

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

One hundred-fourteenth Legislative Day Thursday, April 29, 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 Harvey.

7
8 The roll was called with the following result:

9
10 Present--63.

11 Excused--Representatives Garcia, Salazar--2.

12 Present after roll call--Representative Garcia.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Brophy, the reading of the journal of
18 April 28, 2003, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22

23

24

CONSIDERATION OF RESOLUTION

25

26 **HJR04-1066** by Representative(s) Spence, Cloer, Briggs, Clapp,
27 Decker, Garcia, Hall, Harvey, Hodge, Jahn, Marshall,
28 Plant, Rose, White, Wiens, Williams S.; also Senator(s)
29 Takis, Arnold, Hanna--Concerning the Lazzara Center for
30 Oral Facial Health at Fitzsimons.

31

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

33

34 On motion of Representative Spence, the resolution was read at length
35 and **adopted** by **viva voce** vote.

36

37 Co-sponsors added: Roll Call of the House.

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42

THIRD READING OF BILLS--FINAL PASSAGE

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

SB04-216 by Senator(s) Lamborn; also Representative(s) Cloer-- Concerning limitations on the use of credit information for the purposes of personal lines of property and casualty insurance rating, and, in connection therewith, substantially adopting the provisions of the National Conference of Insurance Legislators model for uses of credit information for personal lines of property and casualty insurance.

As shown by the following roll call vote, a majority of all members elected to the House voted in the affirmative, and Representative Cloer was given permission to offer a Third Reading amendment:

YES	64	NO	00	EXCUSED	01	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	Y
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	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	E	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Third Reading amendment No. 1, by Representative Cloer.

Amend revised bill, page 10, line 25, strike "10-1-116," and substitute "**Repeal.** 10-4-116," and, after "enacted", insert "in section 2 of";

line 26, strike "by" and, strike "04-1292" and substitute "04-1292, enacted".

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

YES	64	NO	00	EXCUSED	01	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

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

11
 12 The question being, "Shall the bill, as amended, pass?".
 13 A roll call vote was taken. As shown by the following recorded vote, a
 14 majority of those elected to the House voted in the affirmative, and the
 15 bill, as amended, was declared **passed**.

16	YES	39	NO	25	EXCUSED	01	ABSENT	00
17								
18	Berry	N	Garcia	Y	McCluskey	Y	Sinclair	Y
19	Borodkin	N	Hall	Y	McFadyen	N	Smith	N
20	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
21	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
22	Brophy	Y	Hodge	N	Miller	Y	Stengel	N
23	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
24	Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
25	Carroll	N	Johnson	Y	Plant	N	Weddig	Y
26	Cerbo	N	Judd	Y	Pommer	N	Weissmann	N
27	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
28	Cloer	Y	Larson	N	Rhodes	Y	White	Y
29	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
30	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
31	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
32	Fairbank	Y	Marshall	N	Salazar	E	Witwer	Y
33	Frangas	N	May	Y	Schultheis	Y	Young	Y
34							Speaker	Y

35 Co-sponsor added: Representative Harvey

36
 37 **HCR04-1016** by Representative(s) Spradley; also Senator(s) Hillman--
 38 Submitting to the registered electors of the state of
 39 Colorado amendments to section 17 of article IX and
 40 section 20 of article X of the constitution of the state of
 41 Colorado, concerning a modification of constitutional
 42 restrictions affecting the ability of the general assembly to
 43 make adjustments to state spending in response to
 44 changing levels of state revenues, and, in connection
 45 therewith, restricting the growth in the statewide base per
 46 pupil funding for the 2005-06 and 2006-07 state fiscal
 47 years to the rate of inflation plus one additional percentage
 48 point; reducing by seventy-five million dollars the amount
 49 of moneys required to be spent on public school funding
 50 in the 2005-06 and 2006-07 state fiscal years; for the
 51 2005-06 state fiscal year, requiring the state to retain up to
 52 one hundred fifty million dollars of excess state revenues;
 53 for the 2006-07 state fiscal year, requiring the state to
 54 retain up to the sum of one hundred fifty million dollars of
 55 excess state revenues and one hundred fifty million dollars
 56 of such revenues as adjusted for specified factors; and, for

the 2007-08 and all succeeding state fiscal years, requiring the state to retain up to the amount of excess state revenues retained in the 2006-07 state fiscal year as adjusted for specified factors.

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	44	NO	20	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	N	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	N	Hodge	N	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	Y
Cerbo	N	Judd	Y	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	N	Welker	Y
Cloer	N	Larson	Y	Rhodes	N	White	Y
Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	N	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	E	Witwer	Y
Frangas	N	May	N	Schultheis	N	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Stafford, Stengel, White, Williams T.

HB04-1448 by Representative(s) Spradley; also Senator(s) May R.--
Concerning the regulation of trade names.

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	63	NO	01	EXCUSED	01	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	Y
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	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	E	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

1 **HB04-1447** by Representative(s) Romanoff, Larson, Berry, Briggs,
 2 Cloer, Coleman, Frangas, Hefley, Plant, Salazar, Stafford,
 3 Vigil--Concerning the enrollment in the children's basic
 4 health plan of a child who is no longer eligible for
 5 medicaid due to the implementation of Senate Bill 03-176.
 6

7 As shown by the following roll call vote, a majority of all members
 8 elected to the House voted in the affirmative, and Representative
 9 Romanoff was given permission to offer a Third Reading amendment:
 10

11	YES	64	NO	00	EXCUSED	01	ABSENT	00
12	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
13	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
14	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
15	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
16	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
17	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
18	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
19	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
20	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
21	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
22	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
23	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
24	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
25	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
26	Fairbank	Y	Marshall	Y	Salazar	E	Witwer	Y
27	Frangas	Y	May	Y	Schultheis	Y	Young	Y
28							Speaker	Y

29
 30 **Third Reading amendment No. 1**, by Representative Romanoff.

31
 32 Amend engrossed bill, page 3, line 2, strike "The" and substitute
 33 "(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (d),
 34 the";

35
 36 strike lines 5 through 11 and substitute the following:

37
 38 "received by the state; except that the amount received in any fiscal year
 39 FOR PROGRAMS SPECIFIED IN THIS PARAGRAPH (d) shall not exceed
 40 fifteen";

41
 42 after line 12, insert the following:

43
 44 "(II) OF THE MONEYS ALLOCATED TO THE TOBACCO EDUCATION,
 45 PREVENTION, AND CESSATION GRANT PROGRAM IN SUBPARAGRAPH (I) OF
 46 THIS PARAGRAPH (d), TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE
 47 ALLOCATED TO PAY THE STATE'S SHARE OF THE CHILDREN'S BASIC HEALTH
 48 PLAN COSTS FOR CHILDREN WHO LOSE MEDICAID COVERAGE DUE TO THE
 49 IMPLEMENTATION OF SENATE BILL 03-176, WHICH SHALL BE TRANSFERRED
 50 TO THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN SECTION
 51 26-19-105, C.R.S., BEGINNING IN STATE FISCAL YEAR 2004-05;"

52
 53 The amendment was declared **passed** by the following roll call vote:
 54
 55

	YES	64	NO	00	EXCUSED	01	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	Y
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	Y	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	E	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y
19								

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

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

	YES	61	NO	03	EXCUSED	01	ABSENT	00
25								
26	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
27	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
28	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
29	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
30	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
31	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
32	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
33	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
34	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
35	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
36	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
37	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
38	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
39	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
40	Fairbank	Y	Marshall	Y	Salazar	E	Witwer	Y
41	Frangas	Y	May	Y	Schultheis	N	Young	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Borodkin, Boyd, Carroll, Jahn, Madden,
 44 Marshall, McGihon, Merrifield, Miller, Paccione, Tochtrop, Weddig,
 45 Williams S., Speaker.

46
 47 **HB04-1454** by Representative(s) Young, Witwer, Plant; also
 48 Senator(s) Owen, Teck, Reeves--Concerning a
 49 supplemental appropriation to the department of higher
 50 education.

51
 52 The question being "Shall the bill pass?".

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

	YES	63	NO	01	EXCUSED	01	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	Y
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	Y	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	E	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	N	Young	Y
18							Speaker	Y
19								

CONSIDERATION OF RESOLUTION

SJR04-033 by Senator(s) Andrews; also Representative(s) Spradley--
Concerning academic freedom in higher education.

(Printed and placed in member's file.)

On motion of Representative Spradley, the resolution was **adopted** by
viva voce vote.

Co-sponsors added: Representatives Briggs, Brophy, Cadman, Cloer, Crane,
Decker, Fairbank, Garcia, Hall, Harvey, Hefley, Hoppe, Jahn, Johnson, King,
Lee, Lundberg, May, McCluskey, Merrifield, Miller, Mitchell, Paccione,
Rhodes, Rippy, Rose, Schultheis, Sinclair, Smith, Spence, Stafford, Stengel,
Welker, White, Wiens, Williams S., Williams T., Witwer.

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has adopted and transmits herewith: SJR04-048, amended as
printed in Senate Journal, April 29.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

SJR04-048 by Senator(s) Grossman, Andrews, Gordon; also
Representative(s) Clapp, Borodkin, Butcher, Judd,
Romanoff, Stafford--Concerning a reaffirmation by the
Colorado General Assembly of the strong bonds
connecting the United States and the state of Israel and an
expression by the Colorado General Assembly of support
and solidarity with the state of Israel in its struggle against
terrorism.

1 On motion of Representative King, the rules were suspended and the
2 resolution given immediate consideration.

3
4 On motion of Representative Clapp, the resolution was read at length and
5 **adopted by viva voce** vote.

6
7 Co-sponsors added: Representatives Berry, Boyd, Briggs, Brophy, Cadman,
8 Carroll, Cerbo, Cloer, Coleman, Crane, Decker, Fairbank, Frangas, Garcia, Hall,
9 Harvey, Hefley, Hodge, Hoppe, Jahn, Johnson, King, Larson, Lee, Lundberg,
10 Madden, Marshall, May, McCluskey, McFadyen, McGihon, Merrifield, Miller,
11 Mitchell, Paccione, Ragsdale, Rhodes, Rippey, Rose, Schultheis, Sinclair, Smith,
12 Spence, Stengel, Tochtrop, Vigil, Weddig, Welker, White, Wiens, Williams S.,
13 Williams T., Witwer, Young, Speaker.

14 15 16 **REPORTS OF COMMITTEES OF REFERENCE**

17 **APPROPRIATIONS**

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

20
21
22 **HB04-1456** be referred to the Committee of the Whole with favorable
23 recommendation.

24
25
26 **HB04-1458** be postponed indefinitely.

27
28
29 **HCR04-1017** be postponed indefinitely.

30
31
32 **SB04-114** be referred to the Committee of the Whole with favorable
33 recommendation.

34
35
36 **SB04-222** be referred to the Committee of the Whole with favorable
37 recommendation.

38
39
40 **SB04-225** be referred to the Committee of the Whole with favorable
41 recommendation.

42
43
44 **SB04-230** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

47
48 Amend reengrossed bill, page 3, after line 23, insert the following:

49
50 **"SECTION 3. Appropriation.** In addition to any other
51 appropriation, there is hereby appropriated, out of any moneys in the
52 license plate cash fund created in section 42-3-113 (6), Colorado Revised
53 Statutes, not otherwise appropriated, to the department of revenue, for the
54 fiscal year beginning July 1, 2004, the sum of eight thousand four
55 hundred sixty dollars (\$8,460), or so much thereof as may be necessary,
56 for the implementation of this act."

1 Renumber succeeding section accordingly.

2

3 Page 1, line 102, strike "PLATE." and substitute "PLATE, AND MAKING AN
4 APPROPRIATION."

5

6

7

8 **SB04-235** be referred to the Committee of the Whole with favorable
9 recommendation.

10

11

12

13

14 **FINANCE**

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

17

18 **SB04-001** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:

21

22 Amend reengrossed bill, page 3, line 25, after "MEET", insert "UP TO".

23

24 Page 1, line 102, strike "TAXATION." and substitute "TAXATION, AND, IN
25 CONNECTION THEREWITH, ESTABLISHING THE LEGISLATIVE INTERIM
26 COMMITTEE ON STIMULATING ECONOMIC DEVELOPMENT THROUGH
27 BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS AND OTHER
28 METHODS."

29

30

31

32

33

PRINTING REPORT

34

35 The Chief Clerk reports the following bills have been correctly printed:

36

37

38

39

40

41 Madam Speaker:

42

43 The Senate has passed on Third Reading and returns herewith
44 HB04-1428, 1424, 1227.

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

47 SB04-246, amended as printed in Senate Journal, April 28, 2004, page
48 1064,

49 SB04-252, amended as printed in Senate Journal, April 28, 2004, pages
50 1064-1068,

51 SB04-244, amended as printed in Senate Journal, April 28, 2004, page
52 1068.

53 The Senate has postponed indefinitely HB04-1191. The bill is returned
54 herewith.

55

56

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, SB04-246, 252, and 244.

INTRODUCTION OF RESOLUTION

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

HR04-1019 by Representative(s) Spradley--Concerning recognizing the contributions made by the men and women of the Friends of the Cumbres and Toltec Scenic Railroad to the operation, restoration, and preservation of the railroad.

On motion of Representative King, at 10:27 a.m., **SB04-223, 221, 236, 213, 211, 192, HCR04-1014, HB04-1455, SB04-065, 206, 219, HB04-1456** were added to the Special Orders Calendar on Thursday, April 29, 2004.

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

SPECIAL ORDERS--SECOND READING OF BILLS

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

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

SB04-196 by Senator(s) Hagedorn; also Representative(s) Smith--Concerning consequences for commission of substance-related traffic offenses.

Amendment No. 1, Transportation & Energy Report, dated April 7, 2004, and placed in member's bill file; Report also printed in House Journal, April 8, page 1267.

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

HB04-1439 by Representative(s) Brophy--Concerning individual health benefit plans, and, in connection therewith, exempting individual plans offered to business groups of

1 one from provisions of law concerning small employer
2 carriers and requiring certificates of group sickness and
3 accident insurance delivered to a multi-state association to
4 be treated the same as individual health benefit plans.
5

6 Laid over until April 30, retaining place on Calendar.
7

8 **SB04-223** by Senator(s) McElhany; also Representative(s) Briggs--
9 Concerning the designation of public transit officers as
10 peace officers.
11

12 Ordered revised and placed on the Calendar for Third Reading and Final
13 Passage.
14

15 **SB04-221** by Senator(s) Taylor; also Representative(s) White--
16 Concerning the authority of a metropolitan district to
17 exercise specified enforcement activities of other entities
18 within the boundaries of the district.
19

20 Ordered revised and placed on the Calendar for Third Reading and Final
21 Passage.
22

23 **SB04-236** by Senator(s) Anderson; also Representative(s) Miller--
24 Concerning the transformation of the office of emergency
25 management into a division of the department of local
26 affairs.
27

28 Ordered revised and placed on the Calendar for Third Reading and Final
29 Passage.
30

31 **SB04-213** by Senator(s) Arnold, Cairns, Hillman, Jones, Lamborn;
32 also Representative(s) Crane--Concerning voter
33 identification.
34

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

38 **SB04-211** by Senator(s) Hillman; also Representative(s) Spradley--
39 Concerning increased efficiencies in the operation of the
40 unclaimed property program in order to make available a
41 portion of the unclaimed property trust fund to support
42 CoverColorado.
43

44 Amendment No. 1, Business Affairs & Labor Report, dated April 27,
45 2004, and placed in member's bill file; Report also printed in House
46 Journal, April 27, pages 1610-1611.
47

48 As amended, ordered revised and placed on the Calendar for Third
49 Reading and Final Passage.
50

51 **SB04-192** by Senator(s) Lamborn, Tupa; also Representative(s)
52 Fairbank, Madden--Concerning precinct caucus day.
53

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

On motion of Representative King, the remainder of the Special Orders Calendar (**HCR04-1014, HB04-1455, SB04-065, 206, 219, HB04-1456**) was laid over until 4:00 p.m., April 29, retaining place on Calendar.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **SB04-196 amended, 223, 221, 236, 213, 211 amended, 192.**

Laid over until date indicated retaining place on Calendar:

HB04-1439--April 30, 2004.

HCR04-1014, HB04-1455, SB04-065, 206, 219, HB04-1456--4:00 p.m., April 29, 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	63	NO	00	EXCUSED	01	ABSENT	01
Berry	Y	Garcia	-	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	Y
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	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	E	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

House in recess. House reconvened.

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HB04-1459 The Committee returns herewith House Bill 04-1459 because consideration of the measure was postponed for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session. Therefore, under House Rule 25 (j) (3), said bill is deemed to be postponed indefinitely.

1 **HR04-1017** be postponed indefinitely.

2
3
4 **SJR04-031** be amended as follows, and as so amended, be referred to
5 the Committee of the Whole with favorable
6 recommendation:
7

8 Amend reengrossed resolution, page 2, line 37, strike "fifty" and
9 substitute "thirty-two";
10

11 line 38, strike "dollars (\$850,000)" and substitute "six hundred fifty-four
12 dollars (\$832,654)".
13

14 Page 3, strike line 17 and substitute the following:

15 "(c) State matching funds for southwestern \$ 25,000
16 willow flycatcher habitat conservation
17 plan in the San Luis Valley
18

19 **Total operating account allocation \$832,654".**
20
21
22
23

24 **BUSINESS AFFAIRS & LABOR**

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

28 **SB04-229** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:
31

32 Amend reengrossed bill, page 3, line 26, after "AUTHENTICATED", insert
33 "AND FILED WITH THE CENTRAL FILING OFFICER".
34

35 Page 4, line 5, strike "an amendment shall be";
36

37 line 6, strike "filed showing such partial termination" and substitute "~~an~~
38 ~~amendment shall be filed showing such partial termination~~";
39

40 line 10, strike "IN ACCORDANCE WITH";
41

42 strike lines 11 through 13 and substitute the following:

43 "THE SECURED PARTY SHALL, WITHIN THIRTY DAYS AFTER SUCH PARTIAL
44 TERMINATION, FILE AN AMENDMENT REFLECTING SUCH PARTIAL
45 TERMINATION WITH THE CENTRAL FILING OFFICER. SUCH AMENDMENT
46 SHALL BE SIGNED, AUTHORIZED, OR OTHERWISE AUTHENTICATED BY THE
47 SECURED PARTY, AND IF SUCH AMENDMENT IS FILED BY ELECTRONIC
48 TRANSMISSION, IT SHALL BE SIGNED, AUTHORIZED, OR OTHERWISE
49 AUTHENTICATED ELECTRONICALLY, PURSUANT TO SECTION 24-71-101,
50 C.R.S. IF THE AFFECTED SECURED PARTY FAILS TO FILE AN AMENDMENT
51 REFLECTING SUCH PARTIAL TERMINATION WITHIN THE THIRTY-DAY PERIOD,
52 THE SECURED PARTY SHALL BE LIABLE TO THE DEBTOR FOR FIVE HUNDRED
53 DOLLARS, AND, IN ADDITION, FOR ANY LOSS CAUSED TO THE DEBTOR BY
54 SUCH FAILURE."
55

56 Page 6, line 20, strike "the signature of" and substitute "~~the signature of~~".

1 **SB04-237** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB04-247** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend reengrossed bill, page 3, line 21, strike "04-____," and substitute
10 "04-247,".
11

12
13
14 **SB04-249** be referred to the Committee of the Whole with favorable
15 recommendation.
16

17
18
19
20 **FINANCE**

21 After consideration on the merits, the Committee recommends the
22 following:
23

24 **SB04-224** be referred to the Committee of the Whole with favorable
25 recommendation.
26

27
28 **SB04-243** be referred to the Committee of the Whole with favorable
29 recommendation.
30

31
32 **SB04-256** be amended as follows, and as so amended, be referred to
33 the Committee on Appropriations with favorable
34 recommendation:
35

36 Amend reengrossed bill, page 5, line 2, strike "SECTION." and substitute
37 "SECTION, AND TRANSFERS TO THE FUND SHALL BE MADE ON A QUARTERLY
38 BASIS."
39

40
41
42
43 **STATE, VETERANS, & MILITARY AFFAIRS**

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

47 **HCR04-1002** be postponed indefinitely.
48

49
50 **SB04-183** be postponed indefinitely.
51

52
53 **SB04-231** be referred favorably to the Committee on Appropriations.
54
55

TRANSPORTATION & ENERGY

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

SB04-053 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"**SECTION 2.** 42-4-1707 (3) (a), Colorado Revised Statutes, is amended to read:

42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (3) (a) (I) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for such offense, the amount of the surcharge thereon pursuant to section 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed for such offense pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event such penalty and surcharge thereon are not paid; shall be signed by the peace officer; and shall contain ~~a place for such defendant to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other~~ information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed in section 42-4-1701.

(II) NOTWITHSTANDING THE PROVISIONS OF SENATE BILL 04-053, ANY LAW ENFORCEMENT AGENCY MAY CONTINUE TO USE ITS SUPPLY OF PREPRINTED PENALTY ASSESSMENT NOTICES ON AND AFTER THE EFFECTIVE DATE OF SENATE BILL 04-053 UNTIL THE SUPPLY IS DEPLETED."

MESSAGES FROM THE SENATE

Madam Speaker:

The Senate has postponed indefinitely HCR04-1010. The resolution is returned herewith.

The Senate has adopted and returns herewith: HJR04-1066.

1 The Senate has adopted and transmits herewith: SJR04-044.

2
3
4 The Senate failed to pass HCR04-1004, on Second Reading. The
5 resolution is returned herewith.

6
7
8
9
10 **INTRODUCTION OF BILLS**
11 **First Reading**

12
13 The following bills were read by title and referred to the committees
14 indicated:

15
16 **HB04-1463** by Representative(s) Harvey, Rose; also Senator(s) Tapia--
17 Concerning the capital development committee.
18 Committee on Appropriations

19
20 **HB04-1464** by Representative(s) Witwer, Young, Plant; also
21 Senator(s) Reeves, Owen, Teck--Concerning the
22 authorization of additional personnel to the department of
23 education to provide assistance to public schools relating
24 to school capital construction.
25 Committee on Appropriations

26
27 **SB04-246** by Senator(s) Johnson S.; also Representative(s) Clapp--
28 Concerning the number of pharmacy personnel that a
29 pharmacist may supervise.
30 Committee on Health, Environment, Welfare, & Institutions

31
32
33
34
35 **INTRODUCTION OF CONCURRENT RESOLUTION**

36
37 The following resolution was read by title and referred to the committees
38 indicated:

39
40 **HCR04-1019** by Representative(s) Briggs--Submitting to the registered
41 electors of the state of Colorado an amendment to article
42 XI of the constitution of the state of Colorado, concerning
43 authorization for the state to contract debt for the purpose
44 of financing public infrastructure projects, and, in
45 connection therewith, requiring the general assembly to
46 enact general laws to define the terms "project of
47 statewide concern" and "project of regional concern",
48 ensure that projects of state and regional concern are
49 funded on an equitable basis by congressional districts
50 over a ten-year rolling average, and further define and
51 implement the process for selecting the public
52 infrastructure projects to be financed with bonded
53 indebtedness without limiting the existing authority of any
54 state department, agency, or committee or any statewide
55 board or commission to recommend, prioritize, or select
56 public infrastructure projects for funding; and affirming

1 the authority of home rule cities and towns over local and
2 municipal matters.
3 Committee on State, Veterans, & Military Affairs
4 Committee on Appropriations
5
6
7

8 APPOINTMENTS TO CONFERENCE COMMITTEE

9
10 The Speaker appointed House conferees to the First Conference
11 Committee as follows:
12

13 **SB04-153**--Representatives McCluskey, Chairman, Berry and Carroll.
14
15

16 INTRODUCTION AND CONSIDERATION OF RESOLUTION

17
18
19 **SJR04-044** by Senator(s) Cairns, Andrews; also Representative(s)
20 Spence--Concerning recognition of the Vietnamese-
21 American community of Colorado.
22

23 On motion of Representative King, the rules were suspended and the
24 resolution given immediate consideration.
25

26 On motion of Representative Spence, the resolution was **adopted** by **viva**
27 **voce** vote.
28

29 Co-sponsors added: Roll Call of the House.
30
31

32
33 On motion of Representative King, at 5:27 p.m., **SB04-001, 235, 114,**
34 **230, 225, 222, 053, 224, 243, 249, 247, 237, 229** were added to the
35 Special Orders Calendar on Thursday, April 29, 2004.
36
37

38 On motion of Representative Stengel, the House resolved itself into
39 Committee of the Whole for consideration of Special Orders and he was
40 called to the Chair to act as Chairman.
41
42

43 SPECIAL ORDERS--SECOND READING OF BILLS

44
45 The Committee of the Whole having risen, the Chairman reported the
46 titles of the following bills had been read (reading at length had been
47 dispensed with by unanimous consent), the bills considered and action
48 taken thereon as follows:
49

50 (Amendments to the committee amendment are to the printed committee
51 report which was printed and placed in the members' bill file.)
52

53 **HCR04-1014** by Representative(s) Hefley, Schultheis, Briggs, Crane,
54 Hoppe, King, Lee, Lundberg, McCluskey, Rippey, Rose,
55 Sinclair, Spence, Spradley, Welker, Wiens, Young; also
56 Senator(s) Dyer, Evans--Submitting to the registered

electors of the state of Colorado amendments to section 1 of article IV, section 3 of article V, sections 7 and 10 of article VI, and the addition of new sections to article VI of the constitution of the state of Colorado, concerning a uniform limitation on the number of years that a public official from any branch of Colorado state government shall be allowed to serve in consecutive terms, and, in connection therewith, increasing existing limits on the number of consecutive terms of office of future statewide elected officials and members of the general assembly, limiting the future terms of office of Colorado state court justices and judges, and enabling each elected official, member of the general assembly, justice, or judge to serve a specified number of terms, the total of which shall not exceed twelve years.

Laid over until April 30, retaining place on Calendar.

HB04-1455 by Representative(s) Young, Spradley; also Senator(s) Teck--Concerning the elimination of appropriations of revenue made for the payment of the expenses of the state of Colorado, including its departments, agencies, and institutions, that are appropriated on January 1, 2005.

Amendment No. 1, Appropriations Report, dated April 28, 2004, and placed in member's bill file; Report also printed in House Journal, April 28, page 1635.

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

SB04-065 by Senator(s) Keller, Arnold; also Representative(s) Larson, Coleman--Concerning the "Child Mental Health Treatment Act", and making an appropriation therewith.

Amendment No. 1, Appropriations Report, dated April 28, 2004, and placed in member's bill file; Report also printed in House Journal, April 28, page 1635.

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

SB04-206 by Senator(s) McElhany, Hanna, Anderson, Andrews, Chlouber, Dyer, Fitz-Gerald, Groff, Grossman, Hagedorn, Johnson S., Keller, Kester, Phillips, Reeves, Sandoval, Teck; also Representative(s) Witwer, Hefley, Harvey, Boyd, Carroll, Clapp, Coleman, Fairbank, Frangas, Hall, Johnson R., King, Mitchell, Plant, Rhodes, Romanoff, Spradley, Stafford, Tochtrop, Young--Concerning hospice care for persons who are eligible under the "Colorado Medical Assistance Act", and making an appropriation Therefor.

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

1 **SB04-219** by Senator(s) Kester, May R., Chlouber, Fitz-Gerald,
2 Groff, Hanna, Hillman, Johnson S., Jones, Takis, Taylor,
3 Veiga; also Representative(s) Berry--Concerning the
4 electronic filing system for documents received by a
5 county clerk and recorder.
6

7 Amendment No. 1, Local Government Report, dated April 26, 2004, and
8 placed in member's bill file; Report also printed in House Journal, April
9 27, pages 1562.

10
11 As amended, ordered revised and placed on the Calendar for Third
12 Reading and Final Passage.
13

14
15
16 **HB04-1456** by Representative(s) Berry; also Senator(s) McElhany--
17 Concerning the authorization of the department of
18 transportation to dispose of non-right-of-way property for
19 the purpose of entering into a lease with an option to
20 purchase.
21

22 Amendment No. 1, Transportation & Energy Report, dated April 28,
23 2004, and placed in member's bill file; Report also printed in House
24 Journal, April 28, pages 1644.
25

26 Amendment No. 2, by Representative Berry.
27

28 Amend the Transportation & Energy Committee Report, dated April 28,
29 2004, line 1, strike ""AND" and substitute ""GENERAL ASSEMBLY AND";
30
31 line 2, strike ""OR THE TRANSPORTATION" and substitute
32 ""TRANSPORTATION";
33

34 after line 7, insert the following:
35

36 "Page 4, after line 13, insert the following:
37

38 "(c) NO LATER THAN JANUARY 15, 2005, AND NO LATER THAN
39 JANUARY 15 OF EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR SHALL
40 SUBMIT A REPORT TO THE MEMBERS OF THE JOINT BUDGET COMMITTEE OF
41 THE GENERAL ASSEMBLY, THE CHAIR OF THE TRANSPORTATION AND
42 ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE CHAIR
43 OF THE TRANSPORTATION COMMITTEE OF THE SENATE THAT INCLUDES, AT
44 A MINIMUM, THE STATUS OF ALL LEASE-PURCHASE AGREEMENTS ENTERED
45 INTO PURSUANT TO THIS SUBSECTION (6).".
46

47 Reletter succeeding paragraph accordingly.".
48

49 As amended, ordered engrossed and placed on the Calendar for Third
50 Reading and Final Passage.
51
52
53
54

- 1 **SB04-001** by Senator(s) Cairns, Hillman, Andrews, Lamborn; also
2 Representative(s) Spradley, Schultheis, Crane, Harvey,
3 Lundberg, May M., Mitchell, Welker, Williams T.--
4 Concerning the exemption of business personal property
5 from property taxation.
6
7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9
10
11 **SB04-114** by Senator(s) Andrews, May R.; also Representative(s)
12 Berry--Concerning the authority of the state auditor to
13 undertake a performance audit of the regional
14 transportation district.
15
16 Ordered revised and placed on the Calendar for Third Reading and Final
17 Passage.
18
19
20 **SB04-230** by Senator(s) Cairns, May R., Andrews, Chlouber, Dyer,
21 Entz, Evans, Hagedorn, Hillman, Isgar, Johnson S., Jones,
22 Kester, Lamborn, McElhany, Nichol, Owen, Sandoval,
23 Tapia, Taylor, Teck; also Representative(s) Tochtrop,
24 Salazar, Sinclair, Weddig, Witwer--Concerning the
25 issuance of a Vietnam veteran special license plate.
26
27 Amendment No. 1, Appropriations Report, dated April 29, 2004, and
28 placed in member's bill file; Report also printed in House Journal, April
29 29, pages 1656-1657.
30
31 As amended, ordered revised and placed on the Calendar for Third
32 Reading and Final Passage.
33
34
35 **SB04-222** by Senator(s) Entz; also Representative(s) Smith--
36 Concerning the authority of the state engineer to
37 administer underground water use in water division 3, and,
38 in connection therewith, protecting senior water rights,
39 preventing unreasonable underground water level declines,
40 maintaining sustainable underground water supplies, and
41 encouraging the use of ground water management
42 subdistricts in water division 3.
43
44 Ordered revised and placed on the Calendar for Third Reading and Final
45 Passage.
46
47
48 **SB04-224** by Senator(s) Arnold; also Representative(s) Stengel,
49 Larson--Concerning sunrise review of peace officer status.
50
51 Ordered revised and placed on the Calendar for Third Reading and Final
52 Passage.
53
54
55

1 **SB04-243** by Senator(s) Andrews; also Representative(s) Stengel--
2 Concerning the creation of an incentive for a state agency
3 to achieve cost savings by allowing the agency to keep a
4 portion of the cost savings for the purpose of paying
5 performance-based bonuses to the employees of the
6 agency.

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

10
11 **SB04-249** by Senator(s) Hillman; also Representative(s) King--
12 Concerning the definition of an employer for purposes of
13 the "Colorado Workers' Compensation Act" in situations
14 in which a general contractor engages others to perform
15 work on the general contractor's behalf.

16
17 Ordered revised and placed on the Calendar for Third Reading and Final
18 Passage.

19
20 **SB04-247** by Senator(s) Taylor; also Representative(s) Coleman--
21 Concerning reform of the first pool of premium tax credits
22 available under the "Certified Capital Company Act".

23
24 Amendment No. 1, Business Affairs & Labor Report, dated April 29,
25 2004, and placed in member's bill file; Report also printed in House
26 Journal, April 29, page 1662.

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

30
31 **SB04-237** by Senator(s) Chlouber; also Representative(s) Fairbank--
32 Concerning authorization of an alcohol beverage racetrack
33 licensee to own certain other types of alcohol beverage
34 licenses that authorize on-premise consumption of alcohol.

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

38
39 **SB04-229** by Senator(s) Evans; also Representative(s) Williams T.--
40 Concerning modifications to the "Central Filing of
41 Effective Financing Statement Act".

42
43 Amendment No. 1, Business Affairs & Labor Report, dated April 29,
44 2004, and placed in member's bill file; Report also printed in House
45 Journal, April 29, page 1661.

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

49
50 On motion of Representative King, the remainder of the Special Orders
51 Calendar (**SB04-235, 225, 053**) was laid over until April 30, retaining
52 place on Calendar.

53
54
55
56

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1455 amended, SB04-065 amended, 206, 219 amended, HB04-1456 amended, SB04-001, 114, 230 amended, 222, 224, 243, 249, 247 amended, 237, 229 amended.**

Laid over until date indicated retaining place on Calendar: **SB04-235, 225, 053--April 30, 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	62	NO	00	EXCUSED	03	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	E	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	E	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	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	E	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

HB04-1261 by Representative(s) Lee; also Senator(s) Johnson S.--
Concerning the regulation of dangerous dogs.

(Amended as printed in Senate Journal, April 27, page 1035.)

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

YES	55	NO	07	EXCUSED	03	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	E	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	E	Vigil	Y
Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
Cerbo	N	Judd	Y	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y

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

8 The Speaker appointed Representatives Lee, Chairman, Hoppe and
9 Frangas as House conferees to the bill.

10
11 **HB04-1003** by Representative(s) McCluskey; also Senator(s) Johnson
12 S.--Concerning laws related to the impersonation of a
13 peace officer, and making an appropriation therefor.
14

15 (Amended as printed in Senate Journal, April 27, page 1035 and on Third
16 Reading as printed in Senate Journal, April 28.)
17

18 Representative McCluskey moved that the House **not concur** in Senate
19 amendments and that a Conference Committee be appointed. The motion
20 was declared **passed** by the following roll call vote:
21

22	YES	62	NO	00	EXCUSED	03	ABSENT	00
23	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
24	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
25	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
26	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
27	Brophy	E	Hodge	Y	Miller	Y	Stengel	Y
28	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
29	Cadman	Y	Jahn	Y	Paccione	E	Vigil	Y
30	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
31	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
32	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
33	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
34	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
35	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
36	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
37	Fairbank	Y	Marshall	Y	Salazar	E	Witwer	Y
38	Frangas	Y	May	Y	Schultheis	Y	Young	Y
39							Speaker	Y

40 The Speaker appointed Representatives McCluskey, Chairman, Stengel
41 and Carroll as House conferees to the bill.
42

43
44 House in recess. House reconvened.
45

46 REPORTS OF COMMITTEES OF REFERENCE

47 **FINANCE**

48
49 After consideration on the merits, the Committee recommends the
50 following:
51

52
53
54 **HB04-1461** be referred favorably to the Committee on Education.
55
56

1 **JUDICIARY**

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

4
5 **HB04-1462** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

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

11
12 "SECTION 1. 14-10-124, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14
15 **14-10-124. Best interests of child.** (1.3) THE GENERAL
16 ASSEMBLY DECLARES THAT LEGAL PARENTS HAVE A FUNDAMENTAL
17 LIBERTY INTEREST IN THE COMPANIONSHIP, CARE, CUSTODY, AND
18 MANAGEMENT OF THEIR CHILDREN. IN DETERMINING THE BEST INTERESTS
19 OF A CHILD IN CASES INVOLVING A PERSON OTHER THAN A PARENT AND A
20 LEGAL PARENT PURSUANT TO SECTION 14-10-123 (1) (b) OR (1) (c), THE
21 COURT MUST ACCORD A PRESUMPTION TO THE FIT LEGAL PARENT,
22 HOWEVER, THE COURT MUST CONSIDER THE FACTORS ENUMERATED IN
23 SUBSECTION (1.5) OF THIS SECTION, AND SUCH PRESUMPTION MAY BE
24 REBUTTED BY A SHOWING THAT NO ALLOCATION OF PARENTAL
25 RESPONSIBILITIES TO A FIT LEGAL PARENT IS IN THE BEST INTERESTS OF THE
26 CHILD.
27

28 **SECTION 2. Applicability.** This act shall apply to actions
29 commenced on or after the effective date of this act.
30

31 **SECTION 3. Safety clause.** The general assembly hereby finds,
32 determines, and declares that this act is necessary for the immediate
33 preservation of the public peace, health, and safety."
34
35
36

37 **SB04-226** be referred favorably to the Committee on Appropriations.
38
39

40 **SB04-239** be referred to the Committee of the Whole with favorable
41 recommendation.
42
43
44
45

46 **STATE, VETERANS, & MILITARY AFFAIRS**

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

49
50 **HJR04-1087** be postponed indefinitely.
51

52
53 **SB04-218** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:
56

1 Amend reengrossed bill, page 2, line 21, before "to any", insert "APPLY";
2
3 strike line 23, and substitute the following:

4
5 "of the ~~negligent acts~~ NEGLIGENCE OR OTHER FAULT of the indemnitor,
6 ~~and~~ its AGENTS, OR subcontractors in the".
7

8 Page 3, line 3, strike "BODILY INJURY" and substitute "DEATH, BODILY
9 INJURY,";
10

11 strike lines 4 through 8 and substitute the following:

12
13 "PROPERTY DAMAGE WHERE SUCH CLAIM ALLEGES:

14
15 (I) THAT SUCH PERSON WAS NEGLIGENT OR OTHERWISE AT FAULT
16 FOR SELECTING, HIRING, ENGAGING, OR OTHERWISE CONTRACTING WITH
17 THE INDEMNITOR OR ITS AGENTS OR SUBCONTRACTORS OR THAT SUCH
18 PERSON FAILED TO SUPERVISE THE INDEMNITOR OR ITS AGENTS OR
19 SUBCONTRACTORS; OR
20

21 (II) THAT THE DEATH, BODILY INJURY, OR PROPERTY DAMAGE WAS
22 CAUSED BY A CONDITION ON THE PROPERTY ALLEGEDLY DUE TO THE
23 NEGLIGENCE OR OTHER FAULT OF THE INDEMNITOR OR ITS AGENTS OR
24 SUBCONTRACTORS."
25
26
27

28 **SCR04-023** be referred to the Committee of the Whole with favorable
29 recommendation.
30
31

32 LAY OVER OF CALENDAR ITEMS

33
34
35 On motion of Representative Williams T., the following items on the
36 Calendar were laid over until April 30, retaining place on Calendar:
37

38 Consideration of General Orders--**SCR04-005, HB04-1440.**

39 Consideration of Conference Committee Reports--**SB04-108, 125,**
40 **HB04-1061, 1115, 1387, 1263.**

41 Consideration of Resolutions--**SJR04-015, HJR04-1010, SJR04-023,**
42 **024, 027, HJR04-1040, HR04-1008, HJR04-1047, SJR04-025, 030,**
43 **HJR04-1042, HR04-1010, HJR04-1055, 1056, 1060, 1061, 1062, 1063,**
44 **1065, HR04-1012, 1013, 1015, HJR04-1067, 1068, 1071, 1072, 1073,**
45 **1074, 1075, 1078, 1079, 1080, 1081, SJR04-011, 028, HJR04-1084,**
46 **1064, HR04-1018, HJR04-1070, 1022, 1083, 1091, 1092, 1088.**

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

48 Consideration of Senate Amendments--**HB04-1292, 1187, 1421, 1095,**
49 **1141, 1386, 1277, 1135, 1165, 1431, 1123, 1203, 1284, 1406.**

50 Consideration of Governor's Partial Veto--**HB04-1422.**
51
52
53
54
55

1 On motion of Representative Williams T., the House adjourned until
2 9:00 a.m., April 30, 2004.
3
4
5
6
7
8
9
10 Attest:
11
12 JUDITH RODRIGUE,
13 Chief Clerk

Approved:

LOLA SPRADLEY,
Speaker