

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

Seventy-ninth Legislative Day

Thursday, March 25, 2004

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
2 Church, Denver.

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

5
6 Pledge of Allegiance led by Representative Stengel.

7
8 The roll was called with the following result:

9
10 Present--61.

11 Excused--Representatives Hefley, Mitchell, Weissmann, Spradley--4.

12 Present after Roll Call--Representative Mitchell

13
14 The Speaker declared a quorum present.

15
16
17 On motion of Representative Salazar, the reading of the journal of
18 March 24, 2004, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20
21
22
23 **REPORTS OF COMMITTEES OF REFERENCE**

24
25 **APPROPRIATIONS**

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

28
29 **HB04-1397** be amended as follows, and as so amended, be referred to
30 the Committee of the Whole with favorable
31 recommendation:

32
33 Amend the Education Committee Report, dated March 17, 2004, page 2,
34 strike lines 22 through 29.

35
36 Page 3, strike lines 1 through 7.

37
38 Renumber succeeding sections accordingly.

39
40 Page 7, strike line 3 and substitute the following:

41
42 "ACCORDANCE WITH EACH CHILD'S INDIVIDUAL EDUCATION PROGRAM.

43

1 **SECTION 17.** 22-54-114, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3
4 **22-54-114. State public school fund.** (2.3) NOTWITHSTANDING
5 ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, OF THE TOTAL
6 AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IN THE ANNUAL
7 APPROPRIATION BILL FOR EACH BUDGET YEAR TO MEET THE STATE'S SHARE
8 OF THE TOTAL PROGRAM OF ALL DISTRICTS, THE DEPARTMENT OF
9 EDUCATION MAY TRANSFER AN AMOUNT SPECIFIED BY THE GENERAL
10 ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATION BILL FOR THAT
11 BUDGET YEAR TO OFFSET THE DIRECT AND INDIRECT ADMINISTRATIVE
12 COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THE PROVISIONS
13 OF THIS ARTICLE. THE TOTAL PROGRAM OF EACH DISTRICT THAT RECEIVES
14 STATE AID SHALL BE REDUCED BY A PERCENTAGE DETERMINED BY
15 DIVIDING THE AMOUNT OF THE TRANSFER BY THE TOTAL PROGRAM OF ALL
16 DISTRICTS THAT RECEIVE STATE AID. THE STATE AID OF EACH DISTRICT
17 SHALL BE REDUCED BY THE AMOUNT OF THE REDUCTION IN THE DISTRICT'S
18 TOTAL PROGRAM OR THE AMOUNT OF STATE AID, WHICHEVER IS LESS. THE
19 DEPARTMENT OF EDUCATION SHALL ENSURE THAT THE REDUCTION IN
20 STATE AID REQUIRED BY THIS SUBSECTION (2.3) IS ACCOMPLISHED PRIOR
21 TO THE END OF THE BUDGET YEAR. THE REDUCTION IN TOTAL PROGRAM
22 DESCRIBED IN THIS SUBSECTION (2.3) SHALL BE IN ADDITION TO ANY
23 REDUCTION THAT MAY BE REQUIRED PURSUANT TO SECTION 22-54-106 (4)
24 (c).
25

26 **SECTION 18. Appropriation - adjustments to the 2004 long**
27 **bill.** (1) In addition to any other appropriation, there is hereby
28 appropriated, out of any moneys in the state education fund created in
29 section 17 (4) of article IX of the state constitution, not otherwise
30 appropriated, to the school construction and renovation fund created in
31 section 22-43.7-103 (1), Colorado Revised Statutes, for the fiscal year
32 beginning July 1, 2004, the sum of two million five hundred thousand
33 dollars (\$2,500,000), and such sum, or so much thereof as may be
34 necessary, is hereby appropriated to the department of education for the
35 purpose of providing matching grants for eligible capital construction
36 projects in accordance with article 43.7 of title 22, Colorado Revised
37 Statutes.
38

39 (2) For the implementation of this act, appropriations made in the
40 annual general appropriation act, to the department of education, for the
41 fiscal year beginning July 1, 2004, shall be adjusted as follows:
42

43 (a) The appropriation for assistance to public schools, public
44 school finance, state share of districts' total program funding, is decreased
45 by sixteen million ninety-one thousand two hundred seven dollars
46 (\$16,091,207). Said sum shall be from the general fund.
47

48 (b) The cash funds exempt appropriation for assistance to public
49 schools, grant programs and other distributions, state public school fund,
50 school capital construction expenditures reserve, is decreased by five
51 million dollars (\$5,000,000). Of said sum, two million five hundred
52 thousand dollars (\$2,500,000) shall be from the state education fund
53 created in section 17 (4) of article IX of the state constitution, and two
54 million five hundred thousand dollars (\$2,500,000) shall be from the
55 school capital construction expenditures reserve established in section 22-
56 54-117 (1.5), Colorado Revised Statutes."";

1 after line 4, insert the following:

2
3 "Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND
4 MAKING AN APPROPRIATION THEREFOR."."

5
6
7
8
9 **TRANSPORTATION & ENERGY**

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

12
13 **SB04-188** be amended as follows, and as so amended, be referred to
14 the Committee of the Whole with favorable
15 recommendation:
16

17 Amend reengrossed bill, page 3, strike line 4;

18
19 line 5, strike "OCCURRED FOR CREDIT" and substitute "STATE TREASURER,
20 WHO SHALL CREDIT THE SAME".
21

22
23
24 **REPORT FROM THE SENATE AND HOUSE**
25 **COMMITTEES ON DELAYED BILLS**
26

27 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
28 Delayed Bills, acting jointly, extend the following deadline for
29 **HB04-1397**, Concerning the Financing of Public Schools.
30

31 The Friday, March 12 deadline (the 66th legislative day) for final
32 passage, including any conference committee report, for any bill
33 prescribing all or a substantial portion of the total funding for public
34 schools pursuant to the "Public School Finance Act of 1994", article 54
35 of title 22, Colorado Revised Statutes, is extended until Friday, April 16,
36 2004 (the 101st legislative day).
37

38 This memorandum shall be printed in the journal of each house as is
39 required by said Joint Rule 23(c).
40

41 (signed) (signed)
42 Lola Spradley John Andrews
43 Keith King Mark Hillman
44 Andrew Romanoff Joan Fitz-Gerald
45

46
47
48 **THIRD READING OF BILL--FINAL PASSAGE**
49

50 The following bill was considered on Third Reading. The title was
51 publicly read. Reading of the bill at length was dispensed with by
52 unanimous consent.
53

54 **HB04-1402** by Representative(s) Young; also Senator(s) Reeves--
55 Concerning the repeal of the water administration fee
56 adopted in Senate Bill 03-278, and, in connection

therewith, providing for a refund of amounts already collected and making an appropriation.

The question being "Shall the bill 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 was declared **passed**.

YES	61	NO	00	EXCUSED	04	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	E	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	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	E
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	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.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	E

Co-sponsors added: Representatives Berry, Brophy, Coleman, Decker, Fairbank, Hall, Hodge, Hoppe, Johnson, Larson, Madden, McCluskey, McFadyen, Miller, Paccione, Rhodes, Rippy, Rose, Salazar, Smith, Welker, Williams T.

CONSIDERATION OF RESOLUTION

HJR04-1041 by Representative(s) Boyd, Coleman, Hodge, Johnson R., Judd, Tochtrop, Witwer; also Senator(s) Hanna, Entz--
Concerning the designation of March as Colorectal Cancer Awareness Month.

(Printed and placed in member' file.)

Representative Boyd moved that the resolution be adopted and requested that it be read at length.

Amendment No. 1, moved by Representative Boyd.

Amend printed joint resolution, page 2, line 18, strike "Society" and substitute "Society, Rocky Mountain Cancer Centers - Longmont,".

The amendment was declared **passed** by **viva voce** vote.

1 On motion of Representative Boyd, the resolution as amended was
2 **adopted by viva voce** vote.

3
4 Co-sponsors added: Representatives Berry, Borodkin, Briggs, Brophy,
5 Butcher, Cadman, Carroll, Cerbo, Cloer, Crane, Decker, Fairbank,
6 Frangas, Garcia, Hall, Hoppe, Jahn, King, Larson, Lee, Madden,
7 Marshall, May, McCluskey, McFadyen, McGihon, Merrifield, Miller,
8 Paccione, Plant, Pommer, Ragsdale, Rhodes, Rippy, Romanoff, Rose,
9 Salazar, Sinclair, Smith, Stafford, Stengel, Vigil, Weddig, Welker, White,
10 Wiens, Williams S.

11
12
13 House in recess. House reconvened.
14
15

16 17 **REPORTS OF COMMITTEES OF REFERENCE**

18 19 **FINANCE**

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

22
23 **HB04-1386** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:
26

27 Amend the Transportation and Energy Committee Report, dated March
28 17, 2004, page 1, strike lines 1 through 3 and substitute the following:

29
30 "Amend printed bill, page 3, line 26, after "REPAIRS.", insert "UPON
31 REPAIR, OR SUBSEQUENT REPAIR, VEHICLE SHALL BE RE-STAMPED.".

32
33 Page 4, strike lines 21 and 22 and substitute the following:

34
35 "(c) This section shall not apply to a vehicle whose model year of
36 manufacture is ~~eight~~ SIX years or older at the time of damage.".

37 38 39 40 41 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

44
45 **HB04-1390** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:
48

49 Amend printed bill, page 2, line 24, strike "(b)," and substitute "(b) and
50 (11) (c),".

51
52 Page 3, line 1, strike "is" and substitute "are";

53
54 line 2, strike "(I)";

55
56 strike lines 7 through 16 and substitute the following:

1 "(c) A Colorado health benefit plan description form shall include
2 information of general interest to purchasers of health plans and persons
3 insured under health plans. Such form shall be designed to facilitate
4 comparison of different health benefit plans. INFORMATIONAL MATERIALS
5 SPECIFYING THE PLAN'S SCREENING COVERAGES AND THEIR RESPECTIVE
6 PARAMETERS SHALL BE INCLUDED WITH THE FORM."

7
8
9

10

11 **INFORMATION & TECHNOLOGY**

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

14

15 **HB04-1203** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18

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

21

22 "SECTION 1. Part 1 of article 25 of title 31, Colorado Revised
23 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
24 read:

25

26 **31-25-105.5. Acquisition of private property by eminent**
27 **domain by authority for transfer to subsequent private party -**
28 **restrictions - exceptions - right of civil action - damages.** (1) EXCEPT
29 AS PROVIDED IN THIS SUBSECTION (1) OR SUBSECTION (2) OF THIS SECTION,
30 NO PRIVATE PROPERTY ACQUIRED BY EMINENT DOMAIN BY AN AUTHORITY
31 PURSUANT TO SECTION 31-25-105 (1) (e) AFTER THE EFFECTIVE DATE OF
32 THIS SECTION SHALL BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE
33 PARTY UNLESS:

34

35 (a) THE OWNER OF THE PROPERTY CONSENTS IN WRITING TO
36 ACQUISITION OF THE PROPERTY BY EMINENT DOMAIN BY THE AUTHORITY;

37

38 (b) THE GOVERNING BODY OF THE AUTHORITY DETERMINES THAT
39 THE PROPERTY IS NO LONGER NECESSARY FOR THE PURPOSE FOR WHICH IT
40 WAS ORIGINALLY ACQUIRED, AND THE AUTHORITY FIRST OFFERS TO SELL
41 THE PROPERTY TO THE OWNER FROM WHOM IT WAS ACQUIRED, IF THE
42 OWNER CAN BE LOCATED, AT A PRICE NOT MORE THAN THAT PAID BY THE
43 AUTHORITY AND THE OWNER OF THE PROPERTY DECLINES TO EXERCISE
44 SUCH RIGHT OF FIRST REFUSAL;

45

46 (c) THE PROPERTY ACQUIRED BY THE AUTHORITY WAS ABANDONED
47 WITHIN THE MEANING OF STATE LAW; OR

48

49 (d) THE OWNER OF THE PROPERTY REQUESTS OR PLEADS IN AN
50 EMINENT DOMAIN ACTION THAT THE AUTHORITY ACQUIRING THE PROPERTY
51 ALSO ACQUIRE PROPERTY THAT IS NOT ESSENTIAL TO THE PURPOSE OF THE
52 ACQUISITION ON THE BASIS THAT ACQUIRING LESS PROPERTY WOULD
53 LEAVE THE OWNER OF THE PROPERTY HOLDING AN UNECONOMIC
54 REMNANT.

55

1 (2) (a) WHERE A PROPOSED TRANSFER OF PRIVATE PROPERTY
2 ACQUIRED BY AN AUTHORITY BY EMINENT DOMAIN DOES NOT SATISFY ONE
3 OF THE REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION,
4 SUCH PROPERTY ACQUIRED BY EMINENT DOMAIN BY AN AUTHORITY AFTER
5 THE EFFECTIVE DATE OF THIS SECTION MAY BE SUBSEQUENTLY
6 TRANSFERRED TO A PRIVATE PARTY ONLY UPON SATISFACTION OF EACH OF
7 THE FOLLOWING CONDITIONS:
8

9 (I) THE PROPERTY IS LOCATED IN A BLIGHTED AREA OR THE
10 PROPERTY ITSELF IS BLIGHTED, AND THE URBAN RENEWAL PROJECT FOR
11 WHICH THE PROPERTY IS BEING ACQUIRED SHALL BE COMMENCED NO
12 LATER THAN SEVEN YEARS FROM THE DATE THE BLIGHT DETERMINATION
13 IS MADE. FOR PURPOSES OF THIS SECTION, THE DETERMINATION OF
14 WHETHER A PARTICULAR AREA OR PROPERTY IS BLIGHTED SHALL BE BASED
15 UPON REASONABLY CURRENT INFORMATION OBTAINED AT THE TIME THE
16 BLIGHT DETERMINATION IS MADE.
17

18 (II) SUBSEQUENT TO THE CREATION OF THE URBAN RENEWAL AREA,
19 THE AUTHORITY PROVIDES NOTICE AND INVITES PROPOSALS FOR
20 REDEVELOPMENT OR REHABILITATION FROM ALL PROPERTY OWNERS,
21 RESIDENTS, AND OWNERS OF BUSINESS CONCERNS LOCATED ON THE
22 PROPERTY ACQUIRED OR TO BE ACQUIRED IN THE URBAN RENEWAL AREA
23 BY MAILING NOTICE TO THEIR LAST KNOWN ADDRESS OF RECORD. THE
24 AUTHORITY MAY ALSO AT THE SAME TIME INVITE PROPOSALS FOR
25 REDEVELOPMENT OR REHABILITATION FROM OTHER INTERESTED PERSONS
26 WHO MAY NOT BE PROPERTY OWNERS, OWNERS OF BUSINESS CONCERNS,
27 OR RESIDENTS WITHIN THE URBAN RENEWAL AREA, AND SHALL PROVIDE
28 PUBLIC NOTICE THEREOF BY PUBLICATION IN A NEWSPAPER HAVING A
29 GENERAL CIRCULATION WITHIN THE MUNICIPALITY IN WHICH THE
30 AUTHORITY HAS BEEN ESTABLISHED.
31

32 (III) IN THE CASE OF A SET OF PARCELS TO BE ACQUIRED BY THE
33 AUTHORITY IN CONNECTION WITH AN URBAN RENEWAL PROJECT, AT LEAST
34 ONE OF WHICH IS OWNED BY AN OWNER HOLDING OUT FROM AN
35 AGREEMENT FOR THE ACQUISITION OF THE ENTIRE SET OF PARCELS, THE
36 AUTHORITY MAKES A DETERMINATION THAT THE REDEVELOPMENT OR
37 REHABILITATION OF THE REMAINING PARCELS IS NOT VIABLE IN THE
38 ABSENCE OF THE PARCEL OWNED BY THE HOLD-OUT OWNER.
39

40 (b) ANY PERSON AGGRIEVED BY ANY DETERMINATION MADE BY AN
41 AUTHORITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) THAT
42 INVOLVES THE EXERCISE OF DISCRETION ON THE PART OF THE AUTHORITY
43 MAY FILE A CIVIL ACTION IN DISTRICT COURT FOR THE COUNTY IN WHICH
44 THE PROPERTY IS LOCATED FOR JUDICIAL REVIEW OF THE EXERCISE OF
45 DISCRETION ON THE PART OF THE AUTHORITY PURSUANT TO C.R.C.P. 106
46 (a) (4). ANY SUCH ACTION SHALL BE GOVERNED IN ACCORDANCE WITH
47 THE PROCEDURES SPECIFIED IN THE RULE; EXCEPT THAT THE AUTHORITY
48 SHALL HAVE THE BURDEN OF PROVING BY A PREPONDERANCE OF THE
49 EVIDENCE THAT, IN MAKING ITS DETERMINATION, IT HAS NEITHER
50 EXCEEDED ITS JURISDICTION NOR ABUSED ITS DISCRETION.
51

52 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
53 DETERMINATION MADE BY AN AUTHORITY PURSUANT TO PARAGRAPH (a) OF
54 THIS SUBSECTION (2) SHALL BE DEEMED A LEGISLATIVE DETERMINATION
55 AND SHALL NOT BE DEEMED A QUASI-JUDICIAL DETERMINATION.
56

1 (d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
2 NO TRANSFER THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (1) OF
3 THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF THIS SUBSECTION
4 (2), TO SUBSECTION (3) OR (4) OF THIS SECTION, OR TO THE DEFINITION OF
5 BLIGHTED AREA CONTAINED IN SUBSECTION (5) OF THIS SECTION.
6

7 (3) ANY AUTHORITY SEEKING TO ACQUIRE PROPERTY BY EMINENT
8 DOMAIN IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (2) OF
9 THIS SECTION SHALL REIMBURSE THE OWNER OF THE PROPERTY FOR
10 REASONABLE ATTORNEY FEES INCURRED BY THE OWNER IN CONNECTION
11 WITH THE ACQUISITION WHERE THE OWNER IS THE PREVAILING PARTY ON
12 ANY CLAIM THAT THE AUTHORITY ABUSED ITS DISCRETION IN MAKING A
13 DETERMINATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS
14 SECTION.
15

16 (4) (a) ANY AUTHORITY THAT EXERCISES THE POWER OF EMINENT
17 DOMAIN TO TRANSFER ACQUIRED PROPERTY TO ANOTHER PRIVATE PARTY
18 AS AUTHORIZED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
19 SECTION SHALL ADOPT RELOCATION ASSISTANCE AND LAND ACQUISITION
20 POLICIES TO BENEFIT DISPLACED PERSONS THAT ARE SUBSTANTIALLY
21 CONSISTENT WITH THOSE SET FORTH IN ARTICLE 56 OF TITLE 24, C.R.S., TO
22 THE EXTENT APPLICABLE TO THE FACTS OF EACH SPECIFIC PROPERTY, AND,
23 AT THE TIME OF THE RELOCATION OF THE OWNER OR THE OCCUPANT,
24 SHALL PROVIDE COMPENSATION OR OTHER FORMS OF ASSISTANCE TO ANY
25 DISPLACED PERSON IN ACCORDANCE WITH SUCH POLICIES. IN ADDITION, IN
26 THE CASE OF A BUSINESS CONCERN DISPLACED BY THE ACQUISITION OF
27 PROPERTY BY EMINENT DOMAIN, THE AUTHORITY SHALL MAKE A BUSINESS
28 INTERRUPTION PAYMENT TO THE BUSINESS CONCERN NOT TO EXCEED THE
29 LESSER OF TEN THOUSAND DOLLARS OR ONE-FOURTH OF THE AVERAGE
30 ANNUAL TAXABLE INCOME SHOWN ON THE THREE MOST RECENT FEDERAL
31 INCOME TAX RETURNS OF THE BUSINESS CONCERN.
32

33 (b) IN ANY CASE WHERE THE ACQUISITION OF PROPERTY BY
34 EMINENT DOMAIN BY AN AUTHORITY DISPLACES INDIVIDUALS, FAMILIES,
35 OR BUSINESS CONCERNS, THE AUTHORITY SHALL MAKE REASONABLE
36 EFFORTS TO ASSIST SUCH INDIVIDUALS, FAMILIES, OR BUSINESS CONCERNS
37 IN RELOCATING WITHIN THE URBAN RENEWAL AREA, WHERE SUCH
38 RELOCATION IS CONSISTENT WITH THE USES PROVIDED IN THE URBAN
39 RENEWAL PLAN OR IN AREAS WITHIN REASONABLE PROXIMITY TO THE
40 ORIGINAL LOCATION OF SUCH INDIVIDUALS, FAMILIES, OR BUSINESS
41 CONCERNS.
42

43 (5) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
44 OTHERWISE REQUIRES:
45

46 (a) (I) "BLIGHTED AREA" MEANS AN AREA THAT, IN ITS PRESENT
47 CONDITION AND USE AND, BY REASON OF THE PRESENCE OF AT LEAST FOUR
48 OF THE FOLLOWING FACTORS, SUBSTANTIALLY IMPAIRS OR ARRESTS THE
49 SOUND GROWTH OF THE MUNICIPALITY, RETARDS THE PROVISION OF
50 HOUSING ACCOMMODATIONS, OR CONSTITUTES AN ECONOMIC OR SOCIAL
51 LIABILITY, AND IS A MENACE TO THE PUBLIC HEALTH, SAFETY, MORALS, OR
52 WELFARE:
53

54 (A) SLUM, DETERIORATED, OR DETERIORATING STRUCTURES OR
55 OTHER IMPROVEMENTS IN THE AREA COVERED;
56

1 (B) THE PREDOMINANCE OF DEFECTIVE OR INADEQUATE STREET
2 LAYOUT;

3
4 (C) FAULTY LOT LAYOUT IN RELATION TO SIZE, ADEQUACY,
5 ACCESSIBILITY, OR USEFULNESS;

6
7 (D) UNSANITARY OR UNSAFE CONDITIONS;

8
9 (E) DEFECTIVE OR UNUSUAL CONDITIONS OF TITLE RENDERING THE
10 TITLE NONMARKETABLE;

11
12 (F) CONDITIONS THAT ENDANGER LIFE OR PROPERTY BY FIRE OR
13 OTHER CAUSES;

14
15 (G) BUILDINGS THAT ARE UNSAFE OR UNHEALTHY FOR PERSONS TO
16 LIVE OR WORK IN BECAUSE OF BUILDING CODE VIOLATIONS, DILAPIDATION,
17 DETERIORATION, DEFECTIVE DESIGN, PHYSICAL CONSTRUCTION, OR
18 FAULTY OR INADEQUATE FACILITIES;

19
20 (H) ENVIRONMENTAL CONTAMINATION OF BUILDINGS OR
21 PROPERTY; OR

22
23 (I) INADEQUATE PUBLIC IMPROVEMENTS OR UTILITIES; OR

24
25 (II) IF THERE IS NO OBJECTION BY THE PROPERTY OWNER AND THE
26 TENANT OF SUCH OWNER, IF ANY, TO THE INCLUSION OF SUCH PROPERTY
27 IN AN URBAN RENEWAL AREA, "BLIGHTED AREA" ALSO MEANS AN AREA
28 THAT, IN ITS PRESENT CONDITION AND USE AND, BY REASON OF THE
29 PRESENCE OF ANY ONE OF THE FACTORS SPECIFIED IN SUB-SUBPARAGRAPHS
30 (A) TO (I) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), SUBSTANTIALLY
31 IMPAIRS OR ARRESTS THE SOUND GROWTH OF THE MUNICIPALITY, RETARDS
32 THE PROVISION OF HOUSING ACCOMMODATIONS, OR CONSTITUTES AN
33 ECONOMIC OR SOCIAL LIABILITY, AND IS A MENACE TO THE PUBLIC HEALTH,
34 SAFETY, MORALS, OR WELFARE. FOR PURPOSES OF THIS SUBPARAGRAPH
35 (II), THE FACT THAT AN OWNER OF AN INTEREST IN SUCH PROPERTY DOES
36 NOT OBJECT TO THE INCLUSION OF SUCH PROPERTY IN THE URBAN
37 RENEWAL AREA DOES NOT MEAN THAT THE OWNER HAS WAIVED ANY
38 RIGHTS OF SUCH OWNER IN CONNECTION WITH LAWS GOVERNING
39 CONDEMNATION.

40
41 (b) "PRIVATE PROPERTY" OR "PROPERTY" MEANS, AS APPLIED TO
42 REAL PROPERTY, ONLY A FEE OWNERSHIP INTEREST.

43
44
45 **SECTION 2.** 31-25-103, Colorado Revised Statutes, is amended
46 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
47 read:

48
49 **31-25-103. Definitions.** As used in this part 1, unless the context
50 otherwise requires:

51
52 (3.3) "BUSINESS CONCERN" HAS THE SAME MEANING AS "BUSINESS"
53 AS SET FORTH IN SECTION 24-56-102 (1), C.R.S.

54
55 (3.5) "DISPLACED PERSON" HAS THE SAME MEANING AS SET FORTH
56 IN SECTION 24-56-102 (2), C.R.S., AND FOR PURPOSES OF THIS PART 1

1 SHALL ALSO INCLUDE ANY INDIVIDUAL, FAMILY, OR BUSINESS CONCERN
2 DISPLACED BY THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY
3 BY AN AUTHORITY.

4
5 **SECTION 3.** 31-25-105 (1) (e), Colorado Revised Statutes, is
6 amended to read:

7
8 **31-25-105. Powers of an authority.** (1) Every authority has all
9 the powers necessary or convenient to carry out and effectuate the
10 purposes and provisions of this part 1, including, but not limited to, the
11 following powers in addition to others granted in this part 1:

12
13 (e) To enter, with the consent of the owner, upon any building or
14 property in order to make surveys or appraisals and to obtain an order for
15 this purpose from a court of competent jurisdiction in the event entry is
16 denied or resisted; to acquire any property by purchase, lease, option,
17 gift, grant, bequest, devise, or otherwise to acquire any interest in
18 property by condemnation, including a fee simple absolute title thereto,
19 in the manner provided by the laws of this state for the exercise of the
20 power of eminent domain by any other public body (and property already
21 devoted to a public use may be acquired in a like manner except that no
22 property belonging to the federal government or to a public body may be
23 acquired without its consent); except that any acquisition of any interest
24 in property by condemnation by an authority must be approved as part of
25 an urban renewal plan or substantial modification thereof, as provided in
26 section 31-25-107, by a majority vote of the governing body of the
27 municipality in which such property is located, AND THE ACQUISITION OF
28 PROPERTY BY CONDEMNATION BY AN AUTHORITY SHALL ALSO SATISFY THE
29 REQUIREMENTS OF SECTION 31-25-105.5; to hold, improve, clear, or
30 prepare for redevelopment any such property; to mortgage, pledge,
31 hypothecate, or otherwise encumber or dispose of its property; and to
32 insure or provide for the insurance of any property or operations of the
33 authority against any risks or hazards; except that no provision of any
34 other law with respect to the planning or undertaking of projects or the
35 acquisition, clearance, or disposition of property by public bodies shall
36 restrict an authority exercising powers under this part 1 in the exercise of
37 such functions with respect to a project of such authority unless the
38 general assembly specifically so states;

39
40 **SECTION 4.** 31-25-107 (3), Colorado Revised Statutes, is
41 amended, and the said 31-25-107 is further amended BY THE
42 ADDITION OF A NEW SUBSECTION, to read:

43
44 **31-25-107. Approval of urban renewal plans by the local**
45 **governing body.** (3) (a) The governing body shall hold a public hearing
46 on an urban renewal plan or substantial modification of an approved
47 urban renewal plan no less than thirty days after public notice thereof by
48 publication in a newspaper having a general circulation in the
49 municipality. The notice shall describe the time, date, place, and purpose
50 of the hearing, shall generally identify the urban renewal area covered by
51 the plan, and shall outline the general scope of the urban renewal project
52 under consideration.

53
54 (b) WHERE AN AUTHORITY INTENDS TO ACQUIRE PRIVATE
55 PROPERTY BY EMINENT DOMAIN TO BE SUBSEQUENTLY TRANSFERRED TO
56 A PRIVATE PARTY IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION

1 31-25-105.5, THE GOVERNING BODY OF THE MUNICIPALITY WITHIN WHICH
2 THE AUTHORITY HAS BEEN ESTABLISHED, PRIOR TO THE COMMENCEMENT
3 OF THE ACQUISITION OF ANY PROPERTY BY EMINENT DOMAIN BY THE
4 AUTHORITY, SHALL FIRST HOLD A PUBLIC HEARING ON THE USE OF EMINENT
5 DOMAIN AS A MEANS TO ACQUIRE PROPERTY WITHIN THE URBAN RENEWAL
6 AREA AFTER WRITTEN NOTICE OF THE TIME, DATE, PLACE, AND PURPOSE OF
7 THE HEARING HAS BEEN PROVIDED TO EACH OWNER OF PROPERTY WITHIN
8 THE URBAN RENEWAL AREA AT LEAST THIRTY DAYS PRIOR TO THE DATE OF
9 THE HEARING.

10
11 (4.5) IN CONNECTION WITH THE HEARING REQUIRED BY
12 SUBSECTION (3) OF THIS SECTION, IN THE CASE OF AN URBAN RENEWAL
13 PLAN THAT NECESSITATES THE ACQUISITION OF PRIVATE PROPERTY BY
14 EMINENT DOMAIN BY AN AUTHORITY FOR SUBSEQUENT TRANSFER TO A
15 PRIVATE PARTY, IN ADDITION TO THE FINDINGS REQUIRED TO BE MADE BY
16 THE GOVERNING BODY PURSUANT TO SUBSECTION (4) OF THIS SECTION,
17 THE GOVERNING BODY MAY APPROVE THE URBAN RENEWAL PLAN WHERE
18 IT HAS MADE THE FOLLOWING ADDITIONAL FINDINGS:

19
20 (a) THE AUTHORITY HAS ADOPTED RELOCATION ASSISTANCE AND
21 LAND ACQUISITION POLICIES TO BENEFIT DISPLACED PERSONS THAT ARE
22 SUBSTANTIALLY CONSISTENT WITH THOSE SET FORTH IN ARTICLE 56 OF
23 TITLE 24, C.R.S.; AND

24
25 (b) THE URBAN RENEWAL PLAN OTHERWISE SATISFIES THE
26 REQUIREMENTS OF SECTION 31-25-105.5.

27
28 **SECTION 5.** 38-1-101 (3) (a), Colorado Revised Statutes, is
29 amended, and the said 38-1-101 is further amended BY THE ADDITION
30 OF A NEW SUBSECTION, to read:

31
32 **38-1-101. Compensation - commission - jury - court -**
33 **prohibition on elimination of nonconforming uses or nonconforming**
34 **property design by amortization.** (3) (a) Notwithstanding any other
35 provision of law, ~~to the contrary~~, a local government shall not enact or
36 enforce ~~an~~ ANY ordinance, resolution, or regulation that requires:

37
38 (I) A nonconforming property use that was lawful at the time of
39 its inception to be terminated or eliminated by amortization; OR

40
41 (II) A NONCONFORMING PROPERTY DESIGN THAT WAS LAWFUL AT
42 THE TIME OF ITS INCEPTION UNDER THE LOCAL GOVERNMENT'S DESIGN
43 CODE, GUIDELINES, OR STANDARDS TO BE TERMINATED OR ELIMINATED BY
44 AMORTIZATION.

45
46 (4) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
47 THAT:

48
49 (I) THE ACQUISITION BY CONDEMNATION BY A HOME RULE OR
50 STATUTORY MUNICIPALITY OF PROPERTY OUTSIDE OF ITS TERRITORIAL
51 BOUNDARIES INVOLVES MATTERS OF BOTH STATEWIDE AND LOCAL
52 CONCERN BECAUSE SUCH ACQUISITION BY CONDEMNATION MAY INTERFERE
53 WITH THE PLANS AND OPERATIONS OF OTHER LOCAL GOVERNMENTS AND
54 OF THE STATE.
55

1 (II) IN ORDER THAT EACH LOCAL GOVERNMENT AND THE STATE
2 ENJOY THE GREATEST FLEXIBILITY WITH RESPECT TO THE PLANNING AND
3 DEVELOPMENT OF LAND WITHIN ITS TERRITORIAL BOUNDARIES, IT IS
4 NECESSARY THAT THE POWERS OF A HOME RULE OR STATUTORY
5 MUNICIPALITY TO ACQUIRE BY CONDEMNATION PROPERTY OUTSIDE OF ITS
6 TERRITORIAL BOUNDARIES BE LIMITED TO THE NARROWEST EXTENT
7 PERMITTED BY ARTICLE XX OF THE STATE CONSTITUTION.

8
9
10 (b) (I) NO HOME RULE OR STATUTORY MUNICIPALITY SHALL EITHER
11 ACQUIRE BY CONDEMNATION PROPERTY LOCATED OUTSIDE OF ITS
12 TERRITORIAL BOUNDARIES NOR PROVIDE ANY FUNDING, IN WHOLE OR IN
13 PART, FOR THE ACQUISITION BY CONDEMNATION BY ANY OTHER PUBLIC OR
14 PRIVATE PARTY OF PROPERTY LOCATED OUTSIDE OF ITS TERRITORIAL
15 BOUNDARIES; EXCEPT THAT THE REQUIREMENTS OF THIS PARAGRAPH (b)
16 SHALL NOT APPLY TO THE ACQUISITION BY CONDEMNATION BY THE
17 MUNICIPALITY OF PROPERTY TO BE USED FOR WATER WORKS, LIGHT
18 PLANTS, POWER PLANTS, TRANSPORTATION SYSTEMS, HEATING PLANTS,
19 ANY OTHER PUBLIC UTILITIES OR PUBLIC WORKS, OR FOR ANY PURPOSES
20 REQUIRED FOR SUCH USES.

21
22
23 (II) EFFECTIVE JANUARY 1, 2004, NO HOME RULE OR STATUTORY
24 MUNICIPALITY SHALL EITHER ACQUIRE BY CONDEMNATION PROPERTY
25 LOCATED OUTSIDE OF ITS TERRITORIAL BOUNDARIES FOR THE PURPOSE OF
26 PARKS, RECREATION, OPEN SPACE, CONSERVATION, PRESERVATION OF
27 VIEWS OR SCENIC VISTAS, OR FOR SIMILAR PURPOSES, NOR PROVIDE ANY
28 FUNDING, IN WHOLE OR IN PART, FOR THE ACQUISITION BY CONDEMNATION
29 BY ANY OTHER PRIVATE OR PUBLIC PARTY OF PROPERTY LOCATED OUTSIDE
30 OF ITS TERRITORIAL BOUNDARIES FOR THE PURPOSE OF PARKS,
31 RECREATION, OPEN SPACE, CONSERVATION, PRESERVATION OF VIEWS OR
32 SCENIC VISTAS, OR FOR SIMILAR PURPOSES EXCEPT WHERE THE
33 MUNICIPALITY HAS OBTAINED THE CONSENT OF BOTH THE OWNER OF THE
34 PROPERTY TO BE ACQUIRED BY CONDEMNATION AND THE GOVERNING
35 BODY OF THE LOCAL GOVERNMENT IN WHICH TERRITORIAL BOUNDARIES
36 THE PROPERTY IS LOCATED.

37
38
39 (c) THE PROVISIONS OF THIS SUBSECTION (4) SHALL SUPERSEDE
40 ANY INCONSISTENT STATUTORY PROVISIONS WHETHER CONTAINED IN THIS
41 TITLE OR ANY OTHER TITLE OF THE COLORADO REVISED STATUTES.

