

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

Fifty-seventh Legislative Day

Wednesday, March 3, 2004

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

2

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

4

5 Pledge of Allegiance led by Representative King.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives Mitchell, Rhodes--2.

11 Present after roll call--Representatives Mitchell, Rhodes.

12

13 The Speaker declared a quorum present.

14

15

16

17 On motion of Representative Paccione, the reading of the journal of
18 March 2, 2004, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22

23

MESSAGE FROM THE SENATE

24

25 Madam Speaker:

26

27 The Senate has adopted and transmits herewith: SJR04-020.

28

29

30

31

32 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

33

34 The following resolution was read at length and given immediate
35 consideration:

36

37 **SJR04-020** by Senator(s) Windels; also Representative(s) Briggs--
38 Concerning the designation of March 6, 2004, as Colorado
39 Humane Society Day.

40

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

43

1 On motion of Representative Briggs, the resolution was read at length and
2 **adopted by viva voce** vote.

3
4 Co-sponsors added: Roll Call of the House.

5
6
7
8 **CONSIDERATION OF RESOLUTION**
9

10 **HJR04-1025** by Representative(s) Stafford, Crane, Sinclair; also
11 Senator(s) Cairns, Johnson S.--Concerning the Pure By
12 Choice Rally.

13
14 (Printed and placed in member's file.)

15
16 On motion of Representative Stafford, the resolution was read at length
17 and **adopted by viva voce** vote.

18
19 Co-sponsors added: Representatives Brophy, Cadman, Carroll, Clapp, Cloer,
20 Coleman, Decker, Fairbank, Frangas, Harvey, Hefley, Hoppe, Johnson, King,
21 Lee, Lundberg, Mitchell, Paccione, Rhodes, Rippy, Rose, Salazar, Schultheis,
22 Smith, Spence, Stengel, Vigil, Welker, White, Wiens, Williams S., Williams T.,
23 Witwer.

24
25
26 On motion of Representative King, at 9:50 a.m., **SB04-003, 015, 107,**
27 **025, 030, 146, HB04-1066, 1219, 1244, 1251** were added to the Special
28 Orders Calendar on Wednesday, March 3, 2004.

29
30
31
32 On motion of Representative Larson, the House resolved itself into
33 Committee of the Whole for consideration of Special Orders and he was
34 called to the Chair to act as Chairman.

35
36
37
38 **SPECIAL ORDERS--SECOND READING OF BILLS**
39

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

44
45 (Amendments to the committee amendment are to the printed committee
46 report which was printed and placed in the members' bill file.)

47
48 **HB04-1034** by Representative(s) Welker, Berry, Borodkin, Larson,
49 Pommer, Sinclair, Spence, Stafford; also Senator(s) Takis,
50 Isgar, May R.--Concerning electronic renewal of a driver's
51 license.

52
53 Amendment No. 1, Information & Technology Report, dated February
54 23, 2004, and placed in member's bill file; Report also printed in House
55 Journal, February 24, page 622.

56

1 Amendment No. 2, by Representative Romanoff.

2
3 Amend the Information and Technology Committee Report, dated
4 February 23, 2004, page 1, line 5, after "ATTEST", insert "UNDER PENALTY
5 OF PERJURY".

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

9
10
11 **SB04-003** by Senator(s) Taylor, Anderson, Takis, Tupa; also
12 Representative(s) Williams T., Coleman, Rhodes--
13 Concerning certain reporting requirements regarding
14 enterprise zones.

15
16 Ordered revised and placed on the Calendar for Third Reading and Final
17 Passage.

18
19 **SB04-015** by Senator(s) Tupa, Anderson, Takis, Taylor; also
20 Representative(s) Vigil, Coleman, Rhodes, Williams T.--
21 Concerning the expansion of the offset against an inmate's
22 state sales tax refund.

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

26
27
28 **SB04-107** by Senator(s) Hillman; also Representative(s) Hall--
29 Concerning public employee retirement plans.

30
31 Amendment No. 1, Finance Report, dated February 25, 2004, and placed
32 in member's bill file; Report also printed in House Journal, February 26,
33 page 661.

34
35 As amended, ordered revised and placed on the Calendar for Third
36 Reading and Final Passage.

37
38 **SB04-025** by Senator(s) Tapia; also Representative(s) Butcher--
39 Concerning the ability of the Colorado mental health
40 institute at Pueblo to contract.

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

44
45
46 **SB04-030** by Senator(s) Arnold; also Representative(s) Mitchell--
47 Concerning crimes that make an inmate ineligible for
48 participation in the regimented inmate training program.

49
50 Amendment No. 1, Judiciary Report, dated February 24, 2004, and placed
51 in member's bill file; Report also printed in House Journal, February 26,
52 page 662.

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

56

1 **SB04-146** by Senator(s) Reeves, Owen, Teck; also Representative(s)
 2 Plant, Witwer, Young--Concerning the procurement of
 3 law enforcement equipment for counterdrug activities
 4 through the federal government.
 5

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

9 **HB04-1066** by Representative(s) Wiens; also Senator Evans--
 10 Concerning the opportunity for voters in the town of
 11 Castle Rock in Douglas county to determine whether to be
 12 included in the boundaries of certain special districts.
 13

14 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 15 January 27, 2004, and placed in member's bill file; Report also printed in
 16 House Journal, January 28, pages 179-181.
 17

18 Amendment No. 2, Finance Report, dated February 5, 2004, and placed
 19 in member's bill file; Report also printed in House Journal, February 6,
 20 page 362.
 21

22 As amended, ordered engrossed and placed on the Calendar for Third
 23 Reading and Final Passage.
 24

25 **HB04-1219** by Representative(s) Witwer, Plant, Young; also
 26 Senator(s) Reeves, Owen, Teck--Concerning community
 27 transition services for eligible persons under the "Home-
 28 and Community-based Services for the Elderly, Blind, and
 29 Disabled Act".
 30

31 Amendment No. 1, Appropriations Report, dated February 27, 2004, and
 32 placed in member's bill file; Report also printed in House Journal,
 33 February 27, page 686.
 34

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

38 On motion of Representative King, the remainder of the Special Orders
 39 Calendar (**HB04-1257, 1345, 1244, 1251**) was laid over until March 4,
 40 retaining place on Calendar.
 41

42 43 44 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

45
 46 Representatives Decker, Williams S., Coleman, Hefley, Ragsdale, and
 47 Stengel moved to amend the Report of the Committee of the Whole to
 48 show that HB 04-1034, as amended, did not pass.
 49

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

52	YES	27	NO	38	EXCUSED	00	ABSENT	00
53	Berry	N	Garcia	N	McCluskey	N	Sinclair	N
54	Borodkin	Y	Hall	N	McFadyen	N	Smith	Y
55	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
56	Briggs	N	Hefley	Y	Merrifield	Y	Stafford	N

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB1034 amended, SB04-003, 015, 107 amended, 025, 030 amended, 146, HB04-1066 amended, 1219 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1257, 1345, 1244, 1251--March 4, 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	65	NO	00	EXCUSED	00	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	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

BUSINESS AFFAIRS & LABOR

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

HB04-1355 be referred to the Committee of the Whole with favorable recommendation.

1 **SB04-007** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB04-082** be referred to the Committee of the Whole with favorable
6 recommendation.
7

8
9
10
11 **JUDICIARY**

12 After consideration on the merits, the Committee recommends the
13 following:
14

15 **SB04-041** be referred to the Committee of the Whole with favorable
16 recommendation.
17

18
19 **SB04-046** be referred to the Committee of the Whole with favorable
20 recommendation.
21

22
23 **SB04-064** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:
26

27 Amend reengrossed bill, page 4, line 14, after "14-10-122", insert "(1.5)
28 (b) (II),";
29

30 strike line 18, and substitute the following:
31

32 "(1.5) (b) **Lien on real property.** (II) The lien on real property created
33 by this section shall remain in effect for the ~~life of the judgment~~ EARLIER
34 OF TWELVE YEARS or until all past-due amounts are paid, including any
35 accrued interest and costs, without the necessity of renewal. A LIEN ON
36 REAL PROPERTY ARISING PURSUANT TO THIS SUBSECTION (1.5) MAY BE
37 EXTENDED OR RENEWED INDEFINITELY BEYOND TWELVE YEARS BY
38 RERECORDING THE LIEN EVERY TWELVE YEARS. Within twenty calendar
39 days after satisfaction of the debt or debts described in the notice of lien,
40 the delegate child support enforcement unit shall record a release of lien
41 with the clerk and recorder of the county where the notice of lien was
42 recorded. A release of lien shall be conclusive evidence that the lien is
43 extinguished.
44

45 (c) **Lien on personal property other than wages and moneys**
46 **held".**
47

48 Page 10, line 23, after the period, add "SERVICE OF A NOTICE OF LIEN OR
49 LEVY PURSUANT TO THIS SUBSECTION (2) SHALL BE MADE BY UNITED
50 STATES FIRST CLASS MAIL, AND IN ADDITION MAY BE MADE BY UNITED
51 STATES REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THE
52 COST FOR WHICH MAY BE WITHHELD BY THE FINANCIAL INSTITUTION OR
53 STATE ENTITY FROM THE ACCOUNT OF THE OBLIGOR PARENT."
54

55 Page 11, line 10, strike "MAINTENANCE." and substitute "MAINTENANCE;
56 PROVIDED, HOWEVER, THAT WITH RESPECT TO DEBTS OF THE OWNER OF

1 THE HOMESTEAD OTHER THAN DEBTS FOR CHILD SUPPORT, RETROACTIVE
2 CHILD SUPPORT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT WHEN
3 COMBINED WITH MAINTENANCE, THE AMOUNT OF THE HOMESTEAD
4 EXEMPTION PROVIDED BY THIS SECTION SHALL BE REDUCED BY AN
5 AMOUNT EQUAL TO THE TOTAL AMOUNT OWED BY THE OWNER OF THE
6 HOMESTEAD FOR CHILD SUPPORT, RETROACTIVE CHILD SUPPORT, CHILD
7 SUPPORT ARREARAGES, AND CHILD SUPPORT WHEN COMBINED WITH
8 MAINTENANCE.".

