

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

Fifty-ninth Legislative Day

Friday, March 5, 2004

1 Prayer by Jennifer Odie, Resident Coordinator 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 Miller.

6

7 The roll was called with the following result:

8

9 Present--60.

10 Excused--Representatives May, Mitchell, Wiens, Williams T.--4.

11 Absent--Representative Williams S.--1.

12 Present after roll call--Representative Williams S.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Paccione, the reading of the journal of
18 March 4, 2004, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22 On motion of Representative King, at 9:32 a.m., **HB04-1062, 1311, 1234,**
23 **1368, SB04-008, 021, 044, HB04-1366, SB04-156, 036, 159,**
24 **HB04-1379, SB04-014, 002, 047, 046, 064, 122** were added to the
25 Special Orders Calendar on Friday, March 5, 2004.

26

27

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

31

32

33 **SPECIAL ORDERS--SECOND READING OF BILLS**

34

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:

39

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

42

43

1 **HB04-1244** by Representative(s) Jahn; also Senator Evans--
2 Concerning the payment from the risk management fund
3 of the legal defense of professionals retained by agencies
4 within the department of regulatory agencies who have
5 statutory immunity from civil suit.
6

7 Ordered engrossed and placed on the Calendar for Third Reading and
8 Final Passage.
9

10 **HB04-1251** by Representative(s) Frangas, Boyd, Cloer, Coleman,
11 Johnson R., Tochtrop, Weissmann; also Senator(s) Kester--
12 -Concerning continuation of the regulation of mental
13 health professionals by the department of regulatory
14 agencies.
15

16 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
17 dated February 9, 2004, and placed in member's bill file; Report also
18 printed in House Journal, February 11, pages 412-415.
19

20
21 Amendment No. 2, Appropriations Report, dated February 27, 2004, and
22 placed in member's bill file; Report also printed in House
23 Journal, February 27, pages 686-687.
24

25 Amendment No. 3, by Representative Frangas.
26

27 Amend the Health, Environment, Welfare, and Institutions Committee
28 Report, dated February 9, 2004, page 5, line 6, strike "22." and substitute
29 "22 and substitute the following:
30

31 "SECTION 24. 24-34-102 (14) (e) (I) (A), Colorado Revised
32 Statutes, is amended to read:
33

34 **24-34-102. Division of registrations - creation - duties of**
35 **division and department heads - definitions.** (14) On and after July 1,
36 1998, the authority vested in the department of human services and the
37 board of human services to certify and discipline certified or licensed
38 addiction counselors is transferred to the director of the division of
39 registrations in the department of regulatory agencies. The department
40 of human services and board of human services shall continue to exercise
41 all other rights, powers, duties, functions, and obligations vested in those
42 entities concerning certified or licensed addiction counselors pursuant to
43 part 2 of article I of title 25, C.R.S. The director of the division of
44 registrations may promulgate rules, which shall include, but shall not be
45 limited to:
46

47 (e) (I) **Procedures and requirements for licensure for addiction**
48 **counselors.** Rules promulgated by the director of the division of
49 registrations shall be consistent with the educational requirements
50 necessary to comply with uniform educational standards set by the
51 national association of alcoholism and drug abuse counselors or its
52 successor organization, and such requirements shall include:
53

54 (A) ~~Holding a valid~~ MEETING THE REQUIREMENTS FOR A certificate
55 of addiction counseling, level III;".
56

1 Amendment No. 4, by Representative Frangas.

2
3 Amend the Health, Environment, Welfare, and Institutions Committee
4 Report, dated February 9, 2004, page 2, line 17, change the period to a
5 semi-colon;

6
7 strike line 18 and substitute the following:

8
9 "strike lines 23 through 27.

10
11 Page 6, strike lines 1 through 8.

12
13 Renumber succeeding sections accordingly."

14
15 Amendment No. 5, by Representative Frangas.

16
17 Amend the Health, Environment, Welfare, and Institutions Committee
18 Report, dated February 9, 2004, page 1, line 7, strike "IT IS IN" and
19 substitute "THE HARM TO";

20
21 strike line 9 and substitute the following:

22
23 "PROCEEDINGS OR DOCUMENTS RELATING THERETO OPEN TO THE PUBLIC
24 OUTWEIGHS THE PUBLIC INTEREST IN OBSERVING THE PROCEEDING;"

25
26 Amendment No. 6, by Representative Frangas.

27
28 Amend printed bill, page 22, strike lines 5 through 8 and substitute the
29 following:

30
31 ""clinical", "state-registered", "state-approved", or any other term OR
32 abbreviation ~~or symbol~~ that would falsely give the impression that the
33 psychotherapist or the service that is being provided is recommended ~~or~~
34 ~~approved~~ by the state, based solely on inclusion in the data base."

35
36 As amended, laid over until March 8, retaining place on Calendar.
37 (For change in action, see Amendments to Report, page 762.)

38
39
40 **HB04-1062** by Representative(s) Larson, Berry, McFadyen; also
41 Senator(s) May R., Takis--Concerning the disposition of
42 motor vehicles abandoned at motor vehicle repair shops.

43
44 Amendment No. 1, Local Government Report, dated January 21, 2004,
45 and placed in member's bill file; Report also printed in House Journal,
46 January 22, pages 129-130.

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

50
51
52 **HB04-1311** by Representative(s) Frangas, Cloer, Schultheis, Hefley,
53 Jahn, Lundberg, May M., Tochtrop, Weissmann; also
54 Senator(s) Jones--Concerning identity theft.

55
56

1 Amendment No. 1, Information & Technology Report, dated February
2 11, 2004, and placed in member's bill file; Report also printed in House
3 Journal, February 12, page 430.

4
5 Amendment No. 2, by Representative Frangas.

6
7 Amend printed bill, page 2, before line 14, insert the following:

8
9 "SECTION 2. Part 1 of article 5 of title 18, Colorado Revised
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
11 read:

12
13 **18-5-117. Possession of personal identifying information by a**
14 **previous offender.** (1) (a) A PERSON WHO KNOWINGLY POSSESSES THE
15 PERSONAL IDENTIFYING INFORMATION OF ANOTHER PERSON NOT RELATED
16 TO THAT PERSON SUBSEQUENT TO THE PERSON'S CONVICTION FOR A CRIME
17 LISTED IN THIS ARTICLE 5, OR SUBSEQUENT TO THE PERSON'S CONVICTION
18 FOR ATTEMPT OR CONSPIRACY TO COMMIT A CRIME LISTED IN THIS ARTICLE
19 5, COMMITS POSSESSION OF PERSONAL IDENTIFYING INFORMATION BY A
20 PREVIOUS OFFENDER.

21
22 (b) POSSESSION OF PERSONAL IDENTIFYING INFORMATION BY A
23 PREVIOUS OFFENDER IS A CLASS 2 MISDEMEANOR.

24
25 (2) FOR THE PURPOSES OF THIS SECTION, "PERSONAL IDENTIFYING
26 INFORMATION" MEANS A SOCIAL SECURITY NUMBER; PERSONAL
27 IDENTIFICATION NUMBER; PASSWORD; PASS CODE; OFFICIAL STATE-ISSUED
28 OR GOVERNMENT-ISSUED DRIVER'S LICENSE OR IDENTIFICATION CARD
29 NUMBER; GOVERNMENT PASSPORT NUMBER; OR EMPLOYER, STUDENT, OR
30 MILITARY IDENTIFICATION NUMBER."

31
32 Renumber succeeding section accordingly.

33
34 Amendment No. 3, by Representative Plant.

35
36 Amend printed bill, page 2, before line 14, insert the following:

37
38 "SECTION 2. 24-72-204 (3) (a), Colorado Revised Statutes, is
39 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

40
41 **24-72-204. Allowance or denial of inspection - grounds -**
42 **procedure - appeal.**

43
44 (3) (a) The custodian shall deny the right of inspection of the
45 following records, unless otherwise provided by law; except that any of
46 the following records, other than letters of reference concerning
47 employment, licensing, or issuance of permits, shall be available to the
48 person in interest under this subsection (3):

49
50 (XIX) RECORDS OR PORTIONS OF RECORDS THAT CONTAIN THE
51 SOCIAL SECURITY NUMBER; PERSONAL IDENTIFICATION NUMBER;
52 PASSWORD; PASS CODE; OFFICIAL STATE-ISSUED OR GOVERNMENT-ISSUED
53 DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER; GOVERNMENT
54 PASSPORT NUMBER; OR EMPLOYER, STUDENT, OR MILITARY
55 IDENTIFICATION NUMBER OF AN INDIVIDUAL."

1 Renumber succeeding section accordingly.

2
3 As amended, ordered engrossed and placed on the Calendar for Third
4 Reading and Final Passage.

5
6 **HB04-1234** by Representative(s) Fairbank; also Senator(s) McElhany--
7 Concerning measurers to enhance consumer protection for
8 certain motor vehicle coverages.
9

10 Amendment No. 1, Business Affairs & Labor Report, dated, February 26
11 2004, and placed in member's bill file; Report also printed in House
12 Journal, February 27, pages 687-690.
13

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

16
17 **HB04-1368** by Representative(s) Briggs; also Representative Johnson
18 R.--Concerning the repeal of the requirement that a person
19 file a report with the department of revenue after a motor
20 vehicle accident if such person failed to demonstrate
21 financial responsibility for the motor vehicle.
22

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

25
26 **SB04-008** by Senator(s) Tupa, Anderson, Takis, Taylor; also
27 Representative(s) Rhodes, Coleman, Vigil, Williams T.--
28 Concerning the authority of the state personnel director to
29 make certain decisions regarding state employee health
30 benefits.
31

32 Ordered revised and placed on the Calendar for Third Reading and Final
33 Passage.

34
35 **SB04-021** by Senator(s) Takis; also Representative(s) Hodge--
36 Concerning eliminating the requirement that motor vehicle
37 insurance coverage indemnify loss that occurs outside of
38 the areas controlled by the United States.
39

40 Ordered revised and placed on the Calendar for Third Reading and Final
41 Passage.

42
43 **SB04-044** by Senator(s) Fitz-Gerald; also Representative(s) Plant--
44 Concerning authorization of an owner of a retail gaming
45 tavern to own an interest in a hotel and restaurant
46 establishment licensed to sell alcohol beverages.
47

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

50
51 **HB04-1366** by Representative(s) Cadman, Carroll, Hefley, King, Lee;
52 also Senator(s) Dyer--Concerning reserve officers
53 performing law enforcement functions.
54

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

- 1 **SB04-156** by Senator(s) Groff; also Representative(s) Berry--
2 Concerning limitations on the employment of sex
3 offenders in facilities for the confinement of persons.
4
- 5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7
- 8 **SB04-036** by Senator(s) Takis, Sandoval; also Representative(s)
9 Garcia, Borodkin, Ragsdale, Williams S., Sinclair,
10 Merrifield--Concerning the prevention of spilling of
11 material from certain motor vehicles.
12
- 13 Ordered revised and placed on the Calendar for Third Reading and Final
14 Passage.
15
- 16 **SB04-159** by Senator(s) Isgar, Tupa; also Representative(s) Larson--
17 Concerning tests to determine the blood alcohol content
18 level of a driver.
19
- 20 Ordered revised and placed on the Calendar for Third Reading and Final
21 Passage.
22
23
- 24 **HB04-1379** by Representative(s) Clapp; also Senator(s) Johnson S.--
25 Concerning reports received by the general assembly that
26 concern matters to be heard by the health, environment,
27 welfare, and institutions committees pursuant to
28 Colorado's "Information Coordination Act".
29
- 30 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
31 dated March 1, 2004, and placed in member's bill file; Report also
32 printed in House Journal, March 2, page 712.
33
- 34 As amended, ordered engrossed and placed on the Calendar for Third
35 Reading and Final Passage.
36
- 37 **SB04-014** by Senator(s) Owen, Anderson, Teck; also
38 Representative(s) Witwer, Plant, Romanoff, Young--
39 Concerning county reserve account moneys under the
40 Colorado works program.
41
- 42 Ordered revised and placed on the Calendar for Third Reading and Final
43 Passage.
44
- 45 **SB04-002** by Senator(s) Taylor, Anderson, Takis, Tupa; also
46 Representative(s) Coleman, Rhodes, Williams T.--
47 Concerning the annual fiscal requirements for a local
48 government to qualify for an exemption from a local
49 government audit.
50
- 51 Ordered revised and placed on the Calendar for Third Reading and Final
52 Passage.
53
54
55

1 **SB04-047** by Senator(s) May R.; also Representative(s) Rippy--
2 Concerning documents filed with a county official.
3

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

7 **SB04-064** by Senator(s) Reeves; also Representative(s) Hefley--
8 Concerning support obligations.
9

10 Amendment No. 1, Judiciary Report, dated March 2, 2004, and placed in
11 member's bill file; Report also printed in House Journal, March 2,
12 pages 720-721.
13

14 Amendment No. 2, by Representative Hefley.
15

16 Amend the Judiciary Committee Report, dated March 2, 2004, page 2,
17 line 4, strike "PARENT." and substitute "PARENT.";

18
19 strike lines 5 through 34 of the committee report and substitute the
20 following:
21

22 "strike lines 24 through 27.
23

24 Strike page 11.
25

26 Page 12, strike lines 1 through 15.
27

28 Renumber succeeding sections accordingly."
29

30 Amendment No. 3, by Representatives McGihon, Hefley.
31

32 Amend reengrossed bill, page 7, line 1, after "PUBLIC.", insert "A PARTY
33 SEEKING DISCLOSURE OF ALL OR PART OF SUCH IDENTIFYING INFORMATION
34 MAY REQUEST A HEARING BEFORE THE COURT.";
35

36 line 2, strike "A" and substitute "THE";
37

38 line 3, after "COURT", insert "SHALL MAKE FINDINGS BASED UPON THE
39 CONSIDERATIONS SPECIFIED IN THIS SECTION AND" and, after the second
40 "OF", insert "ALL OR PART OF THE";
41

42 line 4, strike "THAT" and substitute "IF" and, after "DETERMINES", insert
43 "THE DISCLOSURE".
44

45 As amended, ordered revised and placed on the Calendar for Third
46 Reading and Final Passage.
47

48 **SB04-122** by Senator(s) Reeves; also Representative(s) Hefley--
49 Concerning the repeal of family law magistrates.
50

51 Ordered revised and placed on the Calendar for Third Reading and Final
52 Passage.
53
54
55

On motion of Representative King, the remainder of the Special Orders Calendar (**HB04-1257, 1345, SB04-046**) was laid over until March 8, retaining place on Calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representatives Stafford, Frangas, Jahn, Larson, Rippy, Spence, Rose, Tochtrop, Butcher, and Johnson moved to amend the Report of the Committee of the Whole to show that HB04-1251 was laid over, unamended, until March 8, 2004.

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

| YES | 58 | NO | 00 | EXCUSED | 06 | ABSENT | 01 |
|----------|----|----------|----|------------|----|-------------|----|
| Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| Borodkin | Y | Hall | Y | McFadyen | Y | Smith | E |
| Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| Brophy | Y | Hodge | Y | Miller | Y | Stengel | E |
| Butcher | Y | Hoppe | E | Mitchell | E | Tochtrop | Y |
| Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| Cloer | - | Larson | Y | Rhodes | Y | White | Y |
| Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| Decker | Y | Madden | Y | Rose | Y | Williams T. | E |
| Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| Frangas | Y | May | E | Schultheis | Y | Young | Y |
| | | | | | | Speaker | Y |

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1244, 1062 amended, 1311 amended, 1234 amended, 1368, SB04-008, 021, 044, HB04-1366, SB04-156, 036, 159, HB04-1379 amended, SB04-014, 002, 047, 064 amended, 122.**

Laid over until date indicated retaining place on Calendar: **HB04-1257, 1345, SB04-046, HB04-1251--March 8, 2004.**

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 | 58 | NO | 00 | EXCUSED | 06 | ABSENT | 01 |
|----------|----|--------|----|------------|----|----------|----|
| Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| Borodkin | Y | Hall | Y | McFadyen | Y | Smith | E |
| Boyd | Y | Harvey | Y | McGihon | Y | Spence | Y |
| Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| Brophy | Y | Hodge | Y | Miller | Y | Stengel | E |

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

REPORTS OF COMMITTEES OF REFERENCE

FINANCE

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

HB04-1300 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend the Judiciary Committee Report, dated February 19, 2004, page 1, strike lines 6 through 9 and substitute the following:

"(2) The application shall include a handwritten sample of the applicant's official signature, ~~which contains~~ the applicant's TYPED legal name, and the affirmation as provided in section 12-55-105. THE APPLICATION MAY ALSO CONTAIN THE APPLICANT'S ELECTRONIC SIGNATURE IF THE APPLICANT IS ISSUED AN ELECTRONIC JOURNAL PURSUANT TO SECTION 12-55-106.5".

Page 2 of the committee report, after line 2, insert the following:

"Page 5, after line 4, insert the following:

"SECTION 6. 12-55-112 (4.5), Colorado Revised Statutes, is amended to read:

12-55-112. Official signature - rubber stamp seal - seal embosser - notary's electronic signature. (4.5) In the case of notarization of an electronic record, the application of a notary's electronic signature in lieu of a handwritten signature and rubber stamp seal or seal embosser is sufficient. A NOTARY SHALL NOT USE AN ELECTRONIC SIGNATURE UNLESS:

(a) THE NOTARY USES AN ELECTRONIC JOURNAL ISSUED PURSUANT TO SECTION 12-55-111; AND

(b) THE NOTARY USES THE ELECTRONIC SIGNATURE FILED WITH THE SECRETARY OF STATE PURSUANT TO SECTION 12-55-104 (2)".

Renumber succeeding sections accordingly."

1 **HB04-1382** 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 2, line 5, strike "**Offset**" and substitute
6 "**Credit**".
7

8 Page 3, strike line 4;
9

10 line 5, strike "PROPERTY" and substitute "CREDIT AGAINST PERSONAL
11 PROPERTY TAXES";
12

13 strike lines 8 through 15;
14

15 strike line 27.
16

17 Page 4, strike line 1 and substitute the following:
18

19 "C.R.S.";
20

21 line 2, strike "**Offset**" and substitute "**Credit**";
22

23 line 5, strike "2005," and substitute "2004,";
24

25 line 8, strike "OFFSETS";
26

27 strike lines 9 through 27.
28

29 Strike pages 5 through 18.
30

31 Page 19, strike lines 1 through 21 and substitute the following:
32

33 "A CREDIT, IN THE FORM OF AN ABATEMENT OR REFUND OF TAXES, AGAINST
34 THE TAXPAYER'S PERSONAL PROPERTY TAX LIABILITY SUBJECT TO THE
35 FOLLOWING LIMITATIONS:
36

37 (a) THE TAXPAYER SHALL CLAIM A CREDIT ONLY AGAINST
38 PERSONAL PROPERTY TAX LIABILITY IMPOSED IN THE COUNTY IN WHICH
39 THE ELIGIBLE CHILD CARE CENTER RECEIVING THE PAYMENT IS LOCATED;
40 EXCEPT THAT, IF THE AMOUNT OF THE CREDIT AUTHORIZED EXCEEDS THE
41 TAXPAYER'S PERSONAL PROPERTY TAX LIABILITY IN THE COUNTY, THE
42 TAXPAYER MAY CLAIM THE EXCESS AMOUNT OF THE CREDIT AGAINST THE
43 TAXPAYER'S PERSONAL PROPERTY TAX LIABILITY IN THE COUNTY IN WHICH
44 THE TAXPAYER HAS ITS PRINCIPAL PLACE OF BUSINESS OR THE COUNTY IN
45 WHICH THE EMPLOYEE FOR WHOM THE EMPLOYER MADE THE PAYMENT IS
46 EMPLOYED.
47

48 (b) THE AMOUNT OF THE CREDIT CLAIMED AGAINST PERSONAL
49 PROPERTY TAX LIABILITY IN A COUNTY SHALL BE AN AMOUNT EQUAL TO
50 THE LESSER OF:
51

52 (I) ONE HUNDRED PERCENT OF THE FIRST ONE THOUSAND DOLLARS
53 OF PAYMENTS FOR WHICH THE CREDIT IS CLAIMED IN THE COUNTY PLUS
54 TWENTY-FIVE PERCENT OF ANY PAYMENTS IN EXCESS OF ONE THOUSAND
55 DOLLARS FOR WHICH THE CREDIT IS CLAIMED IN ANY COUNTY; OR
56

1 (II) THE TOTAL AMOUNT OF THE TAXPAYER'S PERSONAL PROPERTY
2 TAX LIABILITY IN THE COUNTY.

3
4 (2) A TAXPAYER SHALL CLAIM THE CREDIT ALLOWED BY
5 SUBSECTION (1) OF THIS SECTION IN ANY COUNTY OF THE STATE BY FILING
6 A PETITION FOR AN ABATEMENT OR REFUND OF TAXES AS PERMITTED BY
7 SECTIONS 39-1-113 AND 39-10-114 THAT SHALL INCLUDE A COMPLETED
8 PERSONAL PROPERTY TAX CREDIT APPLICATION FORM. THE PROPERTY TAX
9 ADMINISTRATOR SHALL PRESCRIBE THE FORM, WHICH SHALL REQUIRE THE
10 TAXPAYER TO PROVIDE THE FOLLOWING INFORMATION:

11
12 (a) THE TAXPAYER'S NAME, ADDRESS, AND SOCIAL SECURITY
13 NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER;

14
15 (b) WITH RESPECT TO ANY PAYMENT FOR WHICH A CREDIT IS
16 CLAIMED:

17
18 (I) THE AMOUNT OF THE PAYMENT;

19
20 (II) THE NAME OF THE EMPLOYEE FOR WHOM THE TAXPAYER MADE
21 THE PAYMENT; AND

22
23 (III) THE NAME AND ADDRESS OF THE ELIGIBLE CHILD CARE
24 CENTER RECEIVING THE PAYMENT;

25
26 (c) THE AMOUNT OF THE CREDIT BEING CLAIMED; AND

27
28 (d) ANY OTHER INFORMATION THAT THE ADMINISTRATOR MAY
29 REASONABLY REQUIRE TO ENSURE THE PROPER AND EFFICIENT
30 ADMINISTRATION OF THE CREDIT.

31
32 (3) THE BOARD OF COUNTY COMMISSIONERS SHALL REVIEW EACH
33 PETITION FOR AN ABATEMENT OR REFUND OF TAXES THAT INCLUDES A
34 CLAIM FOR A CREDIT ALLOWED BY SUBSECTION (1) OF THIS SECTION IN THE
35 SAME MANNER AS IT REVIEWS OTHER PETITIONS FOR ABATEMENTS AND
36 REFUNDS AND SHALL FORWARD RECOMMENDATIONS FOR ANY CREDIT IN
37 EXCESS OF ONE THOUSAND DOLLARS TO THE ADMINISTRATOR AS SPECIFIED
38 IN SECTION 39-1-113 (3). A TAXPAYER MAY APPEAL A DENIAL OF A CREDIT
39 IN THE SAME MANNER IN WHICH THE DENIAL OF ANY OTHER PETITION FOR
40 AN ABATEMENT OR REFUND OF TAXES MAY BE APPEALED.

41
42 (4) A CREDIT ALLOWED PURSUANT TO THIS SECTION SHALL BE
43 CONSIDERED AN ABATEMENT OR REFUND OF TAXES FOR PURPOSES OF
44 ARTICLES 1 TO 13 OF THIS TITLE."

45
46 Renumber succeeding section accordingly.

47
48 Page 1, strike lines 101 and 102 and substitute the following:

49
50 "CONCERNING A CREDIT AGAINST THE PERSONAL PROPERTY TAX
51 LIABILITY OF AN EMPLOYER THAT MAKES".

52
53
54
55 **SB04-182** be referred to the Committee of the Whole with favorable
56 recommendation.

LOCAL GOVERNMENT

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

SB04-089 be referred to the Committee of the Whole with favorable recommendation.

TRANSPORTATION & ENERGY

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

HB04-1231 be amended as follows, and as so amended, be rereferred to the Committee on Appropriations with favorable recommendation:

Strike the Transportation and Energy Committee Report, dated February 5, 2004, and substitute the following:

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

"SECTION 1. 42-2-403 (1) and (3), Colorado Revised Statutes, are amended to read:

42-2-403. Department authority - rules - federal requirements.
(1) The department shall develop, adopt, and administer a procedure for licensing drivers of commercial motor vehicles in accordance with the APPLICABLE federal "~~Commercial Motor Vehicle Safety Act of 1986~~" LAW GOVERNING COMMERCIAL MOTOR VEHICLE SAFETY and any rules or regulations promulgated thereunder. THE DEPARTMENT IS HEREBY SPECIFICALLY AUTHORIZED TO ADOPT AND EFFECTUATE, WHETHER BY RULE, POLICY, OR ADMINISTRATIVE CUSTOM OR PRACTICE, ANY LICENSING SANCTION IMPOSED BY FEDERAL STATUTES OR RULES GOVERNING COMMERCIAL MOTOR VEHICLE SAFETY.

(3) Nothing in this part 4 shall be construed to prevent the state of Colorado from complying with federal requirements in order to qualify for funds under the federal "Commercial Motor Vehicle Safety Act of 1986" OR OTHER APPLICABLE FEDERAL LAW.

SECTION 2. 42-2-403 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-2-403. Department authority - rules - federal requirements.
(2) (e) WITH REGARD TO EVERY PERSON WHO HOLDS OR APPLIES FOR A COMMERCIAL DRIVER'S LICENSE IN THIS STATE, THE DEPARTMENT SHALL MAINTAIN, FOR AT LEAST THREE YEARS, RECORDS OF SUCH PERSON'S APPLICATION AND OF ANY CONVICTIONS, DISQUALIFICATIONS, AND LICENSING ACTIONS FOR VIOLATION OF STATE OR LOCAL LAWS RELATING TO MOTOR VEHICLE TRAFFIC CONTROL, OTHER THAN PARKING VIOLATIONS, COMMITTED WHILE THE PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE OR THAT WOULD AFFECT THE PERSON'S COMMERCIAL DRIVING PRIVILEGE, AND SHALL MAKE SUCH RECORDS AVAILABLE TO THE SPECIFIED

1 PERSONS AND ENTITIES AS FOLLOWS:

2
3 (I) TO LAW ENFORCEMENT OFFICERS, COURTS, PROSECUTORS,
4 ADMINISTRATIVE ADJUDICATORS, AND MOTOR VEHICLE LICENSING
5 AUTHORITIES IN COLORADO OR ANY OTHER STATE, ALL INFORMATION ON
6 ALL SUCH PERSONS;

7
8 (II) TO THE FEDERAL SECRETARY OF TRANSPORTATION, ALL
9 INFORMATION ON ALL SUCH PERSONS;

10
11 (III) TO THE INDIVIDUAL TO WHOM SUCH INFORMATION PERTAINS,
12 ALL SUCH INFORMATION PERTAINING TO THAT INDIVIDUAL;

13
14 (IV) TO THE MOTOR CARRIER EMPLOYER OR PROSPECTIVE MOTOR
15 CARRIER EMPLOYER OF THE INDIVIDUAL TO WHOM SUCH INFORMATION
16 PERTAINS, ALL SUCH INFORMATION PERTAINING TO THAT INDIVIDUAL.

17
18 **SECTION 3.** 42-2-404, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20
21 **42-2-404. License for drivers - limitations.** (1.5) (a) THE
22 DEPARTMENT SHALL NOT ISSUE A COMMERCIAL DRIVER'S LICENSE TO, AND
23 SHALL IMMEDIATELY CANCEL THE COMMERCIAL DRIVER'S LICENSE OF, ANY
24 PERSON SUBJECT TO A FEDERAL DISQUALIFICATION ORDER ON THE BASIS
25 OF IMMINENT HAZARD TO PUBLIC SAFETY PURSUANT TO 49 CFR 383.52.

26
27 (b) A PERSON WHO IS SUBJECT TO A FEDERAL DISQUALIFICATION
28 ORDER ON THE BASIS OF IMMINENT HAZARD, OR WHOSE COMMERCIAL OR
29 NONCOMMERCIAL DRIVER'S PRIVILEGE IS UNDER RESTRAINT, SHALL NOT BE
30 ELIGIBLE FOR A RESTRICTED, PROBATIONARY, OR HARDSHIP LICENSE THAT
31 WOULD PERMIT THE PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE
32 DURING THE PERIOD OF SUCH DISQUALIFICATION OR RESTRAINT.

33
34 (c) (I) THE DEPARTMENT SHALL NOT ISSUE, RENEW, UPGRADE, OR
35 TRANSFER A HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL
36 DRIVER'S LICENSE THAT WOULD HAVE THE EFFECT OF AUTHORIZING A
37 PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE TRANSPORTING
38 HAZARDOUS MATERIAL IN COMMERCE UNLESS THE FEDERAL
39 TRANSPORTATION SECURITY ADMINISTRATION HAS DETERMINED THAT THE
40 PERSON DOES NOT POSE A SECURITY RISK WARRANTING A DENIAL OF THE
41 ENDORSEMENT.

42
43 (II) FINGERPRINTING FOR THE PURPOSE OF A CRIMINAL HISTORY
44 RECORD CHECK FOR A HAZARDOUS MATERIAL ENDORSEMENT ON A
45 COMMERCIAL DRIVER'S LICENSE MAY BE CONDUCTED BY A STATE OR
46 LOCAL LAW ENFORCEMENT AGENT OR ANY OTHER PERSON WHO HAS THE
47 AUTHORIZATION OR APPROVAL OF A FEDERAL AGENCY INCLUDING,
48 WITHOUT LIMITATION, THE TRANSPORTATION SAFETY ADMINISTRATION OR
49 THE FEDERAL BUREAU OF INVESTIGATION.

50
51 (III) A PERSON ENROLLED IN A COMMERCIAL DRIVER TRAINING
52 SCHOOL OR HOLDING A COMMERCIAL DRIVING LEARNER'S PERMIT SHALL
53 NOT BE ELIGIBLE TO APPLY FOR OR RECEIVE A HAZARDOUS MATERIAL
54 ENDORSEMENT AND IS PROHIBITED FROM OPERATING A COMMERCIAL
55 MOTOR VEHICLE TRANSPORTING HAZARDOUS MATERIAL AT ANY TIME.

56

1 **SECTION 4.** 42-2-405 (1) and (3), Colorado Revised Statutes,
2 are amended to read:

3
4 **42-2-405. Driver's license disciplinary actions - grounds for**
5 **denial - suspension - revocation - disqualification.** (1) A person who
6 holds a commercial driver's license or who drives a commercial motor
7 vehicle, as defined under this part 4, shall be subject, in addition to this
8 part 4, to disciplinary actions, penalties, and the general provisions under
9 ~~sections 42-2-125 to 42-2-138~~ PARTS 1, 2, AND 3 OF THIS ARTICLE AND
10 ARTICLE 7 OF THIS TITLE.

11
12 ~~(3) A commercial driver's license shall be cancelled and such~~
13 ~~driver shall be denied from driving a commercial motor vehicle in this~~
14 ~~state for life or, if a driver of a commercial motor vehicle does not have~~
15 ~~a commercial driver's license, such person shall be denied from ever~~
16 ~~obtaining a commercial driver's license and from driving a commercial~~
17 ~~motor vehicle in this state for life, unless such cancellation or denial is~~
18 ~~otherwise reduced to a period of not less than ten years by the secretary~~
19 ~~of the United States department of transportation:~~ FOR PURPOSES OF THE
20 IMPOSITION OF RESTRAINTS AND SANCTIONS AGAINST COMMERCIAL
21 DRIVING PRIVILEGES:

22
23 ~~(a) If such driver is convicted of the commission of a felony~~
24 ~~involving the manufacturing, distributing, or dispensing of a controlled~~
25 ~~substance, as defined under section 102 (6) of the federal "Controlled~~
26 ~~Substance Act", as may be amended from time to time, and the~~
27 ~~commission of such felony involved the use of a commercial motor~~
28 ~~vehicle; or~~ A VIOLATION OF SECTION 42-4-1301 (1) OR (2) (a), OR OF A
29 SUBSTANTIALLY SIMILAR LAW OF ANY OTHER STATE PERTAINING TO
30 DRINKING AND DRIVING, SHALL BE DEEMED DRIVING UNDER THE
31 INFLUENCE; AND

32
33 ~~(b) If such driver commits two or more violations, or any~~
34 ~~combination arising from two incidents, of:~~ A VIOLATION OF SECTION
35 42-4-706, 42-4-707, 42-4-708, OR OF A SUBSTANTIALLY SIMILAR LAW OF
36 ANY OTHER STATE PERTAINING TO CONDUCT AT OR NEAR RAILROAD
37 CROSSINGS, SHALL BE DEEMED A RAILROAD CROSSING OFFENSE.

38
39 ~~(I) Driving a commercial motor vehicle while under the influence~~
40 ~~of alcohol or a controlled substance;~~

41
42 ~~(II) Driving a commercial motor vehicle in this state when the~~
43 ~~amount of alcohol, as shown by analysis of such person's blood or breath,~~
44 ~~in such person's blood was 0.04 or more grams of alcohol per one~~
45 ~~hundred milliliters of blood or 0.04 or more grams of alcohol per two~~
46 ~~hundred ten liters of breath at the time of driving or any time thereafter;~~

47
48 ~~(III) Knowingly and willfully leaving the scene of an accident~~
49 ~~involving a commercial motor vehicle driven by the person;~~

50
51 ~~(IV) Using a commercial motor vehicle in the commission of any~~
52 ~~felony, except felonies described in paragraph (a) of this subsection (3);~~

53
54 ~~(V) Refusing to submit to a test to determine the driver's alcohol~~
55 ~~concentration while driving a commercial motor vehicle.~~

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

The Chief Clerk reports the following bills have been correctly printed:
HB04-1391, 1392.

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

1 **HB04-1111** Concerning Continuation Of The Banking Board.

2

3

Approved March 3, 2004 at 8:15 P.M.

4

5 Sincerely,

6 (signed)

7 Bill Owens

8 Governor

9

10

11 March 4, 2004

12

13 To the Honorable

14 House of Representatives

15 Sixty-fourth General Assembly

16 Second Regular Session

17 Denver, CO 80203

18

19 Ladies and Gentlemen:

20

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

23

24 **HB04-1206** Concerning The Second Pool Of Premium Tax Credits
25 Available Under The "Certified Capital Company Act",
26 And, In Connection Therewith, Creating An Insurance
27 Premium Tax Credit For Contributions To Cover Colorado
28 By An Insurance Company.

29

30 Approved March 4, 2004 at 11:13 A.M.

31

32 Sincerely,

33 (signed)

34 Bill Owens

35 Governor

36

37

38

39

INTRODUCTION OF BILL

40

First Reading

41

42 The following bill was read by title and referred to the committee
43 indicated:

44

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

51 Committee on Local Government

52

53

54

55

56

INTRODUCTION OF RESOLUTION

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

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

INTRODUCTION OF MEMORIAL

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

SJM04-001 by Senator(s) Evans, Andrews, Anderson, Cairns, Entz, Owen, Reeves; also Representative(s) Wiens, Harvey, May M.--Concerning honoring former senator and representative Joe Winkler.

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until March 8, retaining place on Calendar:

Consideration of General Orders--**HB04-1203, 1315, 1104, 1141, 1309, 1376, SB04-051, HB04-1367, 1355, SB04-007, 082, 041, 123.**

Consideration of Resolutions--**HJR04-1008, 1012, 1013, 1005, 1018, 1020, SJR04-015, HJR04-1024, 1010.**

Consideration of Senate Amendments--**HB04-1197, 1182.**

On motion of Representative King, the House adjourned until 10:00 a.m., March 8, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk