF THE ACTS SET FORTH IN SECTION 12-38.1-111, THE
39 BOARD MAY DENY THE APPLICANT A CERTIFICATE AS GROUNDS FOR
40 DISCIPLINE. THE PROVISIONS OF SECTION 12-38.1-112 SHALL APPLY TO
41 ANY SUCH ACTION.";

42

43 after line 19, insert the following:

44

45 **"SECTION 2.** 12-38.1-111 (1), Colorado Revised Statutes, is
46 amended BY THE ADDITION OF THE FOLLOWING NEW
47 PARAGRAPHS, to read:

48

49 **12-38.1-111. Grounds for discipline.** (1) The board may
50 suspend, revoke, or deny any certification to practice as a nurse aide upon
51 proof that such person:

52

53 (p) HAS WILLFULLY OR NEGLIGENTLY ACTED IN A MANNER
54 INCONSISTENT WITH THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR
55 HER CARE;

56

1 (q) HAS FALSIFIED OR IN A NEGLIGENT MANNER MADE INCORRECT
2 ENTRIES OR FAILED TO MAKE ESSENTIAL ENTRIES ON PATIENT RECORDS.

3
4 **SECTION 3.** 12-38.1-111, Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW SUBSECTION to read:

6
7 **12-38.1-111. Grounds for discipline.** (4) AN EMPLOYER OF A
8 MEDICATION AIDE SHALL REPORT CONDUCT THAT CONSTITUTES GROUNDS
9 FOR DISCIPLINE PURSUANT TO THIS SECTION TO THE BOARD AND ANY
10 DISCIPLINARY ACTION TAKEN BY THE EMPLOYER AGAINST A MEDICATION
11 AIDE OR THE RESIGNATION OF A MEDICATION AIDE IN LIEU OF A
12 DISCIPLINARY ACTION RESULTING FROM SUCH CONDUCT."

13
14 Renumber succeeding sections accordingly.

15
16
17
18 **HB04-1056** be referred favorably to the Committee on Appropriations.

19
20
21 **SJR04-005** be referred out for final action.

22
23
24
25
26 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

29
30 **HB04-1058** be amended as follows, and as so amended, be referred to
31 the Committee on Appropriations with favorable
32 recommendation:

33
34 Amend printed bill, page 2, line 12, after "DESIGNATE", insert "THE
35 PRIVATE SERVICE CONTRACTOR THAT ADMINISTERS THE CHILDREN'S BASIC
36 HEALTH PLAN AND DENVER HEALTH AND HOSPITALS TO ACCEPT MEDICAL
37 ASSISTANCE APPLICATIONS AND TO DETERMINE MEDICAL ASSISTANCE
38 ELIGIBILITY.";

39
40 strike lines 13 through 15 and substitute "Any".

41
42 Page 4, line 24, after "(5)", insert "(a)";

43
44 after line 27, insert the following:

45
46 "(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2008."

47
48
49
50 **HB04-1128** be postponed indefinitely.

51
52
53 **HB04-1175** be referred to the Committee of the Whole with favorable
54 recommendation.

55
56

1 **INFORMATION & TECHNOLOGY**

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

4
5 **HB04-1106** be postponed indefinitely.

6
7
8 **HB04-1108** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11
12 Amend printed bill, page 2, strike line 8 and substitute "ARTICLE SHALL
13 NOT, WITHOUT THE JUVENILE'S CONSENT, BE ADMITTED INTO EVIDENCE IN".
14
15

16
17 **HB04-1163** be postponed indefinitely.

18
19
20 **HB04-1173** be amended as follows, and as so amended, be referred to
21 the Committee on Transportation & Energy with favorable
22 recommendation:
23

24 Amend printed bill, page 2, strike lines 17 through 24;

25
26 line 25, strike "(c)" and substitute "(b)".
27

28 Page 3, strike line 8 and substitute the following:

29
30 "VEHICLE. THIS SECTION".
31

32 Page 6, strike lines 17 through 27.
33

34 Strike page 7 and substitute the following:
35

36 **"SECTION 4. Safety clause.** The general assembly hereby finds,
37 determines, and declares that this act is necessary for the immediate
38 preservation of the public peace, health, and safety."
39

40
41
42
43 **LOCAL GOVERNMENT**

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

46
47 **HB04-1051** be postponed indefinitely.
48
49
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54

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

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

4
5 The following corrected committee report replaces the House Committee
6 Report dated January 27, 2004. (Printed in the House Journal January 28
7 pages 179-181.)

8
9 **HB04-1066** be amended as follows, and as so amended, be referred to
10 the Committee on Finance with favorable
11 recommendation:

12
13 Amend printed bill, page 2, strike line 5 and substitute "**county.**";
14
15 strike lines 6 through 15.

16
17 Page 3, strike lines 1 through 5 and substitute the following:

18
19 "(1) IN CONSIDERATION OF THE FACT THAT VARIOUS NONCONTIGUOUS
20 PARCELS CONTAINING LESS THAN TWENTY PERCENT OF THE RESIDENTS OF
21 THE TOWN OF CASTLE ROCK ARE INCLUDED IN THE DISTRICT, THE VOTERS
22 WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE ROCK MAY ELECT TO
23 CONSOLIDATE THE STATUS OF THE TOWN OF CASTLE ROCK AS
24 COMPLETELY INCLUDED IN OR COMPLETELY EXCLUDED FROM THE
25 BOUNDARIES OF THE DISTRICT AT AN ELECTION HELD PURSUANT TO
26 SUBSECTION (3) OF THIS SECTION.";

27
28 line 20, after "ARE", insert "EACH" and, strike "ELIGIBLE" and substitute
29 "REGISTERED";

30
31 line 21, strike "CASTLE ROCK;" and substitute "CASTLE ROCK AND
32 SUBMITTED TO THE GOVERNING BODY OF THE TOWN OF CASTLE ROCK;"

33
34 line 23, strike "REQUESTING" and substitute "TO HOLD";

35
36 line 24, strike "REQUESTING" and substitute "TO HOLD";

37
38 line 27, strike "1, C.R.S.," and substitute "1 OR ARTICLE 10 OF TITLE 31,
39 C.R.S., AS APPLICABLE,"

40
41 Page 4, line 6, after "ROCK.", add "THE TOWN OF CASTLE ROCK SHALL
42 PAY THE COSTS OF SUCH ELECTIONS.";

43
44 line 7, strike "ELIGIBLE" and substitute "REGISTERED";

45
46 line 10, strike "ELIGIBLE" and substitute "REGISTERED";

47
48 strike lines 13 and 14 and substitute the following:

49
50 "(III) EACH BALLOT QUESTION SPECIFIES THAT THE AREA PROPOSED
51 TO BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT, AS APPLICABLE, IS
52 ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE
53 ROCK."

54
55 Page 5, line 1, strike "ELIGIBLE" and substitute "REGISTERED";

56

- 1 line 2, after "ELECTORS", insert "WHO VOTED IN THE ELECTION";
2
3 line 3, strike "ELIGIBLE ELECTORS," and substitute "REGISTERED ELECTORS
4 WHO VOTED IN THE ELECTION,";
5
6 line 4, strike "ELIGIBLE ELECTORS" and substitute "REGISTERED ELECTORS
7 WHO VOTED IN THE ELECTION";
8
9 line 10, strike "ELIGIBLE ELECTORS," and substitute "REGISTERED
10 ELECTORS WHO VOTED IN THE ELECTION,";
11
12 line 17, strike "ELIGIBLE ELECTORS," and substitute "REGISTERED
13 ELECTORS WHO VOTED IN THE ELECTION,";
14
15 strike lines 22 through 27.

16
17 Page 6, strike lines 1 through 6 and substitute the following:

18
19 (5) IN THE EVENT THAT THE REGISTERED ELECTORS OF THE TOWN
20 OF CASTLE ROCK ELECT TO BE INCLUDED WITHIN THE BOUNDARIES OF THE
21 DISTRICT, THE TOWN OF CASTLE ROCK SHALL REIMBURSE THE
22 DEPARTMENT OF REVENUE FOR ANY COSTS IT INCURS IN CARRYING OUT
23 THE REQUIREMENTS OF THIS SECTION.
24

25 (6) UNDER NO CIRCUMSTANCE SHALL ANY MONEYS FROM THE
26 GENERAL FUND BE APPROPRIATED TO THE DEPARTMENT OF REVENUE OR
27 ANY OTHER DEPARTMENT TO COVER THE COSTS INCURRED IN CARRYING
28 OUT THE REQUIREMENTS OF THIS SECTION."
29

30 strike lines 10 through 24 and substitute the following:

31
32 **"county.** (1) IN CONSIDERATION OF THE FACT THAT VARIOUS
33 NONCONTIGUOUS PARCELS CONTAINING LESS THAN TWENTY PERCENT OF
34 THE RESIDENTS OF THE TOWN OF CASTLE ROCK ARE INCLUDED IN THE
35 DISTRICT, THE VOTERS WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE
36 ROCK MAY ELECT TO CONSOLIDATE THE STATUS OF THE TOWN OF CASTLE
37 ROCK AS COMPLETELY INCLUDED IN OR COMPLETELY EXCLUDED FROM THE
38 BOUNDARIES OF THE DISTRICT AT AN ELECTION HELD PURSUANT TO
39 SUBSECTION (3) OF THIS SECTION."
40

41 Page 7, line 12, after "ARE", insert "EACH" and, strike "ELIGIBLE" and
42 substitute "REGISTERED";

43
44 line 13, strike "CASTLE ROCK;" and substitute "CASTLE ROCK AND
45 SUBMITTED TO THE GOVERNING BODY OF THE TOWN OF CASTLE ROCK;"

46
47 line 15, strike "REQUESTING" and substitute "TO HOLD";

48
49 line 16, strike "REQUESTING" and substitute "TO HOLD";

50
51 line 19, strike "1, C.R.S.," and substitute "1 OR ARTICLE 10 OF TITLE 31,
52 C.R.S., AS APPLICABLE,";

53
54 line 25, after "ROCK.", add "THE TOWN OF CASTLE ROCK SHALL PAY THE
55 COSTS OF SUCH ELECTIONS."
56

1 line 26, strike "ELIGIBLE" and substitute "REGISTERED".

2

3 Page 8, line 2, strike "ELIGIBLE" and substitute "REGISTERED";

4

5 strike lines 5 through 7 and substitute the following:

6

7 "(III) EACH BALLOT QUESTION SPECIFIES THAT THE AREA PROPOSED
8 TO BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT, AS APPLICABLE, IS
9 ALL OF THE AREA WITHIN THE BOUNDARIES OF THE TOWN OF CASTLE
10 ROCK.";

11

12 line 21, strike "ELIGIBLE" and substitute "REGISTERED";

13

14 line 22, after "ELECTORS", insert "WHO VOTED IN THE ELECTION";

15

16 line 23, strike "ELIGIBLE ELECTORS," and substitute "REGISTERED
17 ELECTORS WHO VOTED IN THE ELECTION,";

18

19 line 24, strike "ELIGIBLE ELECTORS" and substitute "REGISTERED
20 ELECTORS WHO VOTED IN THE ELECTION".

21

22 Page 9, line 3, strike "ELIGIBLE ELECTORS," and substitute "REGISTERED
23 ELECTORS WHO VOTED IN THE ELECTION,";

24

25 line 10, strike "ELIGIBLE ELECTORS," and substitute "REGISTERED
26 ELECTORS WHO VOTED IN THE ELECTION,";

27

28 strike lines 15 through 26 and substitute the following:

29

30 "(5) IN THE EVENT THAT THE REGISTERED ELECTORS OF THE TOWN
31 OF CASTLE ROCK ELECT TO BE INCLUDED WITHIN THE BOUNDARIES OF THE
32 DISTRICT, THE TOWN OF CASTLE ROCK SHALL REIMBURSE THE
33 DEPARTMENT OF REVENUE FOR ANY COSTS IT INCURS IN CARRYING OUT
34 THE REQUIREMENTS OF THIS SECTION.

35

36 "(6) UNDER NO CIRCUMSTANCE SHALL ANY MONEYS FROM THE
37 GENERAL FUND BE APPROPRIATED TO THE DEPARTMENT OF REVENUE OR
38 ANY OTHER DEPARTMENT TO COVER THE COSTS INCURRED IN CARRYING
39 OUT THE REQUIREMENTS OF THIS SECTION."

40

41

42

43

44 **TRANSPORTATION & ENERGY**

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

47

48 **HB04-1025** be amended as follows, and as so amended, be referred to
49 the Committee on Appropriations with favorable
50 recommendation:

51

52 Amend printed bill, page 3, after line 2, insert the following:

53

54 "SECTION 2. 42-4-414 (2) (c), Colorado Revised Statutes, is
55 amended to read:

56

1 **42-4-414. Heavy-duty diesel fleet inspection and maintenance**
 2 **program - penalty.** (2) (c) Such rules shall exempt a new diesel vehicle
 3 from testing until such vehicle has reached its second model year if it is
 4 a light-duty diesel vehicle, its fourth model year if it is a heavy-duty
 5 diesel vehicle, or until the date of the transfer of ownership prior to such
 6 expiration IF SUCH TRANSFER IS WITHIN TWELVE MONTHS BEFORE SUCH
 7 EXEMPTION ENDS."

8
 9 Renumbers succeeding sections accordingly.

10
 11
 12

13 **HB04-1076** be amended as follows, and as so amended, be referred to
 14 the Committee of the Whole with favorable
 15 recommendation:

16 Amend printed bill page 2, strike lines 7 and 8 and substitute the
 17 following:

18
 19 "HIGHWAY IF THE SPEED LIMIT IS SIXTY-FIVE MILES PER HOUR OR MORE
 20 UNLESS SUCH PERSON IS";

21 line 9, after "VEHICLES" insert "THAT ARE".
 22
 23
 24
 25

26
 27
 28
 29

30 **HB04-1087** be amended as follows, and as so amended, be referred to
 31 the Committee of the Whole with favorable
 32 recommendation:

33 Amend printed bill, page 2, strike line 11 and substitute the following:

34 "ASSERTED BY ANY PERSON OR ENTITY THAT IS EXEMPT FROM THIS
 35 ARTICLE PURSUANT TO SECTION 9-2.5-105."
 36

37
 38
 39

40 **HB04-1183** be postponed indefinitely.

41
 42

43 **HB04-1184** be postponed indefinitely.

44
 45

PRINTING REPORT

46 The Chief Clerk reports the following bills have been correctly printed:
 47 **HB04-1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244,**
 48 **1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255,**
 49 **1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266,**
 50 **1267, 1268, 1269, 1270, 1271, 1272. 1273, 1274.**

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MESSAGE FROM THE SENATE

Madam Speaker:

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

SB04-106, amended as printed in Senate Journal, January 28, pages 137-140.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, SB04-106.

INTRODUCTION OF RESOLUTION

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

HJR04-1007 by Representative(s) Romanoff; also Senator(s) Fitzgerald--Concerning the discontinuation of the redistricting litigation.

House in recess. House reconvened.

**INTRODUCTION OF BILLS
First Reading**

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

HB04-1275 by Representative(s) Paccione, Hefley, Merrifield, Vigil, Weddig; also Senator(s) Taylor, Tupa--Concerning implementation of a return deposit beverage container program.
Committee on Information & Technology
Committee on Finance

HB04-1276 by Representative(s) Stafford, Hefley; also Senator(s) Kester, Evans--Concerning the assessment of a surcharge in certain court actions for the purpose of supporting the "Colorado Teen Court Program".
Committee on Judiciary
Committee on Finance

HB04-1277 by Representative(s) Hefley, Carroll, Cloer, Romanoff, Rose, Stafford, Williams S., Clapp, Frangas, Paccione, White; also Senator(s) Cairns--Concerning the child care commission, and, in connection therewith, modifying the responsibilities of the commission and changing the name

- 1 of the commission to the early childhood and school
2 readiness commission.
3 Committee on Health, Environment, Welfare, & Institutions
4
- 5 **HB04-1278** by Representative(s) Hall, Butcher, Briggs, Cadman,
6 Cloer, Crane, Garcia, Mitchell, Stengel, Weddig; also
7 Senator(s) Arnold, Phillips, Jones, Keller, Kester, May R.,
8 Tapia, Windels--Concerning the creation of a deceptive
9 trade practice for mortgage originators.
10 Committee on Information & Technology
11
- 12 **HB04-1279** by Representative(s) Stafford, Rose; also Senator(s)
13 Hillman, Kester--Concerning liability regarding the
14 behavior of dogs.
15 Committee on Agriculture, Livestock, & Natural Resources
16
- 17 **HB04-1280** by Representative(s) Stafford, Welker; also Senator(s)
18 Johnson S.--Concerning authorization to issue a death
19 certificate if death is presumed but the body is not found.
20 Committee on Judiciary
21
- 22 **HB04-1281** by Representative(s) Brophy, Cadman, Schultheis,
23 Harvey, Cloer, Crane, Rhodes, Welker; also Senator(s)
24 Hillman, Lamborn--Concerning the authority for certain
25 persons to carry firearms concealed.
26 Committee on State, Veterans, & Military Affairs
27
- 28 **HB04-1282** by Representative(s) Stafford, Welker, Hefley; also
29 Senator(s) Cairns--Concerning an income tax credit for
30 individual taxpayers who make charitable contributions to
31 organizations that provide assistance to low-income
32 families.
33 Committee on Finance
34
- 35 **HB04-1283** by Representative(s) Boyd--Concerning a study to
36 determine the quality of education provided in Colorado's
37 public high schools.
38 Committee on Education
39 Committee on Appropriations
40
- 41 **HB04-1284** by Representative(s) White, Rippy, Boyd, Cloer, Larson,
42 Tochtrop; also Senator(s) Dyer--Concerning audit
43 procedures related to providers under the "Colorado
44 Medical Assistance Act".
45 Committee on Health, Environment, Welfare, & Institutions
46
- 47 **HB04-1285** by Representative(s) Johnson R., Marshall, Fairbank, Hall,
48 King, Lundberg, Sinclair, Stengel; also Senator(s) Kester--
49 Concerning disclosure of outstanding debt prior to such
50 debt going to collections.
51 Committee on Information & Technology
52
- 53 **HB04-1286** by Representative(s) Weddig, Borodkin, Butcher,
54 McGihon, Merrifield, Paccione, Ragsdale, Tochtrop,
55 Weissmann, Williams S.; also Senator(s) Gordon, Tapia--
56 Concerning the retention of state revenues in excess of the

- 1 constitutional limitation on state fiscal year spending for
2 the purpose of providing necessary state services to
3 Coloradans.
4 Committee on State, Veterans, & Military Affairs
5 Committee on Finance
6 Committee on Appropriations
7
- 8 **HB04-1287** by Representative(s) Wiens, Harvey, Williams T., Larson,
9 May M., Rhodes; also Senator(s) Evans--Concerning
10 medical payments coverage for persons injured in a motor
11 vehicle accident when the services are provided by
12 emergency medical professionals.
13 Committee on Business Affairs & Labor
14
- 15 **HB04-1288** by Representative(s) Briggs; also Senator(s) Entz, and
16 Isgar--Concerning the duty to notify the statewide
17 notification association before excavation.
18 Committee on Local Government
19
- 20 **HB04-1289** by Representative(s) Butcher; also Senator(s) Gordon--
21 Concerning the privacy of consumers' personal
22 information in transactions conducted via telephone.
23 Committee on Information & Technology
24
- 25 **HB04-1290** by Representative(s) Plant, Merrifield; also Senator(s)
26 Tapia, Veiga--Concerning a requirement that state
27 agencies conduct a public health analysis for proposed
28 rules when requested to do so.
29 Committee on Health, Environment, Welfare, & Institutions
30 Committee on Appropriations
31
- 32 **HB04-1291** by Representative(s) Plant, Witwer, Young; also
33 Senator(s) Teck, Owen, Reeves--Concerning
34 modifications to the funding of public school pupils under
35 the "Public School Finance Act of 1994".
36 Committee on Education
37 Committee on Appropriations
38
- 39 **HB04-1292** by Representative(s) Clapp, Stengel, Cadman, Fairbank,
40 Jahn, Lee, May M., Rose, Stafford, Welker, White,
41 Young--Concerning requirements of an insurer regarding
42 factors that may negatively affect an insured's ability to
43 obtain homeowner's insurance.
44 Committee on Business Affairs & Labor
45
- 46 **HB04-1293** by Representative(s) Plant, Wiens--Concerning the
47 creation of the volunteer fire department grant fund to
48 provide the matching funds required in order for volunteer
49 fire departments to receive certain federal grants.
50 Committee on Finance
51 Committee on Appropriations
52
- 53 **HB04-1294** by Representative(s) Garcia, Weissmann--Concerning the
54 creation of an alternative base period for the purpose of
55 qualifying workers for unemployment insurance benefits.
56 Committee on Business Affairs & Labor

- 1 **HB04-1295** by Representative(s) Butcher, McFadyen, McGihon,
2 Miller; also Senator(s) Tapia--Concerning the geographic
3 rating used to underwrite health insurance premiums.
4 Committee on Business Affairs & Labor
5
- 6 **HB04-1296** by Representative(s) Madden, Plant, Romanoff, Spence;
7 also Senator(s) Hillman--Concerning the creation of a
8 permanent paper record of each vote cast in an election.
9 Committee on State, Veterans, & Military Affairs
10 Committee on Local Government
11 Committee on Appropriations
12
- 13 **HB04-1297** by Representative(s) Sinclair, Cadman, Johnson R., King,
14 May M., McGihon, Spradley--Concerning the allocation
15 of parenting time in a domestic relations case.
16 Committee on State, Veterans, & Military Affairs
17
- 18 **HB04-1298** by Representative(s) Madden, Young; also Senator(s)
19 Hillman, Kester--Concerning adjustments to the fees
20 deposited into the wholesale food manufacturing and
21 storage protection cash fund.
22 Committee on Finance
23
- 24 **HB04-1299** by Representative(s) Vigil, Coleman, Madden, Paccione,
25 Plant, Pommer, Romanoff--Concerning state government
26 accountability, and, in connection therewith, specifying
27 primary goals for state government, creating a state
28 government accountability task force to establish success
29 measures to be used to measure the progress of state
30 government towards the primary goals, and requiring
31 annual departmental accountability reports and Colorado
32 taxpayer accountability reports.
33 Committee on Finance
34 Committee on Appropriations
35
- 36 **HB04-1300** by Representative(s) Garcia, Carroll--Concerning the
37 regulation of notaries public, and, in connection therewith,
38 modernizing the office of notary public.
39 Committee on Judiciary
40 Committee on Finance
41
- 42 **HB04-1301** by Representative(s) Larson, Fairbank, Rippy; also
43 Senator(s) Isgar--Concerning the establishment by
44 members of the general assembly of special accounts for
45 the receipt under specified conditions of moneys to be
46 expended for the express purpose of defraying expenses
47 arising from the members' official duties.
48 Committee on State, Veterans, & Military Affairs
49
- 50 **HB04-1302** by Representative(s) Larson--Concerning the criminal
51 liability of dog owners.
52 Committee on Agriculture, Livestock, & Natural Resources
53
- 54 **HB04-1303** by Representative(s) Rhodes, Cadman, Harvey,
55 Schultheis, Brophy, Cloer, Clapp, Crane, Fairbank,
56 Hefley, King, Lee, Lundberg, May M., Mitchell, Rose,

- 1 Stafford, Welker, Wiens, White, Witwer; also Senator(s)
2 Hillman, Andrews, Cairns--Concerning a requirement that
3 relevant information be provided to a woman prior to the
4 woman deciding whether to have an abortion, and, in
5 connection therewith, providing for civil liability.
6 Committee on Health, Environment, Welfare, & Institutions
7
8 **HB04-1304** by Representative(s) Jahn, Hefley, Berry, Frangas; also
9 Senator(s) Arnold--Concerning adoption of the revised
10 interstate compact on juveniles.
11 Committee on Judiciary
12
13 **HB04-1305** by Representative(s) Jahn, Frangas, Hefley; also
14 Senator(s) Anderson--Concerning protection orders.
15 Committee on Judiciary
16
17 **HB04-1306** by Representative(s) Jahn--Concerning the issuance of
18 licenses to persons who are in the business of selling
19 motor vehicles.
20 Committee on Business Affairs & Labor
21
22 **HB04-1307** by Representative(s) Cloer, Marshall--Concerning the
23 determination of premium rates for compulsory legal
24 liability coverage for a motor vehicle.
25 Committee on Finance
26
27 **HB04-1308** by Representative(s) Cloer, Jahn, King, Paccione,
28 Spradley, White--Concerning the requirement of pedigree
29 papers for the distribution of prescription drugs.
30 Committee on Health, Environment, Welfare, & Institutions
31
32 **HB04-1309** by Representative(s) Brophy, Briggs, Merrifield; also
33 Senator(s) Tupa, Chlouber--Concerning the creation of a
34 safe routes to school program.
35 Committee on Transportation & Energy
36 Committee on Appropriations
37
38 **HB04-1310** by Representative(s) Borodkin, Marshall, Weddig--
39 Concerning modification of the enterprise zone new
40 business facility income tax credit.
41 Committee on State, Veterans, & Military Affairs
42 Committee on Finance
43 Committee on Appropriations
44
45 **HB04-1311** by Representative(s) Frangas, Cloer, Schultheis, Hefley,
46 Jahn, Lundberg, May M., Tochtrop, Weissmann--
47 Concerning identity theft.
48 Committee on Information & Technology
49 Committee on Appropriations
50
51 **HB04-1312** by Representative(s) Schultheis, Lundberg--Concerning
52 the collection of family data on persons served by the
53 state.
54 Committee on Judiciary
55 Committee on Appropriations
56

- 1 **HB04-1313** by Representative(s) Romanoff, Briggs; also Senator(s)
- 2 Entz, Reeves--Concerning integrated resource planning for
- 3 electric utilities.
- 4 Committee on Information & Technology
- 5 Committee on State, Veterans, & Military Affairs
- 6
- 7 **HB04-1314** by Representative(s) Lee, Weissmann, Crane, Fairbank,
- 8 Pommer, Rose; also Senator(s) Owen--Concerning the
- 9 prohibition against selling certain types of goods on
- 10 Sunday.
- 11 Committee on Local Government
- 12 Committee on Transportation & Energy
- 13
- 14 **SB04-036** by Senator(s) Takis, Sandoval; also Representative(s)
- 15 Garcia, Borodkin, Ragsdale, Williams S., Sinclair,
- 16 Merrifield--Concerning the prevention of spilling of
- 17 material from certain motor vehicles.
- 18 Committee on Transportation & Energy
- 19
- 20 **SB04-106** by Senator(s) Teck; also Representative(s) Stengel--
- 21 Concerning a repeal of the second pool of premium tax
- 22 credits available under the "Certified Capital Company
- 23 Act", and, in connection therewith, creating tax credits for
- 24 contributions to a venture capital program.
- 25 Committee on Finance

LAY OVER OF CALENDAR ITEMS

31 On motion of Representative King, the following items on the Calendar
 32 were laid over until January 30, retaining place on Calendar:

34 Consideration of Resolutions--**HJR04-1004, 1006.**

38 On motion of Representative King, the House adjourned until 9:00 a.m.,
 39 January 30, 2004.

Approved:

 LOLA SPRADLEY,
 Speaker

47 Attest:
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 49 JUDITH RODRIGUE,
 50 Chief Clerk

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