9
10 Page 12, line 6, strike "MAINTENANCE." and substitute "MAINTENANCE;
11 PROVIDED, HOWEVER, THAT WITH RESPECT TO DEBTS OF THE OWNER OF
12 THE HOMESTEAD OTHER THAN DEBTS FOR CHILD SUPPORT, RETROACTIVE
13 CHILD SUPPORT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT WHEN
14 COMBINED WITH MAINTENANCE, THE AMOUNT OF THE HOMESTEAD
15 EXEMPTION PROVIDED BY THIS SECTION SHALL BE REDUCED BY AN
16 AMOUNT EQUAL TO THE TOTAL AMOUNT OWED BY THE OWNER OF THE
17 HOMESTEAD FOR CHILD SUPPORT, RETROACTIVE CHILD SUPPORT, CHILD
18 SUPPORT ARREARAGES, AND CHILD SUPPORT WHEN COMBINED WITH
19 MAINTENANCE.";

20
21 line 15, strike "MAINTENANCE." and substitute "MAINTENANCE; PROVIDED,
22 HOWEVER, THAT WITH RESPECT TO DEBTS OF THE OWNER OF THE
23 HOMESTEAD OTHER THAN DEBTS FOR CHILD SUPPORT, RETROACTIVE CHILD
24 SUPPORT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT WHEN
25 COMBINED WITH MAINTENANCE, THE AMOUNT OF THE HOMESTEAD
26 EXEMPTION PROVIDED BY THIS SECTION SHALL BE REDUCED BY AN
27 AMOUNT EQUAL TO THE TOTAL AMOUNT OWED BY THE OWNER OF THE
28 HOMESTEAD FOR CHILD SUPPORT, RETROACTIVE CHILD SUPPORT, CHILD
29 SUPPORT ARREARAGES, AND CHILD SUPPORT WHEN COMBINED WITH
30 MAINTENANCE.".

31

32

33

34 **SB04-122** be referred to the Committee of the Whole with favorable
35 recommendation.

36

37

38 **SB04-123** be referred to the Committee of the Whole with favorable
39 recommendation.

40

41

42 **SB04-130** be postponed indefinitely.

43

44

45

46

47 **STATE, VETERANS, & MILITARY AFFAIRS**

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

50

51 **HB04-1286** be postponed indefinitely.

52

53

54

55

56

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB04-1038, 1052.**

MESSAGE FROM THE SENATE

Madam Speaker:

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

HB04-1182, amended as printed in Senate Journal, February 27, 2004, pages 384-385 and in Senate Journal, March 2.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB04-1182.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 2nd day of March, 2004, at 11:30 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

Judith Rodrigue,
Chief Clerk of the House

March 2, 2004

To the Honorable
House of Representatives
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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

HB04-1363 Concerning Participation in Activities Not Offered Within A Student's School District.

Approved March 1, 2004 at 4:55 PM

Sincerely,
(signed)
Bill Owens
Governor

INTRODUCTION OF BILLS
First Reading

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

HB04-1387 by Representative(s) Hefley; also Senator(s) Dyer--
Concerning changes to the procedural criminal laws.
Committee on Judiciary

HB04-1388 by Representative(s) Hefley; also Senator(s) Dyer--
Concerning nonsubstantive changes to statutory provisions
identifying crimes that pose an extraordinary risk of harm
to society.
Committee on Judiciary

HB04-1389 by Representative(s) Butcher, Carroll, Cerbo, Cloer,
Coleman, Frangas, Hodge, Jahn, Madden, Marshall,
McGihon, Merrifield, Plant, Pommer, Romanoff, Salazar,
Tochtrop, Vigil, Weissmann, Williams S.; also Senator(s)
Tupa, Gordon, Grossman, Isgar, Veiga--Concerning the
regulation of insurance, and, in connection therewith,
creating the Colorado consumer insurance board and
requiring that the commissioner of insurance approve
schedules of insurance rates prior to implementation.
Committee on Business Affairs & Labor

HB04-1390 by Representative(s) Hefley, Coleman, Berry, Borodkin,
Boyd, Carroll, Clapp, Crane, Frangas, Harvey, Hodge,
Hoppe, Jahn, Judd, Larson, Madden, Marshall, May M.,
McFadyen, McGihon, Paccione, Ragsdale, Rippey, Rose,
Schultheis, Stafford, Tochtrop, White, Wiens, Williams S.;
also Senator(s) Johnson S.--Concerning the requirement
that each health insurer provide information to consumers
regarding covered benefits for cancer screening on the
Colorado health benefit plan description form.
Committee on Health, Environment, Welfare, & Institutions

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar
were laid over until March 4, retaining place on Calendar:

Consideration of General Orders--**HB04-1203, 1315, 1062, 1104, 1141,
1309, 1311, 1234, 1368, SB04-008, 021, 044, HB04-1366, 1376,
SB04-156, 036, 159.**

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

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

Correction

H.J. page 707, strike lines 52-56;
page 708, strike lines 1-13, and substitute the following:

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

On motion of Representative King, the House adjourned until 9:00 a.m.,
March 4, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk