

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

Fifty-second Legislative Day

Friday, February 27, 2004

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

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

4

5 Pledge of Allegiance led by Representative May.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives Lee, Weddig--2.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Merrifield, the reading of the journal of
 16 February 26, 2004, was declared dispensed with and approved as
 17 corrected by the Chief Clerk.

18

19

20

21

CONSIDERATION OF RESOLUTION

22

23 **HJR04-1023** by Representative(s) Young, Witwer, Plant; also
 24 Senator(s) Owen, Teck, Reeves--Concerning the
 25 certification by the General Assembly of the amount of
 26 state education fund revenues that should be considered
 27 available for appropriation for the 2004-05 state fiscal
 28 year.

29

30 (Printed and placed in member's file.)

31

32 On motion of Representative Young, the resolution was read by title and
 33 **adopted** by the following roll call vote:

34

35	YES	63	NO	00	EXCUSED	02	ABSENT	00
36	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
37	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
38	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
39	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
40	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
41	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
42	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
43	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E

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

10 Co-sponsors added: Representatives King, Larson, Rose, Spence, Williams S.

14 THIRD READING OF BILLS--FINAL PASSAGE

16 The following bills were considered on Third Reading. The titles were
17 publicly read. Reading of the bill at length was dispensed with by
18 unanimous consent.

20 **SB04-067** by Senator(s) Owen; also Representative(s) Smith--
21 Concerning the elimination of obsolete provisions of law.

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

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

28	YES	63	NO	00	EXCUSED	02	ABSENT	00
29	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
30	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
31	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
32	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
33	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
34	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
35	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
36	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
37	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
38	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
39	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
40	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
41	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
42	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
43	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
44	Frangas	Y	May	Y	Schultheis	Y	Young	Y
45							Speaker	Y

46 Co-sponsors added: Representatives Coleman, Garcia, Paccione, Schultheis.

48 **SB04-035** by Senator(s) Kester; also Representative(s) Briggs--
49 Concerning meetings of county boards of social services
50 to address public assistance responsibilities of county
51 departments.

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

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

	YES	63	NO	00	EXCUSED	02	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Coleman, Hall, McFadyen.

20
21 **SB04-012** by Senator(s) May R.; also Representative(s) Ragsdale,
22 Welker--Concerning the types of records necessary for the
23 department of revenue to administratively revoke a driver's
24 license for tampering with an interlock device.

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

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

	YES	63	NO	00	EXCUSED	02	ABSENT	00
31								
32	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
33	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
34	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
35	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
36	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
37	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
38	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
39	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
40	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
41	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
42	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
43	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
44	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
45	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
46	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
47	Frangas	Y	May	Y	Schultheis	Y	Young	Y
48							Speaker	Y

49 Co-sponsors added: Representatives Borodkin, Coleman, Garcia, Miller,
50 Spence, Stafford, Williams S.

51
52 **SB04-026** by Senator(s) Jones; also Representative(s) Welker--
53 Concerning increasing the time period in which the
54 insurance commissioner must hold a hearing about the
55 cancellation of motor vehicle insurance.
56

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

	YES	53	NO	10	EXCUSED	02	ABSENT	00
7	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
9	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
10	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
11	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
12	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
13	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
14	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
15	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
16	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
17	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
18	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
19	Crane	N	Lundberg	Y	Romanoff	Y	Williams S.	N
20	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
21	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
22	Frangas	N	May	Y	Schultheis	N	Young	Y
23							Speaker	Y

24 Co-sponsors added: Representative Coleman

25
 26 **SB04-096** by Senator(s) Veiga; also Representative(s) Fairbank--
 27 Concerning the transfer of interests in telecommunication
 28 utility assets that are not used in the provision of regulated
 29 services without authorization by the public utilities
 30 commission.

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

	YES	63	NO	00	EXCUSED	02	ABSENT	00
38	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
39	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
41	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
42	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
43	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
44	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
45	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
46	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
47	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
48	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
49	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
50	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
51	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
52	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
53	Frangas	Y	May	Y	Schultheis	Y	Young	Y
54							Speaker	Y

55 Co-sponsors added: Representative Frangas.

56

1 **HB04-1151** by Representative(s) Wiens, Plant; also Senator Evans--
 2 Concerning the ability of the state of Colorado to respond
 3 to the initial attack of a wildfire.

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

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

28 Co-sponsors added: Representatives Carroll, Cloer, Coleman, Fairbank, Hall,
 29 Harvey, Larson, May, McFadyen, McGihon, Merrifield, Paccione, Rhodes,
 30 Rippy, Romanoff, Rose, Salazar, Schultheis, Smith, Spence, Stafford, White,
 31 Williams S., Witwer, Young, Speaker.

32
 33
 34 **SB04-062** by Senator(s) Arnold; also Representative(s) Mitchell--
 35 Concerning databases of school district employees.

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

	YES	58	NO	05	EXCUSED	02	ABSENT	00
43	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
44	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
45	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
46	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
48	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
49	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
50	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
51	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
52	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
53	Cloer	N	Larson	Y	Rhodes	Y	White	Y
54	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
55	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
56	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y

1	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
2	Frangas	N	May	Y	Schultheis	N	Young	Y
3							Speaker	N

4 Co-sponsors added: Representatives Boyd, Hall, Merrifield, Paccione, Spence,
5 Williams S.

9 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

11 **HB04-1112** by Representative(s) Welker, Coleman, Harvey, Hodge,
12 Hoppe, Larson, Marshall, McCluskey, Paccione, Rhodes,
13 White, Wiens, Williams T.; also Senator(s) Sandoval--
14 Concerning the regulation of persons licensed to deal in
15 certain monetary instruments, and, in connection
16 therewith, continuing the regulatory authority of the
17 banking board and the state bank commissioner over such
18 activities.

20 (Amended as printed in Senate Journal, February 2, page 162.)

22 Representative Welker moved that the House **concur** in Senate
23 amendments. A substitute motion by Representative Weissmann that the
24 House **not concur** in Senate amendments and that a Conference
25 Committee be appointed with permission to go beyond the scope of the
26 differences between the House and the Senate was declared **passed** by the
27 following roll call vote:

29	YES	54	NO	09	EXCUSED	02	ABSENT	00
30	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
31	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
32	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
33	Briggs	N	Hefley	Y	Merrifield	Y	Stafford	Y
34	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
35	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
36	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
37	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
38	Cerbo	Y	Judd	Y	Pommer	N	Weissmann	Y
39	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
40	Cloer	N	Larson	Y	Rhodes	Y	White	Y
41	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
42	Crane	N	Lundberg	Y	Romanoff	Y	Williams S.	Y
43	Decker	Y	Madden	Y	Rose	Y	Williams T.	N
44	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
45	Frangas	Y	May	Y	Schultheis	Y	Young	Y
46							Speaker	Y

47 The Speaker appointed Representatives Welker, Chairman, Wiens and
48 Miller as House conferees to the bill.

51 **HB04-1038** by Representative(s) Berry; also Senator(s) Arnold--
52 Concerning an exemption from civil liability for a
53 volunteer at a crisis telephone hotline.

55 (Amended as printed in Senate Journal, February 6, page 204.)

Representative Berry moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	62	NO	01	EXCUSED	02	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

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

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

Co-sponsors added: Representatives Cadman, Miller.

HB04-1072 by Representative(s) May M.; also Senator(s) Evans--
Concerning the authority of the governing body of a municipality to submit to the registered electors of the municipality the question of changing the regular election date of the municipality.

(Amended as printed in Senate Journal, February 12, pages 251-252.)

1 Representative May moved that the House **not concur** in Senate
 2 amendments and that a Conference Committee be appointed. The motion
 3 was declared **passed** by the following roll call vote:

YES	61	NO	02	EXCUSED	02	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	N	Weddig	E
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

23 The Speaker appointed Representatives May, Chairman, Berry and
 24 Ragsdale as House conferees to the bill.

25
 26 **HB04-1052** by Representative(s) Judd; also Senator(s) Dyer--
 27 Concerning changes to the name-change statute.

28
 29 (Amended as printed in Senate Journal, February 12, page 254.)

30
 31 Representative Judd moved that the House **concur** in Senate amendments.
 32 The motion was declared **passed** by the following roll call vote:

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

53 The question being, "Shall the bill, as amended, pass?"

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

	YES	63	NO	00	EXCUSED	02	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	E
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representative Carroll.

20
21
22 **HB04-1100** by Representative(s) Young; also Senator(s) Owen--
23 Concerning Colorado's process for planning private
24 prisons.
25

26 (Amended as printed in Senate Journal, February 12, page 254.)

27
28 Representative Young moved that the House **concur** in Senate
29 amendments. The motion was declared **passed** by the following roll call
30 vote:
31

	YES	43	NO	20	EXCUSED	02	ABSENT	00
32								
33	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
34	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
35	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
36	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
37	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
38	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
39	Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
40	Carroll	N	Johnson	Y	Plant	N	Weddig	E
41	Cerbo	N	Judd	Y	Pommer	N	Weissmann	N
42	Clapp	Y	King	Y	Ragsdale	N	Welker	N
43	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
44	Coleman	N	Lee	E	Rippy	Y	Wiens	Y
45	Crane	Y	Lundberg	N	Romanoff	N	Williams S.	Y
46	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
47	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
48	Frangas	N	May	Y	Schultheis	N	Young	Y
49							Speaker	Y

50
51 The question being, "Shall the bill, as amended, pass?"

52 A roll call vote was taken. As shown by the following recorded vote, a
53 majority of those elected to the House voted in the affirmative, and the
54 bill, as amended, was declared **repassed**.
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24 Co-sponsors added: Representatives Frangas, King, May, Williams S.,
25 Williams T.

26

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

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

24 Co-sponsors added: Representatives Carroll, Marshall, Merrifield, Williams S.

27 On motion of Representative Harvey, the House resolved itself into
 28 Committee of the Whole for consideration of Special Orders and he was
 29 called to the Chair to act as Chairman.

33 SPECIAL ORDERS--SECOND READING OF BILLS

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

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

43 **HB04-1347** by Representative(s) Witwer; also Senator(s) Jones--
 44 Concerning tuition assistance to members of the Colorado
 45 national guard.

47 Referred to the Committee on Appropriations.

49 **HB04-1083** by Representative(s) Sinclair; also Senator(s) Jones--
 50 Concerning termination of child support obligations based
 51 upon DNA evidence of nonparentage.

53 Amendment No. 1, Information & Technology Report, dated February
 54 18, 2004, and placed in member's bill file; Report also printed in House
 55 Journal, February 19, pages 537-539.

1 Amendment No. 2, by Representative Judd.

2
3 Amend the Information and Technology Committee Report, dated
4 February 18, 2004, page 1, line 14, strike "ORDER." and substitute
5 "ORDER AND ESTABLISHES THAT THE DAMAGE TO THE PURPORTED FATHER
6 THAT WOULD RESULT FROM PRESERVING THE DETERMINATION OF
7 PARENTAGE OUTWEIGHS THE HARM TO THE CHILD THAT MAY RESULT FROM
8 SETTING ASIDE THE DETERMINATION OF PARENTAGE.".

9
10 Page 2, line 9, strike "CHILD," and substitute "CHILD AND THAT THE
11 DAMAGE TO THE PURPORTED FATHER THAT WOULD RESULT FROM
12 PRESERVING THE DETERMINATION OF PARENTAGE OUTWEIGHS THE HARM
13 TO THE CHILD THAT MAY RESULT FROM SETTING ASIDE THE
14 DETERMINATION OF PARENTAGE,";

15
16 line 24, strike "ENTERED." and substitute "ENTERED AND ESTABLISHES
17 THAT THE DAMAGE TO THE PURPORTED FATHER THAT WOULD RESULT FROM
18 CONTINUING THE COURT ORDER FOR CHILD SUPPORT OUTWEIGHS THE
19 HARM TO THE CHILD THAT MAY RESULT FROM TERMINATING THE COURT
20 ORDER FOR CHILD SUPPORT.".

21
22 Page 3, line 6, strike "CHILD," and substitute "CHILD AND THAT THE
23 DAMAGE TO THE PURPORTED FATHER THAT WOULD RESULT FROM
24 CONTINUING THE COURT ORDER FOR CHILD SUPPORT OUTWEIGHS THE
25 HARM TO THE CHILD THAT MAY RESULT FROM TERMINATING THE COURT
26 ORDER FOR CHILD SUPPORT,".

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

30
31 **HB04-1040** by Representative(s) Salazar, Miller, Rippey, White; also
32 Senator(s) Taylor, Entz, Isgar--Concerning the
33 requirement to mitigate the effects on the water basin of
34 origin of a diversion of water from a water basin.

35
36 Amendment No. 1, by Representative Salazar.

37
38 Strike the Agriculture, Livestock, and Natural Resources Committee
39 Report, dated February 4, 2004, and substitute the following:

40
41 "Amend printed bill, strike everything below the enacting clause and
42 substitute the following:

43
44 "SECTION 1. 37-92-305, Colorado Revised Statutes, is amended
45 BY THE ADDITION OF A NEW SUBSECTION to read:

46
47 **37-92-305. Standards with respect to rulings of the referee and**
48 **decisions of the water judge.** (17) (a) THE WATER JUDGE MAY NOT
49 DECREE A WATER RIGHT OR APPROVE A CHANGE OF WATER RIGHT
50 DIVERTING WATER FROM ONE WATER DIVISION TO ANOTHER, EITHER
51 DIRECTLY OR BY EXCHANGE, UNLESS THE DECREE INCLUDES TERMS AND
52 CONDITIONS TO REASONABLY MITIGATE ADVERSE WATER-RELATED
53 ECONOMIC AND ENVIRONMENTAL IMPACTS CAUSED BY THE DIVERSION OR
54 CHANGE OF WATER RIGHT AND A FINDING THAT THE PRESENT
55 APPROPRIATIONS OF WATER WITHIN A DIVISION WILL NOT BE IMPAIRED OR
56 INCREASED IN COST AT THE EXPENSE OF THE WATER USERS OF THAT

1 DIVISION. NOTHING IN THIS SUBSECTION (17) SHALL ABROGATE OR IMPAIR
2 ANY STATE OR LOCAL LAND USE OR ENVIRONMENTAL AUTHORITY OR
3 CHANGE THE INJURY STANDARD IN OTHER CHANGE OF WATER RIGHT
4 PROCEEDINGS.

5
6 (b) THIS SUBSECTION (17) SHALL:

7
8 (I) APPLY TO AN APPLICATION FOR:

9
10 (A) A NEW WATER RIGHT DECREE FILED ON OR AFTER THE
11 EFFECTIVE DATE OF THIS SUBSECTION (17); AND

12
13 (B) A CHANGE OF WATER RIGHT NOT APPROVED BY A DECREE OF
14 THE WATER JUDGE PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION
15 (17); AND

16
17 (II) NOT APPLY TO AN APPLICATION:

18
19 (A) TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE; OR

20
21 (B) FOR A FINDING OR REASONABLE DILIGENCE FOR ANY
22 CONDITIONAL WATER RIGHT DECREED PRIOR TO THE EFFECTIVE DATE OF
23 THIS SUBSECTION (17).

24
25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety."."

28
29 As amended, declared **lost** on Second Reading.

30
31 On motion of Representative King, the remainder of the Special Orders
32 Calendar (**HB04-1257, 1345, SB04-127, 110, 128, HCR04-1004,**
33 **HB04-1034**) was laid over until March 1, retaining place on Calendar.

34
35
36 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

37
38 Representative Sinclair moved to amend the Report of the Committee of
39 the Whole to show that the following Judd amendment, to HB04-1083,
40 did not pass, and that HB04-1083, as amended, did pass.

41
42 Amend the Information and Technology Committee Report, dated
43 February 18, 2004, page 1, line 14, strike "ORDER." and substitute
44 "ORDER AND ESTABLISHES THAT THE DAMAGE TO THE PURPORTED FATHER
45 THAT WOULD RESULT FROM PRESERVING THE DETERMINATION OF
46 PARENTAGE OUTWEIGHS THE HARM TO THE CHILD THAT MAY RESULT FROM
47 SETTING ASIDE THE DETERMINATION OF PARENTAGE.".

48
49 Page 2, line 9, strike "CHILD," and substitute "CHILD AND THAT THE
50 DAMAGE TO THE PURPORTED FATHER THAT WOULD RESULT FROM
51 PRESERVING THE DETERMINATION OF PARENTAGE OUTWEIGHS THE HARM
52 TO THE CHILD THAT MAY RESULT FROM SETTING ASIDE THE
53 DETERMINATION OF PARENTAGE,";

54
55 line 24, strike "ENTERED." and substitute "ENTERED AND ESTABLISHES
56 THAT THE DAMAGE TO THE PURPORTED FATHER THAT WOULD RESULT FROM

Page 3, line 6, strike "CHILD," and substitute "CHILD AND THAT THE DAMAGE TO THE PURPORTED FATHER THAT WOULD RESULT FROM CONTINUING THE COURT ORDER FOR CHILD SUPPORT OUTWEIGHS THE HARM TO THE CHILD THAT MAY RESULT FROM TERMINATING THE COURT ORDER FOR CHILD SUPPORT,".

YES	28	NO	34	EXCUSED	02	ABSENT	01
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	N	Hall	Y	McFadyen	N	Smith	N
Boyd	N	Harvey	Y	McGihon	N	Spence	Y
Briggs	N	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	N	Hodge	N	Miller	Y	Stengel	N
Butcher	N	Hoppe	Y	Mitchell	-	Tochtrop	N
Cadman	Y	Jahn	N	Paccione	N	Vigil	N
Carroll	Y	Johnson	Y	Plant	N	Weddig	E
Cerbo	N	Judd	N	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	N	Welker	Y
Cloer	Y	Larson	N	Rhodes	N	White	N
Coleman	N	Lee	E	Rippy	N	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
Decker	Y	Madden	N	Rose	Y	Williams T.	N
Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
Frangas	N	May	Y	Schultheis	Y	Young Speaker	N Y

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

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1083 amended.**

Lost on Second Reading: **HB04-1040 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1257, 1345, SB04-127, 110, 128, HCR04-1004, HB04-1034**--March 1, 2004.

Referred to Committee indicated: **HB04-1347**--Committee on Appropriations.

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

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

REPORTS OF COMMITTEES OF REFERENCE

APPROPRIATIONS

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

HB04-1044 be postponed indefinitely.

HB04-1062 be referred to the Committee of the Whole with favorable recommendation.

HB04-1066 be referred to the Committee of the Whole with favorable recommendation.

1 **HB04-1104** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend the Education Committee Report, dated January 21, 2004, page
6 4, strike line 19 and substitute the following:
7

8 "GENERAL ASSEMBLY, FOR THE 2004-05 FISCAL YEAR, SHALL MAKE AN
9 APPROPRIATION FROM THE";
10

11 line 26, after "**Appropriation.**" insert "(1)";
12

13 strike line 33 and substitute the following:
14

15 "Revised Statutes.
16

17 (2) In addition to any other appropriation, there is hereby
18 appropriated, out of any moneys in the educator licensure cash fund
19 created in section 22-60.5-112, Colorado Revised Statutes, not otherwise
20 appropriated, to the department of education, for allocation to the office
21 of professional services, for the fiscal year beginning July 1, 2004, the
22 sum of sixteen thousand two hundred eighty-three dollars (\$16,283), or
23 so much thereof as may be necessary, for the implementation of this act.
24

25 (3) In addition to any other appropriation, there is hereby
26 appropriated to the department of public safety, for allocation to the
27 Colorado bureau of investigation, for the fiscal year beginning July 1,
28 2004, the sum of seven thousand seven hundred three dollars (\$7,703),
29 or so much thereof as may be necessary, for fingerprint processing
30 services related to the implementation of this act. Said sum shall be from
31 cash funds exempt received from the department of education out of the
32 appropriation made in subsection (2) of this section."."
33
34
35

36 **HB04-1141** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:
39

40 Amend printed bill, page 159, after line 19, insert the following:
41

42 "**SECTION 83. Appropriation.** In addition to any other
43 appropriation, there is hereby appropriated, out of any moneys in the state
44 charter school cash fund created pursuant to section 22-30.5-108.3 (2)
45 (b), Colorado Revised Statutes, not otherwise appropriated, to the
46 department of education, for the fiscal year beginning July 1, 2004, the
47 sum of one hundred thousand dollars (\$100,000), or so much thereof as
48 may be necessary, for the implementation of this act."."
49

50 Renumber succeeding section accordingly.
51

52 Page 1, line 102, strike "SCHOOLS." and substitute "SCHOOLS, AND
53 MAKING AN APPROPRIATION THEREFOR."
54
55
56

1 **HB04-1219** 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 3, after line 2, insert the following:
6

7 **"SECTION 4. Appropriation adjustments to 2004 long bill. (1)**
8 For the implementation of this act, appropriations made in the annual
9 general appropriation act to the department of health care policy and
10 financing for the fiscal year beginning July 1, 2004, shall be adjusted as
11 follows:
12

13 (a) The appropriation for the executive director's office is
14 increased by twenty-one thousand nine hundred twenty-four dollars
15 (\$21,924) and 0.4 FTE. Of said sum, ten thousand nine hundred sixty-
16 two dollars (\$10,962) shall be from the general fund and ten thousand
17 nine hundred sixty-two dollars (\$10,962) shall be from federal funds.
18

19 (b) The appropriation for medical services premiums is decreased
20 by seventy-nine thousand six hundred forty-nine dollars (\$79,649). Of
21 said sum, thirty-nine thousand eight hundred twenty-five dollars
22 (\$39,825) shall be from the general fund and thirty-nine thousand eight
23 hundred twenty-four dollars (\$39,824) shall be from federal funds."
24

25 Renumber succeeding sections accordingly.
26

27 Page 1, line 103, strike "ACT"." and substitute "ACT", AND MAKING AN
28 APPROPRIATION IN CONNECTION THEREWITH."
29
30
31

32 **HB04-1231** be rereferred favorably to the Committee on
33 Transportation & Energy.
34
35

36 **HB04-1244** be referred to the Committee of the Whole with favorable
37 recommendation.
38
39

40 **HB04-1251** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:
43

44 Amend the Health, Environment, Welfare, and Institutions Committee
45 Report, dated February 9, 2004, page 2, strike lines 19 through 21 and
46 substitute the following:
47

48 "strike lines 9 through 27.
49

50 Strike pages 7 through 9.
51

52 Page 10, strike lines 1 through 19.
53

54 Renumber succeeding sections accordingly."
55

56 Page 5 of the Committee Report, line 9, change period to a semi-colon;

1 after line 9 of the Committee Report, insert the following:

2

3 "after line 9, insert the following:

4

5 **"SECTION 31. Appropriations in long bill to be adjusted. (1)**

6 For the implementation of this act, appropriations made in the annual
7 general appropriation act to the department of regulatory agencies for the
8 fiscal year beginning July 1, 2004, shall be adjusted as follows:

9

10 (a) The cash fund appropriation for the division of registrations is
11 decreased by thirteen thousand four hundred four dollars (\$13,404). Said
12 sum shall be from the division of registrations cash fund created pursuant
13 to section 24-34-105, Colorado Revised Statutes."

14

15 Renumber succeeding sections accordingly.

16

17 Page 1, line 103, strike "AGENCIES." and substitute "AGENCIES, AND
18 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

19

20

21

22 **HB04-1309** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:

25

26 Amend printed bill, page 5, after line 2, insert the following:

27

28 **"SECTION 2. Appropriation.** In addition to any other
29 appropriation, there is hereby appropriated, to the department of law, for
30 the fiscal year beginning July 1, 2004, the sum of one thousand five
31 hundred dollars (\$1,500), or so much thereof as may be necessary, for the
32 provision of legal services to the department of transportation related to
33 the implementation of this act. This amount shall be from cash funds
34 exempt received from the department of transportation."

35

36 Renumber succeeding section accordingly.

37

38 Page 1, line 101, strike "PROGRAM." and substitute "PROGRAM, AND
39 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

40

41

42

43 **HB04-1311** be referred to the Committee of the Whole with favorable
44 recommendation.

45

46

47

48

49 **BUSINESS AFFAIRS & LABOR**

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

52

53 **HB04-1234** 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 2, after line 1, insert the following:

2
3 "SECTION 1. 10-3-1110 (2), Colorado Revised Statutes, is
4 amended to read:

5
6 **10-3-1110. Regulations.** (2) The commissioner may, after notice
7 and hearing, as provided in article 4 of title 24, C.R.S., promulgate rules
8 ~~and regulations~~ with respect to the payment of benefits under group and
9 individual contracts of property or casualty coverage ~~except for property~~
10 ~~and casualty coverage provided pursuant to part 6 of article 4 of this title,~~
11 issued by organizations authorized to do business in this state under the
12 provisions of article 4 of this title. Such rules may establish a penalty
13 payable to the claimant on benefit payments that are delayed more than
14 sixty days after a valid and complete filing of the claim unless there is a
15 reasonable dispute between the parties concerning such claim. Such
16 penalty shall not exceed twenty dollars on claims of less than one
17 hundred dollars or interest at a rate of eight percent annually on claims
18 above one hundred dollars. In addition to such penalties payable to the
19 claimant, the commissioner, after notice and hearing, may assess a civil
20 penalty against any insurer of one hundred dollars per day for each day
21 benefit payments are delayed more than sixty days after a valid and
22 complete filing of the claim unless there is a reasonable dispute between
23 the parties concerning such claim.

24
25 **SECTION 2.** 10-4-619, Colorado Revised Statutes, is amended
26 to read:

27
28 **10-4-619. Coverage compulsory.** (1) Every owner of a motor
29 vehicle who operates the motor vehicle on the public highways of this
30 state or who knowingly permits the operation of the motor vehicle on the
31 public highways of this state shall have in full force and effect a
32 complying policy under the terms of this part 6 covering the said motor
33 vehicle, and any owner who fails to do so shall be subject to the sanctions
34 provided under sections 42-4-1409 and 42-7-301, C.R.S., of the "Motor
35 Vehicle Financial Responsibility Act". This section shall not apply to
36 persons who hold a current and valid certificate of self-insurance
37 pursuant to section 10-4-624.

38
39 (2) AN INSURER SHALL NOT REFUSE TO PROVIDE BENEFITS TO AN
40 INSURED ON THE BASIS THAT THE INSURED IS A VOLUNTEER FOR A FIRE
41 DEPARTMENT AND IS INJURED IN A MOTOR VEHICLE WHILE RESPONDING TO
42 AN EMERGENCY."

43
44 Renumber succeeding sections accordingly.

45
46 Page 3, line 4, strike "MULTIPLE" and substitute "A", and strike "SOURCES"
47 and substitute "SOURCE";

48
49 line 9, after the period, add "AN INSURER MAY NOT USE DIFFERENT
50 CREDIBLE SOURCES OF VALUATION ONLY TO DETERMINE THE LOWEST
51 AMOUNT PAYABLE FOR THE TOTAL LOSS OF THE MOTOR VEHICLE.";

52
53 line 12, strike the colon;

54
55 line 13, strike "(a) THE" and substitute "THE";

56

1 strike lines 15 through 18 and substitute the following:

2

3 "INSURANCE.";

4

5 line 20, strike "UNTIL THREE DAYS AFTER" and substitute "UNTIL:";

6

7 strike lines 21 and 22 and substitute the following:

8

9 "(a) THREE DAYS AFTER PAYMENT FOR THE LOSS OF THE INSURED'S
10 MOTOR VEHICLE WAS MAILED TO THE LAST-KNOWN ADDRESS OF THE
11 CLAIMANT;

12

13 (b) ONE DAY AFTER PAYMENT FOR THE LOSS OF THE INSURED'S
14 MOTOR VEHICLE WAS TRANSMITTED VIA OVERNIGHT DELIVERY TO THE
15 LAST-KNOWN ADDRESS OF THE CLAIMANT; OR

16

17 (c) PAYMENT IS MADE DIRECTLY TO THE ENTITY REPAIRING THE
18 MOTOR VEHICLE OF THE CLAIMANT.".

19

20 Page 8, strike lines 11 through 26.

21

22 Renumber succeeding sections accordingly.

23

24 Page 9, strike lines 14 through 27.

25

26 Page 10, strike lines 1 through 4.

27

28 Renumber succeeding sections accordingly.

29

30 Page 16, strike lines 1 through 10.

31

32 Renumber succeeding sections accordingly.

33

34 Page 17, strike lines 13 through 27.

35

36 Page 18, strike line 1.

37

38 Renumber succeeding sections accordingly.

39

40 Page 21, line 22, strike "agreement, including but" and substitute
41 "agreement. ~~including but~~";

42

43 strike lines 23 through 27.

44

45 Page 22, strike lines 1 through 18 and substitute the following:

46

47 ~~"not limited to PIP benefits.~~

48

49 ~~(II) (B) A victim, as defined in section 18-1.3-602 (4) (a) (III),~~
50 ~~may be awarded restitution for PIP benefits or equivalent benefits paid to~~
51 ~~another only if the court finds that the defendant on the date of the~~
52 ~~offense did not meet state compulsory insurance requirements.~~

53

54 ~~(d) (I) If, at the time of an offense for which a victim seeks~~
55 ~~restitution, the victim owned and operated a vehicle involved in the~~
56 ~~offense, or knowingly permitted the operation of a vehicle involved in the~~

1 ~~offense that was not covered by a complying insurance policy, the court's~~
 2 ~~restitution order shall not include damages that would have been covered~~
 3 ~~under a complying policy containing PIP or PIP-equivalent benefits~~
 4 ~~except upon the specific request of the prosecuting attorney and with the~~
 5 ~~approval of the court.~~

6
 7 (II) Nothing in this paragraph (d) shall prohibit a ~~non-owner~~
 8 NONOWNER driver or passenger in the vehicle from being awarded
 9 restitution if the driver or passenger was not covered by his or her own
 10 ~~complying PIP~~ MEDICAL PAYMENTS COVERAGE policy.".

11
 12
 13
 14 **HB04-1368** be referred to the Committee of the Whole with favorable
 15 recommendation.

16
 17
 18 **SB04-008** be referred to the Committee of the Whole with favorable
 19 recommendation.

20
 21
 22 **SB04-021** be referred to the Committee of the Whole with favorable
 23 recommendation.

24
 25
 26 **SB04-044** be referred to the Committee of the Whole with favorable
 27 recommendation.

28
 29
 30
 31
 32 **JUDICIARY**

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

35
 36 **HB04-1366** be referred to the Committee of the Whole with favorable
 37 recommendation.

38
 39
 40 **HB04-1376** be amended as follows, and as so amended, be referred to
 41 the Committee of the Whole with favorable
 42 recommendation:

43
 44 Amend printed bill, page 2, line 2, after "(a)", insert "(I and (1) (a)";

45
 46 line 3, strike "is amended" and substitute "are amended, and the said
 47 24-72-308 (1) (a) is further amended BY THE ADDITION OF A NEW
 48 SUBPARAGRAPH,";

49
 50 strike lines 4 through 11 and substitute the following:

51
 52 **"24-72-308. Sealing of records.** (1) (a) (I) Except as otherwise
 53 provided in ~~subparagraph (II)~~ SUBPARAGRAPH (III) of this paragraph (a),
 54 any person in interest may petition the district court of the district in
 55 which any arrest and criminal records information pertaining to said
 56 person in interest is located for the sealing of all of said records, except

1 basic identification information, if the records are a record of official
2 actions involving a criminal offense for which said person in interest was
3 not charged, in any case which was completely dismissed, or in any case
4 in which said person in interest was acquitted.

5
6 ~~(II) Notwithstanding the provisions of subparagraph (I) of this~~
7 ~~paragraph (a), arrest or criminal records information may not be sealed~~
8 ~~if:~~

9 ~~(A) An offense is not charged due to a plea agreement in a~~
10 ~~separate case; or~~

11
12 ~~(B) A dismissal occurs as part of a plea agreement in a separate~~
13 ~~case.~~

14
15 (III) (A) A PERSON IN INTEREST MAY PETITION THE DISTRICT COURT
16 OF THE DISTRICT IN WHICH ANY ARREST AND CRIMINAL RECORDS
17 INFORMATION PERTAINING TO SAID PERSON IN INTEREST IS LOCATED FOR
18 THE SEALING OF ALL OF SAID RECORDS, EXCEPT BASIC IDENTIFICATION
19 INFORMATION, IF THE RECORDS ARE A RECORD OF OFFICIAL ACTIONS
20 INVOLVING A CRIMINAL OFFENSE THAT WAS NOT CHARGED DUE TO A PLEA
21 AGREEMENT IN THE SAME OR A SEPARATE CASE OR A CHARGE THAT WAS
22 DISMISSED DUE TO A PLEA AGREEMENT IN THE SAME OR A SEPARATE CASE.

23
24 (B) A PERSON IN INTEREST MAY FILE A PETITION PURSUANT TO THIS
25 SUBPARAGRAPH (III) AT ANY TIME SEVEN YEARS OR MORE AFTER THE DATE
26 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
27 PERSON IN INTEREST.

28
29 (C) ARREST AND CRIMINAL RECORDS INFORMATION MAY BE
30 SEALED PURSUANT TO THIS SUBPARAGRAPH (III) ONLY IF THE PERSON IN
31 INTEREST HAS NOT BEEN CONVICTED OF OR PLED GUILTY TO ANY CRIMINAL
32 OFFENSE IN THE SEVEN YEARS SINCE THE DATE OF THE PLEA AGREEMENT.".

33
34
35
36 **SB04-156** be referred to the Committee of the Whole with favorable
37 recommendation.

38
39
40
41
42 **TRANSPORTATION & ENERGY**

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

45
46 **SB04-036** be referred to the Committee of the Whole with favorable
47 recommendation.

48
49 **SB04-159** be referred to the Committee of the Whole with favorable
50 recommendation.

51
52
53 **HJR04-1010** be referred out for final action.

PRINTING REPORT

The Chief Clerk reports the following bills been correctly printed:
HB04-1384, 1385, HCR04-1006.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB04-1019, 1023, 1027, 1029, 1032, 1035, 1053, 1059, 1068, 1088, 1092, 1119, 1124, 1148, 1154, 1195; HJR04-1015.**

DELIVERY OF BILL TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bill has been delivered to the Office of the Governor: **HB04-1206** at 10:58 a.m., on February 26, 2004.

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has passed on Third Reading and returns herewith **HB04-1363.**

**INTRODUCTION OF BILLS
First Reading**

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

HB04-1385 by Representative(s) Hall, Cadman, Crane, Hodge, King, Lee, Lundberg, McFadyen, Schultheis, Williams T.--
Concerning the liability of landowners for the conduct of their tenants.

Committee on Local Government

HB04-1386 by Representative(s) Stengel, Spradley; also Senator(s) Kester--Concerning physical notice through a salvage brand to potential purchasers that a motor vehicle has been salvaged.

Committee on Transportation & Energy

SB04-166 by Senator(s) Lamborn; also Representative(s) Stengel--
Concerning a one-time adjustment for inflation to the one-million-dollar damages limitation contained in the statute governing medical negligence recovery in accordance with the consumer price index of the United States bureau of labor statistics.

Committee on Finance

1 **SB04-180** by Senator(s) Hillman, Anderson, Andrews, Arnold,
2 Chlouber, Dyer, Kester; also Representative(s) Cadman,
3 Hefley, Miller, White, Wiens--Concerning a motion to
4 dismiss for forum non conveniens.
5 Committee on State, Veterans, & Military Affairs
6
7
8

9 **INTRODUCTION OF CONCURRENT RESOLUTION**

10
11 The following resolution was read by title and referred to the committee
12 indicated:
13

14 **HCR04-1006** by Representative(s) Cloer, Fairbank, King, Lundberg,
15 Spence--Submitting to the registered electors of the state
16 of Colorado an amendment to article V of the constitution
17 of the state of Colorado, concerning the repeal of section
18 34 regarding prohibitions against appropriations to private
19 institutions.
20 Committee on Education
21
22
23

24 **LAY OVER OF CALENDAR ITEMS**

25
26 On motion of Representative King, the following items on the Calendar
27 were laid over until March 1, retaining place on Calendar:
28

29 Consideration of General Orders--**HB04-1203**.
30 Consideration of Resolutions--**HJR04-1008, 1009, 1012, SJR04-009,**
31 **HJR04-1013, 1005, SJR04-003, 004, HJR04-1018, 1020, SJR04-015,**
32 **HJR04-1024**.
33 Consideration of Senate Amendments--**HB04-1197**.
34
35
36

37 On motion of Representative King, the House adjourned until 10:00 a.m.,
38 March 1, 2004.
39

40 Approved:
41
42
43

44 LOLA SPRADLEY,
45 Speaker

46 Attest:
47

48 JUDITH RODRIGUE,
49 Chief Clerk