42
43
44 **SECTION 6. Effective date - applicability.** (1) Except as
45 otherwise provided in subsection (2) of this section, this act shall apply
46 to any property for which a blight determination is made on or after sixty
47 days following the effective date of this act.

48
49
50 (2) The provisions of section 38-1-101 (4) (b) (II), Colorado
51 Revised Statutes, in section 5 of this act shall take effect January 1, 2004.

52
53
54 **SECTION 7. Safety clause.** The general assembly hereby finds,
55 determines, and declares that this act is necessary for the immediate
56 preservation of the public peace, health, and safety."

1 **LOCAL GOVERNMENT**

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

4
5 **HB04-1385** be postponed indefinitely.

6
7
8 **HB04-1404** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11
12 Amend printed bill, page 5, after line 6, insert the following:

13
14 "SECTION 5. 11-58-103 (4), Colorado Revised Statutes, is
15 amended to read:

16
17 **11-58-103. Definitions.** As used in this article, unless the context
18 otherwise requires:

19
20 (4) "Issued to the public" means offers and sales of nonrated
21 public securities by an issuer except to the extent such securities have
22 been offered and sold in accordance with federal rule 15c 2-12 (e) (d) (1)
23 of the federal "Securities Exchange Act of 1934".

24
25 Renumber succeeding sections accordingly.

26
27 Page 6, line 5, strike "FORWARD DELIVERY";

28
29 line 6, strike "CONTRACT,".

30
31
32
33 **SB04-045** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:

36
37 Amend reengrossed bill, page 2, strike lines 11 through 13 and substitute
38 the following:

39 (15) "TOUGHPERSON FIGHTING" MEANS A PHYSICAL CONTEST,
40 MATCH,";

41
42 line 23, strike "AGENCIES." and substitute "AGENCIES, UNLESS THE
43 CONTEST, MATCH, TOURNAMENT, EXHIBITION, BOUT, OR ACTIVITY MEETS
44 HEALTH AND SAFETY STANDARDS ADOPTED BY THE DEPARTMENT OF
45 REGULATORY AGENCIES. THE DEPARTMENT SHALL ADOPT SUCH
46 STANDARDS WITHIN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE
47 DATE OF THIS ACT. SUCH STANDARDS SHALL BE ADOPTED WITHIN THE
48 DEPARTMENT'S EXISTING APPROPRIATIONS."

49
50
51 **MESSAGES FROM THE SENATE**

52
53 Madam Speaker:

54
55 The Senate has passed on Third Reading and returns herewith
56 HB04-1308, 1090, 1353, 1379.

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes: SB04-198,
3 SB04-177, amended as printed in Senate Journal, March 23, 2004, pages
4 605-606, and on Third Reading, as printed in Senate Journal, March 24,
5 SB04-196, amended as printed in Senate Journal, March 23, 2004, page
6 607,
7 HB04-1061, amended as printed in Senate Journal, March 23, 2004, page
8 607,
9 HB04-1153, amended as printed in Senate Journal, March 23, 2004, page
10 607,
11 HB04-1066, amended as printed in Senate Journal, March 23, 2004, page
12 607,
13 HB04-1263, amended as printed in Senate Journal, March 23, 2004, page
14 608.

15
16
17 The Senate has passed on Third Reading and returns herewith
18 HB04-1244.
19 The Senate has passed on Third Reading and transmitted to the Revisor
20 of Statutes:
21 HB04-1292, amended as printed in Senate Journal, March 19, 2004,
22 pages 578-579, and as printed in Senate Journal, March 24, page 626,
23 HB04-1251, amended as printed in Senate Journal, March 24, 2004,
24 pages 627-628.

25 26 27 **MESSAGES FROM THE REVISOR**

28
29 We herewith transmit:
30 Without comment, SB04-198.
31 Without comment, as amended, HB04-1061, 1153, 1066, and 1263.
32 Without comment, as amended, SB04-196.

33
34
35 We herewith transmit:
36 With comment, as amended, SB04-177.

37
38
39 We herewith transmit:
40 Without comment, as amended, HB04-1292 and 1251.

41 42 43 **APPOINTMENTS TO CONFERENCE COMMITTEE**

44
45 The Speaker appointed House conferees to the First Conference
46 Committee as follows:

47
48 **HB04-1102**--Representatives Clapp, Chairman, Sinclair and Frangas.

49
50
51 On motion of Representative King, at 1:39 p.m. **SB04-120, HB04-1014,**
52 **1375, SB04-017, 115, 193, 083, 166, 029, HB04-1394, 1397, 1400,**
53 **1401, 1398, SB04-093, HB04-1048, SB04-125** were added to the Special
54 Orders Calendar on Thursday, March 25, 2004.

1 On motion of Representative Briggs, the House resolved itself into
2 Committee of the Whole for consideration of Special Orders and he was
3 called to the Chair to act as Chairman.

4
5
6
7 **SPECIAL ORDERS--SECOND READING OF BILLS**
8

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

13
14 (Amendments to the committee amendment are to the printed committee
15 report which was printed and placed in the members' bill file.)

16
17 **SB04-137** by Senator(s) Johnson S.; also Representative(s) Rhodes--
18 Concerning the rights of persons providing care to children
19 in out-of-home placement, and, in connection therewith,
20 requiring the provision of notice to such persons of, and
21 the opportunity to provide information at, a court hearing
22 involving the child; and maintaining the confidentiality of
23 personally identifiable information about a foster parent
24 without the written consent of the foster parent.
25

26 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
27 dated March 15, 2004, and placed in member's bill file; Report also
28 printed in House Journal, March 16, page 884.
29

30 Amendment No. 2, by Representative Rhodes.
31

32 Amend reengrossed bill, page 2, line 12, strike "REVIEW OR HEARING TO
33 BE HELD WITH" and substitute "ADMINISTRATIVE REVIEW OF THE CHILD'S
34 CASE."
35

36 Page 3, strike line 1 and substitute the following:
37

38 "(c) UPON THE WRITTEN REQUEST OF THE FOSTER";
39

40 line 2, strike "THE NOTICE" and substitute "NOTICE OF A COURT HEARING
41 FOR THE CHILD'S CASE";
42

43 strike line 3 and substitute the following:
44

45 "PROVIDED IN WRITTEN FORM, AND MAY BE PROVIDED";
46

47 line 4, strike "COMMUNICATED VERBALLY";
48

49 line 5, strike "CHILD," and substitute "CHILD."
50

51 line 6, strike "AND" and substitute "THE NOTICE".
52

53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.
55

- 1 **SB04-120** by Senator(s) Hillman; also Representative(s) Stafford--
2 Concerning charitable trusts, and, in connection therewith,
3 permitting a charitable trust to be eligible to provide
4 community or useful public service jobs and requiring that
5 property that is owned and used by a charitable trust be
6 treated the same as property that is owned and used by any
7 other type of nonprofit organization for the purpose of
8 claiming a religious purpose property tax exemption.
9
- 10 Ordered revised and placed on the Calendar for Third Reading and Final
11 Passage.
12
- 13 **HB04-1398** by Representative(s) Williams T.; also Senator Kester--
14 Concerning statutory provisions governing business
15 entities contained in title 7 of the Colorado Revised
16 Statutes.
17
- 18 Amendment No. 1, Business Affairs & Labor Report, dated March 23,
19 2004, and placed in member's bill file; Report also printed in House
20 Journal, March 23, pages 1033-1039.
21
- 22 As amended, ordered engrossed and placed on the Calendar for Third
23 Reading and Final Passage.
24
- 25 **HB04-1014** by Representative(s) Tochtrop; also Senator(s) Isgar--
26 Concerning the regulation of medication administration by
27 certified nurse aides.
28
- 29 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
30 dated January 14, 2004, and placed in member's bill file; Report also
31 printed in House Journal, January 15, pages 76-77.
32
- 33 Amendment No. 2, Finance Report, dated January 28, 2004, and placed
34 in member's bill file; Report also printed in House Journal, January 29,
35 pages 218-219.
36
- 37 Amendment No. 3, Appropriations Report, dated March 12, 2004, and
38 placed in member's bill file; Report also printed in House Journal, March
39 12, pages 852-853.
40
- 41 Amendment No. 4, by Representative Tochtrop.
42
- 43 Amend the Appropriations Committee Report, dated March 12, 2004,
44 page 1, line 8, after "PROGRAMS.", add "COSTS ASSOCIATED WITH THE
45 PILOT PROGRAM SHALL BE PAID FOR BY THE NURSE AIDE CERTIFICATION
46 APPLICATION FEE COLLECTED PURSUANT TO SECTION 12-38.1-104 AND THE
47 CERTIFIED NURSE AIDE RENEWAL FEE COLLECTED PURSUANT TO SECTION
48 12-38.1-109."
49
- 50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.
52
53
- 54 **HB04-1375** by Representative(s) Mitchell, Brophy, Cadman, Crane,
55 Harvey, Hefley, King, Lee, Lundberg, May M., Miller,
56 Rhodes, Rose, Sinclair, Welker, Wiens; also Senator(s)

1 Arnold, Hillman, Johnson S., McElhany--Concerning
2 limitations on education regarding alternative sexual
3 lifestyles.
4

5 Amendment No. 1, by Representative Mitchell.
6

7 Strike the Education Committee Report, dated March 15, 2004.
8

9 Amend printed bill, strike everything below the enacting clause and
10 substitute the following:
11

12 "SECTION 1. Article 1 of title 22, Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW SECTION to read:
14

15 **22-1-110.5. Education regarding human sexuality - prior**
16 **written notice to parent.** (1) EXCEPT AS OTHERWISE PROVIDED IN
17 SUBSECTION (4) OF THIS SECTION, A SCHOOL DISTRICT THAT OFFERS A
18 PLANNED CURRICULUM THAT INCLUDES THE DISCUSSION OF OR
19 INSTRUCTION CONCERNING HUMAN SEXUALITY SHALL PROVIDE TO THE
20 PARENT OR GUARDIAN OF EACH STUDENT, PRIOR TO COMMENCING THE
21 PLANNED CURRICULUM:
22

23 (a) WRITTEN NOTIFICATION OF THE ABILITY TO EXCUSE A STUDENT,
24 WITHOUT PENALTY OR ADDITIONAL ASSIGNMENT, FROM THAT PORTION OF
25 THE PLANNED CURRICULUM THAT CONCERNS HUMAN SEXUALITY, UPON
26 THE WRITTEN REQUEST OF THE STUDENT'S PARENT OR GUARDIAN; AND
27

28 (b) A DETAILED, SUBSTANTIVE OUTLINE OF THE TOPICS AND
29 MATERIALS TO BE PRESENTED IN THAT PORTION OF THE PLANNED
30 CURRICULUM THAT CONCERNS HUMAN SEXUALITY.
31

32 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
33 AN ACT OR PROCEDURE IN ADDITION TO THE SIGNATURE OF THE PARENT OR
34 GUARDIAN TO EXCUSE A STUDENT FROM THAT PORTION OF THE PLANNED
35 CURRICULUM THAT CONCERNS HUMAN SEXUALITY.
36

37 (3) EACH SCHOOL DISTRICT BOARD OF EDUCATION IS ENCOURAGED
38 TO DISSEMINATE POLICIES OR INSTRUCTIONS TO THE PUBLIC SCHOOLS OF
39 THE SCHOOL DISTRICT TO ENSURE THE IMPLEMENTATION OF THE
40 PROVISIONS OF THIS SECTION IN A MANNER THAT WILL NOT DRAW UNDUE
41 ATTENTION TO, NOR CAUSE UNDUE EMBARRASSMENT FOR, STUDENTS
42 EXCUSED FROM THAT PORTION OF THE PLANNED CURRICULUM THAT
43 CONCERNS HUMAN SEXUALITY.
44

45 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A
46 LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAM IMPLEMENTED BY
47 A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES PURSUANT TO
48 ARTICLE 25 OF THIS TITLE.
49

50 **SECTION 2. Effective date.** This act shall take effect July 1,
51 2004.
52

53 **SECTION 3. Safety clause.** The general assembly hereby finds,
54 determines, and declares that this act is necessary for the immediate
55 preservation of the public peace, health, and safety."
56

1 Page 1, line 101, strike "ALTERNATIVE" and substitute
2 "MANIFESTATIONS OF HUMAN SEXUALITY.";

3
4 strike line 102.

5
6 As amended, ordered engrossed and placed on the Calendar for Third
7 Reading and Final Passage.

8
9 **SB04-017** by Senator(s) Johnson S., Evans, Hagedorn, Hanna,
10 Kester, Sandoval; also Representative(s) Stafford, Boyd,
11 Cloer, Frangas, Johnson R., Schultheis, Tochtrop--
12 Concerning modifications to alien eligibility requirements
13 under the Colorado works program in order to comply
14 with federal law.

15
16 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
17 dated March 15, 2004, and placed in member's bill file; Report also
18 printed in House Journal, March 16, page 883.

19
20 As amended, ordered revised and placed on the Calendar for Third
21 Reading and Final Passage.

22
23 **SB04-193** by Senator(s) Entz; also Representative(s) Salazar--
24 Concerning the authority of the department of agriculture
25 to promulgate rules to specify the class of strawberries
26 allowed for production of nursery stock in the state.

27
28 Ordered revised and placed on the Calendar for Third Reading and Final
29 Passage.

30
31 **SB04-083** by Senator(s) Sandoval, Groff, Grossman, Keller, Tapia,
32 Windels; also Representative(s) Spence, Judd, McFadyen--
33 -Concerning the creation of an additional category of
34 alternative education campus.

35
36 Ordered revised and placed on the Calendar for Third Reading and Final
37 Passage.

38
39 **SB04-166** by Senator(s) Lamborn; also Representative(s) Stengel--
40 Concerning a one-time adjustment for inflation to the one-
41 million-dollar damages limitation contained in the statute
42 governing medical negligence recovery in accordance with
43 the consumer price index of the United States bureau of
44 labor statistics.

45
46 Ordered revised and placed on the Calendar for Third Reading and Final
47 Passage.

48
49 **SB04-029** by Senator(s) Windels; also Representative(s) Jahn--
50 Concerning medically fragile individuals.

