

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

Fifty-seventh Legislative Day

Wednesday, March 5, 2003

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

2

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

4

5 Pledge of Allegiance led by Representative Plant.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Vacancy--1.

11 Excused--Representative May--1.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Salazar, the reading of the journal of
 17 March 4, 2003, was declared dispensed with and approved as corrected
 18 by the Chief Clerk.

19

20

21

THIRD READING OF BILLS--FINAL PASSAGE

22

23
 24 The following bills were considered on Third Reading. The titles were
 25 publicly read. Reading of the bill at length was dispensed with by
 26 unanimous consent.

27

28 **SB03-057** by Senator(s) Anderson, Hanna, Phillips; also
 29 Representative(s) Cadman--Concerning benefit plan
 30 alternatives within the fire and police pension association
 31 for members of money purchase plans.

32

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

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

37

38	Vacancy	1	YES	63	NO	00	EXCUSED	01	ABSENT	00
39	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y		Y
40	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y		Y
41	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y		Y
42	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y		Y
43	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y		Y

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

13 Co-sponsors added: Representatives Boyd, Carroll, Frangas, Jahn, Ragsdale,
14 Weissmann.

15
16 **HB03-1089** by Representative(s) Mitchell; also Senator(s) Taylor--
17 Concerning reimbursement to owners whose property is
18 acquired by a condemning authority in eminent domain
19 proceedings.

20
21 The question being "Shall the bill pass?".
22 A roll call vote was taken. As shown by the following recorded vote, a
23 majority of those elected to the House voted in the affirmative and the bill
24 was declared **passed**.

26	Vacancy 1	YES	58	NO	05	EXCUSED	01	ABSENT	00
27	Berry	Y		Garcia	Y	McCluskey	Y	Sinclair	Y
28	Borodkin	Y		Hall	Y	McFadyen	Y	Smith	Y
29	Boyd	Y		Harvey	Y	Merrifield	Y	Spence	Y
30	Briggs	Y		Hefley	Y	Miller	Y	Stafford	Y
31	Brophy	Y		Hodge	Y	Mitchell	Y	Stengel	Y
32	Butcher	Y		Hoppe	Y	Paccione	Y	Tochtrop	Y
33	Cadman	Y		Jahn	Y	Plant	Y	Veiga	N
34	Carroll	Y		Johnson	Y	Pommer	Y	Vigil	Y
35	Clapp	Y		Judd	Y	Ragsdale	Y	Weddig	N
36	Cloer	Y		King	Y	Rhodes	Y	Weissmann	N
37	Coleman	Y		Larson	Y	Rippy	Y	White	Y
38	Crane	Y		Lee	Y	Romanoff	Y	Wiens	Y
39	Decker	Y		Lundberg	Y	Rose	Y	Williams S.	Y
40	Fairbank	Y		Madden	N	Salazar	Y	Williams T.	Y
41	Frangas	N		Marshall	Y			Witwer	Y
42	Fritz	Y		May	E	Schultheis	Y	Young	Y
43								Speaker	Y

44 Co-sponsors added: Representatives Brophy, Cloer, Crane, Harvey, Lundberg,
45 McFadyen, Miller, Plant, Schultheis, Smith, Stengel, Speaker.

46
47 **HB03-1146** by Representative(s) Spradley, Salazar; also Senator(s)
48 Kester--Concerning an expansion of water judges'
49 jurisdiction to address the effects of a change of a water
50 right on water quality.

51
52 Laid over until March 6, retaining place on Calendar.

53
54 **HB03-1010** by Representative(s) Salazar; also Senator(s) Entz--
55 Concerning the frequency of applications necessary to
56 qualify for disabled veteran license plates.

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

	Vacancy 1	YES 63	NO 00	EXCUSED 01	ABSENT 00			
7	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
9	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
10	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
11	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
12	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
13	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
14	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y
15	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
16	Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y
17	Coleman	Y	Larson	Y	Rippy	Y	White	Y
18	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
19	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
20	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y
21	Frangas	Y	Marshall	Y			Witwer	Y
22	Fritz	Y	May	E	Schultheis	Y	Young	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Berry, Boyd, Brophy, Carroll, Cloer,
 25 Crane, Decker, Frangas, Garcia, Harvey, Hefley, Hoppe, Larson, Madden,
 26 Paccione, Plant, Pommer, Ragsdale, Romanoff, Rose, Sinclair, Spence, Stafford,
 27 Stengel, Veiga, Vigil, Weissmann, White, Wiens, Williams S.

31 LAY OVER OF CALENDAR ITEMS

32
 33 On motion of Representative King, the following items on the Calendar
 34 were laid over until March 6, retaining place on Calendar:

35
 36 Consideration of General Orders--**HB03-1225, 1250, 1267, SB03-155,**
 37 **HB03-1219, 1311, 1313, 1251, 1086, 1236, 1312, SB03-147.**

38 Consideration of Resolutions--**SJR03-017, HJR03-1024, 1025, 1016,**
 39 **1017, 1020, SJR03-012, 025.**

40 Consideration of Senate Amendments--**HB03-1161, 1107.**

41
 42
 43 House in recess. House reconvened.
 44

47 REPORTS OF COMMITTEES OF REFERENCE

49 **BUSINESS AFFAIRS & LABOR**

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

52
 53 **HB03-1307** be postponed indefinitely.

54
 55
 56 **HB03-1321** be referred favorably to the Committee on Appropriations.

1 **JUDICIARY**

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

4
5 **SB03-025** be referred to the Committee of the Whole with favorable
6 recommendation.

7
8
9 **SB03-097** be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:

12
13 Amend reengrossed bill, page 3, line 26, strike "CLASS 1 OR".

14
15 Page 4, after line 4, insert the following:

16
17 "SECTION 3. 17-2-201 (4) (a), Colorado Revised Statutes, is
18 amended to read:

19
20 **17-2-201. State board of parole.** (4) The board has the
21 following powers and duties:

22
23 (a) To meet as often as necessary every month to consider all
24 applications for parole. The board may parole any person who is
25 sentenced or committed to a correctional facility when such person has
26 served his or her minimum sentence, less time allowed for good behavior,
27 and there is a strong and reasonable probability that the person will not
28 thereafter violate the law and that release of such person from
29 institutional custody is compatible with the welfare of society. If the
30 board refuses an application for parole, the board shall reconsider the
31 granting of parole to such person within one year thereafter, or earlier if
32 the board so chooses, and shall continue to reconsider the granting of
33 parole each year thereafter until such person is granted parole or until
34 such person is discharged pursuant to law; except that, if the person
35 applying for parole was convicted of a class 1 or class 2 crime of
36 violence, as defined in section 18-1.3-406, C.R.S., any class 3 sexual
37 offense described in part 4 of article 3 of title 18, C.R.S., a habitual
38 criminal offense as defined in section 18-1.3-801 (2.5), C.R.S., or of any
39 offense subject to the requirements of section 18-1.3-904, C.R.S., the
40 board need only reconsider granting parole to such person once every
41 three years, until the board grants such person parole or until such person
42 is discharged pursuant to law, OR IF THE PERSON APPLYING FOR PAROLE
43 WAS CONVICTED OF A CLASS 1 OR CLASS 2 FELONY THAT CONSTITUTES A
44 CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE
45 BOARD NEED ONLY RECONSIDER GRANTING PAROLE TO SUCH PERSON ONCE
46 EVERY FIVE YEARS, UNTIL THE BOARD GRANTS SUCH PERSON PAROLE OR
47 UNTIL SUCH PERSON IS DISCHARGED PURSUANT TO LAW."

48
49 Renumber succeeding sections accordingly.

50
51
52
53 **SB03-164** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:

56

1 Amend reengrossed bill, page 6, line 1, strike "INDIGENT," and substitute
 2 "INDIGENT AND REPRESENTED BY EITHER THE PUBLIC DEFENDER OR
 3 ALTERNATIVE DEFENSE COUNSEL,".
 4
 5
 6

7 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
 8

9 The Speaker has signed: **HJR03-1018, 1019, 1021; SB03-061, 071;**
 10 **SJR03-016, 021.**
 11
 12

13 **MESSAGE FROM THE SENATE**
 14

15 Madam Speaker:
 16

17
 18 The Senate voted to concur in House amendments to SB03-143, 066, and
 19 repassed the bills as amended.
 20
 21

22 **INTRODUCTION OF BILLS**
 23 **First Reading**
 24

25
 26 The following bills were read by title and referred to the committees
 27 indicated:
 28

29 **HB03-1328** by Representative(s) Rose, Brophy, Hall, Hoppe,
 30 McCluskey, Salazar, Smith, Wiens; also Senator(s) Entz--
 31 Concerning a temporary increase in license fees charged
 32 to the operators of commercial scales under the
 33 "Measurement Standards Act of 1983" for the purpose of
 34 replenishing cash funds in the department of agriculture.

35 Committee on Finance
 36 Committee on Appropriations
 37

38 **HB03-1329** by Representative(s) Rippy; also Senator(s) Johnson S.--
 39 Concerning additional funding to encourage the beneficial
 40 use of waste tires.

41 Committee on Finance
 42 Committee on Appropriations
 43

44 **SB03-021** by Senator(s) Isgar; also Representative(s) Williams S.--
 45 Concerning modifications to the direct care provider
 46 career path pilot program.

47 Committee on Health, Environment, Welfare, & Institutions
 48

49 **SB03-032** by Senator(s) Phillips; also Representative(s) Stengel--
 50 Concerning the procedures for reviewing materials
 51 submitted by an owner claiming a property tax exemption
 52 for property used for religious purposes.

53 Committee on Finance
 54
 55

1 **SB03-041** by Senator(s) Reeves; also Representative(s) Smith--
 2 Concerning the central information system, and making an
 3 appropriation in connection therewith.

4 Committee on Business Affairs & Labor
 5 Committee on Appropriations
 6

7 **SB03-110** by Senator(s) Entz, Chlouber, Hillman, Isgar, Tapia,
 8 Taylor, Owen; also Representative(s) Hoppe, Miller,
 9 Salazar--Concerning the funding of Colorado water
 10 conservation board projects, and making appropriations in
 11 connection therewith.

12 Committee on Agriculture, Livestock, & Natural Resources
 13 Committee on Appropriations
 14

15 **SB03-141** by Senator(s) Tapia, Entz, Grossman, Jones, Kester,
 16 Sandoval, Taylor; also Representative(s) Salazar--
 17 Concerning persons convicted of a crime, and, in
 18 connection therewith, waiving certain fees, establishing
 19 reimbursement rates for medical care, and authorizing
 20 medical care at state hospitals.

21 Committee on Finance
 22 Committee on Appropriations
 23

24 **SB03-234** by Senator(s) Kester; also Representative(s) Hall--
 25 Concerning the date that refund interest begins to accrue
 26 where property tax was erroneously levied as a result of an
 27 error by the taxpayer in completing statements relating to
 28 oil and gas property.

29 Committee on Finance
 30

31 _____

32
 33 On motion of Representative King, the House adjourned until 9:00 a.m.,
 34 March 6, 2003.

35

36

37

38

39

40

41

42

43

44

45

Approved:

LOLA SPRADLEY,
 Speaker

Attest:

JUDITH RODRIGUE,
 Chief Clerk