

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

Twenty-eighth Legislative Day

Tuesday, February 3, 2004

1 Prayer by Pastor Randy Popineau, Church at Briargate, Colorado Springs.

2

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

4

5 Pledge of Allegiance led by Representative Frangas.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative Wiens--1.

11 Present after roll call--Representative Wiens.

12

13 The Speaker declared a quorum present.

14

15

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

19

20

21

22

THIRD READING OF BILLS--FINAL PASSAGE

23

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

27

28 **HB04-1029** by Representative(s) Boyd, Cloer, Coleman, Frangas,
 29 Johnson R., Stafford, Tochtrop; also Senator(s) Hagedorn,
 30 Hanna, Kester, Sandoval--Concerning authorization for
 31 counties to increase participation in vocational education
 32 by Colorado works participants.

33

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

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

38

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

43

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

14 Co-sponsors added: Representatives Borodkin, Carroll, Hodge, Jahn, Madden,
15 Marshall, McFadyen, McGihon, Merrifield, Weddig, Weissmann, Williams S.

16
17
18
19 **HB04-1049** by Representative(s) Williams S. also Senator(s) Johnson--
20 Concerning child care assistance for families who
21 transition off of the Colorado works program for specified
22 reasons.
23

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

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

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

47 Co-sponsors added: Representatives Boyd, Carroll, Cloer, Coleman, Frangas,
48 Hodge, Jahn, Madden, McFadyen, McGihon, Merrifield, Paccione, Pommer,
49 Ragsdale, Stafford, Tochtrop, Weddig, Weissmann.
50

51
52
53 House in recess. House reconvened.
54
55
56

REPORTS OF COMMITTEES OF REFERENCE**EDUCATION**

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

HB04-1132 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend printed bill, page 2, strike lines 19 through 22 and substitute the following:

"(c) THE STUDENT PROVIDES TO THE INSTITUTION EVIDENCE INDICATING THAT THE STUDENT HAS FILED AN APPLICATION TO BECOME A PERMANENT RESIDENT OF THE UNITED STATES.".

HB04-1164 be postponed indefinitely.

HB04-1187 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend printed bill, page 2, strike lines 8 through 10 and substitute the following:

"**SECTION 2.** 23-7-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:";

strike lines 12 through 27.

Page 3, strike lines 1 through 3.

HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

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

HB04-1070 be postponed indefinitely.

HB04-1156 be postponed indefinitely.

HB04-1179 be postponed indefinitely.

1 **INFORMATION & TECHNOLOGY**

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

4
5 **HB04-1085** be postponed indefinitely.

6
7
8 **HB04-1134** be amended as follows, and as so amended, be referred to
9 the Committee on Appropriations with favorable
10 recommendation:

11
12 Amend printed bill, strike everything below the enacting clause and
13 substitute the following:

14
15 "SECTION 1. Part 2 of article 1 of title 42, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
17 read:

18
19 **42-1-222. Motor vehicle investigations unit.** THE DEPARTMENT
20 SHALL ESTABLISH A MOTOR VEHICLE INVESTIGATIONS UNIT TO
21 INVESTIGATE AND PREVENT FRAUD CONCERNING THE USE OF DRIVER'S
22 LICENSES, IDENTIFICATION CARDS, MOTOR VEHICLE TITLES AND
23 REGISTRATIONS, AND OTHER MOTOR VEHICLE DOCUMENTS ISSUED BY THE
24 DEPARTMENT. SUCH UNIT SHALL ALSO ASSIST VICTIMS OF IDENTITY THEFT
25 BY MEANS OF SUCH DOCUMENTS.

26
27 **SECTION 2.** Article 2.5 of title 16, Colorado Revised Statutes,
28 is amended BY THE ADDITION OF A NEW SECTION to read:

29
30 **16-2.5-145. Motor vehicle investigator.** A DEPARTMENT OF
31 REVENUE MOTOR VEHICLE INVESTIGATOR IS A PEACE OFFICER WHILE
32 ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY
33 SHALL BE LIMITED PURSUANT TO SECTIONS 42-1-201 AND 42-1-222, C.R.S.

34
35 **SECTION 3.** 18-1-202 (7) (c) (I), Colorado Revised Statutes, is
36 amended to read:

37
38 **18-1-202. Place of trial.** (7) (c) (I) For an indictment or
39 information that includes an offense described in article 5 of this title, the
40 offender may be tried in a county where the offense occurred, ~~or~~ IN A
41 COUNTY WHERE an act in furtherance of the offense occurred, or in a
42 county where a bank, savings and loan, ~~or~~ credit union, OR GOVERNMENT
43 AGENCY processed a document or transaction related to the offense.

44
45 **SECTION 4. Effective date.** This act shall take effect July 1,
46 2004, and shall apply to offenses committed on or after said date.

47
48 **SECTION 5. Safety clause.** The general assembly hereby finds,
49 determines, and declares that this act is necessary for the immediate
50 preservation of the public peace, health, and safety."

51
52 Page 1, line 101, strike "A" and substitute "THE ADMINISTRATION OF
53 PROGRAMS RELATING TO THE";

54
55 strike lines 102 and 103 and substitute the following:
56 "FOR AN UNLAWFUL PURPOSE."

1 **HB04-1144** be amended as follows, and as so amended, be referred to
2 the Committee on Finance with favorable
3 recommendation:
4

5 Amend printed bill, strike everything below the enacting clause and
6 substitute the following:
7

8 "SECTION 1. 16-11-101.6, Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW SUBSECTION to read:
10

11 **16-11-101.6. Collection of fines and fees - methods - charges.**

12 (6) (a) THE JUDICIAL DEPARTMENT MAY ENTER INTO A MEMORANDUM OF
13 UNDERSTANDING WITH THE STATE TREASURER, ACTING AS THE
14 ADMINISTRATOR OF UNCLAIMED PROPERTY UNDER THE "UNCLAIMED
15 PROPERTY ACT", ARTICLE 13 OF TITLE 38, C.R.S., FOR THE PURPOSE OF
16 OFFSETTING A CLAIM FOR UNCLAIMED PROPERTY FOR THE PAYMENT OF
17 OUTSTANDING FINES, FEES, COSTS, OR SURCHARGES OWED PURSUANT TO
18 LAW OR AN ORDER ENTERED BY A COURT OF THIS STATE BY THE PERSON
19 CLAIMING UNCLAIMED PROPERTY. WHEN AN OFFSET IS TO BE MADE, THE
20 JUDICIAL DEPARTMENT OR THE COURT TO WHICH THE FINES, FEES, COSTS,
21 OR SURCHARGES ARE OWED SHALL NOTIFY THE DEFENDANT IN WRITING
22 THAT THE STATE INTENDS TO OFFSET THE DEFENDANT'S OUTSTANDING
23 FINES, FEES, COSTS, OR SURCHARGES AGAINST HIS OR HER UNCLAIMED
24 PROPERTY.
25

26 (b) THE STATE COURT ADMINISTRATOR MAY ADOPT RULES
27 ESTABLISHING THE PROCESS BY WHICH AN UNCLAIMED PROPERTY
28 CLAIMANT MAY OBJECT TO AN OFFSET AND REQUEST AN ADMINISTRATIVE
29 REVIEW. THE SOLE ISSUES TO BE DETERMINED AT THE ADMINISTRATIVE
30 REVIEW SHALL BE WHETHER THE PERSON IS REQUIRED TO PAY THE FINES,
31 FEES, COSTS, OR SURCHARGES PURSUANT TO LAW OR AN ORDER ENTERED
32 BY A COURT OF THIS STATE AND THE AMOUNT OF THE OUTSTANDING FINES,
33 FEES, COSTS, OR SURCHARGES.
34

35 (c) FOR PURPOSES OF THIS SUBSECTION (6), "CLAIM FOR
36 UNCLAIMED PROPERTY" MEANS A CASH CLAIM SUBMITTED IN ACCORDANCE
37 WITH SECTION 38-13-117, C.R.S.
38

39 **SECTION 2.** 16-18.5-106.5 (1) (a), Colorado Revised Statutes,
40 is amended to read:
41

42 **16-18.5-106.5. Lottery winnings offset.** (1) (a) The judicial
43 department shall, on no less than a monthly basis, certify to the
44 department of revenue information regarding any defendant who has been
45 ordered to pay restitution pursuant to section 18-1.3-603 OR 19-2-918,
46 C.R.S.
47

48 **SECTION 3.** Article 18.5 of title 16, Colorado Revised Statutes,
49 is amended BY THE ADDITION OF A NEW SECTION to read:
50

51 **16-18.5-106.7. Unclaimed property offsets.** (1) THE JUDICIAL
52 DEPARTMENT MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
53 THE STATE TREASURER, ACTING AS THE ADMINISTRATOR OF UNCLAIMED
54 PROPERTY UNDER THE "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE
55 38, C.R.S., FOR THE PURPOSE OF OFFSETTING CLAIMS FOR UNCLAIMED
56 PROPERTY FOR THE PAYMENT OF RESTITUTION ORDERED AGAINST A

1 DEFENDANT PURSUANT TO SECTION 18-1.3-603 OR 19-2-918, C.R.S.
2 WHEN AN OFFSET IS TO BE MADE, THE JUDICIAL DEPARTMENT OR THE
3 COURT IN WHICH THE DEFENDANT'S RESTITUTION OBLIGATION IS PENDING,
4 SHALL NOTIFY THE DEFENDANT IN WRITING THAT THE STATE INTENDS TO
5 OFFSET THE DEFENDANT'S RESTITUTION OBLIGATION AGAINST HIS OR HER
6 UNCLAIMED PROPERTY.

7
8 (2) THE STATE COURT ADMINISTRATOR MAY ADOPT RULES
9 ESTABLISHING THE PROCESS BY WHICH AN UNCLAIMED PROPERTY
10 CLAIMANT MAY OBJECT TO AN OFFSET AND REQUEST AN ADMINISTRATIVE
11 REVIEW. THE SOLE ISSUES TO BE DETERMINED AT THE ADMINISTRATIVE
12 REVIEW SHALL BE WHETHER THE PERSON IS REQUIRED TO PAY RESTITUTION
13 PURSUANT TO AN ORDER ENTERED BY A COURT OF THIS STATE AND THE
14 AMOUNT OF THE OUTSTANDING RESTITUTION.

15
16 (3) FOR PURPOSES OF THIS SECTION, "CLAIM FOR UNCLAIMED
17 PROPERTY" MEANS A CASH CLAIM SUBMITTED IN ACCORDANCE WITH
18 SECTION 38-13-117, C.R.S.

19
20 **SECTION 4.** Article 13 of title 26, Colorado Revised Statutes,
21 is amended BY THE ADDITION OF A NEW SECTION to read:

22
23 **26-13-118.5. Unclaimed property offset.** (1) THE STATE
24 DEPARTMENT MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
25 THE STATE TREASURER, ACTING AS THE ADMINISTRATOR OF UNCLAIMED
26 PROPERTY UNDER THE "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE
27 38, C.R.S., FOR THE PURPOSE OF OFFSETTING CLAIMS FOR UNCLAIMED
28 PROPERTY FOR THE PAYMENT OF CURRENT CHILD SUPPORT, CHILD SUPPORT
29 DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT ARREARAGES, CHILD
30 SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE.

31
32 (2) THE STATE DEPARTMENT SHALL NOTIFY THE OBLIGATED
33 PERSON, IN WRITING, THAT THE STATE INTENDS TO OFFSET THE PERSON'S
34 UNCLAIMED PROPERTY FOR THE PAYMENT OF CURRENT CHILD SUPPORT,
35 CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT
36 ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED
37 WITH MAINTENANCE. THE NOTIFICATION SHALL INCLUDE INFORMATION ON
38 THE PERSON'S RIGHT TO OBJECT TO THE OFFSET AND TO REQUEST AN
39 ADMINISTRATIVE REVIEW.

40
41 (3) FOR PURPOSES OF THIS SECTION, "CLAIM FOR UNCLAIMED
42 PROPERTY" MEANS A CASH CLAIM SUBMITTED IN ACCORDANCE WITH
43 SECTION 38-13-117, C.R.S.

44
45 **SECTION 5.** 39-21-113 (12), Colorado Revised Statutes, is
46 amended to read:

47
48 **39-21-113. Reports and returns.** (12) (a) Notwithstanding the
49 provisions of this section, on and after October 1, 2002, for the purpose
50 of enabling the state treasurer to make income tax refunds pursuant to the
51 provisions of the "Unclaimed Property Act", article 13 of title 38, C.R.S.,
52 the department shall supply the state treasurer with information as
53 required by section 39-21-108 (5).

54
55 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, ON AND
56 AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b), FOR THE PURPOSE OF

1 ENABLING THE STATE TO OFFSET CLAIMS FOR UNCLAIMED PROPERTY FOR
2 THE PAYMENT OF TAXES IMPOSED PURSUANT TO ARTICLES 22 TO 33 OF THIS
3 TITLE, THE DEPARTMENT SHALL SUPPLY THE STATE TREASURER, ACTING AS
4 THE ADMINISTRATOR OF UNCLAIMED PROPERTY WITH INFORMATION AS
5 REQUIRED BY SECTION 39-21-121 (1).

6
7 **SECTION 6.** Part 1 of article 21 of title 39, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
9 read:

10
11 **39-21-121. Unclaimed property offset.** (1) (a) THE
12 DEPARTMENT SHALL PERIODICALLY CERTIFY TO THE STATE TREASURER,
13 ACTING AS THE ADMINISTRATOR OF UNCLAIMED PROPERTY UNDER THE
14 "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE 38, C.R.S.,
15 INFORMATION REGARDING PERSONS WHO ARE LIABLE FOR THE PAYMENT
16 OF TAXES IMPOSED PURSUANT TO ARTICLES 22 TO 33 OF THIS TITLE.

17
18 (b) THE INFORMATION DESCRIBED IN PARAGRAPH (a) OF THIS
19 SUBSECTION (1) SHALL INCLUDE THE SOCIAL SECURITY NUMBER OR
20 FEDERAL EMPLOYER IDENTIFICATION NUMBER, WHICHEVER IS APPLICABLE,
21 OF THE PERSON OWING THE TAX, THE AMOUNT OWED, AND ANY OTHER
22 IDENTIFYING INFORMATION REQUIRED BY THE STATE TREASURER.

23
24 (2) (a) PRIOR TO THE PAYMENT OF A CLAIM FOR UNCLAIMED
25 PROPERTY PURSUANT TO SECTION 38-13-117, C.R.S., THE STATE
26 TREASURER SHALL COMPARE THE SOCIAL SECURITY NUMBER OR FEDERAL
27 EMPLOYER IDENTIFICATION NUMBER, WHICHEVER IS APPLICABLE, OF THE
28 CLAIMANT WITH THOSE CERTIFIED BY THE DEPARTMENT PURSUANT TO
29 SUBSECTION (1) OF THIS SECTION. IF THE NAME AND ASSOCIATED SOCIAL
30 SECURITY NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER,
31 WHICHEVER IS APPLICABLE, OF A CLAIMANT APPEARS AMONG THOSE
32 CERTIFIED, THE STATE TREASURER SHALL OBTAIN THE CURRENT ADDRESS
33 OF THE CLAIMANT, SHALL SUSPEND THE PAYMENT OF THE CLAIM, AND
34 SHALL NOTIFY THE DEPARTMENT. THE NOTIFICATION SHALL INCLUDE THE
35 NAME, HOME ADDRESS, AND SOCIAL SECURITY NUMBER OR FEDERAL
36 EMPLOYER IDENTIFICATION NUMBER, WHICHEVER IS APPLICABLE, OF THE
37 CLAIMANT.

38
39 (b) AFTER RECEIPT OF THE NOTIFICATION FROM THE STATE
40 TREASURER THAT A PERSON CLAIMING UNCLAIMED PROPERTY PURSUANT
41 TO SECTION 38-13-117, C.R.S., APPEARS AMONG THOSE CERTIFIED BY THE
42 DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE
43 DEPARTMENT SHALL NOTIFY THE PERSON, IN WRITING, THAT THE STATE
44 INTENDS TO OFFSET THE PERSON'S CURRENT STATE TAX LIABILITY AGAINST
45 THE PERSON'S UNCLAIMED PROPERTY.

46
47 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 38-13-117.3 (2),
48 C.R.S., UPON NOTIFICATION BY THE STATE TREASURER OF THE AMOUNTS
49 OF UNCLAIMED PROPERTY HELD PURSUANT TO SECTION 38-13-117.7,
50 C.R.S., THE DEPARTMENT SHALL APPLY SUCH AMOUNTS TO THE PERSON'S
51 TAX LIABILITY.

52
53 (4) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO
54 ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING PROCEDURES TO IMPLEMENT
55 THIS SECTION.

1 (5) FOR PURPOSES OF THIS SECTION, "CLAIM FOR UNCLAIMED
2 PROPERTY" MEANS A CASH CLAIM SUBMITTED IN ACCORDANCE WITH
3 SECTION 38-13-117, C.R.S.
4

5 **SECTION 7.** 38-13-117 (1) and (3) (a), Colorado Revised
6 Statutes, are amended to read:
7

8 **38-13-117. Filing of claim with administrator.** (1) A person,
9 excluding another state, claiming an interest in any property paid or
10 delivered to the administrator may file with him OR HER a claim on a form
11 prescribed by ~~him~~ THE ADMINISTRATOR and verified by the claimant. THE
12 ADMINISTRATOR SHALL REQUIRE THE CLAIMANT TO SUBMIT HIS OR HER
13 SOCIAL SECURITY NUMBER OR FEDERAL EMPLOYER IDENTIFICATION
14 NUMBER, WHICHEVER IS APPLICABLE. THE SOCIAL SECURITY NUMBER OR
15 FEDERAL EMPLOYER IDENTIFICATION NUMBER, WHICHEVER IS APPLICABLE,
16 SHALL NOT BECOME PART OF THE PUBLIC RECORD OF THE ADMINISTRATOR.
17

18 (3) (a) SUBJECT TO THE PROVISIONS OF SECTIONS 38-13-117.3,
19 38-13-117.5, AND 38-13-117.7, if a claim is allowed, the administrator
20 shall pay over or deliver to the claimant the property or the amount the
21 administrator actually received or the net proceeds if it has been sold by
22 the administrator, together with any additional amount required by
23 section 38-13-114. If the property claimed was interest-bearing to the
24 owner on the date of surrender by the holder, the administrator also shall
25 pay simple interest at a rate of six percent a year or any lesser rate the
26 property earned while in the possession of the holder. Such interest
27 begins to accrue when the property is delivered to the administrator and
28 ceases on the expiration of five years after delivery or the date on which
29 payment is made to the owner. No interest on interest-bearing property
30 is payable for any period before July 1, 1987.
31

32 **SECTION 8.** Article 13 of title 38, Colorado Revised Statutes,
33 is amended BY THE ADDITION OF THE FOLLOWING NEW
34 SECTIONS to read:
35

36 **38-13-117.3. Claims offset for child support.** (1) THE
37 ADMINISTRATOR MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING
38 WITH THE DEPARTMENT OF HUMAN SERVICES FOR THE PURPOSE OF
39 OFFSETTING CLAIMS FOR UNCLAIMED PROPERTY FOR THE PAYMENT OF
40 CURRENT CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD
41 SUPPORT, CHILD SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD
42 SUPPORT WHEN COMBINED WITH MAINTENANCE AS PROVIDED IN SECTION
43 26-13-118.5, C.R.S.
44

45 (2) (a) IF A CLAIMANT OWES CURRENT CHILD SUPPORT, CHILD
46 SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT
47 ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED
48 WITH MAINTENANCE, AND ALSO OWES RESTITUTION OR FINES, FEES, COSTS,
49 OR SURCHARGES AS DESCRIBED IN SECTION 38-13-117.5 OR STATE TAXES
50 AS DESCRIBED IN SECTION 38-13-117.7, OR BOTH, THE UNCLAIMED
51 PROPERTY OFFSET AGAINST THE CURRENT CHILD SUPPORT, CHILD SUPPORT
52 DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT ARREARAGES, CHILD
53 SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE
54 SHALL TAKE PRIORITY AND BE APPLIED FIRST.
55

56 (b) IF THE CLAIMANT OWES BOTH RESTITUTION OR FINES, FEES,

1 COSTS, OR SURCHARGES AND STATE TAXES, AFTER PAYMENT IN
2 ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2), IF
3 APPLICABLE, ANY REMAINING UNCLAIMED PROPERTY SHALL BE APPLIED
4 FIRST TOWARD THE PAYMENT OF THE OUTSTANDING RESTITUTION OR
5 FINES, FEES, COSTS, OR SURCHARGES AND PROCESSED IN ACCORDANCE
6 WITH SECTION 38-13-117.5 AND THEN APPLIED TO THE PAYMENT OF
7 DELINQUENT STATE TAXES AND PROCESSED IN ACCORDANCE WITH SECTION
8 38-13-117.7.

9
10 (c) IF THE CLAIMANT OWES RESTITUTION OR FINES, FEES, COSTS, OR
11 SURCHARGES OR STATE TAXES, AFTER PAYMENT IN ACCORDANCE WITH
12 PARAGRAPH (a) OF THIS SUBSECTION (2), IF APPLICABLE, ANY REMAINING
13 UNCLAIMED PROPERTY SHALL BE APPLIED TOWARD THE PAYMENT OF THE
14 OUTSTANDING RESTITUTION OR FINES, FEES, COSTS, OR SURCHARGES AND
15 PROCESSED IN ACCORDANCE WITH SECTION 38-13-117.5 OR TOWARD THE
16 DELINQUENT STATE TAXES AND PROCESSED IN ACCORDANCE WITH SECTION
17 38-13-117.7, WHICHEVER IS APPLICABLE.

18
19 **38-13-117.5. Claims offset for judicial restitution, fines, fees,**
20 **costs, or surcharges.** (1) THE ADMINISTRATOR MAY ENTER INTO A
21 MEMORANDUM OF UNDERSTANDING WITH THE JUDICIAL DEPARTMENT FOR
22 THE PURPOSE OF OFFSETTING CLAIMS FOR UNCLAIMED PROPERTY FOR THE
23 PAYMENT OF OUTSTANDING FINES, FEES, COSTS, OR SURCHARGES AS
24 PROVIDED IN SECTION 16-11-101.6 (6), C.R.S., OR FOR THE PAYMENT OF
25 RESTITUTION AS PROVIDED IN SECTION 16-18.5-106.7, C.R.S.

26
27 (2) IF A CLAIMANT OWES FINES, FEES, COSTS, OR SURCHARGES OR
28 RESTITUTION AS DESCRIBED IN THIS SECTION AND ALSO OWES CURRENT
29 CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT,
30 CHILD SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT
31 WHEN COMBINED WITH MAINTENANCE AS DESCRIBED IN SECTION
32 38-13-117.3 OR STATE TAXES AS DESCRIBED IN SECTION 38-13-117.7, OR
33 BOTH, THE UNCLAIMED PROPERTY OFFSETS SHALL BE APPLIED IN
34 ACCORDANCE WITH THE PRIORITY SET FORTH IN SECTION 38-13-117.3 (2).

35
36 **38-13-117.7. Claims offset for state tax delinquencies.**
37 (1) PRIOR TO THE PAYMENT OF A CLAIM ALLOWED PURSUANT TO SECTION
38 38-13-117 (3), THE ADMINISTRATOR SHALL COMPARE THE SOCIAL
39 SECURITY NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER,
40 WHICHEVER IS APPLICABLE, OF THE CLAIMANT WITH THOSE CERTIFIED BY
41 THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF THE UNCLAIMED
42 PROPERTY OFFSET AS PROVIDED IN SECTION 39-21-121, C.R.S.

43
44 (2) IF THE SOCIAL SECURITY NUMBER OR FEDERAL EMPLOYER
45 IDENTIFICATION NUMBER, WHICHEVER IS APPLICABLE, OF A CLAIMANT
46 APPEARS AMONG THOSE CERTIFIED BY THE DEPARTMENT OF REVENUE
47 PURSUANT TO SECTION 39-21-121, C.R.S., THE ADMINISTRATOR SHALL
48 SUSPEND THE PAYMENT OF THE CLAIM UNTIL THE REQUIREMENTS OF SAID
49 SECTION ARE MET. IF, AFTER CONSULTING WITH THE DEPARTMENT OF
50 REVENUE, THE ADMINISTRATOR DETERMINES THAT THE CLAIMANT IS
51 OBLIGATED TO PAY THE AMOUNTS CERTIFIED UNDER SECTION 39-21-121,
52 C.R.S., THE ADMINISTRATOR SHALL WITHHOLD FROM THE AMOUNT OF THE
53 UNCLAIMED PROPERTY PAID TO THE CLAIMANT AN AMOUNT EQUAL TO THE
54 AMOUNT OF STATE TAXES THAT ARE DUE. IF THE AMOUNT OF THE
55 UNCLAIMED PROPERTY IS LESS THAN OR EQUAL TO THE AMOUNT OF STATE
56 TAXES DUE, THE ADMINISTRATOR SHALL WITHHOLD THE ENTIRE AMOUNT

1 OF THE UNCLAIMED PROPERTY. ANY UNCLAIMED PROPERTY SO WITHHELD
2 SHALL BE TRANSMITTED TO THE DEPARTMENT OF REVENUE FOR
3 DISBURSEMENT AS DIRECTED IN SECTION 39-21-121, C.R.S.

4
5 (3) IF A CLAIMANT OWES STATE TAXES AS DESCRIBED IN THIS
6 SECTION AND ALSO OWES CURRENT CHILD SUPPORT, CHILD SUPPORT DEBT,
7 RETROACTIVE CHILD SUPPORT, CHILD SUPPORT ARREARAGES, CHILD
8 SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE
9 AS DESCRIBED IN SECTION 38-13-117.3 OR RESTITUTION OR FINES, FEES,
10 COSTS, OR SURCHARGES AS DESCRIBED IN SECTION 38-13-117.5, OR BOTH,
11 THE UNCLAIMED PROPERTY OFFSET SHALL BE APPLIED IN ACCORDANCE
12 WITH THE PRIORITY SET FORTH IN SECTION 38-13-117.3 (2).

13
14 **SECTION 9. Effective date.** This act shall take effect at 12:01
15 a.m. on the day following the expiration of the ninety-day period after
16 final adjournment of the general assembly that is allowed for submitting
17 a referendum petition pursuant to article V, section 1 (3) of the state
18 constitution (August 4, 2004, if adjournment sine die is on May 5, 2004);
19 except that, if a referendum petition is filed against this act or an item,
20 section, or part of this act within such period, then the act, item, section,
21 or part, if approved by the people, shall take effect on the date of the
22 official declaration of the vote thereon by proclamation of the governor."

23
24
25
26 **HB04-1172** be postponed indefinitely.

27
28
29
30 **PRINTING REPORT**

31
32 The Chief Clerk reports the following bills have been correctly printed:
33 **HB04-1339, 1340.**

34
35
36
37 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

38
39 The Speaker has signed: **HJR04-1004, HJR04-1006.**

40
41
42
43 **MESSAGE FROM THE SENATE**

44
45 Madam Speaker:

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

49 SB04-057, amended as printed in Senate Journal, February 2, page 162,
50 HB04-1112, amended as printed in Senate Journal, February 2, page 162.

51
52 The Senate has passed on Third Reading and returns herewith
53 HB04-1042, 1103, 1010.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB04-1112.
Without comment, as amended, SB04-057.

**INTRODUCTION OF BILLS
First Reading**

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

HB04-1341 by Representative(s) Rose, Hefley--Concerning prisoner processing fees collected by a county.
Committee on Judiciary

HB04-1342 by Representative(s) May M., Hefley, Harvey, Brophy, Crane, Schultheis, Clapp, Lee, Lundberg, Miller, Rhodes, Sinclair, Wiens; also Senator(s) Lamborn--Concerning a parent requiring his or her consent before his or her minor child has an abortion.
Committee on Finance
Committee on Appropriations

SB04-014 by Senator(s) Owen, Anderson, Teck; also Representative(s) Witwer, Plant, Romanoff, Young--Concerning county reserve account moneys under the Colorado works program.
Committee on Health, Environment, Welfare, & Institutions

SB04-015 by Senator(s) Tupa, Anderson, Takis, Taylor; also Representative(s) Vigil, Coleman, Rhodes, Williams T.--Concerning the expansion of the offset against an inmate's state sales tax refund.
Committee on Finance

SB04-022 by Senator(s) Owen; also Representative(s) Williams T.--Concerning enactment of the "Interstate Insurance Product Regulation Compact".
Committee on Business Affairs & Labor

SB04-023 by Senator(s) McElhany; also Representative(s) Harvey--Concerning the exclusion of certain payments made by an employer to an employee for the purpose of supplementing unemployment benefits from the definition of "wages" under the "Colorado Employment Security Act".
Committee on Business Affairs & Labor

SB04-025 by Senator(s) Tapia; also Representative(s) Butcher--Concerning the ability of the Colorado mental health institute at Pueblo to contract.
Committee on Health, Environment, Welfare, & Institutions

- 1 **SB04-108** by Senator(s) Hillman; also Representative(s) McCluskey--
2 -Concerning the administration of claims under the
3 "Unclaimed Property Act".
4 Committee on Finance
5
6 **SB04-110** by Senator(s) Cairns; also Representative(s) Frangas--
7 Concerning a prohibition against transporting uncovered
8 trash upon the highway.
9 Committee on Transportation & Energy
10
11 **SB04-120** by Senator(s) Hillman; also Representative(s) Stafford--
12 Concerning charitable trusts, and, in connection therewith,
13 permitting a charitable trust to be eligible to provide
14 community or useful public service jobs and requiring that
15 property that is owned and used by a charitable trust be
16 treated the same as property that is owned and used by any
17 other type of nonprofit organization for the purpose of
18 claiming a religious purpose property tax exemption.
19 Committee on Finance
20

LAY OVER OF CALENDAR ITEMS

24
25 On motion of Representative King, the following items on the Calendar
26 were laid over until February 4, 2004 retaining place on Calendar:
27

28 Consideration of General Orders--**HB04-1012, 1054, 1177, 1212, 1004,**
29 **1080, 1109, 1115, 1130, 1166, 1194, 1175, 1108, 1076, 1087, 1073,**
30 **1129, 1208, 1195, SB04-005, HB04-1034, 1197.**
31 Consideration of Resolutions--**HJR04-1007, 1008, 1009.**
32

33
34 On motion of Representative King, the House adjourned until 9:00 a.m.,
35 February 4, 2004.
36

37 Approved:
38
39

40
41 LOLA SPRADLEY,
42 Speaker
43

43 Attest:
44

45 JUDITH RODRIGUE,
46 Chief Clerk