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

54
55

1 **HB04-1394** by Representative(s) Fairbank; also Senator(s) Kester--
2 Concerning alternative loan charges by supervised lenders
3 for small loans.
4

5 Amendment No. 1, Business Affairs & Labor Report, dated March 18,
6 2004, and placed in member's bill file; Report also printed in House
7 Journal, March 19, page 979.
8

9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.
11

12 **HB04-1397** by Representative(s) King; also Senator(s) Anderson--
13 Concerning the financing of public schools.
14

15 Amendment No. 1, Education Report, dated March 17, 2004, and placed
16 in member's bill file; Report also printed in House Journal, March 18,
17 pages 921-925.
18

19 Amendment No. 2, Appropriations Report, dated March 24, 2004, and
20 placed in member's bill file; Report also printed in House Journal, March
21 25, pages 1043-1045.
22

23 Amendment No. 3, by Representative King.
24

25 Amend the Education Committee Report, dated March 17, 2004, Page 2,
26 strike lines 15 through 19 and substitute the following:
27

28 "Page 11, strike lines 11 and 12 and substitute the following:
29

30 "REQUIREMENTS CONTAINED IN THE "PUBLIC SCHOOL FINANCE ACT OF
31 1994", ARTICLE 54 OF THIS TITLE, OR THE requirements contained in the";
32

33 strike lines 21 and 22 and substitute the following:
34

35 "STATUTE OR RULE RELATING TO THE "PUBLIC SCHOOL FINANCE ACT OF
36 1994", ARTICLE 54 OF THIS TITLE, ".".
37

38 Page 3, strike lines 8 through 35.
39

40 Page 4, strike line 1.
41

42 Page 5, line 25, strike "ON-LINE PROVIDER" and substitute "DISTRICT OF
43 ATTENDANCE".
44

45 Amendment No. 4, by Representative Paccione.
46

47 Amend printed bill, page 13, strike lines 6 and 7 and substitute the
48 following:
49

50 "IF THE CHARTER SCHOOL FAILS TO SATISFY ITS OBLIGATION IN A";
51

52 line 13, strike "EDUCATION; AND" and substitute "EDUCATION.";
53

54 strike lines 14 through 16.
55

1 Amendment No. 5, by Representative Madden.

2
3 Amend printed bill, strike pages 10 through 15.

4
5 Page 16, strike lines 1 through 16.

6
7 Renumber succeeding sections accordingly.

8
9 Amendment No. 6, by Representative Brophy.

10
11 Amend printed bill, page 3, after line 1, insert the following:

12
13 "SECTION 1. 22-54-103 (7) (c) (I) (D), Colorado Revised
14 Statutes, is amended, and the said 22-54-103 (7) (c) (I) is further amended
15 BY THE ADDITION OF THE FOLLOWING NEW
16 SUB-SUBPARAGRAPHS, to read:

17
18 **22-54-103. Definitions - repeal.** As used in this article, unless
19 the context otherwise requires:

20
21 (7) "Funded pupil count" means:

22
23 (c) (I) For budget years commencing on and after July 1, 2003,
24 the district's on-line pupil enrollment for the applicable budget year plus
25 the district's preschool enrollment for the applicable budget year plus the
26 greater of:

27
28 (D) The average of the district's pupil enrollment for the
29 applicable budget year and the district's pupil enrollment for the three
30 immediately preceding budget years; OR

31
32 (E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
33 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
34 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS; OR

35
36 (F) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
37 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
38 THE FIVE IMMEDIATELY PRECEDING BUDGET YEARS."

39
40 Renumber succeeding sections accordingly.

41
42 As amended, laid over until March 26, retaining place on Calendar.

43
44
45 **HB04-1400** by Representative(s) Rhodes; also Senator(s) Chlouber--
46 Concerning the regulation of warranties on vehicle
47 protection products.

48
49 Amendment No. 1, by Representative Rhodes.

50
51 Amend printed bill, page 5, line 14, after "WARRANTY", insert "THAT
52 COMPLIES WITH THIS SECTION";

53
54

1 after line 15, insert the following:

2
3 **"42-9.5-106. Applicability.** THIS ARTICLE SHALL NOT APPLY TO
4 CONTRACTS REGULATED BY ARTICLE 11 OF THIS TITLE, WHICH CONCERNS
5 MOTOR VEHICLE SERVICE CONTRACT INSURANCE."
6

7 As amended, ordered engrossed and placed on the Calendar for Third
8 Reading and Final Passage.
9

10 **HB04-1401** by Representative(s) Crane; also Senator(s) Arnold--
11 Concerning the statutory designation of the boundaries of
12 the city and county of Broomfield, and, in connection
13 therewith, excluding areas of the city and county of
14 Broomfield from the counties of Adams, Jefferson,
15 Boulder, and Weld.
16

17 Ordered engrossed and placed on the Calendar for Third Reading and
18 Final Passage.
19

20 **HB04-1048** by Representative(s) King; also Senator(s) McElhany--
21 Concerning beneficiary deeds.
22

23 Amendment No. 1, Judiciary Report, dated March 23, 2004, and placed
24 in member's bill file; Report also printed in House Journal, March 23,
25 page 1040.
26

27 Amendment No. 2, by Representative Smith.
28

29 Amend House Judiciary Committee Report, dated March 23, 2004, page
30 2, strike line 8 and substitute the following:
31

32 "COLORADO REVISED STATUTES.
33

34 WARNING: EXECUTION OF THIS BENEFICIARY DEED
35 MAY NOT AVOID PROBATE."."
36

37 As amended, ordered engrossed and placed on the Calendar for Third
38 Reading and Final Passage.
39

40 On motion of Representative King, the remainder of the Special Orders
41 Calendar (**HB04-1355, 1382, SB04-115, 093, 125**) was laid over until
42 March 26, retaining place on Calendar.
43

44 45 46 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT** 47

48 Representative Johnson R. moved to amend the Report of the Committee
49 of the Whole to show that **HB04-1014**, as amended, did not pass.
50

51 The amendment was declared **lost** by the following roll call vote:
52

53	YES	13	NO	49	EXCUSED	03	ABSENT	00
54	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	N
55	Borodkin	Y	Hall	N	McFadyen	N	Smith	N
56	Boyd	N	Harvey	N	McGihon	Y	Spence	N

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **SB04-137 amended, 120, HB04-1398 amended, 1014 amended, 1375 amended, SB04-017 amended, 193, 083, 166, 029, HB04-1394 amended, 1400 amended, 1401, 1048 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1355, 1382, SB04-115, HB04-1397 amended, SB04-093, 125--** March 26, 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	60	NO	00	EXCUSED	03	ABSENT	02
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	E	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	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	E
Clapp	Y	King	Y	Ragsdale	Y	Welker	-
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	-	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	E

LAY OVER OF CALENDAR ITEMS

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

Consideration of General Orders--**HB04-1221, 1279, SB04-185, 020, 105, 024, 094.**

Consideration of Conference Committee Report--**HB04-1112.**

Consideration of Resolutions--**HJR04-1012, 1013, 1018, SJR04-015, HJR04-1010, 1034, SJR04-023, 024, HJR04-1037, SJR04-027, HJR04-1038, 1040**

Consideration of Memorial--**SJM04-001**

Consideration of Senate Amendments--**HB04-1054, 1004, 1127, 1298, 1114, 1341, 1264, 1241, 1357, 1265, 1267, 1046, 1084, 1271, 1177, 1369, 1236, 1062, 1109.**

Consideration of Adherence--**HB04-1182.**

On motion of Representative King, the House adjourned until 9:00 a.m., March 26, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk